MISSISSIPPI LEGISLATURE

AN ACT TO BRING FORWARD SECTIONS 57-1-1, 57-1-2, 57-1-3, 57-1-5, 57-1-7, 57-1-10, 57-1-11, 57-1-12, 57-1-12.1, 57-1-12.2, 57-1-13, 57-1-14, 57-1-15, 57-1-16, 57-1-17, 57-1-18, 57-1-19, 57-1-21, 57-1-23, 57-1-25, 57-1-27, 57-1-29, 57-1-31, 57-1-33, 57-1-35, 57-1-37, 57-1-39, 57-1-41, 57-1-43, 57-1-45, 57-1-47, 57-1-49, 57-1-51, 57-1-53, 57-1-54, 57-1-57, 57-1-58, 57-1-59, 57-1-61, 57-1-63, 57-1-64, 57-1-64.1, 57-1-70, 57-1-71, 57-1-73, 57-1-75, 57-1-77, 57-1-79, 57-1-81, 57-1-83, 57-1-101, 57-1-103, 57-1-105, 57-1-107, 57-1-131, 57-1-133, 57-1-135, 57-1-137, 57-1-139, 57-1-141, 57-1-143, 57-1-145, 57-1-171, 57-1-173, 57-1-175, 57-1-177, 57-1-179, 57-1-221, 57-1-253, 57-1-255, 57-1-257, 57-1-259, 57-1-261, 57-1-301, 57-1-303, 57-1-307, 57-1-309, 57-1-311, 57-1-313, 57-1-315, 57-1-317, 57-1-321, 57-1-323, 57-1-325, 57-1-327, 57-1-329, 57-1-331, 57-1-333, 57-1-335, 57-1-357, 57-1-371, 57-1-373, 57-1-401, 57-1-421, 57-1-451, 57-1-471, 57-1-501, 57-1-601, 57-1-701, 57-1-731, 57-3-1, 57-3-3, 57-3-5, 57-3-7, 57-3-11, 57-3-13, 57-3-15, 57-3-17, 57-3-21, 57-3-23, 57-3-25, 57-3-27, 57-3-29, 57-3-31, 57-3-33, 57-4-1, 57-4-5, 57-4-7, 57-4-9, 57-4-11, 57-4-15, 57-4-17, 57-4-19, 57-4-21, 57-4-23, 57-5-1, 57-5-3, 57-5-5, 57-5-7, 57-5-9, 57-5-11, 57-5-13, 57-5-15, 57-5-17, 57-5-19, 57-5-21, 57-5-23, 57-7-1, 57-7-3, 57-7-5, 57-7-7, 57-7-11, 57-7-13, 57-9-1, 57-9-3, 57-9-5, 57-9-7, 57-9-9, 57-10-1, 57-10-9, 57-10-17, 57-10-19, 57-10-21, 57-10-23, 57-10-25, 57-10-29, 57-10-31, 57-10-35, 57-10-39, 57-10-41, 57-10-101, 57-10-103, 57-10-105, 57-10-109, 57-10-113, 57-10-115, 57-10-117, 57-10-119, 57-10-121, 57-10-123, 57-10-125, 57-10-127, 57-10-129, 57-10-131, 57-10-133, 57-10-135, 57-10-137, 57-10-151, 57-10-153, 57-10-161, 57-10-163, 57-10-167, 57-10-201, 57-10-203, 57-10-207, 57-10-211, 57-10-215, 57-10-217, 57-10-219, 57-10-221, 57-10-223, 57-10-225, 57-10-227, 57-10-229, 57-10-231, 57-10-233, 57-10-235, 57-10-237, 57-10-239, 57-10-241, 57-10-243, 57-10-245, 57-10-247, 57-10-249, 57-10-251, 57-10-253, 57-10-255, 57-10-257, 57-10-259, 57-10-261, 57-10-301, 57-10-303, 57-10-305, 57-10-307, 57-10-309, 57-10-401,
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ST: Mississippi Development Authority; bring
forward various sections of law relating to.

MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE
PROGRAMS OF THE AUTHORITY, FOR THE PURPOSES OF POSSIBLE AMENDMENT;

*HR31/R132*

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

SECTION 1. Section 57-1-1, Mississippi Code of 1972, is brought forward as follows:

57-1-1. It is hereby declared that the state public welfare demands, and the state public policy requires:

(a) That a balanced economic development of this state is essential.

(b) That the reconversion from wartime economy to peacetime pursuits appears reasonably imminent, requiring a planning program for readjustment of employment to accord with employment problems necessarily arising from changed conditions.

(c) That the present and prospective health, safety, morals, pursuit of happiness, right to gainful employment and the general welfare of the citizens demand as a public purpose the development within Mississippi of commercial, industrial, agricultural, manufacturing and tourism enterprises, herein called "enterprises" by the several counties, supervisors districts and

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ST: Mississippi Development Authority; bring forward various sections of law relating to.
municipalities, all herein called "municipalities." "Enterprises"
shall be construed to include expansion of such existing buildings
and facilities, conditioned, however, that the municipality, if
required by the Board of Economic Development, shall take security
upon the existing building or buildings at the time of entering
into contract for the expansion of existing buildings and
facilities.

(d) That the means and measures herein authorized to
promote said enterprises are, as a matter of public policy, for
the public purposes of the several counties, supervisors
districts, municipalities, and of the State of Mississippi.

(e) That the present and prospective promotion of
health, safety, morals, pursuit of happiness, right to gainful
employment, and the general welfare of the state requires the
accomplishment of that which is herein and hereby authorized, in
order to afford ready and attractive markets for farm and garden
products, to develop natural resources and convert raw materials
of farm, mine and forest into finished products for the general
welfare of each of said municipalities and the entire state.

(f) That the accomplishment of the things herein authorized to be
done by the several municipalities will give to them local benefits peculiar to
each.

SECTION 2. Section 57-1-2, Mississippi Code of 1972, is
brought forward as follows:
57-1-2. For the purposes of this chapter, the following words shall have the meanings ascribed herein, unless the context otherwise requires:

(a) "Department" shall mean the Mississippi Development Authority.

(b) "Office" shall mean an administrative subdivision of the department.

(c) "Executive director" shall mean the executive officer of the department.

(d) "Agricultural and Industrial Board," "Department of Economic Development," "Board of Economic Development," "Department of Economic and Community Development" and "Mississippi Department of Economic and Community Development" wherever they appear in the laws of the State of Mississippi, shall mean the "Mississippi Development Authority," operating through its executive director.

SECTION 3. Section 57-1-3, Mississippi Code of 1972, is brought forward as follows:

57-1-3. The Mississippi Development Authority shall have an official seal, and all orders, findings, acts and certifications of the department shall be attested by such seal, and by the signature of the executive director; and when so attested, all orders, acts, findings and certifications of the department shall be competent evidence and shall be given full faith and credit in any proceedings of a court in this state.
SECTION 4. Section 57-1-5, Mississippi Code of 1972, is brought forward as follows:

57-1-5. (1) The Governor shall, with the advice and consent of the Senate, appoint an executive director who:

(a) Shall have at least a bachelor's degree, and

(b) Shall be an experienced administrator and have at least five (5) years' experience in at least one (1) of the following areas:

(i) Industrial development, or

(ii) Economic development.

(2) The executive director shall be the executive officer of the department in the execution of any and all provisions of this chapter, and his salary shall be fixed by the Governor.

(3) The executive director shall have the following powers and duties:

(a) To formulate the policy of the department regarding the economic and tourist development of the state.

(b) To use and expend any funds from state, federal or private sources coming into the department for the purposes herein provided. State funds appropriated for the department shall be expended in accordance with the regulations governing the expenditures of other state funds.

(c) To implement the duties assigned to the department and consistent with specific requirements of law, including but not limited to:
(i) Support services to include legal, finance, data processing, personnel, communications and advertising, purchasing and accounting;

(ii) Research and planning;

(iii) Outreach, agency liaison and community development;

(iv) Tourism, business travel, and film;

(v) Programs and assistance for existing state business and industry;

(vi) Recruiting new business and industry into the state;

(vii) Fostering and promoting of entrepreneurship and the creation of new business in the state;

(viii) Programs aimed at competing effectively in the international economy by increasing exports of state products and services and by promoting, developing and creating the conditions and programs that will bring about significant increases in investment in the state from other countries;

(ix) Programs relating to the development of ports;

(x) Such other areas as are within the jurisdiction and authority of the department and will foster and promote the economic development of this state;

(xi) Salaries of the associate directors, deputy directors and bureau directors may be set by the executive
director of the department. The positions of associate directors, deputy directors and bureau directors shall not be state service positions.

SECTION 5. Section 57-1-7, Mississippi Code of 1972, is brought forward as follows:

57-1-7. The executive director may carry on each motor vehicle of the department property damage insurance and uninsured and underinsured motorists coverage for any physical damage which is sustained by such motor vehicles while such motor vehicles are being operated by a duly authorized department employee in the performance of his official duties. The coverage authorized in this section shall be purchased in a policy or policies written by the agent or agents of an insurance company authorized to do, and doing business, in this state, and the amount of coverage purchased shall be determined by the executive director. Premiums on such policies shall be paid as are other expenses of the department.

SECTION 6. Section 57-1-10, Mississippi Code of 1972, is brought forward as follows:

57-1-10. (1) There is created the Mississippi Development Authority Legislative Oversight Committee to serve in an advisory capacity to the Mississippi Development Authority ("MDA") regarding matters under the jurisdiction of the MDA. The committee shall consist of six (6) members, two (2) members to be appointed by the Governor, two (2) Senators to be appointed by the
Lieutenant Governor and two (2) Representatives to be appointed by
the Speaker of the House of Representatives. The committee shall
have no jurisdiction or vote on any matter within the jurisdiction
of the MDA.

(2) The committee shall meet quarterly and may meet at other
times specified by the chairman of the committee.

(3) A quorum of the committee shall consist of four (4)
members. The committee shall elect from among its membership a
chairman and vice chairman.

(4) The MDA shall not be required to submit to the committee
any information that it considers confidential or proprietary, or
anything the disclosure of which may negatively affect a project
it has under consideration.

(5) Members of the committee who are not legislators, state
officials or state employees shall be compensated at the per diem
rate authorized by Section 25-3-69 and shall be reimbursed in
accordance with Section 25-3-41 for mileage and actual expenses
incurred in the performance of their duties. Legislative members
of the committee shall be paid from the contingent expense funds
of their respective houses in the same manner as provided for
committee meetings when the Legislature is not in session.

However, no per diem or expense for attending meetings of the
committee may be paid to legislative members of the committee
while the Legislature is in session. No committee member may
incur per diem, travel or other expenses unless previously
authorized by vote, at a meeting of the committee, which action shall be recorded in the official minutes of the meeting. Nonlegislative members shall be paid from any funds made available to the committee for that purpose.

(6) The terms of the legislative members of the committee shall expire at the end of their terms of office, and the Governor's appointees shall serve for a term concurrent with the term of office of the appointing Governor. Any vacancy on the advisory committee shall be filled by appointment by the original appointing authority for the remainder of the members' unexpired term.

SECTION 7. Section 57-1-11, Mississippi Code of 1972, is brought forward as follows:

57-1-11. The executive director is hereby authorized and empowered to promulgate and put into effect all reasonable rules and regulations that he may deem necessary to carry out the provisions of Sections 57-1-1 through 57-1-51, not inconsistent herewith.

SECTION 8. Section 57-1-12, Mississippi Code of 1972, is brought forward as follows:

57-1-12. The Mississippi Development Authority shall file an annual report with the Governor, Secretary of the Senate and the Clerk of the House of Representatives not later than July 1, 2001, and each year thereafter, describing all assistance provided under Laws, 2000, Second Extraordinary Session, Chapter 1.
SECTION 9. Section 57-1-12.1, Mississippi Code of 1972, is brought forward as follows:

57-1-12.1. The Mississippi Development Authority shall prepare and file a quarterly report with the Secretary of State regarding the net economic impact on the state as a result of incentives or other forms of assistance authorized under Section 57-93-1 and Sections 2 through 37 of Chapter 1, Laws of Third Extraordinary Session of 2005, the number of enterprises benefited and the number of jobs created. Each report shall estimate the number of jobs created or retained at each enterprise or business as a result of the incentives or other forms of assistance authorized under Section 57-93-1 and Sections 2 through 37 of Chapter 1, Laws of Third Extraordinary Session of 2005.

SECTION 10. Section 57-1-12.2, Mississippi Code of 1972, is brought forward as follows:

57-1-12.2. (1) The Mississippi Development Authority (MDA) shall file an annual report with the Governor, Secretary of State, Secretary of the Senate and the Clerk of the House of Representatives not later than October 1 of each year regarding all tax credits, loans, rebates and grants made, approved or awarded by MDA as a result of negotiations involving an economic development project. The report shall contain the following information:

(a) The total amount of incentives approved or awarded;

(b) The total amount of loans made by MDA;
(c) The total amount of grants awarded by MDA; and
(d) A description of standard terms for each loan program.

(2) With respect to each client that receives or is awarded a tax credit, loan, rebate or grant referred to in subsection (1) of this section, the report shall include:

(a) The name and county of operation of the recipient;
(b) The amount of the loan, rebate or grant;
(c) The purpose of the loan, rebate or grant;
(d) The number of employees that the client agreed to hire, retain or train;
(e) The amount of the financial investment that the client expects to make in this state as a result of the economic development project; and
(f) A list of projects that have met contractual requirements and have been closed out by MDA.

(3) The Department of Revenue shall provide MDA with the tax information that is required to be included in this report.

SECTION 11. Section 57-1-13, Mississippi Code of 1972, is brought forward as follows:

57-1-13. It shall be the duty of the executive director to prepare and perfect plans for the advertisement and development of the state in such manner and through such means as he may deem proper and within such appropriations as shall be made for expenditure.
SECTION 12. Section 57-1-14, Mississippi Code of 1972, is brought forward as follows:

57-1-14. (1) Any records of the Mississippi Development Authority which contain client information concerning development projects shall be exempt from the provisions of the Mississippi Public Records Act of 1983 for a period of two (2) years after receipt of the information by the department. Confidential client information as described in this section shall not include the information which must be disclosed by the certified applicant related to a qualified economic development project in the annual report described in Section 57-1-759.

(2) Confidential client information in public records held by the department shall be exempt from the provisions of the Mississippi Public Records Act of 1983 during the period of review and negotiation on a project proposal and for a period of thirty (30) days after approval, disapproval or abandonment of the proposal not to exceed one (1) year by the department in writing.

SECTION 13. Section 57-1-15, Mississippi Code of 1972, is brought forward as follows:

57-1-15. The department is hereby authorized to cooperate and coordinate with economic development commissions, travel and other similar commissions and boards, and/or other similar agencies of other states, the federal government, and with county, municipal and regional economic development, travel and other similar commissions or boards, or other agencies thereof, for the
purposes of securing economic development within the State of Mississippi, and to accomplish this purpose, the department may contract for, receive and expend state, federal and other funds; and to that end, there is hereby created within the department a special fund designated as the "Economic Development Fund," to be kept separate and apart from all other funds and into which all funds received for the above-stated purposes shall be deposited and which funds are not appropriated by the State of Mississippi.

**SECTION 14.** Section 57-1-16, Mississippi Code of 1972, is brought forward as follows:

57-1-16. (1) As used in this section:

(a) "Extraordinary economic development opportunity" means a new or expanded business or industry which maintains a strong financial condition and minimal credit risk and creates substantial employment, particularly in areas of high unemployment.

(b) "Local economic development entities" means state institutions of higher learning or public or private nonprofit local economic development entities including, but not limited to, chambers of commerce, local authorities, commissions or other entities created by local and private legislation or districts created pursuant to Section 19-5-99.

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

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the ACE Fund, which shall consist
of money from any public or private source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. The purpose of the fund shall be to assist in maximizing extraordinary economic development opportunities related to any new or expanded business or industry or to assist a local unit of government as authorized in subsection (5) of this section. Such funds may be used to make grants to local economic development entities to assist any new or expanding business or industry that meets the criteria provided in this section when such assistance aids the consummation of a project within the State of Mississippi, or to make grants to a local unit of government as authorized in subsection (5) of this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.
(3) The MDA shall establish a grant program to make grants from the ACE Fund created under this section. Local economic development entities may apply to the MDA for a grant under this section in the manner provided for in subsection (4) of this section. Local units of government may apply to the MDA for a grant under this section in the manner provided in subsection (5) of this section.

(4) (a) Any business or industry desiring assistance from a local economic development entity under this section shall submit an application to the local economic development entity which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an extraordinary economic development opportunity;

(ii) A demonstration that the business or industry is at an economic disadvantage by locating the new or expanded project in the county;

(iii) A description, including the cost, of the requested assistance;

(iv) A description of the purpose for which the assistance is requested;

(v) A two-year business plan;

(vi) Financial statements or tax returns for the three (3) years immediately prior to the application;
(vii) Credit reports on all persons or entities
with a twenty percent (20%) or greater interest in the business or
industry; and

(viii) Any other information required by the MDA.

(b) The MDA shall require that binding commitments be
entered into requiring that:

(i) The minimum requirements of this section and
such other requirements as the MDA considers proper shall be met;
and

(ii) If such requirements are not met, all or a
portion of the funds provided by this section as determined by the
MDA shall be repaid.

(c) Upon receipt of the application from a business or
industry, the local economic development entity may apply to the
MDA for assistance under this section. Such application must
contain evidence that the business or industry meets the
definition of an extraordinary economic development opportunity, a
demonstration that the business or industry is at an economic
disadvantage by locating the new or expanded project in the
county, a description, including the cost, of the requested
assistance, and a statement of what efforts have been made or are
being made by the business or industry for securing or qualifying
for other local, state, federal or private funds for the project.

(d) The MDA shall have sole discretion in the awarding
of ACE funds, provided that the business or industry and the local
economic development entity have met the statutory requirements of this section. However, in making grants under this section, the MDA shall attempt to provide for an equitable distribution of such grants among each of the congressional districts of this state in order to promote economic development across the entire state.

(5) (a) The MDA may make grants to local units of government to assist the local unit of government in purchasing real property for the benefit of an existing industry that commits to maintain a minimum of one thousand three hundred (1,300) jobs for a minimum of ten (10) years after the date the grant is made.

(b) Any local unit of government seeking a grant authorized under this subsection shall apply to MDA. The application shall contain such information as the MDA may require.

(c) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this subsection and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(6) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section. However, before the implementation of any such rules and regulations, they shall be
submitted to a committee consisting of five (5) members of the Senate Finance Committee and five (5) members of the House of Representatives Ways and Means Committee, appointed by the respective committee chairmen.

SECTION 15. Section 57-1-17, Mississippi Code of 1972, is brought forward as follows:

57-1-17. It shall be the duty of the executive director and he is hereby authorized to prepare and execute a program of publicity and advertising that will bring into favorable notice the industrial, commercial, recreational, educational and social advantages, opportunities, possibilities, resources, farm and dairy products, and facilities of the state, and in the preparation and execution of such program he may use any funds which may be appropriated or otherwise made available for the purpose of carrying out the provisions of Sections 57-1-1 through 57-1-51. The department may erect, equip, maintain and operate a research laboratory for the purpose of finding new and additional uses for Mississippi products and is authorized and empowered to receive, use and expend any funds from state, federal or private sources which it may receive for that purpose.

SECTION 16. Section 57-1-18, Mississippi Code of 1972, is brought forward as follows:

57-1-18. (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:
(a) "Limited population county" means a county in the State of Mississippi with a population of thirty thousand (30,000) or less according to the most recent federal decennial census at the time the county submits its application to the MDA under this section.

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

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

(d) "Small municipality" means a municipality in the State of Mississippi with a population of ten thousand (10,000) or less according to the most recent federal decennial census at the time the municipality submits its application to the MDA under this section. The term "small municipality" also includes a municipal historical hamlet as defined in Section 17-27-5.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the "Small Municipalities and Limited Population Counties Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund
shall be deposited to the credit of the fund. Monies in the fund shall be used to make grants to small municipalities and limited population counties or natural gas districts created by law and contained therein to assist in completing projects under this section.

(b) Monies in the fund which are derived from proceeds of bonds issued under Sections 1 through 16 of Chapter 538, Laws of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003, Sections 55 through 70 of Chapter 1, Laws of 2004 Third Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of Chapter 503, Laws of 2008, Section 42 of Chapter 557, Laws of 2009, Section 38 of Chapter 533, Laws of 2010, Section 41 of Chapter 480, Laws of 2011, Section 30 of Chapter 569, Laws of 2013, Section 4 of Chapter 530, Laws of 2014, Section 11 of Chapter 472, Laws of 2015, Section 19 of Chapter 511, Laws of 2016, Section 5 of Chapter 452, Laws of 2018, Section 19 of Chapter 454, Laws of 2019, or Section 11 of Chapter 492, Laws of 2020, may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued.
Reimbursements under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a grant program to make grants to small municipalities and limited population counties from the Small Municipalities and Limited Population Counties Fund. Grants made under this section to a small municipality or a limited population county shall not exceed Two Hundred Fifty Thousand Dollars ($250,000.00) during any grant period established by the MDA. A small municipality or limited population county may apply to the MDA for a grant under this section in the manner provided for in this section.

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

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

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

SECTION 17. Section 57-1-19, Mississippi Code of 1972, is brought forward as follows:

57-1-19. The executive director is charged with the duty of making effective the declared public policy of the state and municipalities as hereinabove set forth, and for that purpose is hereby authorized and empowered to determine whether the public convenience and necessity require that any municipality shall have the right to acquire lands, and thereon to erect enterprises, and expansions thereof and thereto, conditioned, however, that the municipality, if so required by him, shall take security upon the existing building or buildings at the time of entering into contract for the expansion of existing buildings and facilities, and to operate them and to dispose of or rent, let or lease such lands and enterprises. Each municipality within this state shall have the right to apply to the executive director for a certificate of public convenience and necessity as to whether the general welfare requires that such municipality enter into a given enterprise. In determining whether such certificate shall be issued, the executive director may hold public hearings or private hearings, make such investigations as he may desire; and he shall have power to summon witnesses, administer oaths, hear testimony and make a record of all things had and done at such hearing or
investigation, and may issue such certificates of convenience and necessity as he deems advisable.

**SECTION 18.** Section 57-1-21, Mississippi Code of 1972, is brought forward as follows:

57-1-21. The executive director shall investigate, find and determine upon application of any municipality therefor, as to whether a certificate of public convenience and necessity shall be issued to such municipality to engage in any of the enterprises deemed essential under the above declared public policy for the economic development and advancement of such municipality; and in considering and determining whether or not such certificate shall issue, the executive director shall find and determine affirmatively the following:

(a) That there are sufficient natural resources readily and economically available for the operation of the particular enterprise for at least ten (10) years, but in no event less than the period of time for which any bonds may be issued for acquiring or constructing such enterprise.

(b) That there is available a labor supply to furnish at least one and one-half workers between the ages of eighteen (18) and fifty (50) for each operative job in such enterprise within an area of twenty-five (25) miles from the proposed location.

(c) That there are adequate property values and suitable financial conditions so that the total bonded
indebtedness of the municipality, solely for the purposes authorized by Sections 57-1-1 through 57-1-51, shall not exceed twenty percent (20%) of the total assessed valuation of all the property in the municipality.

When the executive director shall have determined the foregoing facts favorably, he is authorized and empowered, having due regard to the promotion of the public policy and the general welfare herein declared, to issue or refuse to issue a certificate of public convenience and necessity to the municipality to engage in such enterprise. If and when such certificate is issued, it shall authorize the particular municipality to acquire, to own, to operate, to sell, to convey, to let, to lease or to rent the particular enterprise found suited to the general welfare of that municipality; but the certificate shall expire in twelve (12) months from its date unless within that time such enterprise shall have been established, subject, however, to any delays necessitated by any legislation or acts of God, delaying the establishment of the enterprise. In no event shall the executive director authorize any municipality actually to operate any enterprise, unless he shall further find and determine that the enterprise is well conceived, has a reasonable prospect of success, will provide proper economic development and employment, will add materially to the general welfare of the municipality, and will not become a burden upon the taxpayers of the municipality.
If and when a certificate is issued, the executive director therein shall fix and determine: (a) the extent and the amount to which the municipality may issue bonds or make expenditures for such enterprise; (b) what property may be acquired therefor; (c) the terms upon which such acquisition may be had; (d) what expenditures may be made, and the construction of buildings, and of equipment with its installation; and (e) the method of operation of the enterprise by the municipality. If the governing board of the municipality fails or refuses to follow the requirements made by the executive director in the certificate, then the members of the governing board of the municipality voting for such failure or refusal shall be individually and personally liable, and liable upon their official bonds for any loss that the municipality may sustain by reason of such failure or refusal to follow the requirements, and in addition may be compelled by injunction to comply with such requirements.

If the executive director refuses to issue a certificate, an appeal of such refusal may be taken by the municipality to the Governor in the manner and within the time that the Governor shall establish by executive order.

**SECTION 19.** Section 57-1-23, Mississippi Code of 1972, is brought forward as follows:

57-1-23. (1) The several municipalities of this state, including counties, judicial districts of counties having two judicial districts, supervisors districts, cities, towns or
villages, whether existing under special charters or otherwise, hereinabove called "municipalities," are hereby authorized and empowered to make effective the provisions herein contained, for the general welfare of the state and of the several municipalities thereof. When and after such municipality shall have obtained therefor a certificate of public convenience and necessity, under the provisions of Sections 57-1-19 and 57-1-21, then it may acquire land by purchase, gift, eminent domain or otherwise for any such enterprise so thus approved, and may directly or by contract, such contract to be entered into and governed as now provided by law for other public contracts entered into by boards of supervisors, erect such buildings and structures as may be essential for such enterprise, may obtain for such enterprise the requisite appliances and equipment, and may operate such enterprise. The power thus to do is hereby generally conferred upon all such municipalities, and shall be in addition to all other powers now possessed without in anywise limiting or circumscribing them.

(2) Any city or town in this state situated in a county bordering on the Mississippi River and situated not more than five miles from the proposed industrial site or location of any industrial plant or proposed site of such plant, authorized to be established, built and erected under the terms of Sections 57-1-1 through 57-1-51, such distance to be measured between the corporate line of any such city or town nearest such proposed site
and the boundary of such proposed site nearest such corporate
line, is hereby authorized and empowered to join with another
municipality and subdivisions of government, as defined
hereinabove, in the creation, establishment, acquisition,
ownership, control, sale, lease, disposition and disposal of any
such plant, plant site and/or other property, real and personal,
acquired, owned, or otherwise possessed and controlled under
authority of Sections 57-1-1 through 57-1-51, notwithstanding the
fact that the said, or proposed, plant, plant site, and/or other
property, real or personal, is situated in another supervisors
district other than the supervisors district in which such city or
town is situated. In all cases provided for in this subsection,
all authority, powers, privileges and rights provided for in
Sections 57-1-1 through 57-1-51, shall be and are hereby conferred
upon and vested in such city or town and such other municipality
as may join therewith, as herein authorized.

SECTION 20. Section 57-1-25, Mississippi Code of 1972, is
brought forward as follows:

57-1-25. The governing board of any municipality desiring to
enter into the plan herein authorized, after receiving a
certificate of public convenience and necessity from the executive
director, as provided by Sections 57-1-19 and 57-1-21, by
resolution spread upon its minutes, shall declare its intention of
entering into such plan, and shall call an election to be held in
the manner now provided by law for holding county or municipal
elections, and shall fix in such resolution a date upon which such
an election shall be held in the municipality, of which not less
than three (3) weeks' notice shall be given by the clerk of such
board, by a notice in a newspaper published in the municipality
once each week for three (3) consecutive weeks preceding the same,
or if no newspaper is published in the municipality, then by
posting a notice for three (3) weeks preceding the election at
three (3) public places in the municipality. At such election,
all qualified electors of the municipality may vote, and the
ballots used shall have printed thereon a brief statement of the
purpose of the board to enter into the plan hereby authorized and
to issue bonds therefor or to expend other municipal funds
available together with the words "For the Proposed Enterprise,"
and the words "Against the Proposed Enterprise," and the voter
shall vote by placing a cross (X) opposite his choice of the
proposition. Should the election provided for herein result in
favor of the proposed plan and bond issue or expenditure by at
least sixty percent (60%) of those voting in favor of the plan,
provided that the total number of votes cast in the election shall
be not less than thirty percent (30%) of the qualified electors of
the territory included in the proposal, then the governing board
may proceed to exercise the authority granted under the provisions
of Sections 57-1-1 through 57-1-51 within three (3) years after
the date of such election or within three (3) years after final,
favorable determination of any litigation affecting the industrial
plan or bond issue. If such election results unfavorably to the
proposition, then no second or other election shall be ordered or
held until the board shall determine that such election may be
held.

Where the separate supervisors' district or districts of a
county indicate a desire to enter into the plan herein authorized,
but not to affect the remainder of the county, then the board of
supervisors shall direct the holding of such election only in the
supervisors' district or districts affected, and the board of
supervisors is hereby authorized to carry out the provisions of
Sections 57-1-1 through 57-1-51 for such separate supervisors'
district or districts.

In the event the proposal to be voted on at the election
required herein includes bonds to be issued covering a
supervisors' district or districts, but not the entire county,
includes a town or city of a population of more than five hundred,
(500) as well as territory outside the corporate limits of such
town or city and the proposed enterprise is to be located in such
town or city or within one (1) mile of the corporate limits
thereof, the qualified electors voting in the election residing
outside the corporate limits of the town or city shall vote
separately from those residing in such town or city.

All qualified electors shall vote at their usual voting
places and in event the usual voting place of electors residing
outside the corporate limits of such town or city is in such town
or city, such elector shall vote in a separate ballot box provided for the purpose, and the officers holding the election shall make separate returns of the results of the vote of those residing within the town or city and those residing outside such town or city.

Unless sixty percent (60%) of the qualified electors residing in such town or city voting in the election and sixty percent (60%) of the qualified electors residing outside such town or city voting in such election shall vote for the proposed bond issue, computed and declared separately, the proposed bond issue shall be declared as disapproved.

It shall be the duty of the county election commissioners to provide necessary ballot boxes, separate voting lists containing the names of electors residing within and without the corporate limits of towns and cities when such is required by the proposal submitted, and records for the conduct of the election in accordance with the requirements of this section.

And in event the proposal to be voted on at the election required by this section includes bonds to be issued covering the entire county and the proposed industry is to be located in a town or city or within one (1) mile of the corporate limits thereof, the qualified electors voting in the election residing outside the corporate limits of the city or town, and whose regular voting place is within the corporate limits of the city or town, shall vote separately from those residing in such city or town, in
separate ballot boxes to be provided for such purposes, and the votes so cast shall be counted separately.

At the election, unless sixty percent (60%) of the qualified electors voting in the election and residing within the corporate limits of the city or town in which the proposed enterprise is to be located, or the town or city within one (1) mile of the proposed location of the enterprise shall vote for the proposed bond issue and sixty percent (60%) of all the other qualified electors of the county voting in the election shall vote for the proposed bond issue, computed and declared separately, the proposed bond issue shall be declared as disapproved. All qualified electors voting in such election shall vote at their usual voting precincts, and the county election commissioners shall provide necessary boxes, separate voting lists containing the names of electors residing within and without the corporate limits of the town or city wherein such enterprise is proposed to be located, or such town or city within one (1) mile of the proposed location of the enterprise, and records for the conduct of the election in accordance with the requirements of this section.

**SECTION 21.** Section 57-1-27, Mississippi Code of 1972, is brought forward as follows:

57-1-27. Before any bonds shall be issued under Sections 57-1-1 through 57-1-51 by any municipality, or any contract shall be made to dispose of any public property hereunder acquired, the

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ST: Mississippi Development Authority; bring forward various sections of law relating to.
same must be approved in its entirety by the executive director,
but such approval shall not in any way render the State of
Mississippi liable.

SECTION 22. Section 57-1-29, Mississippi Code of 1972, is
brought forward as follows:

57-1-29. A municipality, having been authorized by the
executive director, as herein provided, may expend, for acquiring
and operating such municipal enterprise under rules and
regulations adopted by the executive director, any funds of the
municipality then on hand or available and not already
appropriated or necessary for other municipal purposes. A
municipality, after the terms and conditions have been fixed by
the executive director and with his approval, is hereby authorized
from and after July 1, 1944, to issue bonds of such municipality
for the purpose of effectuating the provisions of Sections 57-1-1
through 57-1-51 and promoting thereby the public policy of this
state in bringing about the general welfare of its people. When,
if and to the extent that a bond issue shall be approved by the
executive director, then the same may be authorized by the
governing authority of the municipality, and to secure such bond
issue the municipality may mortgage or pledge property used and
useful for the industrial enterprise; and the income therefrom,
and confer upon the holders of such bonds the rights of a first
mortgage bondholder. Such bond issue shall be first approved by
the executive director, and thereafter shall be authorized by
resolution or ordinance of the governing board of the municipality
in such form and with such provisions, terms and conditions as may
be fixed in the resolution or ordinance not inconsistent with the
provisions of Sections 57-1-1 through 57-1-51. Present
limitations on the amount of other bonds that may be issued by
such municipality shall not apply to bonds issued hereunder other
than as herein otherwise provided. All such bonds shall be
lithographed or engraved, and printed in two (2) or more colors to
prevent counterfeiting, and shall be in sums not less than One
Thousand Dollars ($1,000.00) or multiples thereof, and shall be
numbered in a regular series from one (1) upward, be executed by
the manual or facsimile signature of the president of the board of
supervisors and the clerk of such board; or by the mayor and clerk
of the municipality, and either of such clerks shall impress the
county or municipal seal, as the case may be, upon each bond as it
is issued. At least one (1) signature on each bond shall be a
manual signature, as specified in the issuing resolution. The
coupons may bear only the facsimile signatures of such president
and clerk of the board of supervisors or such mayor and clerk, as
the case may be. Every such bond shall specify on its face the
purpose for which it was issued, the total amount authorized to be
issued, and each shall be made payable to bearer, and on request
of any holder of such bonds the same may be registered as to
principal by the clerk of the issuing board. The governing
authorities shall annually levy a tax, or shall otherwise provide
funds sufficient for paying interest on such bonds, and the bonds maturing within one (1) year and shall provide a sinking fund for the redemption of the bonds issued. Such bonds shall be issued maturing annually with all maturities not longer than twenty (20) years with not less than one-fiftieth (1/50) of the total issue to mature each year during the first five (5) years of the life of the bonds, and not less than one-twenty-fifth (1/25) of the total issue to mature annually during the succeeding ten-year period of the life of the bonds, and the remainder to be amortized, as to the principal and interest, into approximately equal payments, one (1) payment to mature during each year for the remaining life of the bonds. Such bonds shall not bear a greater overall maximum rate of interest than that allowed in Section 75-17-101, Mississippi Code of 1972. No bond shall bear more than one (1) rate of interest; each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; all bonds of the same maturity shall bear the same rate of interest from date to maturity; all interest accruing on such bonds so issued shall be payable semiannually or annually, except that the first interest coupon attached to any such bond may be for any period not exceeding one (1) year.

No interest payment shall be evidenced by more than one (1) coupon and neither cancelled nor supplemental coupons shall be permitted; the lowest interest rate specified for any bonds issued shall not be less than seventy percent (70%) of the highest
interest rate specified for the same bond issue. The interest rate of any one (1) interest coupon shall not exceed the maximum interest rate allowed on such bonds.

Each interest rate specified in any bid must be in multiples of one-eighth of one percent (1/8 of 1%) or in multiples of one-tenth of one percent (1/10 of 1%).

The denomination, form and place of payment shall be fixed in the authorization therefor, and for the payment thereof the full faith, credit and resources of the municipality shall be pledged and a tax levied on all taxable property in the municipality, adequate to pay principal and interest on such bonds as the same fall due. Proceeds of such bonds shall be placed in the municipal treasury as a special fund and shall be used for no other purpose than the purpose set forth in the original resolution, and any officer diverting or assisting to divert any such fund to any other purpose than the purpose originally set forth in the resolution of the governing authority of the municipality shall be guilty of a misdemeanor, shall be punished accordingly, and shall also be liable both personally and on his official bond for such diversion, together with the costs of collection and reasonable attorney's fees. The Attorney General is authorized to proceed by action for injunction or mandamus to require compliance with the original resolution by any officer or municipal board.

**SECTION 23.** Section 57-1-31, Mississippi Code of 1972, is brought forward as follows:
57-1-31. The board of supervisors of any county, or the governing authorities of any municipality or other political subdivision, shall have the power, in its discretion, to pay reasonable compensation to attorneys who may be employed by it in the matter of the issuance of bonds authorized to be issued by the provisions of this chapter, the drafting of all orders and resolutions in connection therewith, and passing upon the validity thereof. However, in no instance shall the attorney's fees paid for the issuance or refunding of such bonds exceed the following amounts, to-wit:

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

As used in this section, the term "municipalities" shall be construed to include any political subdivision of this state authorized to issue bonds under the authority contained in this chapter.

The limitations imposed herein shall not apply to any bond issue upon which a declaration of intent to issue bonds has heretofore been spread upon the minutes of the political subdivision desiring to issue same.
SECTION 24. Section 57-1-33, Mississippi Code of 1972, is brought forward as follows:

57-1-33. When the executive director authorizes any municipality to issue bonds under the provisions of Sections 57-1-1 through 57-1-51, he shall find and determine the total amount of bonds to be issued. He shall fix the maturity dates of the bonds consistent with the provisions of the aforesaid sections. He shall determine the amount of taxes necessary to be levied and collected annually to retire the bonds and pay interest coupons and to create a sinking fund for the payment of the bonds and interest so that the annual tax levy shall be uniform throughout the period for which the bonds are issued. He shall require the municipality to report annually to him payments made on the bonds and on interest, with the dates of payments, and to report the amount passed to the sinking fund, together with a list and amount of the bonds remaining outstanding for purposes of the aforesaid sections, and a failure so to do shall make the members of the governing board guilty of a misdemeanor and punishable accordingly. All of such reports shall be permanent public records of the department.

SECTION 25. Section 57-1-35, Mississippi Code of 1972, is brought forward as follows:

57-1-35. The bonds hereinabove provided for shall be sold by the governing authority of the municipality at not less than par and accrued interest at public sale held after notice of such sale.
published at least one (1) time at least five (5) days before such
sale in a newspaper of general circulation in the municipality.

SECTION 26. Section 57-1-37, Mississippi Code of 1972, is brought forward as follows:

57-1-37. In the case any municipality shall have initiated any industry as provided in Sections 57-1-19 and 57-1-21, and thereafter said municipality lacks the requisite funds for completion by reason of emergency which was wholly unforeseen, then upon the approval of the commission, upon the same terms and conditions as herein set forth, additional bonds may be authorized.

SECTION 27. Section 57-1-39, Mississippi Code of 1972, is brought forward as follows:

57-1-39. All bonds issued pursuant to Sections 57-1-1 through 57-1-51 and all interest thereon or income therefrom shall be exempt from all taxation except gift and inheritance taxes. Necessary taxes levied and collection for the payment of these bonds and interest thereon shall not be considered or accounted in any limitation on the powers of the municipality to tax except as otherwise herein provided.

SECTION 28. Section 57-1-41, Mississippi Code of 1972, is brought forward as follows:

57-1-41. Any municipality having surplus sinking funds under the provisions of Sections 57-1-1 through 57-1-51 may, in the discretion of the governing board of such municipality, invest
said sinking funds by purchasing bonds of any county or
municipality of this state, bonds of the State of Mississippi, or
bonds issued by authority of the United States government, except
drainage district bonds, provided, that the bonds so purchased
shall mature prior to the time when the bonds payable out of the
sinking fund hereunder shall fall due.

SECTION 29.  Section 57-1-43, Mississippi Code of 1972, is
brought forward as follows:

57-1-43.  Any municipality may use any sinking fund, reserve
fund, or surplus fund to purchase any bond hereunder issued, and
shall cancel and retire the same when, in the judgment of the
governing authorities of such municipality, the interest of such
municipality will be subserved thereby.  Any surplus income from
said enterprise arising through its operation or from its
disposition, accruing to the municipality over and above the
amount necessary to pay for repairs, replacements, bonds herein
authorized which may be issued and interest thereon, may be
applied by the governing board of the municipality upon any of the
other outstanding debts or obligations of the municipality.

SECTION 30.  Section 57-1-45, Mississippi Code of 1972, is
brought forward as follows:

57-1-45.  The several municipalities when and to the extent
authorized by the executive director pursuant hereto, are hereby
authorized and empowered, if they so desire, by and through their
governing board, to sell, lease or otherwise dispose of such
enterprise or enterprises, in whole or in part, on such terms and
conditions and with such safeguards as will best promote and
protect the public interest, and are authorized, acting with the
approval of the executive director by and through their respective
governing boards, to transfer title or possession to such industry
or to any property utilized therein, by warranty deed, lease, bill
of sale, contract or other customary business instrument, in the
same manner and to the same extent, when so thus authorized by the
executive director, that any private corporation, association or
person may now contract, with reference to such property of a
similar nature, provided that such disposition shall not be made
except by the affirmative vote of at least two-thirds (2/3) of the
members elected to the governing body of such municipality, and
all votes shall be of record. All income from any lease or
contract for the operation or from the disposition of such
industrial enterprise shall be paid into the bond sinking fund
provided for the bonds issued under the provisions of Sections
57-1-1 through 57-1-51 for the retirement of such bonds and the
interest thereon, and such income or proceeds shall not be used by
the municipality for any other purpose except as to disposition of
surplus income authorized above, and shall be subject to all of
the provisions hereof relative to such sinking fund.

SECTION 31. Section 57-1-47, Mississippi Code of 1972, is
brought forward as follows:
57-1-47. All enterprises acquired, constructed or owned by any of said municipalities under the provisions of Sections 57-1-1 through 57-1-51, are declared the public property of each of said municipalities, and as such, shall not be subject to taxation.

SECTION 32. Section 57-1-49, Mississippi Code of 1972, is brought forward as follows:

57-1-49. Any port commission or authority created by law, operating in any county or municipality of this state, is authorized and empowered to assist and cooperate with such county or municipality to effectuate the purposes of Sections 57-1-1 through 57-1-51.

SECTION 33. Section 57-1-51, Mississippi Code of 1972, is brought forward as follows:

57-1-51. The provisions of Sections 57-1-1 through 57-1-51 shall not repeal or impair any law now in effect, except as therein specifically provided, but shall exist as a separate, several, independent, additional and cumulative method for giving to the people of Mississippi the fulfillment of the public policy of encouraging the promotion of economic development of new and existing "enterprises." Nor shall the aforesaid sections or any part thereof repeal any of the provisions of private or special municipal charters, nor affect, limit or restrict the right of any municipality, now operating under special charter, to amend said charter pursuant to the provisions of Section 21-17-9, Mississippi
Code of 1972, which section shall apply to Sections 57-1-1 through 57-1-51.

SECTION 34. Section 57-1-52, Mississippi Code of 1972, is amended as follows:

57-1-52. (1) There is hereby created the Mississippi Development Authority, whose principal offices shall be located in Jackson, Mississippi.

(2) The Mississippi Development Authority shall be organized into the following offices:

(a) Office of Economic Development;
(b) Office of Community Development;
(c) Office of Support Services.

(3) The department shall be headed by an executive director, who shall be appointed by and serve at the pleasure of the Governor. The appointment of the executive director shall be made with the advice and consent of the Senate. The executive director may assign to the appropriate offices such powers and duties as deemed appropriate to carry out the department's lawful functions.

(4) The executive director of the department shall appoint heads of offices, who shall serve at the pleasure of the executive director. The executive director shall have the authority to organize the offices established by subsection (2) of this section as deemed appropriate to carry out the responsibilities of the department. The organization charts of the department shall be...
presented annually with the budget request of the Governor for review by the Legislature.

**SECTION 35.** Section 57-1-53, Mississippi Code of 1972, is brought forward as follows:

57-1-53. The department is designated as the single state agency to receive and expend any federal funds made available for matters within the jurisdiction of the department.

The department shall coordinate all functions of state government related to economic development and tourism within the jurisdiction of the department.

**SECTION 36.** Section 57-1-54, Mississippi Code of 1972, is brought forward as follows:

57-1-54. The Mississippi Development Authority shall be the Department of Economic and Community Development and shall retain all powers and duties granted by law to the Mississippi Department of Economic and Community Development and wherever the term "Mississippi Department of Economic and Community Development," "Department of Economic and Community Development," "Mississippi Department of Economic Development" or "Department of Economic Development" appears in any law the same shall mean the Mississippi Development Authority. The Mississippi Development Authority may continue to refer to itself as the Mississippi Department of Economic and Community Development for as long as it may deem necessary. The Executive Director of the Mississippi Development Authority may assign to the appropriate divisions such
powers and duties as he deems appropriate to carry out its lawful duties.

Nothing in the Mississippi Executive Reorganization Act of 1989 [Laws, 1989, Chapter 544] shall be construed to eliminate or change in any manner the duties, functions or operations of the planning and development districts heretofore created by executive order of the Governor.

SECTION 37. Section 57-1-55, Mississippi Code of 1972, is amended as follows:

   57-1-55. (1) The **Mississippi Development Authority** shall have the following general powers and duties: To develop and manage programs which enhance the climate for economic growth through assistance to private sector businesses, local communities and individuals, and through an extensive national and international marketing effort.

   (2) The **Mississippi Development Authority** shall have the following general powers and duties with respect to economic development:

      (a) To plan, supervise and direct an active program of solicitation of industries to locate within the state;

      (b) To prepare, maintain and disseminate information which is needed by companies in evaluating site locations;

      (c) To consult with, advise and assist prospective industries wishing to locate within the state;
(d) To encourage new or expanding industries, which will add to the economy, to locate within the state;
(e) To maintain a coordinated liaison function with other development groups, including state and federal agencies, and planning and development districts, utility companies, chambers of commerce and railroads;
(f) To assist communities and counties within the state in preparation for economic growth;
(g) To assist new and existing business and industry and encourage their development and expansion;
(h) To plan and conduct a nationwide advertising program promoting the state to prospective industry. Any contract entered into for such purposes shall be advertised, bid and accepted in accordance with the same procedure as prescribed for the advertisement and acceptance of bids for the purchase of commodities and contracts for public purchases under Chapter 7, Title 31, Mississippi Code of 1972;
(i) To work with economic development agencies of the federal government in areas of industrial development and provide information to industrial prospects regarding the availability of federal funds and assistance;
(j) To work with the Department of Corrections, pursuant to the provisions of Section 47-5-501 et seq., in identifying and evaluating acceptable industries and businesses and in acting as an agent of the Department of Corrections by
communicating with such concerns and aggressively soliciting their participation in the Correctional Industries Work Program;

(k) To perform related work as required;

(l) To disseminate information about financial and other programs of the **Mississippi Development Authority** that will assist in the creation or expansion of industries processing wood products in this state;

(m) To market processed and raw agricultural products domestically and abroad;

(n) To aid in the establishment of business incubation centers by private business interests, not for profit corporations, and/or governmental entities. The department may provide funds by contract for the establishment of business incubation centers and may contract for space in which business incubation centers will be located. Business incubation centers are defined as facilities and support services that encourage the establishment of successful small businesses by providing a short-term sheltered environment. The department may solicit and accept grants and other financial aid or support from private or public sources to aid in the development of business incubation centers. In addition, advice and assistance to established business incubation centers may be provided by the department; and

(o) To employ licensed real estate brokers and appraisers necessary for the industrial development of any real estate under the ownership or control of the **Mississippi**
Development Authority. Any contract entered into for such purposes shall be advertised, bid and accepted in accordance with the same procedure as prescribed for the advertisement and acceptance of bids for the purchase of commodities and contracts for public purchases under Chapter 7, Title 31, Mississippi Code of 1972.

**SECTION 38.** Section 57-1-56, Mississippi Code of 1972, is amended as follows:

57-1-56. The Occupational Information Coordinating Committee shall be located within the Mississippi Development Authority and shall develop and implement an occupational information system for vocational education, employment and training programs.

**SECTION 39.** Section 57-1-57, Mississippi Code of 1972, is brought forward as follows:

57-1-57. The Mississippi Development Authority shall conduct and prepare, or shall contract for the preparation of, a study to determine if there is a significant statistical disparity in the total number of qualified minority contractors of goods and services doing business in the State of Mississippi and the actual number of such minority contractors with whom the State of Mississippi, or with whom a prime contractor with the State of Mississippi, has contracted to provide goods and services.

**SECTION 40.** Section 57-1-58, Mississippi Code of 1972, is brought forward as follows:
57-1-58. It is the policy of the Mississippi Development Authority and the Mississippi Development Authority is authorized to accommodate and support any entity using funds authorized and made available under Section 57-93-1 and Sections 2 through 37 of Chapter 1, Laws of Third Extraordinary Session of 2005, that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to that term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this section.

SECTION 41. Section 57-1-59, Mississippi Code of 1972, is brought forward as follows:

57-1-59. The Mississippi Development Authority shall have the following general powers and duties with respect to tourism:

(a) To promote and advertise the image of Mississippi both within and without the boundaries of this state;

(b) To promote and advertise fairs and similar activities of interest to tourists and the traveling public;
(c) To promote and advertise the use of wildlife and natural areas by tourists and the traveling public;

(d) To promote and advertise the use of state recreational and park facilities by tourists and the traveling public;

(e) To promote and advertise all resources of the State of Mississippi as attractions to tourists and the traveling public;

(f) To develop for all agencies of state government the necessary promotional and advertising materials needed to promote all facilities and programs which may be of interest to travelers and tourists;

(g) To maintain an educational awareness program for the citizens of the state to constantly encourage increased development of activities of interest to tourists and the traveling public;

(h) To develop and maintain an information services system to adequately guide tourists and the traveling public within the boundaries of the state;

(i) To develop and maintain an extensive media program to adequately inform the national and international consumer about Mississippi;

(j) To enter into contracts and other agreements with local tourism commissions or similar entities for the purpose of developing regional strategies for tourism promotion. The
Mississippi Development Authority, in conjunction with the formulation of regional strategies for tourism promotion, may require that local tourism commissions or similar entities enter into agreements with the authority as a condition for receiving any state grants to promote tourism; and

(k) To develop programs and projects promoting the state's heritage, history, culture, literature and arts, including the positive recovery of the state after damages caused by natural disasters, and demonstrating the state's attractiveness as a tourism destination for those and other reasons.

SECTION 42. Section 57-1-60, Mississippi Code of 1972, is amended as follows:

57-1-60. The * * * Mississippi Development Authority, in its discretion, may establish a program of grants to be matched by tourism entities in the state to finance, promote and advertise local tourist attractions. Monies committed to the program of grants shall not lapse into the State General Fund at the end of a fiscal year. Any program of grants established under this section shall be in addition to those grants authorized by Chapter 27, Title 57, Mississippi Code of 1972.

SECTION 43. Section 57-1-61, Mississippi Code of 1972, is brought forward as follows:

57-1-61. The staff and resources of the travel and tourism department of the Agricultural and Industrial Board shall be, and are hereby transferred to the Department of Economic Development.
SECTION 44. Section 57-1-63, Mississippi Code of 1972, is brought forward as follows:

57-1-63. It is the intent of the Legislature that all powers and duties of any state agency relating to the promotion and advertising of tourism which are not provided for by statute shall be transferred to and vested in the department.

SECTION 45. Section 57-1-64, Mississippi Code of 1972, is brought forward as follows:

57-1-64. (1) The Mississippi Development Authority is authorized to sell advertising and other tourism promotional information through the Mississippi Development Authority Internet website and other marketing outlets, and to enter into agreements with tourism associations and similar entities for the purpose of making and facilitating sales through the use of such entities. Revenues received from such sales shall be placed into the special fund created in subsection (2) of this section.

(2) There is created a special fund in the State Treasury to be known as the Mississippi Development Authority Tourism Advertising Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may be used by the Mississippi Development Authority for the purpose of paying costs...
incurred in connection with the purchase of Internet advertising
and other promotional information and materials related to
Mississippi tourism resources and activities.

(3) The Mississippi Development Authority shall have all
powers necessary to implement and administer the provisions of
this section.

SECTION 46. Section 57-1-64.1, Mississippi Code of 1972, is
brought forward as follows:

57-1-64.1. (1) There is hereby created a Mississippi
Tourism Association Marketing Advisory Board to assist the
Mississippi Development Authority in the planning of initiatives
for advertising and promoting tourism in Mississippi.

(2) The advisory board shall be composed of the following
members:

(a) The Executive Director of the Mississippi Tourism
Association;

(b) The members of the Mississippi Tourism Association
Board of Directors, composed through the bylaws of the Mississippi
Tourism Association as being geographically and ethnically diverse
members from the five (5) tourism regions designated as the Hills,
the Delta, the Capital/River, the Pines and the Coastal regions of
Mississippi, and three (3) at-large members;

(c) Three (3) at-large members appointed by the
Governor;
(d) One (1) at-large member appointed by the Lieutenant Governor; and

(e) One (1) at-large member appointed by the Speaker of the House of Representatives.

(3) Members of the advisory board may not be compensated for the performance of their duties.

(4) The advisory board will give input and advice to the Mississippi Development Authority's Tourism Division on marketing and advertising planning, but shall have no executive powers at the Mississippi Development Authority.

(5) For marketing activities paid for with federal funds related to the COVID-19 public health emergency and carried out by either the Mississippi Development Authority's Tourism Division or destination marketing organizations, the advisory board will give input on appropriate branding and messaging that communicates pertinent public health information. The advisory board shall convene for the purposes of this subsection within fifteen (15) calendar days of July 9, 2020.

SECTION 47. Section 57-1-65, Mississippi Code of 1972, is amended as follows:

57-1-65. The Mississippi Development Authority shall have the following general powers and duties with respect to marketing:

(a) To promote and stimulate the development of new markets for Mississippi products and goods.
To encourage the establishment of industrial operations to process agricultural and forestry raw products to an end-product stage, ready for sale to the markets of the nation and the world; and
(c) To coordinate all studies in the State of Mississippi concerned with the development of markets for Mississippi products and goods.

SECTION 48. Section 57-1-66, Mississippi Code of 1972, is amended as follows:

57-1-66. The Mississippi Development Authority is authorized to produce publications, booklets, brochures, directories, materials and merchandise for the purposes of promoting and marketing Mississippi and assisting businesses through the provision of information in printed form or on computer disk, and to license or sell such items for a fee; however, no public entity or any agency thereof established pursuant to the laws of this state shall be charged a fee for the provision of such items. The funds which are received from the licensing or sale of items described herein shall be paid into a special revolving fund which is hereby established in the State Treasury. Monies in this fund shall be expended as appropriated by the Legislature. Any monies remaining in the special fund at the close of a fiscal year shall not lapse into the State General Fund.
SECTION 49. Section 57-1-67, Mississippi Code of 1972, is amended as follows:

57-1-67. The Mississippi Development Authority, pursuant to contractual agreements with individual planning and development districts, may assign field office staff of the department to a planning and development district office. Planning and development district directors may be consulted by the department as any annual work programs for field office staff so assigned are prepared. Any such work programs shall be designed to address issues and projects of mutual interest to the department and districts and to the accomplishment of their respective economic development missions.

SECTION 50. Section 57-1-68, Mississippi Code of 1972, is amended as follows:

57-1-68. The Mississippi Development Authority, in its discretion, may establish a program of grants to be matched by economic development entities in the state to finance and promote local economic development. Monies committed to the program of grants shall not lapse into the State General Fund at the end of a fiscal year.

SECTION 51. Section 57-1-69, Mississippi Code of 1972, is amended as follows:

57-1-69. The Mississippi Development Authority is authorized to cooperate with Mississippi Miss Hospitality, Inc., in the production of the Mississippi Miss Hospitality Pageant and
with Miss Mississippi Pageant, Inc., in the production of the Miss Mississippi Pageant, and with Mrs. Mississippi-America Pageant, Inc., in the production of the Mrs. Mississippi Pageant, and in defraying expenses incurred by Miss Hospitality and Miss Mississippi and Mrs. Mississippi when making official appearances to represent this state, by expending in furtherance of such purposes any money appropriated or otherwise made available to the department therefor. Money received by the department for such purposes shall be deposited into a special fund which is hereby created in the State Treasury. Unexpended amounts remaining in such special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in such special fund shall be deposited to the credit of the special fund.

SECTION 52. Section 57-1-70, Mississippi Code of 1972, is brought forward as follows:

57-1-70. The person selected as Miss Mississippi in the annual pageant sponsored by Miss Mississippi Pageant, Inc., and the person selected as Miss Hospitality in the annual Mississippi Hospitality Pageant, and the person selected as Mrs. Mississippi in the annual Mrs. Mississippi Pageant, shall be the official nongovernmental representatives of the State of Mississippi, and shall be the only persons selected in pageants in the state who are recognized by the state as its official representatives in appearances made at functions, ceremonies or
other activities on behalf of the state or for the promotion or goodwill of the state.

**SECTION 53.** Section 57-1-71, Mississippi Code of 1972, is brought forward as follows:

57-1-71. Any municipality located in two adjacent counties which forms a part of a municipal separate school district the territory of which is located in two adjacent counties which desires to enter into the establishment of an enterprise under the provisions of Sections 57-1-1 through 57-1-51, jointly with the territory forming a part of such municipal separate school district shall, by and through its governing authority, declare its intention of entering into such plan by resolution spread upon its minutes and shall jointly with the boards of supervisors of the counties affected file with the Mississippi Agricultural and Industrial Board, a petition for certificate of public convenience and necessity in the manner and for the purpose prescribed by Section 57-1-21, and the governing authority of such municipality is authorized to proceed under Sections 57-1-1 through 57-1-51, for and on behalf of the municipality and the municipal separate school district territory the same as if such territory were a part of said municipality.

**SECTION 54.** Section 57-1-73, Mississippi Code of 1972, is brought forward as follows:

57-1-73. Should the certificate of public convenience and necessity be issued by the Mississippi Agricultural and Industrial
Board the governing authority of such municipality shall call an election in the municipality and in the territory outside the municipality in the manner and method for calling, conducting and holding elections provided in Section 57-1-25, and should two thirds of the qualified electors residing in the municipality and voting in the election, and two thirds of the qualified electors residing in the territory outside the municipality forming a part of the municipal separate school district of which such territory and municipality are a part and voting in the election, vote in favor of the enterprise, such municipal separate school district including the municipality shall be deemed a municipality within the meaning of Sections 57-1-1 through 57-1-51, and shall have all rights, powers and authority to act by and through the governing authority of such municipality granted to municipalities as defined in Sections 57-1-1 through 57-1-51 and by said sections.

SECTION 55. Section 57-1-75, Mississippi Code of 1972, is brought forward as follows:

57-1-75. The governing authority of the municipality as defined in Sections 57-1-71 and 57-1-73, subject to the approval of the boards of supervisors of each county having territory involved, may issue such bonds as may be authorized in the election held for the operation of the enterprise, and may make all contracts for the erection of buildings and structures and the acquisition and purchase of lands, and for the operation of such enterprise. It shall not be necessary for contracts entered into...
by the governing authority of the municipality to be approved by
the boards of supervisors of the counties having territory
included in such municipal separate school district.

SECTION 56. Section 57-1-77, Mississippi Code of 1972, is
brought forward as follows:

57-1-77. The bonds issued under Section 57-1-75 shall be
issued and signed in the manner provided for the issuance of bonds
by municipalities by Sections 57-1-1 through 57-1-51, and shall
pledge the full faith and credit of the entire municipal separate
school district for which said bonds are issued, including the
municipality and the territory outside such municipality lying in
adjoining supervisors districts of adjacent counties.

SECTION 57. Section 57-1-79, Mississippi Code of 1972, is
brought forward as follows:

57-1-79. The governing authority of such municipality as
defined in Sections 57-1-71 and 57-1-73 shall designate a
depository for the funds of the municipality in the same manner as
county depositories are designated.

SECTION 58. Section 57-1-81, Mississippi Code of 1972, is
brought forward as follows:

57-1-81. On or before the first Monday of September of each
year the governing authority of the municipality shall meet and
levy a tax sufficient upon the taxable property of the territory,
including the municipality, to provide funds for the payment of
interest on bonds and the payment of bonds maturing within one
year, and to provide a sinking fund for the redemption of any outstanding bonds and shall certify such levy to the boards of supervisors of each of the counties affected, prior to the date on which county tax levies are fixed, and it shall be the duty of the respective boards of supervisors to levy the tax prescribed by the governing authority of the municipality upon the taxable property of the territory, including the municipality located in their respective county. The tax collector of each county shall thereupon collect such tax in the same manner and at the same time as other taxes are collected and shall transmit the proceeds thereof to the governing authority of the municipality for deposit to the proper depository.

**SECTION 59.** Section 57-1-83, Mississippi Code of 1972, is brought forward as follows:

57-1-83. For the purpose of operating or engaging in the enterprise as authorized at the election held for that purpose the municipality herein authorized acting by and through its governing authority shall have all the rights, powers and authority granted to municipalities by Sections 57-1-1 through 57-1-51, to act for the territory comprising the municipal separate school district of which such municipality is a part.

**SECTION 60.** Section 57-1-101, Mississippi Code of 1972, is brought forward as follows:

57-1-101. When a city, town or village and the supervisors district wherein such city, town or village is situated desire to
enter jointly into the establishment of an industrial enterprise under the provisions of Sections 57-1-1 through 57-1-51, the governing body of such city, town or village and the board of supervisors of the county in which such supervisors district is situated shall each declare its intention of entering into such plan by resolution spread upon its minutes, and they shall jointly file with the Mississippi Agricultural and Industrial Board, a petition for a joint certificate of public convenience and necessity in the manner and for the purposes prescribed by Section 57-1-21. Such joint petition for such joint certificate of public convenience and necessity shall, in addition to any other information required to be furnished, set out the amount of bonds or other expenditures such city, town or village and such supervisors district propose separately to issue or make for such enterprise. The Mississippi Agricultural and Industrial Board is authorized and empowered to issue or refuse to issue such joint certificate of public convenience and necessity in accordance with the provisions of Section 57-1-21, except that such certificate when issued shall be entitled and be a joint certificate of public convenience and necessity. Where such a petition for a joint certificate is filed, the board, in addition to the findings prescribed by Section 57-1-21, shall before it issues such joint certificate also find and determine affirmatively that the aggregate bonded indebtedness of such city, town or village and such supervisors district incurred under the provisions of
Sections 57-1-101 through 57-1-107, shall not exceed the aggregate of twenty percent (20%) of the total assessed valuation of all the property in the city, town or village, computed as in the case of an application by such city, town or village alone, plus twenty percent (20%) of the total assessed valuation of all the property in the supervisors district.

SECTION 61. Section 57-1-103, Mississippi Code of 1972, is brought forward as follows:

57-1-103. Should such joint certificate of public convenience and necessity be issued by the Mississippi Agricultural and Industrial Board, the governing authority of such city, town or village shall direct the holding of an election in the manner provided as to it by Section 57-1-25, and the board of supervisors of the county in which such supervisors district is situated shall direct the holding of a separate election in such supervisors district in the manner provided by Section 57-1-25 for such elections. In the event the proposal be approved as required by Section 57-1-25, both in the election for the supervisors district and in the election for the city, town or village, computed and declared separately, then the board of supervisors and the governing authority of such city, town or village, respectively, may issue the bonds authorized by said elections, respectively, as provided by the aforesaid Sections 57-1-1 through 57-1-51.
**SECTION 62.** Section 57-1-105, Mississippi Code of 1972, is brought forward as follows:

57-1-105. When a city, town or village and the supervisors district wherein such city, town or village is situated join for the establishment of an industrial enterprise under the provisions of Sections 57-1-101 through 57-1-107 they shall be and they are hereby authorized to exercise the powers conferred by Sections 57-1-1 through 57-1-51; and for the purpose of carrying out such joint industrial enterprise, all provisions of Sections 57-1-1 through 57-1-51, so far as the same are applicable, shall apply to all proceedings by such city, town or village and to all proceedings by such board of supervisors for the county in which such supervisors district is situated. The city, town or village and the supervisors district so joining shall have each an undivided interest in the industrial enterprise, including any land acquired for such purpose, in the same proportion as the amount of bonds issued by each bears to the total issued by both.

**SECTION 63.** Section 57-1-107, Mississippi Code of 1972, is brought forward as follows:

57-1-107. When a city, town or village and the supervisors district wherein such city, town or village is situated join as provided in Sections 57-1-101 through 57-1-107 for the establishment of an industrial enterprise under the provisions of said sections, they shall be and are hereby authorized to contract jointly for the acquisition of land and to jointly enter into
contracts for the purpose of establishing, operating, maintaining or leasing such industrial enterprise, including contracts for the construction thereof; or they may, by agreement adopted by resolution spread upon the minutes of the governing authority of such city, town or village and upon the minutes of the board of supervisors of the county, authorize either the governing authority of such city, town or village or the board of supervisors to enter into such contracts for and on behalf of both.

**SECTION 64.** Section 57-1-131, Mississippi Code of 1972, is brought forward as follows:

57-1-131. When two (2) or more adjoining supervisors districts of adjacent counties which desire to enter jointly into the establishment of an enterprise under the provisions of Sections 57-1-1 through 57-1-51, the board of supervisors of each county shall declare its intention of entering into such plan by resolution spread upon its minutes and shall jointly with the boards of supervisors of the counties affected file with the Mississippi Agricultural and Industrial Board, a petition for a certificate of public convenience and necessity in the manner and for the purposes prescribed by Section 57-1-21, and the board of supervisors of each county affected shall name two commissioners who, together with the commissioners appointed by the other counties acting jointly with them, shall constitute a board of commissioners for the purpose of proceeding the same as if the
supervisors districts of the adjacent counties were within the same county.

A petition bearing the signatures of a majority of the qualified electors of a supervisors district filed with the chancery clerk, shall make it the mandatory duty of the board of supervisors of the county to pass the necessary resolution, appoint the commissioners and perform all other duties and functions necessary for the establishment of the enterprise.

**SECTION 65.** Section 57-1-133, Mississippi Code of 1972, is brought forward as follows:

57-1-133. Should a certificate of public convenience and necessity be issued by the Mississippi Agricultural and Industrial Board, the boards of supervisors of each of the counties affected shall call an election in each of the supervisors districts affected in the manner and method for calling, conducting and holding elections provided in Section 57-1-25, and should two thirds of the qualified electors residing in each of the supervisors districts affected voting in the election, vote in favor of the enterprise, the supervisors districts included in the petition for public convenience and necessity shall be deemed a municipality within the meaning of Sections 57-1-1 through 57-1-51, and shall have all rights, powers and authority granted to municipalities as defined in said sections and by said sections.
SECTION 66. Section 57-1-135, Mississippi Code of 1972, is brought forward as follows:

57-1-135. The commissioners authorized by Section 57-1-131 shall be deemed to be the governing body of the municipality. Except as hereinafter provided, the term of each commissioner shall be four (4) years, and until his successor shall have been appointed in like manner and shall have qualified. In case of death, disability or resignation, the vacancy shall be filled for the unexpired term by appointment to be made by the board of supervisors of the county in which such vacancy occurred. Of the two (2) commissioners first appointed by each county, one (1) shall be designated to serve for a term of two (2) years, and the other shall be designated to serve for a term of four (4) years, and until their respective successors shall have been appointed and qualified. The aforesaid designations shall be made by the respective boards of supervisors. Such commissioners shall constitute a board, and shall organize by electing a president and a secretary, and by adopting an official seal with which to attest its official acts, and by adopting a name by which the municipality formed by the districts involved shall be known and recognized. The adoption of a name for any such municipality prior to the enactment of this statute is hereby validated and confirmed. The commissioners shall meet at such time and place as they may determine, shall keep full, complete and permanent minutes of their meetings and records of their proceedings, and
shall receive no compensation for their services, except
reimbursement for actual and necessary expenses incurred by them
in traveling in performance of their duties. No action taken by
such commissioners and no contract or agreement entered into by
them shall be valid and effectual unless and until the same is
approved by the board of supervisors of each county having
territory involved, by resolution spread at large upon the minutes
of such board.

SECTION 67. Section 57-1-137, Mississippi Code of 1972, is
brought forward as follows:

57-1-137. For the purpose of operating or engaging in the
enterprise as authorized at the election held for that purpose,
the municipality herein authorized acting through its board of
commissioners and subject to the approval of the boards of
supervisors of each of the counties having territory included
within such municipality shall have all the rights, powers, and
authority granted to municipalities by Sections 57-1-1 through
57-1-51.

SECTION 68. Section 57-1-139, Mississippi Code of 1972, is
brought forward as follows:

57-1-139. The board of commissioners of the municipality as
defined in Section 57-1-133, subject to the approval of the boards
of supervisors of each county having territory involved, may issue
such bonds as may be authorized in the election held for the
operation of the enterprise, and may make all contracts for the
erection of buildings and structures and the acquisition and
purchase of lands, and for the operation of such enterprise. All
such contracts so entered into by such commissioners shall not be
valid, however, until approved by resolution spread at large upon
the minutes of each of the boards of supervisors of the counties
having territory included in the municipality.

SECTION 69. Section 57-1-141, Mississippi Code of 1972, is
brought forward as follows:

57-1-141. The bonds issued under Section 57-1-139 shall be
signed by the president of the board of commissioners, counter
signed by the clerk of said board of commissioners, and shall
pledge the full faith and credit of the supervisors districts
included in the municipality.

SECTION 70. Section 57-1-143, Mississippi Code of 1972, is
brought forward as follows:

57-1-143. The board of commissioners of the municipality as
defined in Section 57-1-133 shall designate a depository for the
funds of the municipality in the same manner as county
depositories are designated.

SECTION 71. Section 57-1-145, Mississippi Code of 1972, is
brought forward as follows:

57-1-145. On or before the first Monday of September of each
year, the board of commissioners for the municipality comprising
two or more supervisors districts of adjacent counties shall meet
and levy a tax sufficient upon the taxable property of the
territory to provide funds for the payment of interest on bonds and the payment of bonds maturing within one year, and to provide a sinking fund for the redemption of any outstanding bond and shall certify such levy to the boards of supervisors of each of the counties affected, prior to the date on which county tax levies are fixed, and it shall be the duty of the respective boards of supervisors to levy the tax prescribed by the board of commissioners of the municipality upon the taxable property of the territory of the county which is embraced in the municipality. The tax collector of each county shall thereupon collect such tax in the same manner and at the same time as other taxes are collected and shall transmit the proceeds thereof to the proper depositories.

SECTION 72. Section 57-1-171, Mississippi Code of 1972, is brought forward as follows:

57-1-171. The word "municipality" as used in Sections 57-1-171 through 57-1-179 shall mean "county, supervisors district, city, town or village."

SECTION 73. Section 57-1-173, Mississippi Code of 1972, is brought forward as follows:

57-1-173. Whenever a supervisors district or a city, town or village in a supervisors district, or both, which adjoins a supervisors district in the same county, already having a certificate of convenience and necessity issued under the provisions of Sections 57-1-1 through 57-1-51, and which has
already voted to engage in an enterprise authorized under the
provisions of said sections, desires to join in the enterprise,
the adjoining supervisors district or city, town or village, or
both, wishing to so join may make application to the Mississippi
Agricultural and Industrial Board for a certificate of convenience
and necessity, the same as if such supervisors district or city,
town or village, or both, had joined with the supervisors district
already having a certificate of convenience and necessity in its
original application. Such application shall show that the
joining of the said supervisors district or city, town or village,
or both, will benefit such municipality by the use of its natural
resources or the employment of its labor, and that it has adequate
property values and suitable financial conditions so that the
total bonded indebtedness of the municipality shall not exceed
twenty percent (20%) of the total assessed valuation of all of the
property in the municipality, and that the joining of such
municipality in the operation of the enterprise by the supervisors
district already holding a certificate of convenience and
necessity shall result in the enlargement of the enterprise and
that such enlargement of the enterprise shall benefit the
petitioning municipality. The board may issue a certificate of
convenience and necessity the same as if the petitioning
municipality had joined in the original application. However,
when bonds are issued jointly by a municipality and a county or a
supervisors district of such county, then in such event, the
limitation of twenty percent (20%) of the assessed valuation of such municipality or county or supervisors district shall apply to each such taxing district even though such assessments include identical property.

SECTION 74. Section 57-1-175, Mississippi Code of 1972, is brought forward as follows:

57-1-175. When such certificate of convenience and necessity is issued authorizing the petitioning municipality to join in the operation of the enterprise, proceedings thereafter shall be held within such municipality as is provided in Sections 57-1-1 through 57-1-51 with reference to notice, voting and election, and such municipality may issue its bonds in such amount as may be authorized by the board for the enlargement and extension of the enterprise.

SECTION 75. Section 57-1-177, Mississippi Code of 1972, is brought forward as follows:

57-1-177. All provisions of Sections 57-1-1 through 57-1-51, so far as the same are applicable, shall apply to all proceedings by the municipality desiring to join with another municipality which has already received a certificate of convenience and necessity.

SECTION 76. Section 57-1-179, Mississippi Code of 1972, is brought forward as follows:

57-1-179. The municipality joining with another municipality which has already received a certificate of convenience and
necessity shall have an undivided interest in the enterprise in
the same proportion as the amount of bonds issued by such
municipality bears to the total bonds issued by both
municipalities in the establishment of such enterprise.

SECTION 77. Section 57-1-221, Mississippi Code of 1972, is
brought forward as follows:

57-1-221. (1) As used in this section:

(a) "Approved business enterprise" means any project
that:

(i) Locates or expands in this state and creates a
minimum of two hundred fifty (250) new, full-time jobs with a
total capital investment in the state of a minimum of Thirty
Million Dollars ($30,000,000.00) in Tier 1 or Tier 2 counties;

(ii) Locates or expands in this state and creates
a minimum of one hundred fifty (150) new, full-time jobs with a
total capital investment in the state of a minimum of Fifteen
Million Dollars ($15,000,000.00) in areas federally designated as
low-income census tracts;

(iii) Locates or expands in this state and creates
a minimum of one thousand (1,000) new, full-time jobs;

(iv) Is a manufacturer of high-end kitchen
appliances having at least four hundred (400) employees working at
its Mississippi facilities on January 1, 2015, and with a capital
investment of at least Five Million Dollars ($5,000,000.00) made
after July 1, 2014, through four (4) years after July 1, 2015,
that expands in this state, and retains a minimum of four hundred
(400) jobs; or
(v) Locates or expands in this state with significant regional impact as determined by MDA.

(b) "MDA" means the Mississippi Development Authority.
(c) "Facility related to the project" means and includes any of the following, as they may pertain to the project:
   (i) Facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project;
   (ii) Building facilities and equipment necessary to operate the facility;
   (iii) Rail lines;
   (iv) Airports, airfields, air terminals and port facilities;
   (v) Highways, streets and other roadways; and
   (vi) Fire protection facilities, equipment and elevated water tanks.

(d) "Project" means any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise that is approved by the MDA.
(2) (a) There is created a special fund in the State Treasury to be known as the Mississippi Industry Incentive Financing Revolving Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Except as otherwise provided, monies in the fund shall be disbursed by the Mississippi Development Authority for the purposes authorized in subsection (3) of this section. The Mississippi Development Authority shall allocate and disburse Thirty Million Dollars ($30,000,000.00) from the fund as a grant to Mississippi State University for the construction, furnishing and equipping of a high-performance computing data center that is home to federally designated centers of computing excellence. The disbursement of such funds shall not be subject to any requirements of this section relating to grants and loans made by the Mississippi Development Authority under this section.

(b) Monies in the fund that are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs
shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a program to make grants or loans from the Mississippi Industry Incentive Financing Revolving Fund to local governments, including, but not limited to, counties, municipalities, industrial development authorities and economic development districts, and approved business enterprises to construct or otherwise provide facilities related to the project. Local governments are authorized to accept grants and enter into loans authorized under the program, and to sell, lease or otherwise dispose of a project or any property related to the project in whole or in part.

(4) (a) Except as otherwise provided in this section, any business enterprise or local government desiring a grant or loan under this section shall submit an application to the MDA which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an approved business enterprise;

(ii) A description, including the cost, of the requested assistance;

(iii) A description of the purpose for which the assistance is requested; and

(iv) Any other information required by the MDA.
(b) Except as otherwise provided in this section, the MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business enterprise or local government for a grant or loan under this section, the MDA shall determine whether the enterprise meets the definition of an approved business enterprise and determine whether to provide the assistance requested in the form of a grant or a loan.

(d) Except as otherwise provided in subsection (2)(a) of this section, the MDA shall have sole discretion in providing grants or loans under this section. The terms of a grant or loan provided under this section and the manner of repayment of any loan shall be within the discretion of the MDA. Repayments of loans made under this section shall be deposited to the credit of the Mississippi Industry Incentive Financing Revolving Fund until the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00). Once the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00), repayments of
loans under this section shall be deposited to the credit of Fund No. 3951 in the State Treasury to pay debt service on bonds until such time as the uncommitted balance in the fund falls below Fifty Million Dollars ($50,000,000.00).

(e) The MDA shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the approval of any grant or loan application thirty (30) days prior to the disbursement of any monies for the loan or grant from the Mississippi Industry Incentive Financing Revolving Fund. The notification shall identify the applicant and the purposes for which the loan or grant is made.

(5) (a) Contracts, by local governments, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project shall be exempt from the provisions of Section 31-7-13 if:

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

(ii) The approved business enterprise that is involved in the project concurs in such finding.

(b) When the requirements of paragraph (a) of this subsection are met:
(i) The requirements of Section 31-7-13 shall not apply to such contracts; and

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

(6) It is the policy of the MDA and the MDA is authorized to accommodate and support any enterprise that receives a loan under this section for a project defined in Section 17-25-23 that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this subsection.

(7) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section.

SECTION 78. Section 57-1-251, Mississippi Code of 1972, is amended as follows:

SECTION 78. Section 57-1-251, Mississippi Code of 1972, is amended as follows:

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57-1-251. Words and phrases used in Sections 57-1-251 through 57-1-261 shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to Sections 57-1-251 through 57-1-261.

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

(c) "Facility related to the project" means and includes any of the following, as the same may pertain to the project: (i) facilities to provide potable and industrial water supply systems and sewage and waste disposal systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port and marine terminal facilities; (v) pipelines; (vi) storage facilities; (vii) highways, streets and other roadways, including curbing, guttering and storm water sewers; (viii) public school buildings, classrooms and instructional facilities, day care centers, including any functionally related facilities; (ix) parks, outdoor recreation facilities and athletic facilities; (x) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities; (xi) health care facilities, public or private; (xii) buildings and appurtenances used in support of the project; (xiii) security systems, fire suppression and prevention systems, utility distribution systems; and (xiv) on-site
utilities, including, but not limited to, electricity, natural

gas, telephone and other telecommunications facilities.

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

(e) "Project" means the Strategic Petroleum Reserve,
proposed to be constructed by the Department of Energy, any
successor agency thereto, or a private entity engaged in the
business of purchasing, storing, and offering for sale or resale,
petroleum products or natural gas, together with all real property
required for construction, maintenance and operation of the
Strategic Petroleum Reserve, and all building, tunneling and other
supporting land facilities required or useful for construction,
maintenance and operation of the Strategic Petroleum Reserve; or
any project specifically designed to produce, manufacture, mine,
or temporarily store a source of energy, either as primary energy
or as a secondary energy for distribution or sale, or both, to
persons located at or near the site of production, manufacture,
mining, or storage, when such production, manufacturing, mining
and temporary storage activities are limited to the indigenous
natural resources of the state, including oil, natural gas,
lignite and other coal resources, bioenergy resources, salt domes,
depleted underground reservoirs and aquifers suited for the
temporary storage of hydrocarbons to be used as primary energy sources.

(f) "Public agency" means and includes:

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

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

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

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

(g) "State" means State of Mississippi.

SECTION 79. Section 57-1-253, Mississippi Code of 1972, is brought forward as follows:

57-1-253. The department is hereby designated and empowered to act on behalf of the state in submitting a siting proposal for the project. The department is empowered to take all steps appropriate or necessary to effect the siting, development, and operation of the project within the state. If the state is selected as the preferred site for the project, the department is hereby designated and empowered to act on behalf of the state and to represent the state in the planning, financing, development,
construction and operation of the project or any facility related to the project, with the concurrence of the affected public agency. The department may take affirmative steps to coordinate fully all aspects of the submission of a siting proposal for the project and, if the state is selected as the preferred site, to coordinate fully, with the concurrence of the affected public agency, the development of the project or any facility related to the project with private business, the United States government and other public agencies. All public agencies are encouraged to cooperate to the fullest extent possible to effectuate the duties of the department; however, the development of the project or any facility related to the project by the department may be done only with the concurrence of the affected public agency.

SECTION 80. Section 57-1-255, Mississippi Code of 1972, is brought forward as follows:

57-1-255. (1) Upon notification to the department by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the department as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the department may thereafter from time to time declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the
State Bond Commission, provided that prior to said notification, the department may enter into agreements with the United States government, private companies and others that will commit the department to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.

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

(3) Bonds issued under the authority of this section shall not exceed an aggregate principal amount in the sum of Thirty Million Dollars ($30,000,000.00). No bonds shall be issued under the authority of this section after June 30, 2000.

(4) The proceeds from the sale of the bonds issued pursuant to this section may be applied for the purposes of: (a) defraying all or any designated portion of the costs incurred with respect to acquisition, planning, design, construction, installation, rehabilitation, improvement and relocation of the project and any facility related to the project, including costs of design and engineering, all costs incurred to provide land, easements and rights-of-way, relocation costs with respect to the project and with respect to any facility related to the project located within the project area, and costs associated with mitigation of

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environmental impacts; (b) providing for the payment of interest on the bonds; (c) providing debt service reserves; and (d) paying underwriters discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds. Such bonds shall be issued from time to time and in such principal amounts as shall be designated by the department not to exceed in aggregate principal amount the amount authorized in subsection (3) of this section. Proceeds from the sale of the bonds issued pursuant to this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(5) The principal of and the interest on the bonds shall be payable in the manner hereinafter set forth. The bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, be payable at such place or places within or without the state, shall mature absolutely at such time or times, be redeemable prior to maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the State Bond Commission. Provided, however, that such bonds shall mature or
otherwise be retired in annual installments beginning not more than five (5) years from date thereof and extending not more than twenty-five (25) years from date thereof. The bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the State Bond Commission shall be imprinted on or affixed thereto, attested by the manual or facsimile signature of the Secretary of the State Bond Commission. Whenever any such bonds shall have been signed by the officials herein designated to sign the bonds, who were in office at the time of such signing but who may have ceased to be such officers prior to the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser, or had been in office on the date such bonds may bear.

(6) All bonds issued under the provisions of this section shall be and are hereby declared to have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code and in exercising the powers granted by Sections 57-1-251 through 57-1-261, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.
(7) The State Bond Commission shall sell the bonds on sealed bids at public sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101, as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually; provided that the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any bond shall be published at least one (1) time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson and in one or more other newspapers or financial journals with a large national circulation, to be selected by the State Bond Commission.

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

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the
full faith and credit of the state, and if the funds appropriated
by the Legislature shall be insufficient to pay the principal of
and the interest on such bonds as they become due, then the
deficiency shall be paid by the State Treasurer from any funds in
the State Treasury not otherwise appropriated. All bonds shall
contain recitals on their faces substantially covering the
foregoing provisions of this section.

(9) The State Treasurer is hereby authorized, without
further process of law, to certify to the Department of Finance
and Administration the necessity for warrants, and the Department
of Finance and Administration is hereby authorized and directed to
issue such warrants payable out of any funds authorized by this
section for such purpose, in such amounts as may be necessary to
pay when due the principal of and interest on all bonds issued
under the provisions of this section; and the State Treasurer
shall forward the necessary amount to the designated place or
places of payment of such bonds in ample time to discharge such
bonds, or the interest thereon, on the due dates thereof.

(10) The bonds may be issued without any other proceedings
or the happening of any other conditions or things other than
those proceedings, conditions and things which are specified or
required by Sections 57-1-251 through 57-1-261. Any resolution
providing for the issuance of general obligation bonds under the
provisions of this section shall become effective immediately upon
its adoption by the State Bond Commission, and any such resolution
may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

(11) In anticipation of the issuance of bonds hereunder, the State Bond Commission is hereby authorized to negotiate and enter into any purchase, loan, credit or other agreement with any bank, trust company or other lending institution or to issue and sell interim notes for the purpose of making any payments authorized under this section. All borrowings made under this provision shall be evidenced by notes of the state which shall be issued from time to time, for such amounts not exceeding the amount of bonds authorized herein, in such form and in such denomination and subject to such terms and conditions of sale and issuance, prepayment or redemption and maturity, rate or rates of interest not to exceed the maximum rate authorized herein for bonds, and time of payment of interest as the State Bond Commission shall agree to in such agreement. Such notes shall constitute general obligations of the state and shall be backed by the full faith and credit of the state. Such notes may also be issued for the purpose of refunding previously issued notes; provided that no notes shall mature more than three (3) years following the date of issuance of the first note hereunder and provided further, that all outstanding notes shall be retired from the proceeds of the first issuance of bonds hereunder. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other
costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

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

(13) Any bonds or interim notes issued under the provisions of Sections 57-1-251 through 57-1-261, a transaction relating to the sale or securing of such bonds or interim notes, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

(14) All bonds issued pursuant to Sections 57-1-251 through 57-1-261 shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi; and such bonds shall be legal securities which may be deposited
with and shall be received by all public officers and bodies of
the state and all municipalities and other political subdivisions
thereof for the purpose of securing the deposit of public funds.
(15) There is hereby created a special fund in the State
Treasury to be known as the "Major Energy Project Development
Fund" wherein shall be deposited the proceeds of the bonds issued
under Sections 57-1-251 through 57-1-261 and all monies received
by the department to carry out the purposes of such sections.
Expenditures authorized herein shall be paid by the State
Treasurer upon warrants drawn from the fund, and the Department of
Finance and Administration shall issue warrants upon requisitions
signed by the director of the department.
(16) (a) There is hereby created the "Major Energy Project
Development Sinking Fund" from which the principal of and interest
on such bonds shall be paid by appropriation. All monies paid
into the sinking fund not appropriated to pay accruing bonds and
interest shall be invested by the State Treasurer in such
securities as are provided by law for the investment of the
sinking funds of the state.
(b) In the event that all or any part of the bonds and
notes are purchased, they shall be canceled and returned to the
loan and transfer agent as canceled and paid bonds and notes and
thereafter all payments of interest thereon shall cease and the
canceled bonds, notes and coupons, together with any other
canceled bonds, notes and coupons, shall be destroyed as promptly
as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the canceled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of Sections 57-1-251 through 57-1-261 and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

SECTION 81. Section 57-1-257, Mississippi Code of 1972, is brought forward as follows:

57-1-257. For the purpose of aiding in the planning, design, undertaking and carrying out of the project or any facility related to the project, any public agency is authorized and empowered upon such terms, with or without consideration, as it may determine: (a) to enter into agreements, which may extend over any period, with the department respecting action to be taken by such public agency with respect to the acquisition, planning, construction, improvement, operation, maintenance or funding of...
the project or any such facility, and which agreements may include
(i) the appropriation or payment of funds to the department or to
a trustee in amounts which shall be sufficient to enable the
department to defray any designated portion or percentage of the
expenses of administering, planning, designing, constructing,
acquiring, improving, operating, and maintaining the project or
any facility related to the project, (ii) the appropriation or
payment of funds to the department or to a trustee to pay interest
and principal (whether at maturity or upon sinking fund
redemption) on bonds of the department issued pursuant to Sections
57-1-251 through 57-1-261 and to fund reserves for debt service,
for operation and maintenance and for renewals and replacements,
and to fulfill requirements of any covenant with respect to debt
service contained in any resolution, trust indenture or other
security agreement relating to the bonds of the department issued
pursuant to Sections 57-1-251 through 57-1-261, and (iii) the
furnishing of other assistance in connection with the project or
facility related to the project; (b) to dedicate, sell, donate,
convey or lease any property or interest in property to the
department or grant easements, licenses or other rights or
privileges therein to the department; (c) to incur the expense of
any public improvements made or to be made by such public agency
in exercising the powers granted in this section; (d) to lend,
grant or contribute funds to the department; (e) to cause public
buildings and public facilities, including parks, playgrounds,
recreational areas, community meeting facilities, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished to or with respect to the project or any such facility; (f) to furnish, dedicate, close, vacate, pave, install, upgrade or improve highways, streets, roads, sidewalks, airports, railroads, or ports; (g) to plan or replan, zone or rezone any parcel of land within the public agency or make exceptions from land use, building and zoning regulations; and (h) to cause administrative and other services to be furnished to the department, including services pertaining to the acquisition of real property and the furnishing of relocation assistance. Any contract between a public agency entered into with the department pursuant to any of the powers granted by Sections 57-1-251 through 57-1-261 shall be binding upon said public agency according to its terms, and such public agency shall have the power to enter into such contracts as in the discretion of the governing authorities thereof would be to the best interest of the people of such public agency. Such contracts may include within the discretion of such governing authorities of public agencies defined under Section 57-1-251(f)(ii) a pledge of the full faith and credit of such public agency for the performance thereof. If at any time title to or possession of the project or any such facility is held by any public body or governmental agency other than the department, including any agency or instrumentality of the United States of America, the agreements
referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency.

   Notwithstanding any provisions of Sections 57-1-251 through 57-1-261 to the contrary, any contract entered into between the department and any public agency for the appropriation or payment of funds to the department under item (a)(ii) of this section shall contain a provision therein requiring monthly payments by the public agency to pay its indebtedness and, if the public agency is not a county or municipality, such contract shall include as an additional party to the contract the county or municipality (referred to in this paragraph as "levying authority") that levies and collects taxes for the contracting public agency. If the public agency fails to pay its indebtedness for any month, the department shall certify to the State Tax Commission, or other appropriate agency, the amount of the delinquency, and the State Tax Commission shall deduct such amount from the public agency's or levying authority's, as the case may be, next allocation of sales taxes, petroleum taxes, highway privilege taxes, severance taxes, Tennessee Valley Authority payments in lieu of taxes and homestead exemption reimbursements in that order of priority. The State Tax Commission, or other appropriate agency, shall pay the sums so deducted to the department to be applied to the discharge of the contractual obligation.
SECTION 82. Section 57-1-259, Mississippi Code of 1972, is brought forward as follows:

57-1-259. The department shall not undertake to develop any project or facility related to the project within a county, municipality and/or school district without the concurrence of the affected county, municipality and/or school district.

SECTION 83. Section 57-1-261, Mississippi Code of 1972, is brought forward as follows:

57-1-261. The provisions of Sections 57-1-251 through 57-1-261 are cumulative of other statutes now or hereafter enacted relating to the department, and the department may exercise all presently held powers in the furtherance of Sections 57-1-251 through 57-1-261. If any section, paragraph, sentence, clause, phrase or any part of the provisions of Sections 57-1-251 through 57-1-261 is declared to be unconstitutional or void, or for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses and phrases shall in no manner be affected thereby but shall remain in full force and effect.

SECTION 84. Section 57-1-301, Mississippi Code of 1972, is brought forward as follows:

57-1-301. (1) There is established a local governments capital improvements revolving loan program to be administered by the Mississippi Development Authority for the purpose of assisting counties and municipalities in making capital improvements.
(2) For purposes of Sections 57-1-301 through 57-1-335, "capital improvements" include any combination of the following:

(a) Construction or repair of water and sewer facilities;
(b) Construction or repair of drainage systems for industrial development;
(c) Improvements in fire protection;
(d) Construction of new buildings for economic development purposes;
(e) Renovation or repair of existing buildings for economic development purposes;
(f) Construction or repair of access roads for industrial development;
(g) Purchase of buildings for economic development purposes;
(h) Construction or repair of railroad spurs for industrial development;
(i) Construction of any county or municipally owned health care facilities, excluding any county health departments;
(j) Construction, purchase, renovation or repair of any building to be utilized as an auditorium or convention center;
(k) Construction of multipurpose facilities for tourism development;
(l) Loans to a county to aid in retiring interest-bearing loans utilized for the purchase of a motion picture sound stage;

(m) Construction, repair and renovation of parks, swimming pools and recreational and athletic facilities; or

(n) Remediation of brownfield agreement sites in accordance with Sections 49-35-1 through 49-35-25.

SECTION 85. Section 57-1-303, Mississippi Code of 1972, is brought forward as follows:

57-1-303. (1) (a) (i) There is created a special fund in the State Treasury to be designated as the "Local Governments Capital Improvements Revolving Loan Fund," which fund shall consist of such monies as provided in Sections 57-1-307 through 57-1-335. The fund shall be maintained in perpetuity for the purposes established in Sections 57-1-301 through 57-1-335. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized under Sections 57-1-301 through 57-1-335.

(ii) Monies in the Local Governments Capital Improvements Revolving Loan Fund which are derived from interest on loan payments received by the Mississippi Development Authority after January 1, 2002, for loans funded with proceeds of bonds
whose interest is not exempt from income taxation under the provisions of the Internal Revenue Code may be used by the Mississippi Development Authority for the ordinary and necessary general support of the Mississippi Development Authority. However, such monies may not be used for the purpose of providing salary increases for Mississippi Development Authority employees. The Mississippi Development Authority may escalate its budget and expend such monies in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. This subparagraph (ii) shall be repealed from and after July 1, 2022.

(b) The Local Governments Capital Improvements Revolving Loan Fund shall be divided into the Taxable Local Governments Capital Improvements Revolving Loan Subaccount and the Nontaxable Local Governments Capital Improvements Revolving Loan Subaccount. Funds allocated to the Nontaxable Local Governments Capital Improvements Revolving Loan Subaccount shall be utilized to provide loans for capital improvements that would qualify for the issuance of bonds whose interest is exempt from income taxation under the provisions of the Internal Revenue Code. Funds allocated to the Taxable Local Governments Capital Improvements Revolving Loan Subaccount shall be utilized to provide loans for any eligible capital improvements, including, but not limited to, capital improvements that would qualify for the issuance of bonds...
whose interest is exempt from income taxation under the provisions of the Internal Revenue Code.

(c) Of the funds deposited into the Local Governments Capital Improvements Revolving Loan Fund, not less than Twenty-five Million Dollars ($25,000,000.00) shall be allocated to the Nontaxable Local Governments Capital Improvements Revolving Loan Subaccount, and the remainder of such funds shall be allocated to the Taxable Local Governments Capital Improvements Revolving Loan Subaccount.

(2) A county or an incorporated municipality may apply to the Mississippi Development Authority for a loan under the local governments capital improvements revolving loan program established under Sections 57-1-301 through 57-1-335.

(3) (a) The Mississippi Development Authority shall establish a loan program by which loans, at the rate of interest provided for in paragraph (b) of this subsection, may be made available to counties and incorporated municipalities to assist counties and incorporated municipalities in making capital improvements. Loans from the revolving fund may be made to counties and municipalities as set forth in a loan agreement in amounts not to exceed one hundred percent (100%) of eligible project costs as established by the Mississippi Development Authority. The Mississippi Development Authority may require county or municipal participation or funding from other sources, or otherwise limit the percentage of costs covered by loans from
the revolving fund. The Mississippi Development Authority may
establish a maximum amount for any loan in order to provide for
broad and equitable participation in the program and loans for
projects described in Section 57-1-301(1)(m) shall not exceed Two
Hundred Fifty Thousand Dollars ($250,000.00) per project.

(b) (i) Except as otherwise provided in this paragraph
(b), the rate of interest on loans made from the Local Governments
Capital Improvements Revolving Loan Fund for capital improvements
that would qualify for the issuance of bonds whose interest is
exempt from income taxation under the provisions of the Internal
Revenue Code shall be at the rate of three percent (3%) per annum,
calculated according to the actuarial method. The rate of
interest on loans for all other capital improvements shall be at
the true interest cost on the most recent issue of twenty-year
state general obligation bonds occurring prior to the date such
loan is made.

(ii) The rate of interest on loans made after
April 9, 2002, from the Local Governments Capital Improvements
Revolving Loan Fund for capital improvements that would qualify
for the issuance of bonds whose interest is exempt from income
taxation under the provisions of the Internal Revenue Code shall
be at the rate of the lesser of two percent (2%) per annum,
calculated according to the actuarial method, or the true interest
cost on the most recent issue of state general obligation bonds
occurring prior to the date such loan is made. The rate of
interest on loans made after April 9, 2002, for all other capital
improvements shall be at the rate of three percent (3%) per annum,
calculated according to the actuarial method.

(iii) Notwithstanding the provisions of this paragraph to the contrary, loans made for the purposes of the
capital project described in Section 57-1-301(2)(l) shall bear no
interest.

(4) A county that receives a loan from the revolving fund
shall pledge for repayment of the loan any part of the homestead
exemption annual tax loss reimbursement to which it may be
entitled under Section 27-33-77. An incorporated municipality
that receives a loan from the revolving fund shall pledge for
repayment of the loan any part of the sales tax revenue
distribution to which it may be entitled under Section 27-65-75.

Each loan agreement shall provide for (i) monthly payments, (ii)
semiannual payments, or (iii) other periodic payments, the annual
total of which shall not exceed the annual total for any other
year of the loan by more than fifteen percent (15%). The loan
agreement shall provide for the repayment of all funds received
within not more than twenty (20) years from the date of project
completion.

(5) The State Auditor, upon request of the Mississippi
Development Authority, shall audit the receipts and expenditures
of a county or an incorporated municipality whose loan payments
appear to be in arrears, and if he finds that the county or
municipality is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the Mississippi Development Authority.

(6) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

(7) There is created a special fund in the State Treasury to be designated as the "Local Governments Brownfields Redevelopment Grant Fund." The fund shall consist of those monies as provided in Section 57-1-307. Unexpended amounts remaining in the fund at the end of the fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund may not be used or expended for any purpose except as authorized in this section. From and after July 1, 2009, the Local Governments Brownfields Redevelopment Grant Fund is abolished and all money in the fund shall be transferred to the Local Governments Capital Improvements Revolving Loan Fund.
(8) The Mississippi Development Authority may, on a case-by-case basis, renegotiate the payment of principal and interest on loans made under Sections 57-1-301 through 57-1-335 to the six (6) most southern counties of the state covered by the Presidential Declaration of Major Disaster for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005, and to political subdivisions located in such counties; however, the interest on the loans shall not be forgiven for a period of more than twenty-four (24) months and the maturity of the loans shall not be extended for a period of more than forty-eight (48) months.

SECTION 86. Section 57-1-305, Mississippi Code of 1972, is amended as follows:

57-1-305. In administering the provisions of Sections 57-1-301 through 57-1-335, the Mississippi Development Authority shall have the following powers and duties:

(a) To supervise the use of all funds made available under Sections 57-1-301 through 57-1-335 for local governments capital improvements;

(b) To review and certify all projects for which funds are authorized to be made available under Sections 57-1-301 through 57-1-335 for local governments capital improvements;

(c) To requisition monies in the Local Governments Capital Improvements Revolving Loan Fund and distribute those monies on a project-by-project basis in accordance with the provisions of Sections 57-1-301 through 57-1-335;
(d) To insure that the funds made available to a county or an incorporated municipality under Sections 57-1-301 through 57-1-335 provide for an equitable distribution of projects and funds among the counties and incorporated municipalities;

(e) To maintain an accurate record of all local governments capital improvements funds made available to counties and municipalities and the costs for each project.

(f) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the provisions of Sections 57-1-301 through 57-1-335; and

(g) To file annually with the Legislature a report detailing how monies in the Local Governments Capital Improvements Revolving Loan Fund were spent during the preceding fiscal year in each county and incorporated municipality, the number of projects approved and constructed, and the cost of each project.

SECTION 87. Section 57-1-307, Mississippi Code of 1972, is brought forward as follows:

57-1-307. (1) The State Bond Commission, at one time, or from time to time, may declare by resolution the necessity for issuance of general obligation bonds of the State of Mississippi to provide funds for all costs incurred or to be incurred for the purposes described in Section 57-1-303. Upon the adoption of a resolution by the Mississippi Development Authority, declaring the necessity for the issuance of any part or all of the general obligation bonds authorized by this section, the Mississippi
Development Authority shall deliver a certified copy of its resolution or resolutions to the State Bond Commission. Upon receipt of such resolution, the State Bond Commission, in its discretion, may act as the issuing agent, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds so authorized to be sold and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The total amount of bonds issued under Sections 57-1-307 through 57-1-335 shall not exceed One Hundred Fifteen Million Dollars ($115,000,000.00); provided, however, that an additional amount of bonds may be issued under Sections 57-1-307 and 57-1-335 in an amount not to exceed Thirteen Million Dollars ($13,000,000.00), and the proceeds of any such additional amount of bonds so issued shall be utilized solely to provide loans for capital improvements that would qualify for the issuance of bonds whose interest is exempt from income taxation under the provisions of the Internal Revenue Code.

(2) Proceeds from the sale of bonds shall be deposited in the special fund created in Section 57-1-303. Any investment earnings on amounts deposited into the special fund created in Section 57-1-303 shall be used to pay debt service on bonds issued under Sections 57-1-307 through 57-1-335, in accordance with the proceedings authorizing issuance of such bonds.
SECTION 88. Section 57-1-309, Mississippi Code of 1972, is brought forward as follows:

57-1-309. The principal of and interest on the bonds authorized under Section 57-1-307 shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the State Bond Commission.

SECTION 89. Section 57-1-311, Mississippi Code of 1972, is brought forward as follows:

57-1-311. The bonds authorized by Section 57-1-307 shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the Secretary of the State Bond Commission. The interest coupons, if any, to be attached to such bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the
time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

SECTION 90. Section 57-1-313, Mississippi Code of 1972, is brought forward as follows:

57-1-313. All bonds and interest coupons issued under the provisions of Sections 57-1-307 through 57-1-335 have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

SECTION 91. Section 57-1-315, Mississippi Code of 1972, is brought forward as follows:

57-1-315. The State Bond Commission shall act as issuing agent for the bonds authorized under Section 57-1-307, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale
of the bonds, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The State Bond Commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 57-1-307 through 57-1-335 from the proceeds derived from the sale of such bonds. The State Bond Commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. All interest accruing on such bonds so issued shall be payable semiannually or annually.

If such bonds are sold by sealed bids at public sale, notice of the sale shall be published at least one time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, selected by the commission.

The State Bond Commission, when issuing any bonds under the authority of Sections 57-1-307 through 57-1-335, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.
**SECTION 92.** Section 57-1-317, Mississippi Code of 1972, is brought forward as follows:

57-1-317. The bonds issued under the provisions of Sections 57-1-307 through 57-1-335 are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

**SECTION 93.** Section 57-1-319, Mississippi Code of 1972, is amended as follows:

57-1-319. Upon the issuance and sale of bonds under the provisions of Sections 57-1-307 through 57-1-335, the State Bond Commission shall transfer the proceeds of any such sale or sales to the special fund created in Section 57-1-303. The proceeds of such bonds shall be disbursed solely upon the order of the * * * Mississippi Development Authority* * * under such restrictions, if any, as may be contained in the resolution providing for the issuance of the bonds.

**SECTION 94.** Section 57-1-321, Mississippi Code of 1972, is brought forward as follows:
57-1-321. The bonds authorized under Sections 57-1-307 through 57-1-335 may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions and things which are specified or required by Sections 57-1-307 through 57-1-335. Any resolution providing for the issuance of bonds under the provisions of Sections 57-1-307 through 57-1-335 shall become effective immediately upon its adoption by the State Bond Commission, and any such resolution may be adopted at any regular or special meeting of the State Bond Commission by a majority of its members.

SECTION 95. Section 57-1-323, Mississippi Code of 1972, is brought forward as follows:

57-1-323. The bonds authorized under the authority of Sections 57-1-307 through 57-1-335 may be validated in the Chancery Court of the First Judicial District of Hinds County, Mississippi, in the manner and with the force and effect provided by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The notice to taxpayers required by such statutes shall be published in a newspaper published or having a general circulation in the City of Jackson, Mississippi.

SECTION 96. Section 57-1-325, Mississippi Code of 1972, is brought forward as follows:

57-1-325. Any holder of bonds issued under the provisions of Sections 57-1-307 through 57-1-335 or of any of the interest
coupons pertaining thereto may, either at law or in equity, by
suit, action, mandamus or other proceeding, protect and enforce
any and all rights granted under Sections 57-1-307 through
57-1-335, or under such resolution, and may enforce and compel
performance of all duties required by Sections 57-1-307 through
57-1-335 to be performed, in order to provide for the payment of
bonds and interest thereon.

SECTION 97. Section 57-1-327, Mississippi Code of 1972, is
brought forward as follows:

57-1-327. All bonds issued under the provisions of Sections
57-1-307 through 57-1-335 shall be legal investments for trustees
and other fiduciaries, and for savings banks, trust companies and
insurance companies organized under the laws of the State of
Mississippi, and such bonds shall be legal securities which may be
deposited with and shall be received by all public officers and
bodies of this state and all municipalities and political
subdivisions for the purpose of securing the deposit of public
funds.

SECTION 98. Section 57-1-329, Mississippi Code of 1972, is
brought forward as follows:

57-1-329. Bonds issued under the provisions of Sections
57-1-307 through 57-1-335 and income therefrom shall be exempt
from all taxation in the State of Mississippi.

SECTION 99. Section 57-1-331, Mississippi Code of 1972, is
brought forward as follows:
57-1-331. The proceeds of the bonds issued under Sections 57-1-307 through 57-1-335 shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

**SECTION 100.** Section 57-1-333, Mississippi Code of 1972, is brought forward as follows:

57-1-333. The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Executive Director of the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 57-1-307 through 57-1-335; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

**SECTION 101.** Section 57-1-335, Mississippi Code of 1972, is brought forward as follows:

57-1-335. Sections 57-1-307 through 57-1-335 shall be deemed to be full and complete authority for the exercise of the powers herein granted, but Sections 57-1-307 through 57-1-335 shall not be deemed to repeal or to be in derogation of any existing law of this state.
SECTION 102. Section 57-1-351, Mississippi Code of 1972, is amended as follows:

57-1-351. Words and phrases used in Sections 57-1-351 through 57-1-369 shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Bonds" means general obligation bonds, interim notes and other evidences of debt of the State of Mississippi issued pursuant to Sections 57-1-351 through 57-1-369.

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

(c) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school buildings, classrooms and instructional facilities, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities; and (ix) health care facilities, public or private.
(d) "Person" means any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, governmental unit, public agency, political subdivision, or any other group acting as a unit, and the plural as well as the singular.

(e) "Project" means any private company developed under the name "Project Cougar" that is a heavy manufacturing enterprise which will be located on more than two hundred fifty (250) acres of land, will require a building that contains in excess of five hundred thousand (500,000) square feet and will employ in excess of one thousand (1,000) people at the facility in a full-time capacity.

(f) "Project area" means the project site, together with any area or territory within the state lying within fifteen (15) miles of any portion of the project site whether or not such area or territory be contiguous. The project area shall also include all territory within a county if any portion of such county lies within fifteen (15) miles of any portion of the project site. "Project site" means the real property on which the principal facilities of the enterprise will operate.

(g) "Public agency" means:

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

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

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

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

(h) "State" means State of Mississippi.

SECTION 103. Section 57-1-353, Mississippi Code of 1972, is amended as follows:

57-1-353. * * * MDA is hereby designated and empowered to act on behalf of the state in submitting a siting proposal for the project eligible for assistance under this act. * * * MDA is empowered to take all steps appropriate or necessary to effect the siting, development, and operation of the project within the state. If the state is selected as the preferred site for the project, * * * MDA is hereby designated and empowered to act on behalf of the state and to represent the state in the planning, financing, development, construction and operation of the project or any facility related to the project, with the concurrence of the affected public agency. * * * MDA may take affirmative steps to coordinate fully all aspects of the submission of a siting proposal for the project and, if the state is selected as the preferred site, to coordinate fully, with the concurrence of the affected public agency, the development of the project or any
facility related to the project with private business, the United
States government and other public agencies. All public agencies
are encouraged to cooperate to the fullest extent possible to
effectuate the duties of * * * MDA; however, the development of
the project or any facility related to the project by * * * MDA
may be done only with the concurrence of the affected public
agency.

SECTION 104. Section 57-1-355, Mississippi Code of 1972, is
amended as follows:

57-1-355. * * * MDA, in addition to any and all powers now
or hereafter granted to it, is empowered and shall exercise
discretion and the use of these powers depending on the
circumstances of the project or projects:

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

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

(c) To apply for, accept and utilize grants, gifts and
other funds or aid from any source for any purpose contemplated by
Sections 57-1-351 through 57-1-369, and to comply, subject to the
provisions of Sections 57-1-351 through 57-1-369, with the terms
and conditions thereof.
(d) To acquire by purchase or lease any public lands and public property, including sixteenth section lands and lieu lands, within the project area, which are necessary for the project. Sixteenth section lands or lieu lands acquired under Sections 57-1-351 through 57-1-369 shall be deemed to be acquired for the purposes of industrial development thereon and such acquisition will serve a higher public interest in accordance with the purposes of Sections 57-1-351 through 57-1-369.

(e) If * MDA identifies any land owned by the state as being necessary, for the location or use of the project, or any facility related to the project, to recommend to the Legislature the conveyance of such land or any interest therein, as the Legislature deems appropriate.

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

(g) From and after the date of notification to * MDA by the enterprise that the state has been finally selected as the site of the project, to acquire by condemnation and to own, maintain, use, operate and convey or otherwise dispose of any and all property of any kind, real, personal or mixed, or any interest or estate therein, within the project area, necessary for the project or any facility related to the project, with the concurrence of the affected public agency, and the exercise of the powers granted by Sections 57-1-351 through 57-1-369, according to
the procedures provided by Chapter 27, Title 11, Mississippi Code of 1972, except as modified by Sections 57-1-351 through 57-1-369.

   (i) In acquiring lands by condemnation, * * * MDA shall not acquire minerals or royalties in minerals unless a competent registered professional engineer shall have certified that the acquisition of such minerals and royalties in minerals is necessary for purposes of the project; provided that limestone, clay, chalk, sand and gravel shall not be considered as minerals within the meaning of this section; and

   (ii) Unless minerals or royalties in minerals have been acquired by condemnation or otherwise, no person or persons owning the drilling rights or the right to share in production of minerals shall be prevented from exploring, developing, or producing oil or gas with necessary rights-of-way for ingress and egress, pipelines and other means of transporting interests on any land or interest therein of the authority held or used for the purposes of Sections 57-1-351 through 57-1-369; but any such activities shall be under such reasonable regulation by * * * MDA as will adequately protect the project contemplated by Sections 57-1-351 through 57-1-369 as provided in paragraph (r) of this section.

   (h) To negotiate the necessary relocation or rerouting of roads and highways, railroad, telephone and telegraph lines and properties, electric power lines, pipelines and related facilities, or to require the anchoring or other protection of any
of these, provided due compensation is paid to the owners thereof or agreement is had with such owners regarding the payment of the cost of such relocation, and to acquire by condemnation or otherwise easements or rights-of-way for such relocation or rerouting and to convey the same to the owners of the facilities being relocated or rerouted in connection with the purposes of Sections 57-1-351 through 57-1-369.

(i) To negotiate the necessary relocation of cemeteries and to pay all reasonable costs thereof.

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

(k) To construct, extend, improve, maintain, and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate any and all components of the project or any facility related to the project, with the concurrence of the affected public agency, within the project area, necessary to the project and to the exercise of such powers, rights, and privileges granted MDA.
(l) To incur or defray any designated portion of the cost of any component of the project or any facility related to the project acquired or constructed by any public agency.

(m) To lease, sell or convey any or all property acquired by **MDA** under the provisions of Sections 57-1-351 through 57-1-369 to the enterprise, its successors or assigns, and in connection therewith to pay the costs of title search, perfection of title, title insurance and recording fees as may be required. **MDA** may provide in the instrument conveying such property a provision that such property shall revert to **MDA** if, as and when the property is declared by the enterprise to be no longer needed.

(n) To enter into contracts with any person or public agency including, but not limited to, contracts authorized by Section 57-1-363, in furtherance of any of the purposes authorized by Sections 57-1-351 through 57-1-369 upon such consideration as **MDA** and such person or public agency may agree. Any such contract may extend over any period of time, notwithstanding any rule of law to the contrary, may be upon such terms as the parties thereto shall agree, and may provide that it shall continue in effect until bonds specified therein, refunding bonds issued in lieu of such bonds, and all other obligations specified therein are paid or terminated. Any such contract shall be binding upon the parties thereto according to its terms. Such contracts may include an agreement to reimburse the enterprise, its successors...
and assigns for any assistance provided by the enterprise in the
acquisition of real property for the project or any facility
related to the project.

(o) To establish and maintain reasonable rates and
charges for the use of any facility within the project area owned
or operated by * * * MDA, and from time to time to adjust such
rates and to impose penalties for failure to pay such rates and
charges when due.

(p) To adopt and enforce with the concurrence of the
affected public agency all necessary and reasonable rules and
regulations to carry out and effectuate the implementation of the
project and any land use plan or zoning classification adopted for
the project area, including but not limited to, rules,
regulations, and restrictions concerning mining, construction,
excavation or any other activity the occurrence of which may
endanger the structure or operation of the project. Such rules
may be enforced within the project area and without the project
area as necessary to protect the structure and operation of the
project. * * * MDA is authorized to plan or replan, zone or
rezone, and make exceptions to any regulations, whether local or
state, with the concurrence of the affected public agency which
are inconsistent with the design, planning, construction or
operation of the project and facilities related to the project.
(q) To plan, design, coordinate and implement measures and programs to mitigate impacts on the natural environment caused by the project or any facility related to the project.

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

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

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

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

(v) To promulgate rules and regulations necessary to effectuate the purposes of Sections 57-1-351 through 57-1-369.

SECTION 105. Section 57-1-357, Mississippi Code of 1972, is amended as follows:

57-1-357. The Board of Trustees of State Institutions of Higher Learning is hereby authorized to support the project by
creating institutes and developing curricula of direct benefit to
the enterprise. Upon notification to ** MDA by the enterprise
that the state has been selected as the site of the project, the
Board of Trustees of State Institutions of Higher Learning may
establish and create programs to enhance the project's success.

**SECTION 106.** Section 57-1-359, Mississippi Code of 1972, is
amended as follows:

57-1-359. ** MDA shall utilize not more than the amount
of the proceeds of the bonds authorized to be issued under Section
6(3)(b) of this act [Laws, 1998, Chapter 301], for the purpose of
making interest-bearing loans to counties or municipalities in
order for such counties or municipalities to lend to the private
company that falls under the definition of the term "project," the
proceeds of the loan from ** MDA to any such county or
municipality.

**SECTION 107.** Section 57-1-363, Mississippi Code of 1972, is
amended as follows:

57-1-363. For the purpose of aiding in the planning, design,
undertaking and carrying out of the project or any facility
related to the project, any public agency is authorized and
empowered upon such terms, with or without consideration, as it
may determine:

(a) To enter into agreements, which may extend over any
period, with ** MDA respecting action to be taken by such
public agency with respect to the acquisition, planning,
construction, improvement, operation, maintenance or funding of
the project or any such facility, and which agreements may include
(i) the appropriation or payment of funds to MDA or to a
trustee in amounts which shall be sufficient to enable MDA
to defray any designated portion or percentage of the expenses of
administering, planning, designing, constructing, acquiring,
 improving, operating, and maintaining the project or any facility
related to the project, (ii) the appropriation or payment of funds
to MDA or to a trustee to pay interest and principal
(whether at maturity or upon sinking fund redemption) on bonds
issued pursuant to Sections 57-1-351 through 57-1-369 and to fund
reserves for debt service, for operation and maintenance and for
renewals and replacements, and to fulfill requirements of any
covenant with respect to debt service contained in any resolution,
trust indenture or other security agreement relating to the bonds
issued pursuant to Sections 57-1-351 through 57-1-369, and (iii)
the furnishing of other assistance in connection with the project
or facility related to the project;
(b) To dedicate, sell, donate, convey or lease any
property or interest in property to MDA or grant easements,
licenses or other rights or privileges therein to MDA;
(c) To incur the expense of any public improvements
made or to be made by such public agency in exercising the powers
granted in this section;
(d) To lend, grant or contribute funds to MDA;
(e) To cause public buildings and public facilities, including parks, playgrounds, recreational areas, community meeting facilities, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished to or with respect to the project or any such facility;

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

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

(h) To cause administrative and other services to be furnished to **MDA**, including services pertaining to the acquisition of real property and the furnishing of relocation assistance.

Any contract between a public agency entered into with **MDA** pursuant to any of the powers granted by Sections 57-1-351 through 57-1-369 shall be binding upon the public agency according to its terms, and such public agency shall have the power to enter into such contracts as in the discretion of the governing authorities thereof would be to the best interest of the people of such public agency. Such contracts may include within the discretion of such governing authorities of public agencies defined under Section 57-1-351(g)(ii) a pledge of the full faith and credit of such public agency for the performance thereof. If
at any time title to or possession of the project or any such
facility is held by any public body or governmental agency other
than * * * MDA, including any agency or instrumentality of the
United States of America, the agreements referred to in this
section shall inure to the benefit of and may be enforced by such
public body or governmental agency.

Notwithstanding any provisions of Sections 57-1-351 through
57-1-369 to the contrary, any contract entered into between * * *
MDA and any public agency for the appropriation or payment of
funds to * * * MDA under paragraph (a)(ii) of this section shall
contain a provision therein requiring monthly payments by the
public agency to pay its indebtedness and, if the public agency is
not a county or municipality, such contract shall include as an
additional party to the contract the county or municipality
(referred to in this paragraph as "levying authority") that levies
and collects taxes for the contracting public agency. If the
public agency fails to pay its indebtedness for any month, * * *
MDA shall certify to the * * * Department of Revenue, or other
appropriate agency, the amount of the delinquency, and the * * *
Department of Revenue shall deduct such amount from the public
agency's or levying authority's, as the case may be, next
allocation of sales taxes, petroleum taxes, highway privilege
taxes, severance taxes, Tennessee Valley Authority payments in
lieu of taxes and homestead exemption reimbursements in that order
of priority. The * * * Department of Revenue, or other
appropriate agency, shall pay the sums so deducted to * * * MDA to be applied to the discharge of the contractual obligation.

SECTION 108. Section 57-1-365, Mississippi Code of 1972, is amended as follows:

57-1-365. * * * MDA shall not undertake to develop any project or facility related to the project within a county, municipality and/or school district without the concurrence of the affected county, municipality and/or school district.

SECTION 109. Section 57-1-367, Mississippi Code of 1972, is amended as follows:

57-1-367. (1) (a) * * * MDA shall set a goal to expend not less than ten percent (10%) of the total amounts expended by * * * MDA on planning, construction, training, research, development, testing, evaluation, personal services, procurement, and for the operation and maintenance of any facilities or activities controlled by * * * MDA, with minority small business concerns owned and controlled by socially and economically disadvantaged individuals. For the purpose of determining the total amounts expended with such minority small business concerns, credit shall be given for that portion of any prime contract entered into with * * * MDA which inures to the benefit of such minority small business concern as a subcontractor thereunder.

(b) For the purposes of this section, the term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small
Business Act (15 USCS, Section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

(c) For the purposes of this section, the term "minority small business concern" means any small business concern:

(i) Which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned businesses, at least fifty-one percent (51%) of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) Whose management and daily business operations are controlled by one or more of such individuals.

(d) For the purpose of this section, the term "small business concern" shall mean "small business" as the latter term is defined in Section 57-10-155, Mississippi Code of 1972.

(2) In order to comply in a timely manner with its minority small business participation mandate, MDA shall set an annual goal to expend not less than ten percent (10%) of its aggregate yearly expenditures with minority small business concerns.

(3) MDA shall:

(a) Monitor the minority small business concerns assistance programs prescribed in this section.
(b) Review and determine the business capabilities of minority small business concerns.

(c) Establish standards for a certification procedure for minority small business concerns seeking to do business with the Mississippi Development Authority (MDA).

(d) Provide technical assistance services to minority small business concerns. Such technical assistance shall include:
   (i) Research;
   (ii) Assistance in obtaining bonds;
   (iii) Bid preparation;
   (iv) Certification of business concerns;
   (v) Marketing assistance; and
   (vi) Joint venture and capital development.

(e) Develop alternative bidding and contracting procedures for minority small business concerns in conjunction with the Department of Finance and Administration.

(f) Utilize such alternative bidding and contracting procedures in lieu of those prescribed in Title 31, Chapters 5 and 7, Mississippi Code of 1972, when contracting with minority small business concerns that have qualified to bid for contracts and have satisfied any other disclosure provisions required by the Mississippi Development Authority (MDA).

(g) Be authorized to accept in lieu of any bond otherwise required from minority small business concerns or small
business concerns contracting with ** MDAMDA, in an amount equal
to one hundred percent (100%) of the total cost of the contracted
project, any combination of the following:

(i) Cash;

(ii) Certificates of deposit from any bank or
banking corporation insured by the Federal Deposit Insurance
Corporation or the Federal Savings and Loan Insurance Corporation;

(iii) Federal treasury bills;

(iv) Letters of credit issued by a bank as that
term is defined in Section 81-3-1, Mississippi Code of 1972; or

(v) Surety bonds issued by an insurance company
licensed and qualified to do business in the State of Mississippi.

(h) Be authorized, in its discretion, to waive any bond
required on any project which does not exceed a total dollar value
of One Hundred Thousand Dollars ($100,000.00). A retainage shall
be held by the authority in an amount not to exceed fifteen
percent (15%) from each draw according to American Institute of
Architects (AIA) standards. Upon satisfactory completion of such
project, ten percent (10%) of the total cost of the contract shall
be held in an interest-bearing escrow account for one (1) year.
Funds deposited in such escrow account shall stand as a surety for
any defects in workmanship or materials detected within twelve
(12) months of completion. The balance of all monies so escrowed
including accrued interest shall be paid to the contractor at the
end of such twelve-month period.
(i) Be empowered to provide an incentive of bimonthly payments to any prime contractors utilizing minority small business concerns as subcontractors on twenty-five percent (25%) or more of the total dollar value of any single project or contract.

(j) Submit an annual report on its progress concerning minority small business contracts to the Legislature by January 30 of each year.

(k) Take all steps necessary to implement the provisions of this section.

SECTION 110. Section 57-1-369, Mississippi Code of 1972, is amended as follows:

57-1-369. The provisions of Sections 57-1-351 through 57-1-369 are cumulative of other statutes now or hereafter enacted relating to * * * MDA, and * * * MDA may exercise all presently held powers in the furtherance of Sections 57-1-351 through 57-1-369. If any section, paragraph, sentence, clause, phrase or any part of the provisions of Sections 57-1-351 through 57-1-369 is declared to be unconstitutional or void, or for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses and phrases shall in no manner be affected thereby but shall remain in full force and effect.

SECTION 111. Section 57-1-371, Mississippi Code of 1972, is brought forward as follows:
57-1-371. Any business, enterprise or other entity that is criminally convicted by a court of competent jurisdiction of intentionally hiring illegal immigrants shall be ineligible to receive any loan, grant or other form of assistance made available under Section 57-93-1, Sections 2 through 37, Sections 57-1-10 and 57-95-1, Sections 40 through 55 and Sections 27-7-22.28 and 27-7-22.29 of Chapter 1, Laws of Third Extraordinary Session of 2005. Any business, enterprise or other entity that receives any loan, grant or other form of assistance made available under Section 57-93-1, Sections 2 through 37, Sections 57-1-10 and 57-95-1, Sections 40 through 55 and Sections 27-7-22.28 and 27-7-22.29 of Chapter 1, Laws of Third Extraordinary Session of 2005, and is criminally convicted by a court of competent jurisdiction of intentionally hiring illegal immigrants shall repay the full amount of such loan, grant or other form of assistance.

SECTION 112. Section 57-1-373, Mississippi Code of 1972, is brought forward as follows:

57-1-373. (1) No business, enterprise or other entity that is, or has ever been, criminally convicted by a court of competent jurisdiction of intentionally hiring illegal immigrants that develops or is located in a "project" as defined in Section 57-75-5(f)(xx) shall be eligible to receive:

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ST: Mississippi Development Authority; bring forward various sections of law relating to.
(a) Any funds provided or derived from the issuance of any bonds under Sections 1 through 7, Chapter 2, Laws of First Extraordinary Session of 2006;

(b) Any loan, grant or other form of assistance that may be made available under Sections 1 through 7, Chapter 2, Laws of First Extraordinary Session of 2006; or

(c) Any funds, tax credit or other form of assistance that may be made available as an incentive payment under Sections 1 through 7, Chapter 2, Laws of First Extraordinary Session of 2006.

(2) If a business, enterprise or other entity that develops or is located in a "project" as defined in Section 57-75-5(f)(xx) has received funds or assistance as described in paragraphs (a) through (c) of subsection (1) of this section, and thereafter is convicted by a court of competent jurisdiction of intentionally hiring illegal immigrants, then the business, enterprise or other entity shall repay the full amount of the funds or assistance received. The repayment shall be certified by the State Treasurer, who shall deposit such amounts into the specific special fund in the State Treasury from which the funds were awarded, or, in the case of incentive payments under Sections 57-28-1 through 57-28-5, into the State General Fund.

SECTION 113. Section 57-1-401, Mississippi Code of 1972, is brought forward as follows:
57-1-401. (1) A special fund, to be designated as the "Mississippi Development Authority Workforce Training Fund," is created within the State Treasury into which shall be deposited money from any source that is designated for deposit therein. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited into such fund.

(2) All money deposited into the Mississippi Development Authority Workforce Training Fund shall be disbursed by the Mississippi Development Authority to provide workforce training through state institutions of higher learning, community and junior colleges, and Workforce Investment Network job centers to meet workforce training needs not met by other resources. Employers may request training for existing employees and/or newly hired employees from the Mississippi Development Authority. The Mississippi Development Authority shall establish criteria for utilization of the money in the fund and be responsible for approving the training.

SECTION 114. Section 57-1-421, Mississippi Code of 1972, is brought forward as follows:

57-1-421. (1) As used in this subsection:
(a) "Alternative fuel" means compressed natural gas and liquefied natural gas, as defined in Section 27-59-3, and propane fuel when used as a fuel in a motor vehicle or motor vehicles on the highways of the state.

(b) "Alternative fuel school bus" means a school bus propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative fuel as one of its fuels, or as a dual-fuel vehicle using alternative fuel as one of its fuels.

(c) "Conversion kit" means the fuel system equipment necessary in order to retrofit a motor vehicle propelled by gasoline, diesel or other fuel so that the motor vehicle may be converted or modified into an alternative fuel motor vehicle.

(d) "Cost of qualified alternative fuel motor vehicle fuel property" means any of the following:

   (i) The actual cost per school bus paid by the school district for the purchase and installation of qualified alternative fuel motor vehicle fuel property described in paragraph (1)(i) of this subsection.

   (ii) The incremental cost per school bus paid by the school district upon the purchase of an OEM alternative fuel school bus for the qualified alternative fuel motor vehicle fuel property (including installation) described in paragraph (1)(ii) of this subsection.
(iii) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iii) of this subsection and its installation.

(iv) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iv) of this subsection and its construction and installation. The cost directly related to a refueling station shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.

(e) "Fuel system equipment" means tanks, pumps, hoses, injectors, electronic controls and related supplies, materials, parts and components for the storage of alternative fuel as fuel for an alternative fuel school bus, the delivery of alternative fuel to the engine of an alternative fuel school bus, and the exhaust from an alternative fuel school bus of gases from combustion of alternative fuel used to propel an alternative fuel school bus, excluding equipment necessary for operation of a school bus on gasoline, diesel or any fuel other than alternative fuel.

(f) "Incremental cost" means:

(i) The stated MSRP of the fuel system equipment and its installation for an OEM alternative fuel school bus; or

(ii) If no separate MSRP is stated, the difference between the MSRP of the OEM alternative fuel school bus and the
MSRP of the same make and model of school bus manufactured without
the fuel system equipment but otherwise identically equipped.

When an OEM alternative fuel school bus is sold for less (or more) than its MSRP, the amount determined in subparagraph (i) or (ii) of this paragraph (f) shall be proportionately reduced (or increased) by the same percentage as the discount (or premium) on the MSRP, as applicable.

(g) "School district" means a public school district.

(h) "OEM alternative fuel motor vehicle" means an alternative fuel school bus manufactured by the original vehicle manufacturer (or its contractor) with the fuel system equipment installed as original equipment by the manufacturer (or its contractor) at the factory or at another installation site approved by the manufacturer (or its contractor).

(i) "Motor vehicle" shall have the meaning ascribed to such term in Section 27-59-3.

(j) "MSRP" means manufacturer's suggested retail price.

(k) "Original purchase" means the purchase directly from a dealer at retail of a new OEM alternative fuel school bus which has never been titled.

(l) "Qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) A conversion kit which has not previously been used to retrofit any motor vehicle and is installed and results in a reduction in emissions.
(ii) The fuel system equipment on an OEM alternative fuel school bus which results in a reduction in emissions.

(iii) A refueling system installed at a governmental entity location for the nonpublic refueling with alternative fuel of the governmental entity's alternative fuel school buses.

(iv) A refueling station located in the state and operated by a school district for refueling of alternative fuel motor vehicles owned by the school district.

(v) Upgrades to a refueling system included in subparagraphs (iii) and (iv) of this paragraph (l).

(vi) Portable or mobile refueling systems.

(m) "Reduction in emissions" means a reduction in atmospheric emissions from fuel consumption by an alternative fuel motor vehicle as demonstrated by certification of the fuel system equipment by the federal Environmental Protection Agency or the Mississippi Department of Environmental Quality or any other test or standard recognized by the Mississippi Department of Environmental Quality.

(n) "Refueling system" means compressors (whether used separately or in combination with cascade tanks), process piping, hoses, dispensing units at the point where alternative fuel is delivered as a fuel, meters and other parts and equipment and installation supplies and materials therefor that constitute a
refueling system capable of dispensing alternative fuel into fuel
tanks of alternative fuel motor vehicles for use as a fuel.

  (o) "Refueling station" means property constituting a
facility operated for dispensing alternative fuel into fuel tanks
of alternative fuel motor vehicles, which shall include:

      (i) A refueling system; and
      (ii) A building or other structural components
constructed or installed as part of and directly related to such
refueling system.

  (p) "Retrofit" means the installation of a conversion
kit in a school bus designed to operate on gasoline, diesel or
other fuel in order to convert or modify the bus vehicle into an
alternative fuel school bus.

  (q) "School bus" means a vehicle owned by a school
district that is primarily used by the school district to
transport students.

  (2) As used in this subsection:

      (a) "Alternative fuel" means compressed natural gas and
liquefied natural gas, as defined in Section 27-59-3, and propane
fuel when used as a fuel in a motor vehicle or motor vehicles on
the highways of the state.

      (b) "Conversion kit" means the fuel system equipment
necessary in order to retrofit a motor vehicle propelled by
gasoline, diesel or other fuel so that the motor vehicle may be
converted or modified into an alternative fuel motor vehicle.
"Cost of qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) The actual cost per vehicle paid by the municipality for the purchase and installation of qualified alternative fuel motor vehicle fuel property described in paragraph (l)(i) of this subsection.

(ii) The incremental cost per vehicle paid by the municipality upon the purchase of an OEM alternative fuel motor vehicle for the qualified alternative fuel motor vehicle fuel property (including installation) described in paragraph (l)(ii) of this subsection.

(iii) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iii) of this subsection and its installation.

(iv) The cost of the qualified alternative fuel motor vehicle fuel property described in paragraph (l)(iv) of this subsection and its construction and installation. The cost directly related to a refueling station shall not include costs associated with exploration and development activities necessary for severing natural resources from the soil or ground.

(d) "Fuel system equipment" means tanks, pumps, hoses, injectors, electronic controls and related supplies, materials, parts and components for the storage of alternative fuel as fuel for an alternative fuel motor vehicle, the delivery of alternative fuel to the engine of an alternative fuel motor vehicle, and the
exhaust from an alternative fuel motor vehicle of gases from
combustion of alternative fuel used to propel an alternative fuel
motor vehicle, excluding equipment necessary for operation of a
motor vehicle on gasoline, diesel or any fuel other than
alternative fuel.

(e) "Incremental cost" means:

(i) The stated MSRP of the fuel system equipment
and its installation for an OEM alternative fuel motor vehicle; or
(ii) If no separate MSRP is stated, the difference
between the MSRP of the OEM alternative fuel motor vehicle and the
MSRP of the same make and model of motor vehicle manufactured
without the fuel system equipment but otherwise identically
equipped.

When an OEM alternative fuel motor vehicle is sold for less
(or more) than its MSRP, the amount determined in subparagraph (i)
or (ii) of this paragraph (e) shall be proportionately reduced (or
increased) by the same percentage as the discount (or premium) on
the MSRP, as applicable.

(f) "Municipality" means an incorporated city, town or
village in the State of Mississippi.

(g) "OEM alternative fuel motor vehicle" means an
alternative fuel motor vehicle manufactured by the original
vehicle manufacturer (or its contractor) with the fuel system
equipment installed as original equipment by the manufacturer (or
its contractor) at the factory or at another installation site approved by the manufacturer (or its contractor).

(h) "Motor vehicle" shall have the meaning ascribed to such term in Section 27-59-3.

(i) "MSRP" means manufacturer's suggested retail price.

(j) "Alternative fuel motor vehicle" means a motor vehicle propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative fuel as one of its fuels, or as a dual fuel vehicle using alternative fuel as one of its fuels.

(k) "Original purchase" means the purchase directly from a dealer at retail of a new OEM alternative fuel motor vehicle which has never been titled.

(l) "Qualified alternative fuel motor vehicle fuel property" means any of the following:

(i) A conversion kit which has not previously been used to retrofit any motor vehicle and is installed and results in a reduction in emissions.

(ii) The fuel system equipment on an OEM alternative fuel motor vehicle which results in a reduction in emissions.

(iii) A refueling system installed at a municipality location for the nonpublic refueling with alternative fuel of the municipality's alternative fuel motor vehicles.
(iv) A refueling station located in the state and operated by a municipality for refueling of alternative fuel motor vehicles owned by the municipality.

(v) Upgrades to a refueling system included in subparagraphs (iii) and (iv) of this paragraph (l).

(vi) Portable or mobile refueling systems.

(m) "Reduction in emissions" means a reduction in atmospheric emissions from fuel consumption by an alternative fuel motor vehicle as demonstrated by certification of the fuel system equipment by the federal Environmental Protection Agency or the Mississippi Department of Environmental Quality or any other test or standard recognized by the Mississippi Department of Environmental Quality.

(n) "Refueling system" means compressors (whether used separately or in combination with cascade tanks), process piping, hoses, dispensing units at the point where alternative fuel is delivered as a fuel, meters and other parts and equipment and installation supplies and materials therefor that constitute a refueling system capable of dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles for use as a fuel.

(o) "Refueling station" means property constituting a facility operated for dispensing alternative fuel into fuel tanks of alternative fuel motor vehicles, which shall include:

(i) A refueling system; and
(ii) A building or other structural components constructed or installed as part of and directly related to such refueling system.

(p) "Retrofit" means the installation of a conversion kit in a motor vehicle designed to operate on gasoline, diesel or other fuel in order to convert or modify such motor vehicle into an alternative fuel motor vehicle.

(3) (a) The Mississippi Development Authority shall establish a revolving loan program to provide loans to (i) school districts for the purpose of assisting school districts with paying the cost of qualified alternative fuel motor vehicle fuel property and (ii) municipalities for the purpose of assisting municipalities with paying the cost of qualified alternative fuel motor vehicle fuel property. Loans made under this section shall bear no interest.

(b) A school district or municipality desiring a loan under this section must submit an application to the Mississippi Development Authority. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested; and

(iii) Any other information required by the Mississippi Development Authority.
(c) Repayments of loans made under this section shall be deposited to the credit of the Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund.

(4) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Alternative Fuel School Bus and Municipal Motor Vehicle Revolving Loan Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Mississippi Development Authority for the purposes described in this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the Mississippi Development Authority for the administration of the various grant, loan and financial incentive programs administered by the authority. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

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

**SECTION 115.** Section 57-1-451, Mississippi Code of 1972, is
brought forward as follows:

57-1-451. (1) There is created in the State Treasury a
special fund to be known as the "Mississippi Development Authority
Job Training Grant Fund" into which shall be deposited such money
as provided in Section 27-65-75(21)(b). The money in the fund
shall be used for the purpose of making job training grants to
community and junior colleges, public universities and local
workforce investment areas to pay a portion of the costs of
providing training or retraining for employees of business
enterprises that are eligible for the jobs tax credit authorized
in Section 57-73-21. The fund shall be administered by the
Mississippi Development Authority (MDA). Unexpended amounts
remaining in the fund at the end of a fiscal year shall not lapse
into the State General Fund, and any interest earned on or
investment earnings on the amounts in the fund shall be deposited
to the credit of the fund. The MDA may use not more than one
percent (1%) of interest earned or investment earnings, or both,
on amounts in the fund for administration and management of the
incentive program authorized under this section.

(2) Subject to the provisions of this section, job training
grants may be made by the MDA to a community or junior college,
public university or local workforce investment area to pay costs
incurred in training or retraining employees for a business
enterprise that is eligible for the jobs tax credit authorized in
Section 57-73-21. A business enterprise that chooses to utilize a
job training grant under this section shall not be eligible for
the job tax credit authorized in Section 57-73-21. The election
to utilize a job training grant shall be made by the business
enterprise before the creation of any jobs. The grant payments
may be made during a five-year period beginning with years two (2)
through six (6) after the creation of the minimum number of jobs
required by the MDA. The amount of the grants authorized by this
section shall be seventy-five percent (75%) of the costs of
training or retraining employees not to exceed:

(a) One Thousand Dollars ($1,000.00) per job in
counties designated as Tier One areas under Section 57-73-21;
(b) One Thousand Five Hundred Dollars ($1,500.00) per
job in counties designated as Tier Two areas under Section
57-73-21; and
(c) Two Thousand Dollars ($2,000.00) per job in
counties designated as Tier Three areas under Section 57-73-21.

(3) The MDA shall cease making job training grant payments
if it determines the required number of jobs are not being
maintained by the business enterprise.

(4) The MDA shall require that the business enterprise shall
enter into binding commitments requiring that:
(a) A minimum number of jobs be maintained that shall not be less than the number of jobs required to be eligible for the jobs tax credit authorized in Section 57-73-21; and

(b) That if the minimum number of jobs are not maintained, all or a portion of the grant funds paid under this section, as determined by the MDA, shall be repaid by the business enterprise.

(5) The MDA shall develop, implement and administer the job training grant program authorized under this section and shall promulgate rules and regulations necessary for the development, implementation and administration of the program.

(6) A business enterprise desiring to utilize job training grants under this section must submit requests for job training grants to the MDA. The MDA shall review the request and determine if the business enterprise is eligible and if a payment shall be made from the fund. The liability of the State of Mississippi to make the job training grants authorized under this section shall be limited to the balance contained in the fund.

SECTION 116. Section 57-1-471, Mississippi Code of 1972, is brought forward as follows:

57-1-471. (1) This section shall be known and may be cited as the "Mississippi Air Service Development Program Act."

(2) There is created in the State Treasury a fund designated as the "Mississippi Air Service Development Program Fund" referred to in this section as "fund."
(3) (a) The fund shall be used to provide grants to commercial service airports, as provided in this section, for one or more of the following air service development goals:

   (i) Adding air service to a new destination;
   (ii) Adding frequencies to current services;
   (iii) Lowering fares/introducing new competitive service;
   (iv) Upgauging aircraft; and
   (v) Adding a new Federal Aviation Administration (FAA) Part 121 commercial air carrier.

(b) Eligible projects for grants shall include marketing and advertising of new service and routes and additional frequencies, as well as other risk abatement plans; however, use of grant funds to purchase airline passenger seats is prohibited.

(4) (a) The fund shall be administered by the Mississippi Development Authority which shall promulgate reasonable regulations consistent with the purposes of this section.

   (b) The Mississippi Development Authority shall monitor and evaluate the Air Service Development Program and shall also report its evaluation of the program to the Governor, Lieutenant Governor and the Speaker of the House on an annual basis.

(5) (a) Airline grant recipients shall be limited to scheduled air carriers that hold a Federal Aviation Administration (FAA) Part 121 Certificate and that provide scheduled air service at Mississippi airports that maintain FAA Part 139 Certification.
An airport grant recipient shall only utilize grant funds in accordance with FAA regulation.

(b) The amount of a grant shall be based on a formula of Ten Dollars ($10.00) per seat per day calculation, not to exceed an annual total of Five Hundred Thousand Dollars ($500,000.00) per grant per FAA Part 139 airport. In no instance will a combination of airline or airport grants exceed a combined total of Five Hundred Thousand Dollars ($500,000.00) per year per airport.

(c) Seasonal service is also eligible for grants based on the per seat per day calculation provided in paragraph (b) of this subsection (5). For the purposes of this subsection (5), "seasonal service" means any service flown which lasts less than twelve (12) months and more than two (2) months in length. Multiple seasons may be flown by a particular air carrier within a twelve (12) month period with a gap in service between seasons of not less than two (2) months.

(d) (i) Except as otherwise provided in this section, grants shall be disbursed by the Mississippi Development Authority within twelve (12) consecutive months as follows:

1. Thirty-five percent (35%) at the end of the first three (3) months of service;

2. Twenty-five percent (25%) at the end of the second three (3) months of service;
3. Twenty-five percent (25%) at the end of the third three (3) months of service; and
4. Fifteen percent (15%) at the end of the fourth three (3) months of service.

(ii) Grants for seasonal service shall be disbursed by the Mississippi Development Authority at the rate of one hundred percent (100%) at the end of the seasonal service.

(e) (i) Each grant shall require a forty percent (40%) match, which may be provided by private sources and/or public sources.

(ii) Of the forty percent (40%) match prescribed under this subsection, only one-half (1/2) or twenty percent (20%) of the grant may derive from in-kind sources.

(f) All expenditures of the fund by airport or airline grant recipients shall be utilized for the purposes prescribed under subsection (3) of this section.

SECTION 117. Section 57-1-501, Mississippi Code of 1972, is brought forward as follows:

57-1-501. (1) There is created in the State Treasury a special fund to be designated as the "Economic Development and Infrastructure Fund." The special fund shall consist of monies deposited into the fund from any source that is designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in
the fund shall be deposited to the credit of the fund. Monies in
the fund shall be used by the Mississippi Development Authority
for the purposes authorized in subsection (2) of this section.

(2) (a) The Mississippi Development Authority shall
establish a program to provide grants (i) to assist with
construction and repair of infrastructure in counties in this
state where legal gaming is being conducted or is authorized and
for structures designed to promote the gaming and entertainment
industry in such counties, and (ii) to aid in increasing
commercial air service at existing commercial service airports in
counties in this state in which legal gaming is being conducted or
is authorized by offering to assist Part 121 carriers through the
following air service development methods: revenue guaranty, seat
guaranty, seat cost mitigation, ground handling and marketing.

(b) The Mississippi Development Authority shall
establish a procedure for accepting and reviewing applications for
grants under this section.

(c) If funds are available in the fund created under
this section, not less than Two Million Five Hundred Thousand
Dollars ($2,500,000.00) shall be used annually for grants provided
for under paragraph (a)(ii) of this subsection (2). Thereafter,
the funds may be used for grants provided for under paragraph
(a)(i) of this subsection (2).

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

SECTION 118. Section 57-1-601, Mississippi Code of 1972, is brought forward as follows:

57-1-601. (1) For the purposes of this section, the following words shall have the following meanings ascribed in this section, unless the context clearly otherwise requires:

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

(b) "Municipality" means the City of Senatobia, Mississippi.

(c) "Revitalization zone" means an area in the municipality officially designated by ordinance or resolution of the governing authorities of the municipality as a revitalization zone and approved and certified by the MDA as meeting the requirements of this section.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Main Street Investment Grant Fund" which shall consist of funds from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in
the fund shall be used by the MDA for the purposes authorized in subsection (3) of this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA in providing grants under this section through the use of proceeds of such general obligation bonds. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for the program. Reimbursement of reasonable actual and necessary costs for assistance shall not exceed three percent (3%) of the proceeds of bonds issued for such assistance. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a program to make grants to the municipality to assist with maintaining and improving the viability of revitalization zones. The proceeds of a grant made to the municipality under this section may be used for maintaining and/or improving the viability of a revitalization zone through means deemed appropriate by the governing authorities of the municipality, including, but not limited to, making loans, grants and/or other forms of assistance to any person or public or private association or other entity for use for infrastructure projects, improvements to properties, signage and other purposes related to maintaining and/or improving the viability of the revitalization zone.
(4) (a) If the municipality desires a grant under this section, the municipality shall submit an application to the MDA seeking (i) approval and certification of the proposed revitalization zone and (ii) a grant for the purposes authorized in this section. The application shall include, at a minimum:

1. The name of the proposed revitalization zone, together with the words, "revitalization zone";
2. A description of the revitalization zone by metes and bounds;

3. A map showing the parcels of real property included in the revitalization zone and the present use of such parcels;

4. A master plan for the revitalization zone that has been approved by sixty percent (60%) of the property owners within the zone at the time the municipality submits the application; and

5. Any other information required by the MDA.

The governing authorities of the municipality may designate the boundaries of a proposed revitalization zone by adoption of an ordinance or resolution that is spread upon its minutes and describes the boundaries of the zone.

(b) The MDA shall review the application to confirm that the revitalization zone meets the requirements of this section. A revitalization zone may embrace two (2) or more separate parcels of real property, and such property may be
publicly and/or privately owned. Each revitalization zone shall be of such size and form as to include all properties that, in the determination of the municipality and the MDA, constitute an integral part of the revitalization zone. If the MDA determines that the boundaries of the proposed revitalization zone exceed the area that is reasonably deemed to be integral to the revitalization zone, the MDA may reduce the boundaries of the proposed area. Upon the approval and selection of a municipal revitalization zone project, the MDA shall certify the revitalization zone.

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

SECTION 119. Section 57-1-701, Mississippi Code of 1972, is brought forward as follows:

57-1-701. (1) For the purposes of this section, the following words and phrases shall have the meanings ascribed in this subsection unless the context clearly indicates otherwise:

(a) "Eligible entity" means any (i) county, (ii) municipality or (iii) public or private nonprofit local economic development entity including, but not limited to, local authorities, commissions, or other entities created by local and private legislation or pursuant to Section 19-5-99.
3921 (b) "Eligible expenditures" means:

3922 (i) Fees for architects, engineers, environmental
3923 consultants, attorneys, and such other advisors, consultants and
3924 agents that MDA determines are necessary to complete site due
3925 diligence associated with site development improvements located on
3926 industrial property that is publicly owned; and/or
3927 (ii) Contributions toward site development
3928 improvements, as approved by MDA, located on industrial property
3929 that is publicly owned.
3930 (c) "MDA" means the Mississippi Development Authority.
3931 (d) "Site development improvements" means site
3932 clearing, grading, and environmental mitigation; improvements to
3933 drainage systems; easement and right-of-way acquisition; sewer
3934 systems; transportation directly affecting the site, including
3935 roads, bridges or rail; bulkheads; land reclamation; water supply
3936 (storage, treatment and distribution); aesthetic improvements; the
3937 dredging of channels and basins; or other improvements as approved
3938 by MDA.
3939 (2) (a) There is hereby created in the State Treasury a
3940 special fund to be designated as the "Mississippi Site Development
3941 Grant Fund," which shall consist of funds made available by the
3942 Legislature in any manner and funds from any other source
3943 designated for deposit into such fund. Unexpended amounts
3944 remaining in the fund at the end of a fiscal year shall not lapse
3945 into the State General Fund, and any investment earnings or
interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used to make grants to assist eligible entities as provided in this section.  

(b) Monies in the fund which are derived from proceeds of bonds issued under Section 2 of Chapter 390, Laws of 2017, Section 5 of Chapter 412, Laws of 2018, Section 1 of Chapter 421, Laws of 2019, or Section 4 of Chapter 492, Laws of 2020, may be used to reimburse reasonable actual and necessary costs incurred by MDA for the administration of the various grant, loan and financial incentive programs administered by MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements under this subsection shall satisfy any applicable federal tax law requirements.  

(3) (a) MDA shall establish a program to make grants to eligible entities to match local or other funds associated with improving the marketability of publicly owned industrial property for industrial economic development purposes and other property improvements as approved by MDA. An eligible entity may apply to MDA for a grant under this program in the manner provided for in this section. An eligible entity desiring assistance under this section must provide matching funds in an amount determined by MDA. Matching funds may be provided in the form of cash and/or in-kind services as determined by MDA.
(b) An eligible entity desiring assistance under this section must submit an application to MDA. The application must include:

(i) A description of the eligible expenditures for which assistance is requested;

(ii) The amount of assistance requested;

(iii) The amount and type of matching funds to be provided by the eligible entity; and

(iv) Any other information required by MDA.

(c) Upon request by MDA, an eligible entity shall provide MDA with access to all studies, reports, documents and/or plans developed as a result of or related to an eligible entity receiving assistance under this section.

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

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

SECTION 120. Section 57-1-731, Mississippi Code of 1972, is brought forward as follows:
57-1-731. (1) (a) There is created a special fund in the State Treasury to be known as the Mississippi Ports Improvements Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be disbursed by the Mississippi Development Authority (MDA) for the purposes authorized in subsection (2) of this section.

(b) Monies in the fund that are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA in providing grants under this section using general obligation bonds. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each grant by the MDA. Reimbursement of reasonable actual and necessary costs for assistance shall not exceed two percent (2%) of the proceeds of bonds issued for such assistance. Reimbursements made under this paragraph shall satisfy any applicable federal tax law requirements.

(2) The MDA shall establish a program to make grants from the Mississippi Ports Improvements Fund to assist in paying a portion of the costs associated with the repair, rehabilitation, construction, reconstruction, upgrading and improvement of
existing port facilities, including projects necessary to ensure safety and structural integrity of such facilities.

(3) (a) An entity desiring a grant under this section shall submit an application to the MDA which shall include, at a minimum:

(i) A description, including the cost, of the requested assistance;

(ii) A description of the purpose for which the assistance is requested; and

(iii) Any other information required by the MDA.

(b) There is hereby created the Ports Improvements Fund Advisory Committee whose membership shall consist of:

(i) Six (6) directors of ports, appointed by the President of the Mississippi Ports Council, or his or her designee, as follows: two (2) directors of the coastal ports, two (2) directors of inland river ports located on the Mississippi River and two (2) directors of inland ports located on the Tennessee-Tombigbee Waterway; and

(ii) The Executive Director of the MDA, or his or her designee.

(c) The MDA, in consultation with the Ports Improvements Fund Advisory Committee, shall provide grants under this section. The terms of a grant shall be within the discretion of the MDA.
(4) The MDA shall have all powers necessary to implement and administer the program established under this section, including the establishing of requirements for matching funds and criteria regarding the evaluation of applications for assistance. The MDA shall promulgate rules and regulations, in accordance with the Administrative Procedures Law, necessary for the implementation and administration of this section.

SECTION 121. Section 57-3-1, Mississippi Code of 1972, is brought forward as follows:

57-3-1. It is hereby declared that the state public welfare demands, and the state public policy requires:

(a) That a balanced economic development of this state is essential.

(b) That the present and prospective health, safety, morals, pursuit of happiness, right of gainful employment and the general welfare of the citizens demand as a public purpose, the development within Mississippi of commercial, industrial, agricultural and manufacturing enterprises, herein called "enterprises" by the several counties, supervisors districts and municipalities, all herein called "municipalities."

(c) That the means and measures herein authorized to promote said enterprises are as a matter of public policy, for the public purposes of the several counties, supervisors districts, municipalities, and of the State of Mississippi.
(d) That the present and prospective promotion of health, safety, morals, pursuit of happiness, right to gainful employment, and the general welfare of the state requires that herein and hereby authorized, and to that end the provisions hereof will help afford ready and attractive markets for farm and garden products, for the development of natural resources, and for the conversion of raw materials of farm, mine and forest into finished products for the general welfare of each of said municipalities, and of the entire people of the state.

(e) That the accomplishment of the things herein authorized to be done by the several municipalities will give to them local benefits peculiar to each, and will accomplish the purposes set forth in this section.

SECTION 122. Section 57-3-3, Mississippi Code of 1972, is brought forward as follows:

57-3-3. It is the intent of the Legislature by the passage of this chapter to authorize municipalities to acquire, own and lease projects for the purpose of promoting industry and trade by inducing manufacturing, and industrial enterprises to locate in this state, promoting the use of agricultural products and natural resources of this state, and promoting a sound and proper balance in this state between agriculture, commerce and industry. It is intended that each project be self liquidating. This chapter shall be liberally construed in conformity with the said intent. The powers conferred upon the municipalities hereby shall be
exercised only after such municipality has obtained a certificate of public convenience and necessity from the Mississippi Agricultural and Industrial Board in the manner and form as provided in Sections 57-1-19, 57-1-21, 57-1-23 and 57-1-27, with the exception that such board shall not be required to adjudicate either "that there are adequate property values and suitable financial conditions so that the total bonded indebtedness of the municipality, solely for the purposes authorized by this chapter, shall not exceed twenty percent (20%) of the total assessed valuation of the property in the municipality," nor that the enterprise "will not become a burden upon the taxpayers of the municipality," the bonds authorized under this chapter being solely revenue bonds.

SECTION 123. Section 57-3-5, Mississippi Code of 1972, is brought forward as follows:

57-3-5. Wherever used in this chapter, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

(1) "Municipality" means any county, supervisors district, incorporated city, town or village in the State of Mississippi;

(2) "Project" means land, buildings, improvements, fixtures, machinery, equipment and furnishings, and all real and personal properties deemed necessary in connection therewith, or any part or combination of parts of the foregoing, whether or not now in
existence, which shall be suitable for use by any of the following
or by any combination thereof:

(a) Any industrial enterprise for the manufacturing, processing or assembling of any products of agriculture, mining or industry;

(b) Any industrial enterprise for storing or warehousing products of agriculture, mining or industry;

(c) Any industrial or commercial enterprise for distributing any products of agriculture, mining or industry;

(d) Any enterprise for the purpose of research in connection with:

(i) Any of the foregoing;

(ii) The development of new products or processes;

or

(iii) The improvement of existing products or known processes;

(e) Any industrial enterprise for national, regional or divisional offices or facilities in connection with the management, supervision or service of its manufacturing, processing, assembling, storing, warehousing, distribution or research operations, wherever located; but does not include facilities designed for the sale or distribution to the public of electricity, gas, water, telephone or other services commonly classified as public utilities;
(f) Any enterprise allowed under Section 144(a) of the Internal Revenue Code of 1986;

(g) Any conference center, or any final destination or resort hotel having a minimum of one hundred fifty (150) rooms, or any combination of the foregoing; or

(h) Any theme park or movie industry production studio, or any combination thereof, which would employ a minimum of two hundred (200) net full-time employees.

(3) "Governing body" means the board or body in which the legislative powers of the municipality are vested, and as to supervisors districts such board or body shall be the county board of supervisors, acting with the consent of the member from the district affected;

(4) "Mortgage" means a mortgage, indenture of trust, deed of trust or any other instrument securing bonds.

SECTION 124. Section 57-3-7, Mississippi Code of 1972, is brought forward as follows:

57-3-7. Neither this chapter nor anything herein contained shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under laws of this state nor to limit or change the provisions of Sections 57-1-1 through 57-1-51, but shall be construed as cumulative; nor shall the bonds issued hereunder be affected by or counted in connection with any statutory limitation upon the amount of bonds which otherwise may be issued by such municipality. The bonds herein authorized may
be issued in addition to any bonds issued under Sections 57-1-1 through 57-1-51, and without regard to the amount of any other bonds issued or outstanding.

SECTION 125. Section 57-3-9, Mississippi Code of 1972, is amended as follows:

57-3-9. In addition to any other powers which it may now have, each municipality shall have the following powers: (a) to acquire, whether by construction, purchase, gift or lease, one or more projects, which shall be located within the State of Mississippi and may be located within or without the municipality, or partially within or partially without the municipality, but which shall not be located more than fifteen (15) miles outside of the boundary limits of the municipality; provided, however, that when any such project shall be located in whole or in part outside the municipal or incorporated boundaries of any city, town or village of this state the powers granted under this chapter shall not be exercised by a city, town or village until a resolution approving such project has been duly adopted and spread upon the official minutes of the board of supervisors of the county in which such city, town or village is located. The municipality is authorized to negotiate a contract for the acquisition, construction and erection of a project or any portion of a project hereunder (i) where the municipality finds that, because of the secret nature of such project or any portion thereof, or because such project or any portion thereof will be used for the
manufacture of products to be utilized by the United States of America in the national defense, public bidding thereon, pursuant to advertisement therefor, is not in the public interest; and provided, further, such finding is approved, through issuance of appropriate certificate or resolution of approval, by the * * * Mississippi Development Authority, or (ii) where the municipality finds that, because of the particular nature of said project or any portion thereof, it would be in the best public interest of the municipality so to negotiate, and such finding is approved, through issuance of appropriate certificate or resolution of approval, by the * * * Mississippi Development Authority; (b) to lease or sell to others any or all of its projects for such rentals and upon such terms and conditions as the governing body may deem advisable and as shall not be in conflict with the provisions of this chapter; and (c) to issue revenue bonds for the purposes of defraying the cost of acquiring any project, and to secure the payment of such bonds, as hereinafter provided.

No municipality shall have the power to operate any project as a business or in any manner under this chapter except as a lessor thereof.

The municipality issuing bonds to acquire a project under this chapter shall maintain a record of the location of projects for which the proceeds of such bonds are expended and the amount expended at each location. Such record shall indicate the purpose, amount, date and recipient of each expenditure made out
of the proceeds of such bonds. If a trustee has been named
pursuant to Section 57-3-21, the trustee shall make timely reports
to the clerk of the municipality setting forth the details
required in the preceding sentence with respect to the expenditure
of bond proceeds. Such records shall be maintained as public
records in the office of the clerk of the municipality and shall
be available for inspection and duplication during the regular
office hours of the municipality.

SECTION 126. Section 57-3-11, Mississippi Code of 1972, is
brought forward as follows:

57-3-11. Before issuing any bonds hereunder the governing
body, as hereinbefore defined, of any municipality, as
hereinbefore defined, shall adopt a resolution declaring its
intention so to do stating the amount of bonds proposed to be
issued, the purpose for which the bonds are to be issued, and the
date upon which the governing body proposes to direct the issuance
of such bonds. Such resolution shall be published once a week for
at least three (3) consecutive weeks in at least one (1) newspaper
published in the county in which such municipality is located.
The first publication of such resolution shall be made not less
than twenty-one (21) days prior to the date fixed in such
resolution for the issuance of the bonds and the last publication
shall be made not more than seven (7) days prior to such date. If
no newspaper be published in such county, then such notice shall
be given by publishing the resolution for the required time in
some newspaper having a general circulation in such county, and, in addition, by posting a copy of such resolution for at least twenty-one (21) days next preceding the date fixed therein at three (3) public places in such county. If twenty per centum (20%) of the qualified electors of the municipality shall file a written protest against the issuance of such bonds on or before the date specified in such resolution, then an election on the question of the issuance of such bonds shall be called and held as herein provided. If no such protest be filed, then such bonds may be issued without an election on the question of the issuance thereof, at any time within a period of two (2) years after the date specified in the above-mentioned resolution. However, the governing body of such municipality, in its discretion, may nevertheless call an election on such question, in which event it shall not be necessary to publish the resolution declaring its intention to issue bonds as herein provided.

**SECTION 127.** Section 57-3-13, Mississippi Code of 1972, is brought forward as follows:

57-3-13. Where an election is to be called as provided in Section 57-3-11, notice of such election shall be signed by the clerk of the governing body of any municipality, and shall be published once a week for at least three (3) consecutive weeks, in at least one (1) newspaper published in such county. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed for such election and the last
publication shall be made not more than seven (7) days prior to such date. If no newspaper is published in such county, then such notice shall be given by publishing the same for the required time in some newspaper having a general circulation in such county, and, in addition, by posting a copy of such notice for at least twenty-one (21) days next preceding such election at three (3) public places in such county.

SECTION 128. Section 57-3-15, Mississippi Code of 1972, is brought forward as follows:

57-3-15. The election provided for in Section 57-3-11 shall be held, as far as is practicable, in the same manner as other elections are held in municipalities. At such election, all qualified electors of such municipality may vote, and the ballots used at such election shall have printed thereon a brief statement of the amount and purpose of the proposed bond issue and the words "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the voter shall vote by placing a cross (x) or check mark (√) opposite his choice on the proposition.

SECTION 129. Section 57-3-17, Mississippi Code of 1972, is brought forward as follows:

57-3-17. When the results of the election on the question of the issuance of such bonds as hereinabove provided for shall have been canvassed by the election commissioners of such municipality and certified by them to the governing body of such municipality, it shall be the duty of such governing body to determine and
adjudicate whether or not a majority of the qualified electors who
voted thereon in such election voted in favor of the issuance of
such bonds, and unless a majority of the qualified electors who
voted thereon in such election shall have voted in favor of the
issuance of such bonds, then such bonds shall not be issued.
Should a majority of the qualified electors who vote thereon in
such election vote in favor of the issuance of such bonds, then
the governing body of the municipality may issue such bonds,
either in whole or in part, within two (2) years from the date of
such election, or within two (2) years after the final favorable
termination of any litigation affecting the issuance of such
bonds, as such governing body shall deem best.

SECTION 130. Section 57-3-19, Mississippi Code of 1972, is
amended as follows:

57-3-19. (1) All bonds issued by a municipality under
authority of this chapter shall be limited obligations of the
municipality, the principal of and interest on which shall be
payable solely out of the revenue derived from the leasing of the
project to finance which bonds are issued. Bonds and interest
coupons issued under authority of this chapter shall never
constitute an indebtedness of the municipality within the meaning
of any state constitutional provision or statutory limitation, and
shall never constitute nor give rise to a pecuniary liability of
the municipality or a charge against its general credit or taxing
powers, and such fact shall be plainly stated in the face of each
such bond. Such bonds may be executed and delivered at any time and from time to time, may be in such form and denominations and may bear interest irrespective of any interest rate limitation; may be of such tenor, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding thirty (30) years from their date, may be payable at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the governing body whereunder the bonds shall be authorized to be issued. Any bonds issued under the authority of this chapter may be sold at public or private sale from time to time in such manner and at such price as may be determined by the governing body to be most advantageous, and the municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof. All bonds issued under the authority of this chapter and all interest coupons applicable thereto shall be construed to be negotiable instruments, despite the fact that they are payable solely from a specified source.

(2) Any funds received from the sale of bonds issued under this chapter, including accrued interest thereon, which are not required for immediate disbursement for the purpose for which issued may be invested at the direction of the enterprise in any one or more of the following:
ST: Mississippi Development Authority; bring forward various sections of law relating to:

(a) Bonds or other obligations of the United States;
(b) Bonds or other obligations, the payment of the principal and interest of which is unconditionally guaranteed by the United States;
(c) Direct obligations issued by the United States of America or obligations guaranteed in full as to principal and interest by the United States of America, maturing or subject to a repurchase agreement with a qualified state depository bank maturing on or before the date when such funds will be required for disbursement;
(d) Certificates of deposit issued by qualified depositories of the State of Mississippi as approved by the State Treasurer;
(e) Prime commercial paper;
(f) Bankers' acceptances drawn on and accepted by commercial banks;
(g) Any other investment authorized by any bank, savings bank, savings and loan association, insurance company or similar institutional investor, or combination thereof, which, at the time of authorization, is the owner of all of the bonds.

SECTION 131. Section 57-3-21, Mississippi Code of 1972, is brought forward as follows:

57-3-21. The principal of, redemption premium, if any, and interest on any bonds issued under the authority of this chapter shall be secured by a pledge of the revenues derived from the
lease or sale of the project, may be secured by a mortgage covering all or any part of the project or any additional property granted as security for the bonds, may be secured by a pledge of the lease of such project and may be secured by such additional security as the governing body shall require. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limitation, the generality of the foregoing provisions respecting the fixing and collection of rents for any projects, covered by such proceedings or mortgage, the terms to be incorporated in the lease of such project, the maintenance and insurance of such project, to include the establishment of an escrow or reserve fund for deposits of advance insurance premiums, the creation and maintenance of special funds from revenues from such project, and rights and remedies available in event of default to the bondholders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this chapter. However, in making such agreements or provisions, a municipality shall not have the power to obligate itself except with respect to the project and application of revenues therefrom and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that,
in the event of default in payment of principal of, or the
interest on, such bonds, or in the performance of any agreement
contained in such proceedings or mortgage, such payment and
performance may be enforced by mandamus or by the appointment of a
receiver in equity with power to charge and collect rents and to
apply the revenues from the project in accordance with such
proceedings or the provisions of such mortgage. Any such mortgage
may provide also that, in the event of default in such payment or
the violation of any agreement contained therein, it may be
foreclosed either by sale at public outcry or by proceedings in
equity, and may provide that any trustee under such mortgage or
the holder of any of the bonds secured thereby may become the
purchaser at any foreclosure sale if the highest bidder therefor.
No breach of any such agreement shall impose any pecuniary
liability upon a municipality or any charge upon its general
credit or against its taxing powers. The trustee or any trustees
under any mortgage or any depository specified by such mortgage
may be such persons or corporations as the governing body shall
designate, including nonresidents of Mississippi and banks or
trust companies incorporated under the laws of the United States
or the laws of other states of the United States. When any
municipal property acquired under the authority of this chapter
becomes vacant, through unforeseen circumstances, such as default
by the lessee, the municipality may exercise the authority
contained in Sections 19-7-7 and 21-37-45, Mississippi Code of
1972, to have this property insured and the cost thereof paid out of the municipal treasury until such a time as the property is again leased.

**SECTION 132.** Section 57-3-23, Mississippi Code of 1972, is brought forward as follows:

57-3-23. Prior to the leasing of any project, the governing body must determine and find the following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve funds, which amounts may include deposits in escrow or reserve amounts as advance sums for the payment of insurance, which the governing body may deem it advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; and, unless the terms under which the project is to be leased provide that the lessee shall maintain the project and carry all proper insurance with respect thereto, the estimated cost of maintaining the project in good repair and keeping it properly insured. The determinations and findings of the governing body required to be made in the preceding sentence shall be set forth in the proceedings under which the proposed bonds are to be issued; and prior to the issuance of such bonds, the municipality shall lease the project to a lessee under an agreement conditioned upon completion of the project and providing for payment to the municipality of such rentals as, upon the basis
of such determinations and findings, will be sufficient (a) to pay
the principal of and interest on the bonds issued to finance the
project, (b) to build up and maintain any reserve deemed by the
governing body to be advisable in connection therewith, and (c)
unless the agreement of lease obligated the lessee to pay for the
maintenance and insurance of the project, to pay the cost of
maintaining the project in good repair and keeping it properly
insured. Such lease shall be made upon such other terms and
conditions and for the time which may be determined by the
municipality and may contain provisions authorizing the purchase
of the entire project or any portion thereof by the industry or
its assignee after all bonds (if any) issued thereunder have been
paid in full, for such consideration and upon such terms and
conditions as the municipality may determine.

SECTION 133. Section 57-3-25, Mississippi Code of 1972, is
brought forward as follows:

57-3-25. Any bonds issued hereunder and at any time
outstanding may at any time and from time to time be refunded by a
municipality by the issuance of its refunding bonds in such amount
as the governing body may deem necessary but not exceeding an
amount sufficient to refund the principal of the bonds so to be
refunded, together with any unpaid interest thereon and any
premiums and commissions necessary to be paid in connection
therewith. Any such refunding may be effected whether the bonds
to be refunded shall have been matured or shall thereafter mature,
either by sale of the refunding bonds and the application of the
proceeds thereof for the payment of the bonds to be refunded
thereby, or by exchange of the refunding bonds for the bonds to be
refunded thereby, provided that the holders of any bonds so to be
refunded shall not be compelled without their consent to surrender
their bonds for payment or exchange prior to the date on which
they are payable or, if they are called for redemption, prior to
the date on which they are by their terms subject to redemption.
Any refunding bonds issued under the authority of this section
shall be payable solely from the revenues out of which the bonds
to be refunded hereby were payable, and shall be subject to the
provisions contained in Section 57-3-11, and may be secured in
accordance with the provisions of Section 57-3-21.

SECTION 134. Section 57-3-27, Mississippi Code of 1972, is
brought forward as follows:

57-3-27. The proceeds from the sale of any bonds issued
under authority of this chapter shall be applied only for the
purpose for which the bonds were issued. However, any accrued
interest and premium received in any such sale shall be applied to
the payment of the principal of or the interest on the bonds sold;
and, if for any reason, any portion of such proceeds shall not be
needed for the purpose for which the bonds were issued, then such
unneeded portion of said proceeds shall be applied to the payment
of the principal of or the interest on said bonds. The cost of
acquiring any project shall be deemed to include the following:
the actual cost of the construction of any part of a project which may be constructed, including equipment, machinery, facilities, attorney's, architect's and engineer's fees; abstracts, cost of preparing and recording warranty deeds; the purchase price of any part of a project that may be acquired by purchase; the deposit into a reserve or escrow fund advance payments for insurance, in the event that the prospective lessee shall be in default of any payments and the municipality has to take over the operation of said project; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six (6) months after completion of construction. Proceeds of said bonds shall be placed in the municipal treasury or with the trustee named in the mortgage or indentured trust as provided in Section 57-3-21 as a special fund and shall be used for no other purpose than the purpose set forth in the original resolution, and any officer diverting or assisting to divert any such fund to any other purpose than the purpose originally set forth in said resolution of the governing authority of said municipality shall be guilty of a misdemeanor, shall be punished accordingly, and shall also be liable both personally and on his official bond for such diversion, together with the costs of collection and reasonable attorney's fees. The Mississippi Agricultural and Industrial Board is authorized to employ necessary competent
attorneys to proceed by action for injunction or mandamus to require compliance with said original resolution by any officer or municipal board.

**SECTION 135.** Section 57-3-29, Mississippi Code of 1972, is brought forward as follows:

57-3-29. No municipality shall have the power to pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, but, the entire cost of acquiring any project must be paid out of the proceeds from the sale of bonds issued under the authority of this chapter. This provision shall not be construed to prevent a municipality from accepting donation of property to be used as a part of any such project or money to be used for defraying any part of the cost of any such project.

**SECTION 136.** Section 57-3-31, Mississippi Code of 1972, is brought forward as follows:

57-3-31. Bonds issued under the provisions of this chapter shall be legal investments for savings banks and insurance companies organized under the laws of this state.

**SECTION 137.** Section 57-3-33, Mississippi Code of 1972, is brought forward as follows:

57-3-33. The bonds authorized by this chapter, the income therefrom, all mortgages or deeds of trust executed as security therefor, all lease or purchase agreements made pursuant to the provisions hereof, and all purchases required to establish the enterprise and financed by bond proceeds shall be exempt from all
taxation in the State of Mississippi except the contractors' tax imposed by Section 27-65-21 and the tax levied by Section 27-65-24(1)(b) and all projects and the revenue derived from any lease thereof shall be exempt from all taxation in the State of Mississippi, except the tax levied by Sections 27-65-21 and 27-65-24(1)(b). From and after July 1, 1989, there shall be no new exemption under this section or under Chapter 10, Title 57, Mississippi Code of 1972, from ad valorem taxes levied for school district purposes. The time of any ad valorem tax exemption provided for hereunder shall not exceed a total of ten (10) years, which shall run from the date of completion of the project. In no event shall the term of the ad valorem tax exemption provided for hereunder be limited, terminated or otherwise affected by payment in full of the bonds issued under this chapter or by the change from a leasehold to a fee title in the enterprise financed with bonds issued under this chapter.

SECTION 138. Section 57-4-1, Mississippi Code of 1972, is brought forward as follows:

57-4-1. There is hereby established in the State Treasury a revolving fund to be designated as the "Industrial Development Fund." Such funds as may be deposited in the fund shall be used, either as loans or grants, for the purpose of making the state's contribution for matching federal grants available under the provisions of Section 304, Public Works and Economic Development
Act of 1965, as amended, for political subdivisions of the state
as hereinafter set forth.

**SECTION 139.** Section 57-4-3, Mississippi Code of 1972, is
brought forward as follows:

57-4-3. Any state contribution made as a loan on behalf of a
political subdivision under the provisions of this chapter is
hereby made a full faith and credit obligation of such political
subdivision to the State of Mississippi, and binding on the
governing body obtaining such state contribution and their
successors in office until repaid in full as to principal and
interest thereon, without regard to existing statutory
limitations.

**SECTION 140.** Section 57-4-5, Mississippi Code of 1972, is
brought forward as follows:

57-4-5. The Agricultural and Industrial Board shall require
a certified copy of a resolution, order or other appropriate
excerpt of the official minutes of the governing authority, to be
of such general form and content as the board may deem
appropriate, together with application forms for such state
contribution.

**SECTION 141.** Section 57-4-7, Mississippi Code of 1972, is
brought forward as follows:

57-4-7. All contributions made as loans by the state under
the provisions of this chapter shall be evidenced by negotiable
promissory notes of the political subdivision to be in such
standard form and content of acceptable banking standards, shall
mature at such time, to bear interest as hereinafter provided, and
shall bear the signature of the president or presiding officer and
the clerk or secretary of the political subdivision and the
official seal.

SECTION 142. Section 57-4-9, Mississippi Code of 1972, is
brought forward as follows:

57-4-9. The indebtedness for a loan incurred hereunder shall
bear interest at the rate of five percent (5%) per annum.

SECTION 143. Section 57-4-11, Mississippi Code of 1972, is
brought forward as follows:

57-4-11. Indebtedness incurred as a loan under the
provisions of this chapter shall not exceed five (5) years from
the date of the contribution by the state, and any such
indebtedness shall be repaid in equal annual installments. Any
indebtedness incurred as a loan under the provisions of this
chapter shall not be included in computing the debt limit under
any other statute.

SECTION 144. Section 57-4-13, Mississippi Code of 1972, is
amended as follows:

57-4-13. The governing authority of any county or
municipality incurring indebtedness under this chapter is hereby
authorized to annually levy a millage on all of the taxable
property of such political subdivision at any time after the
indebtedness is incurred in an amount sufficient to repay any such
indebtedness, and it shall not be charged against the existing
authority as to limitations of millage for local governmental
purposes. In the event that such indebtedness has not been repaid
in accordance with the contract, the Mississippi Agricultural and
Industrial Board shall determine that there is a default in the
terms of the promissory note, including interest due thereon,
shall enter an order to that effect upon its official minutes, and
shall send a certified copy of said order by certified mail to the
governing authority of such political subdivision and to the Department of Revenue. If the default is not satisfied within
ninety (90) days after such certified notice, the Department of Revenue shall deduct from any funds held by the state for
disbursement to said political subdivision such amount as is in
default, and shall remit it to the Mississippi Agricultural and
Industrial Board for deposit into the Industrial Development Fund.

SECTION 145. Section 57-4-15, Mississippi Code of 1972, is
brought forward as follows:

57-4-15. The proceeds of all state contributions as a loan
or grant shall be used only for matching federal funds as provided
under the provisions of this chapter. The federal funds may also
be matched by the provision of in kind services, equipment,
personnel, supplies or other in kind matching.

SECTION 146. Section 57-4-17, Mississippi Code of 1972, is
brought forward as follows:
57-4-17. The Agricultural and Industrial Board shall require governing authorities to keep such records as are necessary to assure that the funds are spent in accordance with this chapter.

SECTION 147. Section 57-4-19, Mississippi Code of 1972, is brought forward as follows:

57-4-19. All funds received by the Board of Economic Development in repayment of state contributions or unused funds from any project approved by the board shall be promptly deposited into the Industrial Development Fund.

SECTION 148. Section 57-4-21, Mississippi Code of 1972, is brought forward as follows:

57-4-21. All expenditures for approved state contributions shall be paid upon warrants drawn on the Industrial Development Fund as created pursuant to this chapter, and the State Auditor of Public Accounts shall issue warrants upon requisitions signed by the Director of the Agricultural and Industrial Board, after approval of such state contributions by the board.

SECTION 149. Section 57-4-23, Mississippi Code of 1972, is brought forward as follows:

57-4-23. The state participation shall be used only for the purposes of Title I, Public Works and Economic Development Act of 1965, as amended, and expenditures from the Industrial Development Fund shall be used primarily for the development of industrial parks, exclusive of land purchases. If the board determines that such funds will serve a more useful purpose when expended for
other purposes approved under said Title I, it shall have the
authority to approve applications for such additional purposes and
make contributions in accordance with the provisions of this
chapter. Prior to the approval of any application for a purpose
other than development of an industrial park, the board shall
spread upon its minutes the reasons for its determination that the
additional purpose will be a better use of the available funds.

No funds shall be expended from the fund for any projects
other than those approved by the board, and only after such
approval has been spread on the minutes of the board. In the
event the board receives applications which would exceed the funds
available, it shall approve those projects which appear to have
the greatest potential for immediate benefit to the areas most in
need of an improved economy.

No applicant shall receive a state contribution in excess of
ten percent (10%) of the amount appropriated to the Industrial
Development Fund by the 1977 Regular Session of the Mississippi
Legislature.

SECTION 150. Section 57-5-1, Mississippi Code of 1972, is
brought forward as follows:

57-5-1. It is hereby declared that the state public welfare
demands and the state public policy requires legislation to
encourage the establishment of standard industrial parks or
districts by various subdivisions of the state in order to further
stimulate the industrial development of the state.
SECTION 151. Section 57-5-3, Mississippi Code of 1972, is brought forward as follows:

57-5-3. The Mississippi Agricultural and Industrial Board, hereinafter referred to as the "board," shall be and is hereby authorized, empowered and directed to encourage the establishment of such industrial parks or districts where said parks or districts are found to be necessary to the development of the several municipalities of this state, including counties, supervisors districts, cities, towns or villages, or combinations thereof lying in the same or in adjacent counties, all hereinafter referred to as "municipalities."

SECTION 152. Section 57-5-5, Mississippi Code of 1972, is brought forward as follows:

57-5-5. The board shall establish, adopt and promulgate certain specific minimum requirements that will clearly describe and define the minimum requirements for an industrial park or district within the meaning of this chapter. Such minimum requirements shall, in all cases, include a complete engineering study composed of maps of the proposed park or district, details of proposed development, and itemized estimate of all costs involved in acquiring and developing such industrial park or district. Such engineering study, including the details of the proposed development and the cost estimates shall be made by a reputable engineer or engineering firm licensed to do business in
Mississippi and qualified to make a survey or study of the cost and feasibility of such an industrial park or district.

SECTION 153. Section 57-5-7, Mississippi Code of 1972, is brought forward as follows:

57-5-7. When any municipality shall desire to have a study made to determine the cost and feasibility of establishing a standard industrial park or district, the governing body of such municipality may, by resolution, make application to the Agricultural and Industrial Board for the assistance to the municipality provided by this chapter. Upon receipt of a written request for such assistance from the governing body of such municipality, the board is authorized and empowered to jointly undertake the study by mutual and written consent with the municipality, and to jointly employ an engineer or engineering firm to make the study. In case of such joint action by the board and the municipality, the board is authorized and empowered to pay up to twenty five percent (25%) of the cost of such jointly authorized engineering study. However, the amount to be paid by the board shall not exceed a total of Two Thousand Dollars ($2,000.00) for any one municipality.

SECTION 154. Section 57-5-9, Mississippi Code of 1972, is brought forward as follows:

57-5-9. The board is charged with the duty of making effective the declared public policy of the state and municipalities as hereinabove set forth, and for that purpose is
hereby authorized and empowered to determine whether the public convenience and necessity require that any municipality shall have the right to acquire lands, and thereon to bring into completion such "standard" industrial districts or parks and to dispose of or rent, let or lease any part or parts or all of such developed parks or districts for industrial purposes.

SECTION 155. Section 57-5-11, Mississippi Code of 1972, is brought forward as follows:

57-5-11. Each municipality within this state shall have the right to apply to the board for a certificate of public convenience and necessity from the board as to whether the general welfare requires that such municipality enter into the development of such a "standard" industrial park or district. In determining whether such certificate shall be issued, the board may hold hearings, make such investigation as may be desired, and shall have power to summon witnesses, administer oaths, hear testimony and make a record of all things had and done at such hearings or investigations, and to order issued such certificates of convenience and necessity as to the board may seem advisable.

SECTION 156. Section 57-5-13, Mississippi Code of 1972, is brought forward as follows:

57-5-13. The board shall investigate, find and determine, upon application of any municipality therefor, as to whether a certificate of public convenience and necessity shall be issued to such municipality to engage in the acquisition and development of
a "standard" industrial park or district deemed essential under
the above declared public policy for the economic development and
advancement of said municipality, and in considering and
determining whether or not such certificate shall be issued, the
board shall find and determine affirmatively the following:

(1) That there are sufficient natural resources readily
and economically available to attract industrial plants to sites
within said municipality or (in the case of a city, town or
village constituting a municipality as defined in this chapter)
situate in reasonable proximity thereto.

(2) That there is available a labor supply to furnish
workers to plants that might be induced to locate in such
industrial park or district.

(3) That there are adequate property values and
suitable financial conditions so that the total bonded
indebtedness of the municipality, solely for the purposes
authorized by this chapter, shall not exceed ten percent (10%) of
the total assessed valuation of all the property in the
municipality.

(4) That the complete engineering study reveals that a
suitable site for a "standard" industrial park or district does
exist within the municipality or (in the case of a city, town or
village constituting a municipality as defined in this chapter)
situate in reasonable proximity thereto, and that it can be
properly developed at costs that will make sites in the proposed
district attractive to prospective new industries.

When the board shall have determined said facts favorably, it
is authorized and empowered to issue or refuse to issue a
certificate of public convenience and necessity to said
municipality to acquire and properly develop the said "standard"
industrial park or district. If and when such certificate is
issued, it shall authorize the particular municipality to acquire,
to own, to develop, to sell, to convey, to let, to lease or to
rent any part, or parts, or all of said industrial district but
said certificate shall expire in twelve (12) months from its date
unless within said time such industrial park or district shall
have been established; subject, however, to any delays
necessitated by any litigation, or acts of God, delaying the
establishment of said development.

Should any municipality sell, convey, let, lease or rent any
part or parcel of an industrial park established under this
chapter, the municipality must receive a consideration therefor,
equal to an amount which said part or parcel so sold, conveyed,
let, leased or rented bears to its proportionate part of the total
cost of the entire industrial park. Any sums received by said
municipality from the sale or lease of any part or parcel of said
industrial park shall be paid into a sinking fund to be designated
and used for the payment of both principal and interest on all
bonds issued by the municipality for the purpose of acquiring and
developing said industrial park or parks.

**SECTION 157.** Section 57-5-15, Mississippi Code of 1972, is
brought forward as follows:

57-5-15. If and when the certificate is issued, the board
therein shall fix and determine: (1) The extent and the amount to
which the municipality may issue bonds or make expenditures for
such development; (2) what property may be acquired therefor; (3)
the terms upon which such acquisition may be had; (4) what
expenditures may be made to properly develop said property into a
"standard" industrial park or district; and, (5) the method of
operation of said industrial park by the municipality.

**SECTION 158.** Section 57-5-17, Mississippi Code of 1972, is
brought forward as follows:

57-5-17. Municipalities of this state, including counties,
judicial districts of counties having two judicial districts in
which State Highways No. 18 and 15 intersect or in which State
Highway No. 6 and Interstate Highway No. 55 intersect, supervisors
districts, cities, towns or villages whether existing under
special charters or otherwise, hereinabove called "municipalities"
acting severally or jointly with one or more other municipalities,
be and each of them is hereby authorized and empowered to make
effective the provisions herein contained, for the general welfare
of the state and the several municipalities thereof. When and
after such municipality shall have obtained therefor a certificate
of public convenience and necessity, under the provisions of this chapter, then it may acquire land by purchase, gift or otherwise for the "standard" industrial park or district thus approved, and may directly or by contract, such contract to be entered into and governed as now provided by law for other public contracts entered into by boards of supervisors, grade, level, drain, build streets, wharf, dock and water terminal facilities, install water and sewage facilities, erect fences, establish an office, obtain and install such essential facilities, equipment or appliances, construct railroad spurs, contribute toward making rail and utility services available to the district subject to the provisions of Sections 77-3-1 through 77-3-89, Mississippi Code of 1972, and do such other things as may be essential to the complete development of said industrial district, including the right to operate the district, and with concurrence of the board, to sell, to convey, to let, to lease or to rent any part, or parts, or all of said district. The power thus to do is hereby generally conferred upon all such municipalities and shall be in addition to all other powers now possessed without in anywise limiting or circumscribing them.

Any city or town in this state situated in a county bordering on the Mississippi River and situated not more than five miles from the proposed site of any industrial park or district proposed to be created and established under the provisions of this chapter, such distance to be measured between the corporate line
of any such city or town nearest such proposed site and the boundary of such proposed site nearest such corporate line, is hereby authorized and empowered to join with another municipality, as defined herein, in the creation, establishment, acquisition, ownership, control, sale, lease, disposition and disposal of any such industrial park or district, and the property, real and personal, acquired, owned or otherwise possessed and controlled by or for such industrial park or district under the authority of this chapter, notwithstanding the fact that the industrial park or district, or the proposed industrial park or district, and the property thereof, is situated in another supervisors district other than the supervisors district in which such city or town is situated. In all cases provided for in this paragraph, all authority, powers, privileges and rights provided for in this chapter shall be and are hereby conferred upon and vested in such city or town and such other municipality as may join therewith, as herein authorized.

SECTION 159. Section 57-5-19, Mississippi Code of 1972, is brought forward as follows:

57-5-19. The board is hereby authorized and empowered to adopt and put into effect all reasonable rules and regulations that it may deem necessary to carry out the provisions of this chapter, not inconsistent therewith, and the board and the municipalities receiving certificates of convenience and necessity under this chapter, shall be governed in holding municipal
elections, in the issuance of municipal bonds, their forms, terms, the necessary tax levies, the exemption of bonds from taxation and the joining of various municipalities in establishing said industrial districts, by the same conditions, terms and laws applicable to the issuance of industrial bonds as authorized and provided by Sections 57-1-1 through 57-1-51, 57-1-101 through 57-1-107 and 57-1-131 through 57-1-145.

SECTION 160. Section 57-5-21, Mississippi Code of 1972, is brought forward as follows:

57-5-21. The several municipalities of this state, including counties, supervisors districts, cities, towns or villages, or combinations thereof contiguous to and lying in the same or adjacent counties, all hereinafter referred to as "municipalities," shall have all the rights, powers and duties as contained in Sections 57-5-1 through 57-5-19, plus the right of eminent domain in the acquisition of up to twenty five percent (25%) of the land for a "standard" industrial park if and when the owner or owners of at least seventy five percent (75%) of the acreage involved have either sold such acreage to the municipality or placed such acreage under option to said municipality.

SECTION 161. Section 57-5-23, Mississippi Code of 1972, is brought forward as follows:

57-5-23. The Mississippi Agricultural and Industrial Board, hereinafter referred to as the "board," in issuing a certificate of public convenience and necessity to a municipality to engage in
the acquisition and development of a "standard" industrial park or
district shall be advised by the municipality of its need to use
the power of eminent domain in the acquisition of a part of the
acreage involved, not to exceed twenty five percent (25%), and the
board shall so specify in said certificate, which shall be the
municipality's evidence of authority to use the power of eminent
domain as above specifically defined.

SECTION 162. Section 57-7-1, Mississippi Code of 1972, is
brought forward as follows:

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

In order to provide for the improvement of such property for
industrial and commercial purposes, the municipality or other
authority shall be authorized to provide all necessary utilities
therefor and to lay out, construct and/or improve and hard-surface
roadways, streets, driveways and access roads, railroads and spur
tracks, and provide for the grading, drainage, sewer, lights and water, and all other necessary or proper utilities as may be necessary or proper to make such land desirable or useful as a site or sites for industrial and commercial enterprises. The cost and expense of such improvements to said real estate shall be paid for from funds made available from the lease or sale of such lands to the extent such funds are available.

**SECTION 163.** Section 57-7-3, Mississippi Code of 1972, is brought forward as follows:

57-7-3. For the purpose of providing funds to defray the expenses of improving and developing the airport properties as set forth in Section 57-7-1, the said municipality or other authority shall have the right to borrow money for the industrial improvement of its lands and property, and to issue revenue bonds therefor, payable out of any revenues derived from such property, including grants or contributions from the federal government or other sources. Such bonds may be sold at public or private sale at not less than par and shall bear interest at a rate or rates not exceeding that allowed in Section 75-17-103. Any such bonds so issued shall not constitute a debt of any municipality, the state, or any political subdivision thereof, other than the municipality or other authority.

**SECTION 164.** Section 57-7-5, Mississippi Code of 1972, is brought forward as follows:
57-7-5. All bonds issued under the authority of this chapter shall bear such date or dates, shall be in such form or denomination, shall bear such rate of interest, and shall mature at such times as the said municipality or other authority shall determine, but no bonds issued under the authority of this chapter shall mature more than twenty-five (25) years from the date of the issuance thereof and none of said bonds shall be sold for less than par and accrued interest. All such bonds shall be sold in the manner now provided by law for the sale of bonds without any restrictions, limitations, requirements or conditions applicable to the borrowing of such money and the issuance of such bonds which are not herein contained. The denomination, form, place of payment and other details of such bonds may be determined by resolution or order of the municipality or other authority, and shall be executed on behalf of the municipality or other authority as is now provided by law.

SECTION 165. Section 57-7-7, Mississippi Code of 1972, is brought forward as follows:

57-7-7. Before issuing any bonds under the provisions of this chapter, the municipality or other authority shall, by resolution spread upon the minutes, declare its intention to issue such bonds for the purposes authorized by this chapter and shall state in said resolution the amount of bonds proposed to be issued and shall likewise fix in said resolution the date upon which the said municipality or other authority proposes to direct the
issuance of such bonds. Notice of such intention shall be
published once a week for at least three (3) consecutive weeks in
a newspaper published or having a general circulation in the
municipality or the governmental subdivision issuing the bonds,
with the first publication of said notice to be made not less than
twenty one (21) days prior to the date fixed in the resolution for
the issuance of said bonds and the last publication to be made not
more than seven (7) days prior to such date. If, on or before the
date specified in the resolution, twenty percent (20%) of the
qualified electors of the municipality or other governmental
subdivision shall file a written protest against the issuance of
such bonds, then an election upon the issuance thereof shall be
called, and held, as is hereby provided. If no such protest shall
be filed, then the said municipality or other authority may issue
such bonds without an election on the question of the issuance
thereof at any time within a period of two (2) years after the
date specified in the resolution.

SECTION 166. Section 57-7-9, Mississippi Code of 1972, is
brought forward as follows:

57-7-9. If an election shall be called under the provisions
of this chapter on the question of the issuance of bonds, the
election shall be held, insofar as practicable, in the same manner
as other elections are held in said municipality or other
governmental subdivision. At such election, all qualified
electors of the municipality or other governmental subdivision may
vote and the ballots used in such election shall have printed thereon a brief statement of the amount and purposes of the proposed bond issue and the words "FOR THE BOND ISSUE" and the words "AGAINST THE BOND ISSUE," and the voters shall vote by placing a cross (X) or check mark (✓) opposite their choice on the proposition.

**SECTION 167.** Section 57-7-11, Mississippi Code of 1972, is brought forward as follows:

57-7-11. When the results of any election hereinabove provided for shall have been canvassed by the election commissioners of said municipality or governmental district and certified by them to the proper authorities, it shall be the duty of the municipality or other authority involved to determine and adjudicate whether or not a majority of the qualified electors who voted in such election voted in favor of such bonds and unless a majority of the qualified electors who voted in said election shall have voted in favor of such bonds, then the same shall not be issued. Should a majority of the qualified electors who vote in such election vote in favor of said bonds, the municipality or other authority may issue said bonds, either in whole or in part, within two (2) years from the date of such election, or within two (2) years after final favorable determination of any litigation affecting the issuance of such bonds at such time or times, and in such amount or amounts, not exceeding that specified in the notice of the election, as shall be deemed proper.
SECTION 168. Section 57-7-13, Mississippi Code of 1972, is brought forward as follows:

57-7-13. This chapter, without reference to any other statute, shall be deemed to be full and complete authority for the issuance of bonds and borrowing of money as hereby authorized by municipalities or other governmental authority, and shall be construed as an additional and alternate method therefor. The bonds hereby authorized shall not constitute an indebtedness within the meaning of any constitutional or statutory limitation or restriction.

SECTION 169. Section 57-9-1, Mississippi Code of 1972, is brought forward as follows:

57-9-1. This chapter may be cited as the "Industrial Training Law of 1964."

SECTION 170. Section 57-9-3, Mississippi Code of 1972, is brought forward as follows:

57-9-3. It is hereby declared that the state public welfare demands, and the state public policy requires:

(a) That a balanced economic development of this state is essential.

(b) That the present and prospective health, safety, morals, pursuit of happiness, right of gainful employment and the general welfare of the citizens demand as a public purpose, the development within Mississippi of trade preparatory or industrial
plant training and recruitment program for the various commercial, industrial, agricultural and manufacturing enterprises.

(c) That the means and measures herein authorized to promote said commercial, industrial, agricultural and manufacturing enterprises, are as a matter of public policy, for the public purposes of increasing gainful employment and business activities of the municipalities, counties, and supervisors districts of Mississippi, hereinafter called "municipalities."

(d) That the currently existing critical gap in the employment and use of skilled and semiskilled residents of the state resulting from deficient training programs and facilities be eliminated, and that the proper promotion of the health, safety, morals, pursuit of happiness, right of gainful employment, and the general welfare of the state demands the enactment of the program herein authorized.

(e) That the accomplishment of the things herein authorized will stimulate and provide ready and attractive employment for the skilled and semiskilled residents of the state through the proper increase of the skilled and semiskilled labor force available which will further develop the agricultural, commercial, industrial and other resources of the state for the general welfare.

SECTION 171. Section 57-9-5, Mississippi Code of 1972, is brought forward as follows:
57-9-5. The Mississippi Agricultural and Industrial Board, hereinafter referred to as the "board," is hereby authorized and empowered to formulate and place into existence, plans for industrial plant training and recruitment for new and expanded industries, or both, in Mississippi. To that end, there is hereby created and provided within the board, in addition to all other funds that may be appropriated to the board, an "Industrial Revolving Fund," and all sums of monies received or obtained by the board under the provisions of this chapter, by appropriation or otherwise, shall be paid into the State Treasury, and the State Treasurer shall deposit said monies into the industrial revolving fund. All expenditures therefrom shall be authorized by the board in the manner hereinafter set forth and such expenditures shall be paid therefrom by the State Treasurer on warrants of the Auditor of Public Accounts; and said Auditor shall issue his warrant upon requisition properly signed by the director and secretary of the board.

SECTION 172. Section 57-9-7, Mississippi Code of 1972, is brought forward as follows:

57-9-7. Any municipality, hereinafter referred to as "the applicant," may, on behalf of any new or expanded industry, or both, in Mississippi, apply to the board for a loan, not to exceed Twenty Thousand Dollars ($20,000.00) for any one (1) new or one (1) expanded industry, which funds shall be used exclusively for the purposes of preparatory or industrial plant training and
recruitment. The board is authorized and empowered to determine whether the public convenience and necessity requires that the application therefor be approved or denied, and what amount, if any, should be loaned by the board to the applicant for said new or expanded industry. For the purpose of administering provisions of this chapter, the board shall establish reasonable rules and regulations to be followed by the applicant in making application for loans hereby authorized. The board shall investigate, find and determine as to whether a certificate of public convenience and necessity shall be issued and contract for a loan of funds to the applicant shall be made. In considering and determining whether or not such certificate of public convenience and necessity shall be issued and whether a loan shall be made or not, the board shall find and determine, to include, but not be limited to, the following:

(a) That the net worth of the new or expanded industry, on behalf of which the municipality is making said application, meets the prerequisites and requirements of the board. The applicant shall furnish upon request to the board such information with regard to the new or expanded industry's net worth as may be required by the board.

(b) That the new or expanded industry, on behalf of which the municipality is making such application, shall submit along with the applicant, a detailed and complete study of its training needs, plans, and total amount of funds to be used for
industrial training and preparatory training only, and the same
shall appear to be feasible and practicable to the board.

(c) That the new or expanded industry, on behalf of
which the municipality is making such application, shall submit a
plan of repayment, along with the applicant, and which repayment
shall be made within five (5) years after the loan, and such plan
shall be approved by the board.

When the board shall have determined said facts favorably, it
is authorized and empowered, having due regard to the promotion of
the public policy and general welfare herein declared, to issue or
refuse to issue a certificate of public convenience and necessity
to the applicant, approve or disapprove the loan of any part or
all of the funds requested by the applicant. If and when said
certificate is issued, and if and when said loan is approved, the
board therein shall fix and determine:

(a) The amount of monies to be loaned.
(b) The time, amount, and method of repayment.
(c) The method, manner, and what legally valid and
enforceable documents, promissory notes, deeds of trust, or
contracts, or any combination thereof, shall be executed by the
applicant and the new or expanded industry.

SECTION 173. Section 57-9-9, Mississippi Code of 1972, is
brought forward as follows:

57-9-9. In the event the board shall issue a certificate of
public convenience and necessity to the applicant, and approve a
loan of a sum, such sum as approved to be loaned, shall be

dispersed to the applicant upon the execution of a legally valid

and enforceable promissory note, deed of trust, or contract, or

any combination thereof, by the new or expanded industry and the

applicant, in accordance with the approved plan of repayment. In

the event a contract is required by the plan of repayment, the

board is authorized to join in the execution thereof. The board

is further authorized to require such provisions and covenants in

such promissory note, deed of trust, or contract, or any

combination thereof, deemed reasonably necessary to carry out the

provisions of this chapter and require the repayment of said

loans. The board and municipalities are further authorized to

institute suit, at law or equity, to cause the repayment of such

loans, and to protect the interest of the State of Mississippi,

and may employ private counsel to do so.

SECTION 174. Section 57-10-1, Mississippi Code of 1972, is

brought forward as follows:

57-10-1. It is hereby declared to be the public policy of

this state and the purpose of this article to improve and

stimulate the state's economy in general, and the small business

segment thereof in particular, by establishing a program to

stimulate and supplement the flow of private equity capital and

long term loan funds which small business concerns of this state

need for the sound financing of their business operations and for

their growth, expansion and modernization, and which are not
available in adequate supply. It is the intent of the Legislature that this policy shall be carried out in such manner as to insure the maximum participation of private financing sources. It is further hereby declared that the public welfare of the state demands the establishment of such a program to provide for the maximum development of this state's agricultural, industrial and commercial resources, offering increased employment opportunities for all of the citizens of the state, encouraging the establishment of new agricultural, industrial and commercial enterprises and providing the citizens of the state of all races greater opportunities for entrepreneurship.

SECTION 175. Section 57-10-3, Mississippi Code of 1972, is amended as follows:

57-10-3. The * * * Mississippi Business Finance Corporation, created pursuant to Section 57-10-167, hereinafter referred to as the "corporation," shall exercise the powers and duties and discharge the responsibilities as provided herein.

SECTION 176. Section 57-10-9, Mississippi Code of 1972, is brought forward as follows:

57-10-9. This corporation is organized, and it shall be operated primarily for the purpose of providing financial resources necessary to implement the economic development of the state by creating a pool of capital assets to expand the agricultural, industrial and commercial enterprises of the state and to provide loan guaranties for term loans to improve the
marketability of such loans, and to encourage the expansion of available equity financing through small business investment companies.

**SECTION 177.** Section 57-10-17, Mississippi Code of 1972, is brought forward as follows:

57-10-17. The board of directors of the corporation is hereby authorized, in its discretion, based on sound business principles, to:

(a) Receive applications for and make direct term loans to small businesses, including any person, firm, corporation, joint-stock company, partnership, association or trust located within the state unable to obtain sufficient funds for the successful operation of such businesses from conventional commercial sources or other governmental agencies or in the event the financial needs of such businesses exceed the legal loan limits of local banks or other financial institutions or in the event the degree of risk involved in extending loans to such businesses exceed local standards;

(b) Make direct equity investments and/or seed money loans to local economic development corporations;

(c) Seek the participation of private banks or financial institutions, either within or without the state, in the term loans extended by the corporation;
(d) Sell its own commercial paper and other evidences of indebtedness to obtain funds for the making of term loans to creditworthy businesses;

(e) Provide a loan guaranty program for conventional loans extended to qualified small businesses in the State of Mississippi;

(f) Sell its debenture bonds to banks and other financial institutions;

(g) Apply for and receive funds in any amount from any private source or federal governmental entity, or the Small Businessman's Loan Fund or Guaranty Fee Fund as authorized by Sections 57-10-101 through 57-10-137, whether by way of grant, donation or loan;

(h) Make contracts, including contracts for services, and incur liabilities for any of the purposes authorized herein;

(i) Borrow money for any of the purposes authorized herein; incur debt, including the power to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured; and secure the same by mortgage, pledge, deed of trust or other lien on its property, rights and privileges of every kind and nature, or any part thereof, or interest therein;

(j) Purchase, receive, hold, lease or acquire by foreclosure, and sell, convey, transfer or lease real and personal property, together with such rights and privileges as may be
incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations;

(k) Make all expenditures and incur any obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and, if necessary, improve real and personal property acquired in the liquidation of investments in order to realize the maximum return for the corporation on any sale or disposition thereof;

(l) Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage or pledge the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any person, firm, corporation, joint-stock company, partnership, association or trust, and, while the owner or holder thereof, exercise all the rights, powers and privileges of ownership, including the right to vote thereon;

(m) Mortgage, pledge or otherwise encumber any property right or thing of value acquired pursuant to the powers contained in paragraphs (j), (k) or (l) as security for the payment of any part of the purchase price thereof;

(n) Cooperate with and assist and otherwise encourage agencies, organizations, local or regional, private or public, in the various communities of the state in the promotion, assistance
and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof;

(o) Do all acts and things necessary and proper to create, form, participate in or fund a State SBA 503 program as authorized under Title V, Section 503 of the Small Business Investment Act of 1958, as amended, Section 697, Title XV, United States Code;

(p) Do all acts and things necessary and proper to carry out the powers expressly granted in this article, including, but not limited to, employment of administrative and clerical staff, and such other employees as may be necessary in its judgment and to fix their compensation, and to perform its powers and functions through its officers, agents and employees;

(q) Do all acts and things necessary and proper for the issuance of bonds for solid waste facilities;

(r) Do all acts and things necessary to operate the Mississippi Development Bank pursuant to Section 31-25-1 et seq.;

(s) Maintain an office in the name of the corporation at such place or places within this state as it may designate without the approval of any other state agency or department.

SECTION 178. Section 57-10-19, Mississippi Code of 1972, is brought forward as follows:

57-10-19. In addition to the other powers and authority prescribed by this article, the corporation may purchase debentures or the common stock of small business investment
companies or minority enterprise small business investment companies, incorporated or domiciled in the state under the provisions of the Small Business Investment Law of 1958, as amended, which debentures may be subordinate to any other debenture bonds, promissory notes or other debts and obligations of such small business investment companies except for those purchased by the Small Business Administration in accordance with the Federal Small Business Investment Act of 1958, as amended (15 USC Section 661 et seq.); any purchases by the corporation of stock shall be made from funds derived from sources other than the State of Mississippi. The corporation is prohibited from investing in both the stock and evidences of indebtedness of any company.

SECTION 179. Section 57-10-21, Mississippi Code of 1972, is brought forward as follows:

57-10-21. Any loans by the corporation to a small business investment company or minority enterprise small business investment company, shall be conditioned on the following:

(a) A loan to a small business investment company or minority enterprise small business investment company shall not exceed the amount of its outstanding portfolio investments or the amount of its private paid in capital and paid in surplus, whichever is less.
(b) The small business investment company or minority enterprise small business investment company must agree that the entire loan will be invested in firms located in this state.

(c) The repayment period for any such loan shall not exceed fifteen (15) years but such loans need not be amortized.

(d) Such other conditions as may be prescribed by the board of directors of the corporation.

SECTION 180. Section 57-10-23, Mississippi Code of 1972, is brought forward as follows:

57-10-23. Any small business investment company or minority enterprise small business investment company wishing to participate under this article shall pay a Five Hundred Dollar ($500.00) fee annually on July 1 to the corporation which shall be deposited in a qualified state depository, to the credit of the "Mississippi Economic Development Corporation." The annual fee paid on its initial application shall be prorated according to the date of application.

SECTION 181. Section 57-10-25, Mississippi Code of 1972, is brought forward as follows:

57-10-25. It is the further intention of this article that the initial capital base of the corporation be raised from a combination of private foundation grants, any funds available from various federal programs, and such funds as may be appropriated by the state. Additional funding of the corporation may be derived from the sale of debenture bonds or long term funding from the
sale of the corporation's commercial paper and notes. Such
additional funding and any guaranty executed by the corporation of
any loan or investment, and any other obligations incurred by the
corporation, shall be based solely on the credit of the
corporation and shall not pledge or loan the credit of the state
in aid of any person, association or corporation. Funds of the
corporation shall be primarily invested in amortized loans of ten
(10) years or shorter maturity. If feasible and possible, all
loans extended by the corporation shall be made in participation
with existing banks or other financial institutions.

SECTION 182. Section 57-10-29, Mississippi Code of 1972, is
brought forward as follows:
57-10-29. All funds received by the corporation from any
source whatsoever shall be deposited in a qualified state
depository to the credit of the "Mississippi Economic Development
Corporation," said funds to be disbursed therefrom upon checks
drawn upon said account after approval of said board and signed by
the chairman and treasurer of the corporation. The post audit
division of state government shall audit said corporation's books
not less than once each year.

SECTION 183. Section 57-10-31, Mississippi Code of 1972, is
brought forward as follows:
57-10-31. No officer or director of this corporation shall
ever be held personally liable for contracts, debts or defaults of
this corporation nor shall any mere informality in organization
have the effect of rendering these null or of exposing the officers or directors to any such liability or responsibility. However, the officers, directors, agents and employees of the corporation shall be liable for any fraudulent or illegal diversion or misappropriation of the funds of the corporation which any such person knowingly and willfully caused, permitted or conspired to permit to be made, and all such officers, directors, agents and employees entrusted with the custody of the securities of or authorized to disburse the funds of the corporation shall be bonded, either by a blanket bond or by individual bonds, with a surety bond or bonds with a minimum limitation of One Hundred Thousand Dollars ($100,000.00) coverage for each person covered thereby, conditioned upon the faithful performance of their duties, the premium for which shall be paid out of the assets of the corporation.

SECTION 184. Section 57-10-35, Mississippi Code of 1972, is brought forward as follows:

57-10-35. All state agencies shall cooperate with the corporation, and all public institutions of higher education shall work with the corporation to facilitate the utilization of technological information by small businesses in this state.

SECTION 185. Section 57-10-39, Mississippi Code of 1972, is brought forward as follows:

57-10-39. An annual report concerning the operation of this article shall be submitted by the corporation to the Legislature.
SECTION 186.  Section 57-10-41, Mississippi Code of 1972, is brought forward as follows:

57-10-41.  In the event of dissolution and liquidation of the corporation, whether voluntary or involuntary or by reason of the repeal of this article and thereby terminating its corporate existence, any surplus assets of the corporation in excess of the corporation's outstanding liabilities shall be transferred to the State of Mississippi and shall automatically vest in said state, and the chairman and treasurer of the corporation shall execute and deliver such conveyances or documents as are necessary to show title in the state or to vest such assets in the state.

SECTION 187.  Section 57-10-101, Mississippi Code of 1972, is brought forward as follows:

57-10-101.  This article shall be called the "Small Businessman's Loan Assistance Law of 1972."

SECTION 188.  Section 57-10-103, Mississippi Code of 1972, is brought forward as follows:

57-10-103.  The increasing need for commercial financing at reasonable rates for the small businessman necessitates a new loan guaranty program in order that the economy of the state may continue to grow and prosper. It is the intent of this article to encourage small business loans by furnishing lending institutions additional security to place such loans on a sound, financial basis and reap statewide benefits resulting from an expanded economy. This article is intended to strengthen the economic
security of this state and insure its permanent financial well
being.

This article is hereby declared to be a public necessity, is
remedial in purpose, and should be liberally construed to effect
its purpose.

SECTION 189. Section 57-10-105, Mississippi Code of 1972, is
brought forward as follows:

57-10-105. Whenever the following terms or similar terms are
used herein they shall have the following meanings, unless the
context clearly indicates otherwise:

(a) "Borrower" means any individual, firm, partnership
or corporation approved by the committee, residing in Mississippi
who applies for or borrows money from any lender under the
provisions of this article.

(b) "Lender" shall mean any state or national bank, savings and loan association or insurance company doing business
in Mississippi, which is approved by the committee.

(c) "Manager" means the Executive Director of the
Mississippi Business Finance Corporation.

(d) "Committee" means the Certified Development Company
of Mississippi, Inc., created pursuant to Section 57-10-167.

(e) "Loan guaranty" means additional security to the
lender by the state for loans to small businessmen in this state.

(f) "Guaranty fee fund" means a revolving fund
maintained in the State Treasury as a separate fund composed of
guaranty fee payments from loans made under the provisions of this article.

(g) "Small businessman's loan fund" means a separate and additional fund maintained in the State Treasury by appropriation from the State Legislature and used exclusively to guarantee loans as herein provided.

(h) "Transfer" means to loan, to give, to make available or to pass control of any available funds held in paragraphs (f) and (g) above to the Mississippi Economic Development Corporation, or its successor.

SECTION 190. Section 57-10-109, Mississippi Code of 1972, is brought forward as follows:

57-10-109. The manager shall be required to have a surety bond in an amount to be fixed by the committee.

The manager, subject to the approval of the committee, is authorized to employ such additional technical, clerical and stenographic assistance as may be necessary to carry out the provisions of this article. It is hereby made the duty of all of the departments and agencies of the state government to give aid and assistance to the manager in administering this program.

SECTION 191. Section 57-10-111, Mississippi Code of 1972, is amended as follows:

57-10-111. The committee is authorized and empowered to prepare and promulgate reasonable rules, regulations and policies for applications for loans, credit instruments, and any and all
other forms, rules, policies, regulations or procedures desirable in order to carry out the provisions of this article. The committee shall determine the amount of the guaranty fee to be paid under the provisions of this article, subject to the limitations set forth in Section 57-10-115. Such guaranty fee payments shall be deposited in the Guaranty Fee Fund. It shall also be the duty of the committee to formulate the policies to be administered by the manager under the provisions of this article. The function of the committee shall be that of policy-making and the functions of the manager shall be administrative.

In addition to the power and authority granted herein, the committee is hereby authorized to use any available funds in the Small Businessman's Loan Fund or the Guaranty Fee Fund to be used for any authorized and legal purposes as contained in Sections 57-10-1 through 57-10-41, irrespective and notwithstanding any limitations, restrictions or other provisions of this article.

It is the intent of this section and the 1982 and 1983 amendments to Article 1 and Article 3 of this chapter, that the Small Businessman's Loan Program and the Mississippi Development Authority program shall pool and combine the resources and efforts of each to make them more readily available to the needs of the small businessmen and women of this state. However, in the event a loan is made to the Mississippi Development Authority or its successor, the maximum liability limit as expressed in Sections 57-10-115(3) and 57-10-133 shall
automatically be reduced by an amount equal to five (5) times the
amount of the loan.

The committee is hereby authorized and empowered to establish
and put in effect reasonable terms and conditions on any and all
such transfers to the corporation regarding repayment of any
transfers and security therefor, if applicable, default provisions
and annual reporting on the status of any transfer.

SECTION 192. Section 57-10-113, Mississippi Code of 1972, is
brought forward as follows:

57-10-113. A borrower may apply to the committee for a loan
guaranty necessary to meet the lender's approval of the loan. The
borrower must demonstrate his inability to obtain conventional
financing, and thus the need for the state loan guaranty.

SECTION 193. Section 57-10-115, Mississippi Code of 1972, is
brought forward as follows:

57-10-115. (1) On every loan, the borrower shall pay a
nonrefundable guaranty fee of two percent (2%) of the guaranteed
portion, to be paid at the time of disbursement of loan proceeds.
Upon collection, the committee shall remit all such guaranty fees
to a special fund for such fees created by the State Treasurer.
(2) No loan guaranty made by the committee shall exceed
seventy-five percent (75%) of the principal of the loan.
(3) The amount of all outstanding loan guaranties shall not
exceed five (5) times the combined total amount in the Small
Businessman's Loan Fund, plus the Guaranty Fee Fund and accrued
interest on both funds, provided the liability of the two (2) funds shall not exceed Fifteen Million Seven Hundred Fifty Thousand Dollars ($15,750,000.00).

(4) No guaranty made under the provisions of this article shall be an amount exceeding Three Hundred Seventy-five Thousand Dollars ($375,000.00) principal, and the term thereof shall not exceed twenty (20) years.

(5) More than one (1) loan may be outstanding to any one (1) borrower at any one (1) time; provided, however, that the aggregate amount of all loan guaranties to any one (1) borrower shall not exceed Three Hundred Seventy-five Thousand Dollars ($375,000.00).

(6) The total amount of a loan secured by any real and/or personal property, including any previous indebtedness incurred against real and/or personal property offered as security for such loan, shall not exceed ninety percent (90%) of the market value as determined by an appraisal made by the lender. In determining the amount of indebtedness to be incurred against any real or personal property securing such a loan, the lender may consider the enhanced value of the real property and any other additional capital assets accruing to the borrower through loans provided under this article.

SECTION 194. Section 57-10-117, Mississippi Code of 1972, is brought forward as follows:
57-10-117. If there is a corporate borrower, the committee shall require the personal guarantee or endorsement of any principal or entity owning at least twenty percent (20%) of the corporation that is borrowing money from any lender under the provisions of this article, and the committee may also require any other guarantees it deems appropriate.

SECTION 195. Section 57-10-119, Mississippi Code of 1972, is brought forward as follows:

57-10-119. If the loan is approved and the lender so desires, the loan, where feasible, may be advanced in installments under such rules and regulations as the committee may establish.

SECTION 196. Section 57-10-121, Mississippi Code of 1972, is brought forward as follows:

57-10-121. If the borrower defaults in the payment of any loan or any installments thereof, fails to follow his plan and applies any installment or installments of his loan to purposes other than those in his plan as certified by the committee, violates any of the covenants and conditions contained in the instrument securing the loan, or fails to comply with any other provision of this article, the lender shall proceed to collect the entire amount due under the loan.

In the event the lender proceeds to collect the loan, he shall be required to follow the procedures as established by the committee and shall not have a claim against either the Guaranty Fee Fund or the Small Businessman's Loan Fund in the State.
Treasury unless or until he has first exhausted his legal rights and remedies in aid of the collection of the loan which include, but are not limited to, his rights under the following: (a) promissory note or notes and signers or endorsers thereon; (b) deeds of trust and mortgages; (c) security agreements; and (d) any set-offs or counterclaims which include the right to foreclose the deeds of trust or mortgages and to sell, or cause to be sold, the property secured thereby and obtain a judgment or decree for any balance remaining due on the loan after such foreclosures and sale of the property given as security.

When the lender has obtained a judgment or decree against the borrower for any deficiency in the amount of the principal of the loan and interest not realized in the sale of the mortgaged property or otherwise, the lender must have execution issued on any such judgment or decree. If the judgment is not satisfied following execution, the lender shall then assign the judgment or decree to the State of Mississippi, using such form of assignment as may be prescribed by regulation promulgated by the committee, before either of the two (2) said funds in the State Treasury may be liable in anywise for the benefit of the lender; however, the committee may determine that it is economically or legally infeasible for the lender to obtain a judgment or decree against the borrower, such determination and the reasons therefor to be reflected in the minutes of the committee. Upon the making of
such a determination, the committee will succeed to whatever rights the lender may possess in place of a judgment or decree.

**SECTION 197.** Section 57-10-123, Mississippi Code of 1972, is brought forward as follows:

57-10-123. If the requirements appearing heretofore in Section 57-10-121 have been met by the lender and any sum of money remains due on the principal of the loan, the lender must file with the manager, on the form prescribed by the committee, the lender's claim for the amount of principal remaining due and outstanding under the loan. The claim shall be accompanied by papers showing that the lender has exhausted his legal rights and remedies in an effort to collect the loan, or that such requirement was waived by the committee, and must include an assignment of the judgment from the lender to the State of Mississippi, or an assignment of rights that the lender may possess in the event requirement of judgment has been waived. In the event that the borrower has declared bankruptcy, then the lender must submit a final order of the bankruptcy court in that cause or such other documents that prove to the satisfaction of the committee that the lender has first exhausted his legal rights and remedies in aid of his collection of the loan. The committee shall review these papers and the claim by the lender and if the committee is satisfied that the same are in due form and meet the requirements under this article, the full committee shall allow the claim and issue its requisition according to law to the State.
Auditor against the Guaranty Fee Fund in the State Treasury for the balance of the principal under the loan. The State Auditor shall, after determination of the legal validity of the claim, issue a warrant therefor which shall be honored by the State Treasurer by payment out of said Guaranty Fee Fund in the State Treasury.

If the balance remaining in the Guaranty Fee Fund of the State Treasury is insufficient to pay the amount of the principal of the loan remaining due, as shown by the written certificate of the State Treasurer to the manager, then the committee shall issue its requisition according to law, for the amount of the principal remaining due under the loan against the Small Businessman's Loan Fund on which the State Auditor shall issue his warrant, which shall be honored by the State Treasurer to the limit of the funds allowable in the Small Businessman's Loan Fund.

SECTION 198. Section 57-10-125, Mississippi Code of 1972, is brought forward as follows:

57-10-125. (1) If either the guaranty fee fund or the small businessman's loan fund becomes liable for any principal due under any loan and any payment is made from either fund to the lender in payment of the balance of the principal remaining due under such loan, the amount thus paid shall become a debt due the State of Mississippi in favor of the fund from which said balance for the principal of the loan was paid, or prorate with the balance of the principal that was paid from the guaranty fee fund and the small
businessman's loan fund, which debt shall bear interest at the
legal rate. It shall be the duty of the attorney, selected
pursuant to subsection (2) of this section, to collect said debt
with interest and the attorney shall also collect the balance of
the loan, representing interest due the lender over and above the
principal which will likewise bear interest at the legal rate
after the judgment is obtained. The committee may authorize the
attorney to settle and compromise any debt due under the
provisions of this section.

(2) In order to effect a collection pursuant to subsection
(1) of this section, the committee is authorized and empowered,
subject to the approval of the Attorney General, to hire an
attorney and compensate him on either a fixed or contingent fee
basis.

SECTION 199. Section 57-10-127, Mississippi Code of 1972, is
brought forward as follows:

57-10-127. Methods of distribution of all of the collections
made by the district attorney or county attorney, where either or
both of the funds in the State Treasury have become liable for the
principal due under any such loan and payment of the remaining
balance due on the principal of the loan have been paid from
either the guaranty fee fund or small businessman's loan fund,
shall be as follows: (a) first, the amount of the principal of
the loan which has been paid out of either the guaranty fee fund
or the small businessman's loan fund shall be deposited to the
fund from which it was withdrawn, or on a pro rata basis; (b) next, the interest due the lender on the loan unpaid up to and including the date of the assignment of the judgment from the lender to the State of Mississippi shall be paid to the lender; (c) then, the remainder of the proceeds, if any, shall be applied to the payment of interest to the guaranty fee fund or small businessman's loan fund, at the legal rate from the date that said fund was called upon to indemnify the lender.

SECTION 200. Section 57-10-129, Mississippi Code of 1972, is brought forward as follows:

57-10-129. The extent of the liability of either the guaranty fee fund or the small businessman's loan fund to the lender shall be seventy five percent (75%) of the principal remaining due and unpaid after the lender has fully exhausted all remedies for recovery as provided herein, and neither of these funds shall be liable for interest which the borrower owes the lender under any such loan.

SECTION 201. Section 57-10-131, Mississippi Code of 1972, is brought forward as follows:

57-10-131. The small businessman's loan fund and at least three fourths (¾) of the guaranty fee fund shall be invested in interest bearing notes or savings accounts for the highest possible yield as determined by the committee. However, not more than ten percent (10%) of the combined total of the two (2) funds shall be invested in interest bearing notes or savings accounts of
the banks from which the two (2) executive bank officers are
chosen to be members of the small businessman's loan committee
according to Section 57-10-107.

SECTION 202. Section 57-10-133, Mississippi Code of 1972, is
brought forward as follows:

57-10-133. The committee is hereby authorized and empowered
to accept federal and private grant funds and to use same for all
purposes. The committee may use any such federal or private grant
funds to establish a supplemental loan guaranty fund with the
State Treasury and may make additional loan guaranties on the
basis of such fund; provided that the aggregate amount of such
additional loan guaranties shall not at any time exceed five (5)
times the amount on deposit in such supplemental loan guaranty
fund; provided further, that the aggregate of the liability for
such supplemental loan guaranty fund and the liability authorized
by Section 57-10-115(3) shall not exceed Seventeen Million Five
Hundred Thousand Dollars ($17,500,000.00) at any one time.

SECTION 203. Section 57-10-135, Mississippi Code of 1972, is
brought forward as follows:

57-10-135. Obligations and guarantees assumed by the small
businessman's loan fund and the guaranty fee fund under the
provisions of the guaranty program shall not be in any way an
obligation, loan, debt or liability of the State of Mississippi or
of any political subdivision thereof other than the small
businessman's loan fund and the guaranty fee fund. They shall not
create or constitute any obligation, liability or indebtedness of
the state or of any political subdivision, or be or constitute a
pledge of the faith and credit of the state or of any political
subdivision, and all indebtedness or obligations shall be payable
solely from revenues or funds available for their payment as
authorized herein.

SECTION 204. Section 57-10-137, Mississippi Code of 1972, is
brought forward as follows:

57-10-137. If the program provided by this article is
terminated or discontinued for any reason in the future, all
monies in the guaranty fee fund and small businessman's loan fund
in the State Treasury shall, after payment of all outstanding
indebtedness, be transferred to the general fund.

SECTION 205. Section 57-10-151, Mississippi Code of 1972, is
brought forward as follows:

57-10-151. This article shall be known and may be cited as

SECTION 206. Section 57-10-153, Mississippi Code of 1972, is
brought forward as follows:

57-10-153. In order to stimulate the expansion of existing
small businesses and to encourage the formation of new
economically sound small business enterprises in this state, it is
the intent of the Legislature to create a consortium of state
agencies and educational institutions which provide services to
the state's nonagricultural small businesses for the purpose of
coordinating delivery and avoiding duplication of such services to
the small business community.

SECTION 207. Section 57-10-155, Mississippi Code of 1972, is
amended as follows:

57-10-155. Whenever the following terms are used herein they
shall have the following meanings, unless the context clearly
indicates otherwise:

(a) "Small business" means a nonagricultural business
as defined by the Small Business Administration's most current
declaration of Small Business Size Standards.

(b) "Nonagricultural business" means businesses
classified by the Standard Industrial Classification Code (SIC
code) as Major Groups 10 through 79. Agricultural production and
services, forestry and fisheries (Major Groups 01 through 09) are
excluded from the provisions of this act.

(c) "Consortium" means the state agencies or
educational institutions which provide services to small
businesses and are so designated by this act.

(d) "Consortium board" means the governing body of the
consortium formed to set policy and ensure that there is a
coordinated program of assistance to the state's small businesses.

(e) "Coordinator" means a staff member of the
consortium designated by the consortium board to coordinate
delivery of services to small businesses.
(f) "** Mississippi Business Finance Corporation**" means the corporation organized pursuant to Section 57-10-167 as a not-for-profit and nonshare public corporation organized and chartered for the purpose of furthering the economic development of the state.

**SECTION 208.** Section 57-10-157, Mississippi Code of 1972, is amended as follows:

57-10-157. Member agencies and institutions which are included in the Small Business Consortium are as follows:

(a) ** Mississippi Development Authority;**

(b) ** Department of Finance and Administration;**

(c) All state-supported universities; and

(d) All public junior colleges.

Other agencies or institutions serving small business may be added or deleted from the consortium by a two-thirds (2/3) vote of the consortium board.

**SECTION 209.** Section 57-10-159, Mississippi Code of 1972, is amended as follows:

57-10-159. There is hereby created the Small Business Consortium Board which shall be the policymaking body for the state's program of services to nonagricultural small businesses. The consortium board will be composed of the following seven (7) members: The Executive Director of the ** Mississippi Development Authority;** the Director of the University Research Center; the Director of the Department of Finance and
Administration; the Director of the Enterprise Development
Division of the * * * Mississippi Development Authority; the
president of a public junior college appointed by the Mississippi
Junior College Association; the President of the * * * Mississippi
Business Finance Corporation; and the District Director of the
Small Business Administration.

Members of the consortium board shall receive no compensation
for their services as members of the board. All consortium board
members who are employees of the state or any entity thereof may
receive reimbursement for actual and necessary traveling and
subsistence expenses incurred, such reimbursement to be in the
manner provided for in Section 25-3-41.

A majority of the consortium board shall constitute a quorum,
but less than a quorum may adjourn the meeting from time to time.
The consortium board shall hold its meetings on at least a
semiannual basis by call of the coordinator or a majority of the
consortium board, and such meetings may be held at any place
within the State of Mississippi acceptable to a majority of the
board.

SECTION 210. Section 57-10-161, Mississippi Code of 1972, is
brought forward as follows:

57-10-161. The duties and responsibilities of the consortium
board shall be to set policy regarding delivery, and to implement
delivery, of services to the state's nonagricultural small
businesses, which services are provided by the consortium members or other state-supported agencies or institutions.

In order to ensure that existing delivery systems for services to small businesses are utilized whenever possible and to avoid duplication of services, any proposals for programs, grants or funding intended to provide services to small business in the general population or targeted areas of the state which are under consideration by state agencies or institutions, not members of the consortium, shall be reviewed by the consortium board. The board shall determine whether to include a program within one (1) of the member agencies or delivery systems; include the agency or institution within the consortium; or disapprove the proposal.

Excluded from this review process shall be any site-specific studies or fee-paid services provided by faculty members within the state university system and fee-paid services to small businesses provided by other state agencies or departments within the state university system.

SECTION 211. Section 57-10-163, Mississippi Code of 1972, is brought forward as follows:

57-10-163. (1) It shall be the responsibility of the Coordinator of the Small Business Consortium to preside at meetings of the consortium board and to bring to the attention of the board the changing and evolving problems and needs of Mississippi small businesses; the need for addition, modification, or deletion of particular services; the existence of duplication
of effort; the need for coordination; and any other situations relative to the effective delivery of state-supported services to small businesses of the state.

(2) The coordinator shall be required to maintain current descriptions of and familiarity with the technical service programs provided by the consortium members to small businesses. These programs include but are not limited to: providing direct counseling assistance to business people in the areas of management, marketing, finance, and production as it relates to establishing a new or operating an existing small business in the state; providing business data and information necessary to make informed management decisions; and conducting training seminars and workshops on topics vital to the small business community of the state. The coordinator shall advise the consortium board of the need for addition, modification or deletion of particular services; the existence of duplication of effort; and the need for coordination. It shall be the responsibility of the consortium board to implement such changes in technical assistance programs as it deems necessary to comply with the intent of this article.

(3) The coordinator shall be selected by a two-thirds (2/3) majority vote of the consortium board and shall serve at the will and pleasure of the consortium board. The coordinator shall be a full-time staff member of one (1) of the consortium agencies or institutions or of the Small Business Administration, and shall be
located in Jackson, Mississippi. The coordinator may from time to
time call special meetings of the consortium board as needed.

SECTION 212. Section 57-10-165, Mississippi Code of 1972, is
amended as follows:

57-10-165. There is hereby created a unit within the
consortium to be known as the Small Business Clearinghouse which
shall provide a single contact point for the state's small
businesses seeking assistance, make them aware of programs
available to them, and direct them to the appropriate delivering
organization.

The Small Business Clearinghouse shall be part of the
Mississippi * * * Development Authority, and the Executive
Director of the Mississippi * * * Development Authority shall be
authorized to employ a full-time staff member and to expend such
funds as necessary to effectively implement the duties assigned
this unit.

In order to ensure that the general small business public is
informed of this single contact point for gaining access to
state-supported services, the Small Business Clearinghouse shall
establish and maintain an outreach program.

SECTION 213. Section 57-10-167, Mississippi Code of 1972, is
brought forward as follows:

57-10-167. There is hereby established the Certified
Development Company of Mississippi, a public corporation, which
shall be an incorporated certified development company pursuant to
Section 503 of the Small Business Investment Act of 1958, as amended.

The Certified Development Company of Mississippi, Inc., hereinafter referred to as the "committee" unless the context clearly indicates otherwise, shall be composed of twenty-five (25) members as follows:

(a) The State Treasurer; the Executive Director of the University Research Center or his designee; the Executive Director of the Mississippi Development Authority; the Executive Director of the Small Business Development Center; six (6) persons associated with small business to be appointed by the Governor, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, one (1) for a term of five (5) years and one (1) for a term of six (6) years; three (3) persons associated with small business to be appointed by the Lieutenant Governor, one (1) for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years; five (5) persons involved in banking or small business to be appointed by the Governor, one (1) for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years; and two (2) persons involved in banking or small business to be appointed by the Lieutenant Governor, one (1) for a term of one (1) year and one (1) for a term of two (2) years. The members
described above and serving on the committee on June 30, 1984, shall continue to serve on the committee until the expiration of their terms.

(b) For terms to begin on July 1, 1984, the Governor shall appoint one (1) person associated with small business for a term of six (6) years; the Secretary of State shall appoint one (1) person associated with small business for a term of one (1) year; the Attorney General shall appoint one (1) person involved in banking or small business for a term of six (6) years; and the State Treasurer shall appoint two (2) persons, one (1) for a term of one (1) year and one (1) for a term of two (2) years, and after the expiration of the term of the person appointed hereinabove by the Attorney General, that vacancy shall be filled thereafter by a person involved in banking or small business appointed by the State Treasurer for a term of six (6) years.

All appointments after the initial appointment shall be for terms of six (6) years each. All such appointments will be subject to the approval of the Senate. An appointment to fill a vacancy existing for any reason other than the expiration of a term shall be for the balance of the unexpired term. Members serving by reason of their ex officio designation shall continue to serve as long as they occupy the position which entitles them to membership.

Members who are officers or employees of the state shall receive no compensation for their services, and other committee
members shall receive a per diem as provided in Section 25-3-69, Mississippi Code of 1972. All members shall receive reimbursement for actual traveling and subsistence expenses incurred in the performance of their duties under this article, such reimbursement to be as provided in Section 25-3-41, Mississippi Code of 1972.

The Certified Development Company of Mississippi, Inc., shall have an executive director who shall be appointed by the board of directors.

The Certified Development Company of Mississippi, Inc., shall elect from among its membership a nine-member board of directors, a majority of whom shall be a quorum, a president and vice president and may appoint a secretary and a treasurer.

From and after July 1, 1989, the Certified Development Company of Mississippi, Inc., shall be known as the Mississippi Business Finance Corporation, and wherever the term "Certified Development Company of Mississippi, Inc.," appears in the laws of this state it shall mean the Mississippi Business Finance Corporation.

SECTION 214. Section 57-10-169, Mississippi Code of 1972, is amended as follows:

57-10-169. From and after July 1, 1983, the Mississippi * * * Development Authority and the Small Businessman's Loan Committee shall be abolished and the powers, duties and authority granted the Mississippi * * * Development Authority and the Small Businessman's Loan Committee pursuant to
Articles 1 and 3, Chapter 10, Title 57, Mississippi Code of 1972, shall at that time be transferred to the * * * Mississippi Business Finance Corporation.

SECTION 215. Section 57-10-201, Mississippi Code of 1972, is brought forward as follows:

57-10-201. This article shall be known and may be cited as the "Mississippi Business Financing Act."

SECTION 216. Section 57-10-203, Mississippi Code of 1972, is brought forward as follows:

57-10-203. The Legislature finds and determines that there exists in the state a need to assist business in the state in obtaining financing for new business or in the expansion of existing business in order to promote and develop industrial development and to further the long-term economic development of the state through the improvement of its tax base and the promotion of employment. The Legislature finds and determines that it is necessary to provide financial assistance to business in the state by providing loans, guarantees, insurance and other assistance to business, thereby encouraging the investment of private capital in business in the state. To assist in such matters is essential to the industrial development of the state. In making these determinations, the Legislature has considered and affirmatively expresses its policy to assist businesses, acknowledging that this determination has and will affect competition.
It is hereby further declared that all of the foregoing are public purposes and will serve a public purpose in that they will promote industry, develop trade and increase employment opportunities for the benefit of the inhabitants of the state, either through the increase of commerce or through the promotion of safety, health, welfare, convenience or prosperity; and that the necessity of enacting the provisions herein set forth is in the public interest and is hereby so declared as a matter of express legislative determination.

SECTION 217. Section 57-10-205, Mississippi Code of 1972, is amended as follows:

57-10-205. As used in this article, unless the context otherwise requires:

"Bonds" shall mean any bonds, refunding bonds, notes, debentures, interim certificates or any bond, grant, revenue anticipation notes or any other evidences of indebtedness of the company, whether in temporary or definitive form and whether or not exempt from federal taxation.


"Cost," as applied to the eligible business, shall mean and shall include, without limitation because of enumeration, the cost of construction; the cost of acquisition of all lands, structures,
rights-of-way, franchises, easements and other property rights and interests; the cost of demolishing, removing, rehabilitating or relocating any buildings or structures on lands acquired, including the cost of acquiring any such lands to which such buildings or structures may be moved, rehabilitated or relocated; the cost of all labor, materials, machinery and equipment, financing charges, letter of credit or other credit enhancement fees, insurance premiums, interest on all bonds prior to and during construction or acquisition and for a period not exceeding one (1) year after completion of such construction or acquisition; cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, commissions, guaranty fees, other expenses necessary or incident to determining the feasibility or practicality of constructing, financing or operating a project of an eligible business; administrative expenses, provisions for working capital, reserves for interest and for extensions, enlargements, additions, improvements and replacements, and such other expenses as may be necessary or incidental to the construction or acquisition of a project of an eligible business or the financing of such construction, acquisition or expansion and the placing of a project of an eligible business in operation. Any obligation or expense incurred by the state or any agency thereof, with the approval of the company, for studies, surveys, borings, preparation of plans and specifications or other work or materials
in connection with the construction or acquisition of a project of an eligible business may be regarded as a part of the cost of a project of an eligible business and may be reimbursed to the state or any agency thereof out of the proceeds of the bonds issued therefor. The construction of railroad spur tracks shall be a cost of an eligible business for which financial assistance is available under this article; and such assistance may be provided to an existing eligible business whether or not the construction of such spur tracks is related to an expansion of such eligible business.

"Eligible business" shall mean any person engaged in one or more business enterprises in the state who meets requirements the company shall determine from time to time if the company finds and determines such person is in need of its assistance.

"Indenture" shall mean any trust agreement, deed of trust, mortgage or other security agreement under which bonds authorized pursuant to this article shall be issued or secured.

"Lender" shall mean any federally or state chartered bank, federal land bank, production credit association, bank for cooperatives, state or federally chartered savings and loan association, building and loan association, small business investment company or any other financial institution qualified within the state to originate and service loans, including, but not limited to, insurance companies, credit unions, investment banking or brokerage companies and mortgage loan companies.
"Loan" shall mean any lease, loan agreement or sales contract as hereinafter defined:

(a) "Lease" shall mean any lease containing an option to purchase the project or projects of the eligible business being financed for a nominal sum upon payment in full, or provision thereof, of all bonds issued in connection with the eligible business and all interest thereon and principal of and premium, if any, thereon and all other expenses in connection therewith.

(b) "Loan agreement" shall mean an agreement providing for a loan of proceeds from the sale and issuance of bonds by the company or by a lender with which the company has contracted to loan such proceeds to one or more contracting parties to be used to pay the cost of one or more projects of an eligible business and providing for the repayment of such loan, including, but not limited to, all interest thereon, and principal of and premium, if any, thereon and all other expenses in connection therewith, by such contracting party or parties and which may provide for such loans to be secured or evidenced by one or more notes, debentures, bonds or other secured or unsecured debt obligations of such contracting party or parties, delivered to the company or to a trustee under an indenture pursuant to which the bonds were issued.

(c) "Sales contract" shall mean a contract providing for the sale of one or more projects of an eligible business to one or more contracting parties and includes, but is not limited
to a contract providing for payment of the purchase price, including all interest thereon, and principal of and premium, if any, thereon and all other expenses in connection therewith, in one or more installments. If the sales contract permits title to a project being sold to an eligible business to pass to such contracting party or parties prior to payment in full of the entire purchase price, it also shall provide for such contracting party or parties to deliver to the company, or to the trustee under the indenture pursuant to which the bonds were issued, one or more notes, debentures, bonds or other secured or unsecured debt obligations of such contracting party or parties providing for timely payments of the purchase price thereof.

"Municipality" shall mean any county or incorporated municipality in the state.

"Person" shall mean a natural person, partnership, association, corporation, business trust or other business entity.

"Revenue Code" shall mean the Internal Revenue Code of 1986, as amended.

"Revenues" shall mean any and all fees, rates, rentals, profits and receipts collected by, payable to, or otherwise derived by, the company, and all other moneys and income of whatsoever kind or character collected by, payable to, or otherwise derived by, the company in connection with loans to any eligible business in furtherance of the purposes of this article.
"Business enterprise" shall mean (a) any industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing or selling of any products of agriculture, mining or industry or professional services; (b) any commercial enterprise; (c) enterprises for research and development, including, but not limited to, scientific laboratories; (d) any conference center, or any final destination or resort hotel having a minimum of one hundred fifty (150) rooms, or any combination of the foregoing; (e) any theme park or movie industry production studio, or any combination thereof, which would employ a minimum of two hundred (200) net full-time employees; or (f) such other businesses as will be in furtherance of the public purposes of this article as determined by the company.

"State" shall mean the State of Mississippi.

"Umbrella bonds" shall mean the bonds issued pursuant to Section 57-10-213 of this article.

SECTION 218. Section 57-10-207, Mississippi Code of 1972, is brought forward as follows:

57-10-207. In addition to those powers granted elsewhere by law, the board of directors of the company is hereby granted all powers necessary or appropriate to carry out and effectuate the purposes of this article, including, but not limited to, the following powers to:

(a) Borrow money and issue bonds as provided by this article;
(b) Procure insurance or guarantees from any public or private entities, including any department, agency or instrumentality of the United States of America, or, subject to the provisions of and to the extent monies are available in the fund created by Section 57-10-215, insure or guarantee the payment of any bonds issued by the company, including the power to pay premiums on any such insurance or guarantees or other instruments of indebtedness;

(c) Receive and accept from any source aid or contributions of money, property, labor or other things of value to be held, used and applied to carry out the purposes of this article (subject, however, to any conditions upon which grants or contributions are made) including, but not limited to gifts or grants from any department, agency or instrumentality of the United States of America;

(d) Enter into agreements with any department, agency or instrumentality of the United States of America or of the state and with lenders and enter into loans with contracting parties for the purpose of planning, regulating and providing for the financing or assisting in the financing of any eligible business or any project thereof;

(e) Enter into contracts or agreements with lenders for the servicing and/or processing of loans;

(f) Provide technical assistance to local industrial development authorities and to profit and nonprofit entities in
the development or operation by, or assistance to, persons engaged
in business enterprises and distribute data and information
concerning the encouragement and improvement of business
terms in the state;

(g) To the extent permitted in the proceedings pursuant
to which the bonds of the company are issued, consent to any
modification with respect to the rate of interest, time for, and
payment of, any installment of principal or interest, or any other
term of any contract, loan, sales contract, lease, indenture or
agreement of any kind to which the company is a party;

(h) To the extent permitted in the proceedings pursuant
to which the bonds of the company are issued, enter into contracts
with any lender containing provisions authorizing the lender to
reduce the charges or fees, exclusive of loan payments, to persons
unable to pay the regular schedule thereof when, by reason of
other income or payment by any department, agency or
instrumentality of the United States of America or the state, the
reduction can be made without jeopardizing the economic stability
of the eligible business being financed;

(i) Allocate any of its property to the insurance or
guaranty fund established by Section 57-10-215 or to any other
fund of the company, such property consisting of:

(i) Monies appropriated by the state;
(ii) Premiums, fees and any other amounts received by the company with respect to financial assistance provided by the company;

(iii) Proceeds as designated by the company from the loan or other disposition of property held or acquired by the company;

(iv) Income from investments that were made by the company or on the behalf of the company from monies in one or more of its funds; or

(v) Any other monies made available to the company consistent with this article;

(j) Use any fund or funds of the company for any and all expenses to be paid by the company including, by way of example, but not by limitation: (i) any and all expenses for employment of administrative and clerical staff, legal, actuarial and other services; (ii) all costs, charges, fees and expenses of the company relating to the authorizing, preparing, printing, selling, issuing and insuring of bonds and the funding of reserves; and (iii) all expenses and costs relating to the guaranteeing, insuring or procurement of guarantees, insurance or other instruments providing credit or the enhancement of credit for the bonds;

(k) Collect fees and charges, as the company determines to be reasonable, in connection with its loans, insurance, guarantees, commitments and servicing thereof;
(l) Sell, at public or private sale, with or without public bidding, any obligation held by the company under this article;

(m) Invest any funds not needed for immediate disbursement, including any funds held in reserve, in any obligations or securities which may be legally purchased by political subdivisions in the state or as may be otherwise permitted by Section 57-10-251; and

(n) Take any action necessary or convenient for the exercise of the powers granted by this article or reasonably implied from them.

SECTION 219. Section 57-10-209, Mississippi Code of 1972, is amended as follows:

57-10-209. Upon receipt of a certificate of public convenience and necessity from the Executive Director of the Mississippi Development Authority, the company shall have the power to borrow money and to issue from time to time its bonds to pay the cost of the projects for which such bonds have been issued, including, but not limited to, the power to issue from time to time bonds to renew or to pay bonds, including the interest thereon. Whenever bonds can be refunded to obtain interest rates on refunding bonds which are lower than the interest rates on the bonds to be refunded it shall have the power to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds
partly to refund outstanding bonds. Refunding bonds may be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded, or exchanged for the bonds to be refunded. The company may undertake the financing of the cost of a project for an eligible business from the proceeds of its bonds by one or more of the following methods: (a) entering into a lease for the facilities of the eligible business being financed; (b) selling such facilities to the eligible business under a sales contract; (c) lending the proceeds of the sale of the bonds under a loan agreement with the eligible business; (d) entering into a loan to lenders transaction in the manner described in Section 57-10-227; or (e) entering into such other transaction or transactions as the company deems appropriate to accomplish the purposes of this article.

SECTION 220. Section 57-10-211, Mississippi Code of 1972, is brought forward as follows:

57-10-211. In addition to and not as a limitation upon the powers to issue bonds as elsewhere expressed in this article, the company may, with proceeds of an issue of its bonds, participate with lenders in making or purchasing loans to eligible businesses to be serviced by such lenders, provided that:

(a) The share of the company shall not exceed ninety percent (90%) of the total principal amount of any such loan, and such participation shall be payable with interest at the same times, but not necessarily at the same interest rate, as the share
of the lender, and both shares shall be equally and ratably secured by a valid mortgage on, or security interest in, real or personal property or by any other security satisfactory to the company to secure payment of the loan; however, the company's share of any such loan may equal one hundred percent (100%) of the total principal amount of the business loan if the lender participating in the making or purchasing of such business loan by servicing the loan, purchased one hundred percent (100%) of the total amount of the bonds issued by the company in connection with or allocable to such business loan;

(b) The total principal amount of the company's share shall not exceed ninety percent (90%) of the value of the property securing the business loan, unless the amount in excess of ninety percent (90%) is:

(i) Loaned from available funds which are not proceeds received directly from the sale of the company's bonds and are not restricted under the terms of the resolution authorizing, or the indenture securing, such bonds; or

(ii) Insured or guaranteed by a federal agency or by a private insurer qualified to write such insurance in the state, insuring a percentage of any claim for loss at least equal to that percentage of the value by which the business loan exceeds ninety percent (90%) thereof;

(c) The value of the property securing the business loan is certified by the participating lender, on the basis of
such appraisals, bids, purchase orders and engineers' certificates
as the company may require; provided that the value of items
purchased and constructed from the proceeds of the business loan
shall not be deemed, for purposes of this section, to exceed the
contract price in respect of purchase or construction;

(d) The company shall not disburse funds under a
commitment to participate in a business loan for the construction
or substantial improvement of property until the construction or
improvement has been completed, unless a lender furnishes an
irrevocable letter of credit or a qualified corporate surety
furnishes payment and performance bonds, in either event
satisfactory to the company and in an aggregate amount equal to
the cost of such construction or improvement;

(e) No other indebtedness may be secured by a mortgage
on, or security interest in, property securing a business loan
made or purchased pursuant to this section without the prior
express written authorization of the company; and

(f) The participating lender agrees to use the proceeds
of the business loan to lend to eligible businesses in the state.

SECTION 221. Section 57-10-213, Mississippi Code of 1972, is
amended as follows:

57-10-213. In addition to, and not as a limitation upon, the
powers of the company to issue bonds as elsewhere conferred in
this article, and upon the receipt of a certificate of public
convenience and necessity from the Executive Director of the
Mississippi Development Authority, the company also shall have the power to issue bonds, the proceeds of which, after payment of the costs of issuance thereof, will be used to make loans to finance or refinance the projects of eligible businesses. The company shall promulgate such rules and regulations as may be necessary to carry out the purposes of this section and to provide procedures for the making of such loans and the repayment thereof.

SECTION 222. Section 57-10-215, Mississippi Code of 1972, is brought forward as follows:

57-10-215. There is hereby created an insurance or guaranty fund of the company which may be used for any of the following purposes:

(a) To insure the payment or repayment of all or any part of the principal of, redemption or prepayment premiums or penalties on, and interest on its bonds;

(b) To insure the payment or repayment of all or any part of the principal of, redemption or prepayment premiums or penalties on, and interest on any instrument executed, obtained or delivered in connection with the issuance and sale of its bonds; and

(c) To pay or insure the payment of any fees or premiums necessary to obtain insurance, guarantees or other instruments or enhancement of credit for or support from any person in connection with financing assistance provided by the
company under this article including but not limited to working capital loans made by a lender.

**SECTION 223.** Section 57-10-217, Mississippi Code of 1972, is brought forward as follows:

57-10-217. The bonds or instruments with respect to which financial assistance is provided by the company shall be secured or unsecured in a manner approved by the company.

**SECTION 224.** Section 57-10-219, Mississippi Code of 1972, is brought forward as follows:

57-10-219. The company may, in its discretion, set the premiums and fees to be paid to it for providing financial assistance under this article. The premiums and fees and expenses set by the company shall be payable in the amounts, at the time and in the manner that the company, in its discretion, requires. The premiums and fees need not be uniform among transactions and may vary in amount among transactions and at different stages during the terms of the transactions.

**SECTION 225.** Section 57-10-221, Mississippi Code of 1972, is brought forward as follows:

57-10-221. Bonds issued pursuant to the provisions of this article shall not constitute an indebtedness within the meaning of any debt limitation or restriction.

**SECTION 226.** Section 57-10-223, Mississippi Code of 1972, is brought forward as follows:
57-10-223. Whenever federal law requires public hearings and public approval as a prerequisite to obtaining federal tax exemption for the interest paid on industrial development bonds under Section 141 of the Revenue Code, unless otherwise specified by federal law or regulation, the public hearing for industrial development bonds of the company shall be conducted by the company and the procedure for the public hearing and public approvals shall be as follows:

(a) For a public hearing by the company;

   (i) Notice of the hearing shall be published at least once in a newspaper published or having general circulation in the municipality in which the facility to be financed is to be located, or having general circulation in the state, of intention to provide financing for a named applicant. The applicant shall pay the cost of notification. The notice shall specify the time and place of hearing at which persons may appear and present their views. The hearing shall be held not less than fourteen (14) days after the notice shall appear in such newspaper. The hearing may be held at any place within the state determined by the company;

   (ii) The notice shall contain (A) the name and address of the company; (B) the name and address of the principal place of business, if any, of the applicant seeking financing; (C) the maximum dollar amount of financing sought; and (D) the type of business and purpose and specific location of the facility to be financed.
(b) For public approval, the Governor or State Treasurer is appointed by this article as the applicable elected representative within the meaning of Section 147(f) of the Revenue Code.

SECTION 227. Section 57-10-225, Mississippi Code of 1972, is brought forward as follows:

57-10-225. The company may make, and undertake commitments to make, loans to lenders under terms and conditions requiring the proceeds thereof to be used by such lenders to make loans to eligible businesses. Loan commitments or actual loans may be originated through and serviced by any such lender. As a condition to a lender's participating in such loan, such lender shall agree to use the proceeds of such loan within a reasonable period of time to make loans or purchase loans to provide eligible businesses, or finance the projects of eligible businesses, in the state or, if such lender has made a commitment to make loans to provide eligible businesses on the basis of a commitment from the company to purchase such loans, such lender will make such loans within a reasonable period of time.

SECTION 228. Section 57-10-227, Mississippi Code of 1972, is brought forward as follows:

57-10-227. The company may invest in, purchase or make commitments to invest in or purchase, and take assignments or make commitments to take assignments, of loans made by lenders for the
acquisition, construction, rehabilitation, expansion or purchase
of a project or projects for eligible business.

**SECTION 229.** Section 57-10-229, Mississippi Code of 1972, is
brought forward as follows:

57-10-229. Prior to carrying out the powers granted under
Sections 57-10-225 and 57-10-227, the company shall promulgate
rules and regulations governing its activities authorized
thereunder, including but not limited to rules and regulations
relating to the following:

(a) Procedures for the submission of requests or
invitations and proposals for making loans to lenders and the
investment in, purchase, assignment and sale of loans;

(b) The reinvestment by a lender of the proceeds, or an
equivalent amount, from any loan to a lender in loans to provide
financing for eligible business in the state;

(c) Assurances that the eligible business to be
financed will improve employment conditions or otherwise improve
industrial development in the state;

(d) Rates, fees, charges and other terms and conditions
for originating or servicing loans in order to protect against
realization of an excessive financial return or benefit by the
originator or servicer;

(e) The type and amount of collateral or security to be
provided to assure repayment of loans to lenders made by the
company;
(f) The type of collateral, payment bonds, performance bonds or other security to be provided for any loans made by a lender for construction loans;

(g) The nature and amount of fees to be charged by the company to provide for expenses and reserves of the company;

(h) Standards and requirements for the allocation of available money among lenders and the determination of the maturities, terms, conditions and interest rates for loans made, purchased, sold, assigned or committed pursuant hereto;

(i) Commitment requirements for financing by lenders involving money provided, directly or indirectly, by the company;

or

(j) Any other appropriate matters related to the duties or exercise of the company's powers hereunder.

SECTION 230. Section 57-10-231, Mississippi Code of 1972, is brought forward as follows:

57-10-231. Except as may otherwise be expressly provided by the company in proceedings relating to a particular issue of bonds, every issue of its bonds shall be payable solely out of any revenues of the company. The bonds additionally may be secured by a pledge of any grant, contribution or guarantee from the federal government or any person or a pledge by the company of any revenues from any source.

SECTION 231. Section 57-10-233, Mississippi Code of 1972, is brought forward as follows:
57-10-233. No bonds issued by the company under this article shall constitute a debt, liability or general obligation of the state or any political subdivision thereof (other than the company), or a pledge of the faith and credit of the state or any political subdivision thereof (other than the company), but shall be payable solely as provided by the company. No member or officer of the board of directors of the company nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. Each bond issued under this article shall contain on the face thereof a statement that neither the state, nor any other political subdivision thereof, shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenue or money pledged by the company and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bond.

SECTION 232. Section 57-10-235, Mississippi Code of 1972, is brought forward as follows:

57-10-235. (1) The bonds shall be authorized by a resolution of the company, shall bear such date or dates, and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than thirty (30) years from the date of issue. Bonds which are not subject to taxation shall bear interest at such rate or rates, be in such denominations, be in such form, carry such registration privileges, be executed in
such manner, be payable in such medium of payment, at such place
or places, and be subject to such terms of redemption, including
redemption prior to maturity, as such resolution may provide.
Except as expressly provided otherwise in this article, the
provisions of other laws of the state relating to the issuance of
revenue bonds shall not apply to bonds issued by the company. As
to bonds issued hereunder and designated as taxable bonds by the
company, any immunity to taxation by the United States government
of interest on such bonds or notes is hereby waived. Bonds of the
company may be sold by the company at public or private sale, from
time to time, and at such price or prices as the company shall
determine.

(2) (a) The company shall make available from the proceeds
of bonds issued the amount of One Million Dollars ($1,000,000.00)
to every certified development company created by a planning and
development district in this state, which monies shall be used by
such certified development companies to assist businesses within
the planning and development districts in a manner consistent with
the provisions of this chapter and with the provisions of the
federal act.

(b) The company shall promulgate rules and regulations
governing the activities authorized herein, including, but not
limited to:

(i) Procedures for the submission of requests or
proposals by the certified development companies;
(ii) The reinvestment by the certified development companies of bond proceeds;
(iii) Assurance that the eligible business to be financed will improve employment or otherwise improve industrial development in the state;
(iv) Rates, fees, charges and other terms and conditions of loans between the certified development companies and the borrowers;
(v) The type and amount of collateral or security to be provided to assure repayment of bond proceeds and interest;
(vi) Standards and requirements for the allocation of available money among the certified development companies; and
(vii) Any other appropriate matters related to the duties or exercise of the company's power hereunder.

SECTION 233. Section 57-10-237, Mississippi Code of 1972, is brought forward as follows:

57-10-237. Any resolution authorizing the issuance of bonds may contain provisions as to:

(a) Pledging all or any part of the revenues of the company to secure the payment of the bonds subject to the terms of the proceedings relating to other bonds of the company as may then exist;
(b) Pledging all or any part of the assets of the company, including loans and obligations securing the same, to secure the payment of the bonds, subject to the terms of the
proceedings relating to other bonds of the company as may then exist;

(c) The use and disposition of the gross income from loans owned by the company and payment of the principal of loans owned by the company;

(d) The setting aside of reserves or sinking funds and the regulations and disposition thereof;

(e) Limitations on the purposes to which the proceeds from the sale of bonds may be applied and pledging the proceeds to secure the payment of the bonds;

(f) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds;

(g) The procedure, if any, by which the terms of any of the proceedings under which the bonds are being issued may be amended or abrogated, the number or percentage of bondholders who or which must consent thereto, and the manner in which the consent may be given;

(h) The vesting in a trustee or trustees of such property, rights, powers and duties in trust as the company may determine, and limiting or abrogating the right of bondholders to appoint a trustee or limiting the rights, powers and duties of the trustee;

(i) Defining the act or omissions to act which shall constitute a default and the obligations or duties of the company
to the holders of the bonds, and providing for the rights and
remedies of the holders of the bonds in the event of default,
which rights and remedies may include the general laws of the
state and other provisions of this article; or

(j) Any other matter, of like or different character,
which in any way affects the security or protection of the holders
of the bonds.

SECTION 234. Section 57-10-239, Mississippi Code of 1972, is
brought forward as follows:

57-10-239. Any pledge made by the company shall be valid and
binding from the time when the pledge was made. The revenues or
properties so pledged and thereafter received by the company shall
immediately be subject to the lien of such pledge without any
physical delivery thereof or further act, and the lien of any such
pledge shall be valid and binding as against all parties having
claims of any kind in tort, contract or otherwise against the
company, irrespective of whether the parties have notice thereof.
Neither the resolution nor any other instrument by which a pledge
is created need be recorded.

SECTION 235. Section 57-10-241, Mississippi Code of 1972, is
brought forward as follows:

57-10-241. The company, subject to the provisions in
proceedings relating to outstanding bonds as may then exist, may
purchase bonds out of any funds available therefor, which shall
thereupon be cancelled, at any reasonable price which, if the
bonds are then redeemable, shall not exceed the redemption price
(and premium, if any) then applicable plus accrued interest to the
redemption date thereof.

SECTION 236. Section 57-10-243, Mississippi Code of 1972, is
brought forward as follows:

57-10-243. The bonds may be secured by an indenture by and
between the company and a corporate trustee which may be any bank
or other corporation having the power of a trust company or any
trust company within or without this state. Such indenture may
contain such provisions for protecting and enforcing the rights
and remedies of the bondholders as may be reasonable and proper
and not in violation of law, including covenants setting forth the
duties of the company in relation to the exercise of its powers
and the custody, safekeeping and application of all money. The
company may provide by the indenture for the payment of the
proceeds of the bonds and revenues to the trustee under the
indenture or other depository, and for the method of disbursement
thereof, with such safeguards and restrictions as the company may
determine. If the bonds shall be secured by an indenture, the
bondholders shall have no authority to appoint a separate trustee
to represent them.

SECTION 237. Section 57-10-245, Mississippi Code of 1972, is
brought forward as follows:

57-10-245. In the event that any of the members or officers
of the board of directors of the company shall cease to be members
or officers of the board prior to the delivery of any bonds signed
by them, their signatures or facsimiles thereof shall nevertheless
be valid and sufficient for all purposes, the same as if such
members or officers had remained in office until such delivery.

SECTION 238. Section 57-10-247, Mississippi Code of 1972, is
brought forward as follows:

57-10-247. The company may create and establish such funds
and accounts as may be necessary or desirable for its purposes.

SECTION 239. Section 57-10-249, Mississippi Code of 1972, is
brought forward as follows:

57-10-249. The company shall have the power to contract with
the holders of any of its bonds as to the custody, collection,
securing, investment and payment of any money of the company, and
of any money held in trust or otherwise for the payment of bonds,
and to carry out such contract. Money held in trust or otherwise
for the payment of bonds or in any way to secure bonds and
deposits of money may be secured in the same manner as money of
the company, and all banks and trust companies are authorized to
give security for the deposits.

SECTION 240. Section 57-10-251, Mississippi Code of 1972, is
brought forward as follows:

57-10-251. Subsequent amendments to this article shall not
limit the rights vested in the company with respect to any
agreements made with, or remedies available to, the holders of
bonds issued under this article prior to the enactment of the
amendments until the bonds, together with all interest thereon, and all costs and expenses in connection with any proceeding by or on behalf of the holders, are fully met and discharged.

SECTION 241. Section 57-10-253, Mississippi Code of 1972, is brought forward as follows:

57-10-253. All expenses incurred by the company in carrying out the provisions of this article shall be payable solely from funds provided under this article, and nothing in this article shall be construed to authorize the company to incur indebtedness or liability on behalf of or payable by the state or any other political subdivision thereof.

SECTION 242. Section 57-10-255, Mississippi Code of 1972, is brought forward as follows:

57-10-255. (1) The company is hereby declared to be performing a public function and to be a public body corporate and a political subdivision of the state. Accordingly, the income, including any profit made on the sale thereof from all bonds issued by the company, shall at all times be exempt from all taxation by the state or any public subdivision thereof. If, after all indebtedness and other obligations of the company are discharged the company is dissolved, its remaining assets shall inure to the benefit of the state.

(2) All mortgages or deeds of trust executed as security therefor, all lease, loan or purchase agreements made pursuant to the provisions hereof, all purchases required to establish the
enterprise and financed by proceeds from bonds issued pursuant to
Chapter 10, Title 57, Mississippi Code of 1972, shall likewise be
exempt from all taxation in the State of Mississippi except the
contractors' tax imposed by Section 27-65-21 and the taxes levied
by Section 27-65-24(1)(b), and all projects financed by the
proceeds from such bonds and the revenue derived from any lease
thereof shall be exempt from all taxation in the State of
Mississippi, except the tax levied by Sections 27-65-21 and
27-65-24(1)(b), and except the tax levied under Chapter 7, Title
27, Mississippi Code of 1972. From and after July 1, 2002, there
shall be no new ad valorem tax exemption authorized under this
section unless approved by the appropriate local taxing authority.

(3) The time of any ad valorem tax exemption provided for
hereunder shall not exceed a total of ten (10) years, which shall
run from the date of the completion of the project. In no event
shall the term of the ad valorem tax exemption provided for
hereunder be limited, terminated or otherwise affected by payment
in full of the bonds issued under this chapter or by the change
from a leasehold to a fee title in the enterprise financed with
bonds issued under this chapter.

(4) From and after July 1, 1990, there shall be no new
exemption under this section from ad valorem taxes levied for
school district purposes.

SECTION 243. Section 57-10-257, Mississippi Code of 1972, is
brought forward as follows:
57-10-257. The bonds issued by and under the authority of this article by the company are declared to be legal investments in which all public officers or public bodies of the state, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations, and other persons carrying on insurance business, all banks, bankers, banking associations, trust companies, savings associations, including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons who are now or may later be authorized to invest in bonds or in other obligations of the state, may invest funds, including capital, in their control or belonging to them. Such bonds are also hereby made securities which may be deposited with and received by all public officers and bodies of the state or any agency or political subdivision of the state and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of the state is now or may be later authorized by law.

SECTION 244. Section 57-10-259, Mississippi Code of 1972, is brought forward as follows:

57-10-259. The company shall, within one hundred twenty (120) days of the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor.
The clerk of each house of the Legislature shall receive a copy of the report by making a request for it to the company. Each report shall set forth a complete operating and financial statement for the company during the fiscal year it covers.

**SECTION 245.** Section 57-10-261, Mississippi Code of 1972, is brought forward as follows:

57-10-261. Nothing contained in this article is to be construed as a restriction or limitation upon any powers which the company might otherwise have under any other law of the state. Insofar as the provisions of this article are inconsistent with the provisions of any other law, the provisions of this article shall be controlling, and the powers conferred by this article shall be regarded as supplemental and additional to powers conferred by any other laws. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument or the security therefor, except as provided in this article.

The provisions of this article shall be liberally construed to accomplish the purposes of this article.

The powers granted and the duties imposed in this article shall be construed to be independent and severable. If any one or more sections, subsections, sentences or parts of any of this article shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.
SECTION 246. Section 57-10-301, Mississippi Code of 1972, is brought forward as follows:

57-10-301. This article shall be entitled the "Mississippi Business Finance Corporation Beginning Farmer Program."

SECTION 247. Section 57-10-303, Mississippi Code of 1972, is brought forward as follows:

57-10-303. For the purposes of this article, the following words shall have the meanings ascribed herein, unless the context otherwise requires:

(a) "Act" means the Mississippi Business Financing Act being Title 57, Chapter 10, Article 7, Mississippi Code of 1972.

(b) "Agricultural land" means land suitable for use in farming.

(c) "Agricultural improvements" means any improvements, buildings, structures or fixtures suitable for use in farming which are located on agricultural land. "Agricultural improvements" includes a single-family dwelling located on agricultural land which is or will be occupied by the beginning farmer and structures attached to or incidental to the use of the dwelling.

(d) "Corporation" means the Mississippi Business Finance Corporation.

(e) "Beginning farmer" means an individual or partnership with a low or moderate net worth that engages in farming or wishes to engage in farming.
(f) "Bonds" means bonds issued by the corporation pursuant to the provisions of the Mississippi Business Financing Act.

(g) "Depreciable agricultural property" means personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1986, as amended.

(h) "Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, the production of forest products or other activities designated by the corporation.

(i) "Mortgage" means a mortgage, mortgage deed, deed of trust, or other instrument creating a first lien, subject only to title exceptions and encumbrances acceptable to the corporation, including any other mortgage liens of equal standing with or subordinate to the mortgage loan retained by a seller or conveyed to a mortgage lender, on a fee interest in agricultural land and agricultural improvements.

(j) "Mortgage lender" means a bank, trust company, mortgage company, national banking association, savings and loan association, life insurance company, any state or federal governmental agency or instrumentality, including without limitation the Federal Land Bank or any of its local associations,
or any other financial institution or entity authorized to make mortgage loans or secured loans in this state.

(k) "Mortgage loan" means a financial obligation secured by a mortgage.

(l) "Note" means a bond anticipation note or other obligation or evidence of indebtedness issued by the corporation pursuant to this article.

(m) "Secured loan" means a financial obligation secured by a chattel mortgage, security agreement or other instrument creating a lien on an interest in depreciable agricultural property.

(n) "State agency" means any board, commission, department, public officer or other agency or authority of the State of Mississippi.

SECTION 248. Section 57-10-305, Mississippi Code of 1972, is brought forward as follows:

57-10-305. The Legislature finds and determines as follows:

(a) There exists a serious problem in the state regarding the ability of nonestablished farmers to acquire agricultural land and agricultural improvements and depreciable agricultural property in order to enter farming.

(b) This barrier to entry into farming is conducive to consolidation of acreage of agricultural land with fewer individuals resulting in a grave threat to the traditional family farm.
(c) These conditions result in a loss in population, unemployment and a movement of persons from rural communities to urban areas accompanied by added costs to communities for creation of new public facilities and services.

(d) One major cause of this condition has been recurrent shortages of funds in private channels and the high interest cost of borrowing.

(e) These shortages and costs have made the sale and purchase of agricultural land to beginning farmers a virtual impossibility in many parts of the state.

(f) The ordinary operations of private enterprise have not in the past corrected these conditions.

(g) A stable supply of adequate funds for agricultural financing is required to encourage beginning farmers in an orderly and sustained manner and to reduce the problems described in this section.

(h) It is necessary that the corporation be given the authority to encourage ownership of farms by beginning farmers by providing purchase money loans to beginning farmers who are not able to obtain adequate capital elsewhere to provide such funds and to lower costs through the use of public financing.

**SECTION 249.** Section 57-10-307, Mississippi Code of 1972, is brought forward as follows:

57-10-307. (1) The corporation shall develop a beginning farmer loan program to facilitate the acquisition of agricultural
land and improvements and depreciable agricultural property by
beginning farmers. The corporation shall exercise the powers
granted to it in Title 57, Chapter 10, Article 9 and Title 57,
Chapter 10, Article 7, Mississippi Code of 1972, in order to
fulfill the goal of providing financial assistance to beginning
farmers in the acquisition of agricultural land and agricultural
improvements and depreciable agricultural property. The
corporation may participate in and cooperate with programs of the
Farmers Home Administration, Federal Land Bank or any other agency
or instrumentality of the federal government or with any program
of any other state agency in the administration of the beginning
farmer loan program and in the making or purchasing of mortgage or
secured loans pursuant to this article.

(2) The corporation may participate in any federal programs
designed to assist beginning farmers or in any related federal or
state programs.

(3) Prior to carrying out the powers granted under Sections
57-10-301 through 57-10-305, the corporation shall promulgate
rules and regulations governing activities authorized hereunder,
including but not limited to rules and regulations including the
following:

(a) The beginning farmer is a resident of the state. If
the beginning farmer is a partnership, all partners shall be
residents of the state.
(b) The agricultural land and agricultural improvements or depreciable agricultural property the beginning farmer proposes to purchase will be located in the state.

(c) The beginning farmer has sufficient education, training or experience in the type of farming for which the beginning farmer requests the mortgage or secured loan. If the beginning farmer is a partnership, all partners shall have sufficient education, training or experience in the type of farming for which the beginning farmer requests the mortgage or secured loan.

(d) A loan to a beginning farmer for the acquisition of agricultural land and agricultural improvements does not exceed Two Hundred Fifty Thousand Dollars ($250,000.00). A loan to a beginning farmer for the acquisition of depreciable agricultural property does not exceed One Hundred Twenty-five Thousand Dollars ($125,000.00).

(e) If the loan is for the acquisition of agricultural land, the beginning farmer has or will have access to adequate working capital, farm equipment, machinery or livestock. If the loan is for the acquisition of depreciable agricultural property, the beginning farmer has or will have access to adequate working capital or agricultural land.

(f) The beginning farmer will materially and substantially participate in farming. If the beginning farmer is
a partnership, each partner shall materially and substantially participate in farming.

(g) If the beginning farmer is an individual, the agricultural land and agricultural improvements shall only be used for farming by the individual, the individual's spouse, the individual's minor children, or any of them. If the beginning farmer is a partnership, the agricultural land and agricultural improvements shall only be used for farming by the partners, each partner's spouse, each partner's minor children, or any of them.

(h) The beginning farmer has not previously received financing under this article for the acquisition of property similar in nature to the property for which the loan is sought. However, this restriction shall not apply if the amount previously received plus the amount of the loan does not exceed Two Hundred Fifty Thousand Dollars ($250,000.00) in the case of agricultural land and improvements or One Hundred Twenty-five Thousand Dollars ($125,000.00) in the case of depreciable agricultural property.

(4) The corporation may provide in a mortgage or secured loan made or purchased pursuant to this article that the loan may not be assumed or any interest in the agricultural land or improvements or depreciable agricultural property may not be leased, sold or otherwise conveyed without its prior written consent and may provide a due-on-sale clause with respect to the occurrence of any of the foregoing events without its prior written consent. The corporation may provide by rule the grounds
for permitted assumptions of a mortgage or for the leasing, sale
or other conveyance of any interest in the agricultural land or
improvements. However, the corporation shall provide and state in
a mortgage or secured loan that the corporation has the power to
raise the interest rate of the loan to the prevailing market rate
if the mortgage or secured loan is assumed by a farmer who is
already established in that field at the time of the assumption of
the loan.

(5) The corporation may participate in any interest in any
mortgage or secured loan made or purchased pursuant to this
article with a mortgage lender. The participation interest may be
on a parity with the interest in the mortgage or secured loan
retained by the corporation, equally and ratably secured by the
mortgage or securing agreement securing the mortgage or secured
loan.

SECTION 250. Section 57-10-309, Mississippi Code of 1972, is
brought forward as follows:

57-10-309. (1) The corporation may make mortgage or secured
loans, including, but not limited to, mortgage or secured loans
insured, guaranteed or otherwise secured by the federal government
or a federal governmental agency or instrumentality, a state
agency or private mortgage insurers, to beginning farmers to
provide financing for agricultural land and agricultural
improvements or depreciable agricultural property.
(2) Mortgage or secured loans shall contain terms and provisions, including interest rates, and be in a form established by rules of the corporation. The corporation may require the beginning farmer to execute a note, loan agreement or other evidence of indebtedness and furnish additional assurances and guarantees, including insurance, reasonably related to protecting the security of the mortgage or secured loan, as the corporation deems necessary.

(3) The corporation may enter into a loan agreement with a beginning farmer to finance in whole or in part the acquisition by construction or purchase of agricultural land, agricultural improvements or depreciable agricultural property. The repayment obligation of the beginning farmer may be unsecured, or may be secured by a mortgage or security agreement or by other security as the corporation deems advisable, and may be evidenced by one or more notes of the beginning farmer. The loan agreement may contain terms and conditions as the corporation deems advisable.

(4) The corporation may issue its bonds and notes for the purposes set forth in this article and Title 57, Chapter 10, Article 7, Mississippi Code of 1972, relating to the issuance of bonds and notes by the corporation and may enter into a lending agreement or purchase agreement with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. Bonds and notes must be authorized by a resolution of the corporation. The corporation
and the bondholders or noteholders may enter into an agreement to provide for any of the following:

(a) That the proceeds of the bonds and notes and investments thereon may be received, held and disbursed by the bondholders or noteholders, or by a trustee or agent designated by the corporation.

(b) That the bondholders or noteholders or a trustee or agent designated by the corporation may collect, invest and apply the amounts payable under the loan agreement or any other security instrument securing the debt obligation of the beginning farmer.

(c) That the bondholders or noteholders may enforce the remedies provided in the loan agreement or security instrument on their own behalf without the appointment or designation of a trustee and if there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained therein, the payment or performance may be enforced in accordance with the provisions contained therein.

(d) That if there is a default in the payment of the principal or interest on a mortgage or security instrument or a violation of an agreement contained in the mortgage or security instrument, the mortgage or security instrument may be foreclosed or enforced and any collateral sold under proceedings or actions permitted by law and a trustee under the mortgage or security agreement or the holder of any bonds or notes secured thereby may become a purchaser if it is the highest bidder.
(e) Other terms and conditions.

(5) The corporation shall provide in the resolution authorizing the issuance of the bonds or notes that the principal and interest shall be limited obligations payable solely out of the revenues derived from the debt obligation, collateral or other security furnished by or on behalf of the beginning farmer, and that the principal and interest does not constitute an indebtedness of the corporation, the state or any political subdivision thereof.

SECTION 251. Section 57-10-401, Mississippi Code of 1972, is brought forward as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-401. As used in Sections 57-10-401 through 57-10-445, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise:

(a) "Approved company" means any eligible company seeking to locate an economic development project in a county, which eligible company is approved by the corporation.

(b) "Approved costs" means:

(i) Obligations incurred for equipment and labor and to contractors, subcontractors, builders and materialmen in
connection with the acquisition, construction and installation of
an economic development project;

(ii) The cost of acquiring land or rights in land
and any cost incidental thereto, including recording fees;

(iii) The cost of contract bonds and of insurance
of all kinds that may be required or necessary during the course
of acquisition, construction and installation of an economic
development project which is not paid by the contractor or
contractors or otherwise provided for;

(iv) All costs of architectural and engineering
services, including test borings, surveys, estimates, plans and
specifications, preliminary investigations, and supervision of
construction, as well as for the performance of all the duties
required by or consequent upon the acquisition, construction and
installation of an economic development project;

(v) All costs which shall be required to be paid
under the terms of any contract or contracts for the acquisition,
construction and installation of an economic development project;

(vi) All costs, expenses and fees incurred in
connection with the issuance of bonds pursuant to Sections
57-10-401 through 57-10-445;

(vii) All costs funded by a loan made under the
Mississippi Small Enterprise Development Finance Act; and
(viii) All costs of professionals permitted to be engaged under the Mississippi Small Enterprise Development Finance Act for a loan made under such act.

(c) "Assessment" means the job development assessment fee authorized in Section 57-10-413.

(d) "Bonds" means the revenue bonds, notes or other debt obligations of the corporation authorized to be issued by the corporation on behalf of an eligible company or other state agency.

(e) "Corporation" means the Mississippi Business Finance Corporation created under Section 57-10-167, Mississippi Code of 1972.

(f) "Economic development project" means and includes the acquisition of any equipment or real estate in a county and the construction and installation thereon, and with respect thereto, of improvements and facilities necessary or desirable for improvement of the real estate, including surveys, site tests and inspections, subsurface site work, excavation, removal of structures, roadways, cemeteries and other surface obstructions, filling, grading and provision of drainage, storm water detention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities, off-site construction of utility extensions to the boundaries of the real estate, and the acquisition, construction and installation of manufacturing, telecommunications, data processing, distribution
or warehouse facilities on the real estate, for lease or financial
arrangement by the corporation to an approved company for use and
occupancy by the approved company or its affiliates for
manufacturing, telecommunications, data processing, distribution
or warehouse purposes. Such term also includes, without
limitation, any project the financing of which has been approved
under the Mississippi Small Enterprise Development Finance Act.

From and after January 1, 2014, such term also includes the
economic development project of a related approved company that is
merged into or consolidated with another approved company where
the approved companies are engaged in a vertically integrated
manufacturing or warehouse operation.

(g) "Eligible company" means any corporation,
partnership, sole proprietorship, business trust, or other entity
which is:

(i) Engaged in manufacturing which meets the
standards promulgated by the corporation under Sections 57-10-401
through 57-10-445;

(ii) A private company approved by the corporation
for a loan under the Mississippi Small Enterprise Development
Finance Act;

(iii) A distribution or warehouse facility
employing a minimum of fifty (50) people or employing a minimum of
twenty (20) people and having a capital investment in such
facility of at least Five Million Dollars ($5,000,000.00); or
(iv) A telecommunications or data processing business.

(h) "Executive director" means the Executive Director of the Mississippi Business Finance Corporation.

(i) "Financing agreement" means any financing documents and agreements, indentures, loan agreements, lease agreements, security agreements and the like, entered into by and among the corporation, private lenders and an approved company with respect to an economic development project.

(j) "Manufacturing" means any activity involving the manufacturing, processing, assembling or production of any property, including the processing resulting in a change in the conditions of the property and any activity functionally related thereto, together with the storage, warehousing, distribution and related office facilities in respect thereof as determined by the Mississippi Business Finance Corporation; however, in no event shall "manufacturing" include mining, coal or mineral processing, or extraction of Mississippi minerals.

(k) "State agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or laws of this state.

(l) "Revenues" shall not be considered state funds.

(m) "State" means the State of Mississippi.
(n) "Mississippi Small Enterprise Development Finance Act" means the provisions of law contained in Section 57-71-1 et seq.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-401. As used in Sections 57-10-401 through 57-10-445, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise:

(a) "Approved company" means any eligible company seeking to locate an economic development project in a county, which eligible company is approved by the corporation.

(b) "Approved costs" means:

   (i) Obligations incurred for equipment and labor and to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction and installation of an economic development project;

   (ii) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

   (iii) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction and installation of an economic development project which is not paid by the contractor or contractors or otherwise provided for;
(iv) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction and installation of an economic development project;

(v) All costs which shall be required to be paid under the terms of any contract or contracts for the acquisition, construction and installation of an economic development project;

(vi) All costs, expenses and fees incurred in connection with the issuance of bonds pursuant to Sections 57-10-401 through 57-10-445;

(vii) All costs funded by a loan made under the Mississippi Small Enterprise Development Finance Act; and

(viii) All costs of professionals permitted to be engaged under the Mississippi Small Enterprise Development Finance Act for a loan made under such act.

(c) "Assessment" means the job development assessment fee authorized in Section 57-10-413.

(d) "Bonds" means the revenue bonds, notes or other debt obligations of the corporation authorized to be issued by the corporation on behalf of an eligible company or other state agency.
(e) "Corporation" means the Mississippi Business Finance Corporation created under Section 57-10-167, Mississippi Code of 1972.

(f) "Economic development project" means and includes the acquisition of any equipment or real estate in a county and the construction and installation thereon, and with respect thereto, of improvements and facilities necessary or desirable for improvement of the real estate, including surveys, site tests and inspections, subsurface site work, excavation, removal of structures, roadways, cemeteries and other surface obstructions, filling, grading and provision of drainage, storm water detention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities, off-site construction of utility extensions to the boundaries of the real estate, and the acquisition, construction and installation of manufacturing, telecommunications, data processing, distribution or warehouse facilities on the real estate, for lease or financial arrangement by the corporation to an approved company for use and occupancy by the approved company or its affiliates for manufacturing, telecommunications, data processing, distribution or warehouse purposes. Such term also includes, without limitation, any project the financing of which has been approved under the Mississippi Small Enterprise Development Finance Act.

If an eligible company closes a facility in this state and becomes an approved company under the provisions of Sections...
57-10-401 through 57-10-449, only that portion of the project for which such company is attempting to obtain financing that is in excess of the value of the closed facility shall be included within the definition of the term "economic development project."

The Mississippi Business Finance Corporation shall promulgate rules and regulations to govern the determination of the difference between the value of the closed facility and the new facility.

(g) "Eligible company" means any corporation, partnership, sole proprietorship, business trust, or other entity which:

(i) Engaged in manufacturing which meets the standards promulgated by the corporation under Sections 57-10-401 through 57-10-445;

(ii) A private company approved by the corporation for a loan under the Mississippi Small Enterprise Development Finance Act;

(iii) A distribution or warehouse facility employing a minimum of fifty (50) people or employing a minimum of twenty (20) people and having a capital investment in such facility of at least Five Million Dollars ($5,000,000.00);

(iv) A telecommunications or data/information processing business meeting criteria established by the Mississippi Business Finance Corporation;
(v) National or regional headquarters meeting criteria established by the Mississippi Business Finance Corporation;

(vi) Research and development facilities meeting criteria established by the Mississippi Business Finance Corporation; or

(vii) Technology intensive enterprises or facilities meeting criteria established by the Mississippi Business Finance Corporation.

(h) "Executive director" means the Executive Director of the Mississippi Business Finance Corporation.

(i) "Financing agreement" means any financing documents and agreements, indentures, loan agreements, lease agreements, security agreements and the like, entered into by and among the corporation, private lenders and an approved company with respect to an economic development project.

(j) "Manufacturing" means any activity involving the manufacturing, processing, assembling or production of any property, including the processing resulting in a change in the conditions of the property and any activity functionally related thereto, together with the storage, warehousing, distribution and related office facilities in respect thereof as determined by the Mississippi Business Finance Corporation; however, in no event shall "manufacturing" include mining, coal or mineral processing, or extraction of Mississippi minerals.
(k) "State agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or laws of this state.

(l) "Revenues" shall not be considered state funds.

(m) "State" means the State of Mississippi.

(n) "Mississippi Small Enterprise Development Finance Act" means the provisions of law contained in Section 57-71-1 et seq.

SECTION 252. Section 57-10-403, Mississippi Code of 1972, is brought forward as follows:

57-10-403. (1) The Legislature finds and declares that the general welfare and material well-being of citizens of the state depend in large measure upon the development and growth of industry in the state.

(2) The Legislature finds and declares further that it is in the best interest of the state to induce the location or expansion of manufacturing facilities within this state in order to advance the public purposes of relieving unemployment by creating new jobs within this state that, but for the inducements to be offered by the corporation to approved companies as herein provided, would not exist, and of creating new sources of tax revenues for the support of the public services provided by this state and country.

(3) The Legislature finds and declares further that the authority granted by this article and the purposes to be accomplished hereby are proper governmental and public purposes.
for which public monies may be expended, and that the inducement of the location or expansion of manufacturing facilities within the state is of paramount importance, mandating that the provisions of this article be liberally construed and applied in order to advance the public purposes.

SECTION 253. Section 57-10-405, Mississippi Code of 1972, is brought forward as follows:

57-10-405. In addition to its other powers and duties, the corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of Sections 57-10-401 through 57-10-445, including, but without limiting the generality of the foregoing, the power:

(a) To provide and finance economic development projects under the provisions of Sections 57-10-401 through 57-10-445, and cooperate with counties, municipalities and eligible companies in order to promote, foster and support economic development within the counties and municipalities;

(b) To conduct hearings and inquiries, in the manner and by the methods as it deems desirable, including, without limitation, appointment of special committees, for the purpose of gathering information with respect to counties, municipalities, eligible companies and economic development projects, for the purpose of making any determinations necessary or desirable in the furtherance of Sections 57-10-401 through 57-10-445;
(c) To negotiate the terms of, and enter into financing agreements with, approved companies, and in connection therewith to acquire, convey, sell, own, lease, mortgage, finance, foreclose or otherwise dispose of any property, real or personal, in connection with an economic development project, and to pay, or cause to be paid, in accordance with the provisions of a financing agreement, the approved costs of an economic development project from any funds available therefor, including, without limitation, funds available as the result of the issuance of bonds under the Mississippi Small Enterprise Development Finance Act;

(d) To delegate to the executive director the rights and powers of the corporation required for the proper and desirable execution of the purposes of this article;

(e) To consent, if it deems it necessary or desirable in the fulfillment of its purposes, to the modification of the terms of any financing agreements of any kind to which the corporation is a party;

(f) To include in any borrowing the amounts deemed necessary by the corporation to pay financing charges, consultant, advisory and legal fees, fees for bond insurance, letters of credit or other forms of credit enhancement, investment advisory fees, trustees' fees and other expenses necessary or incident to the borrowing;

(g) To make and publish administrative regulations respecting its programs and other administrative regulations
necessary or appropriate to effectuate the purposes of Sections 57-10-401 through 57-10-445, and necessary to administer the procedures and program as provided for in Sections 57-10-401 through 57-10-445;

(h) To make, execute and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, or other organization or entity, necessary or appropriate to accomplish the purposes of Sections 57-10-401 through 57-10-445, including any financing agreements with state agencies or any political subdivisions of the state under which funds may be pledged by or to the corporation for the payment of its bonds;

(i) To accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source and to agree to, and to comply with, conditions attached thereto;

(j) To sue and be sued in its own name, plead and be impleaded; and

(k) To invest any funds held by the corporation or its agents or trustees, under Sections 57-10-401 through 57-10-445, including, but not limited to, the proceeds of bonds issued under Sections 57-10-401 through 57-10-445, reserve or other funds, or any monies not required for immediate disbursement, and the investment income on any of the foregoing, in obligations authorized by Sections 57-10-401 through 57-10-445.
SECTION 254. Section 57-10-407, Mississippi Code of 1972, is brought forward as follows:

57-10-407. The corporation may accept and expend: (a) monies which may be appropriated from time to time by the Legislature; (b) monies which may be available under the Mississippi Small Enterprise Development Finance Act; or (c) monies which may be received from any source, including income from the corporation's operations, under Sections 57-10-401 through 57-10-445, for effectuating the purposes of Sections 57-10-401 through 57-10-445, including, without limitation, the payment of the expenses of administration and operation incurred pursuant to Sections 57-10-401 through 57-10-445 and the establishment and, if deemed desirable, maintenance of a reserve or contingency fund for the administration of Sections 57-10-401 through 57-10-445.

SECTION 255. Section 57-10-409, Mississippi Code of 1972, is brought forward as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]

57-10-409. The corporation may enter into, with any approved company, a financing agreement with respect to its economic development project. The terms and provisions of each financing agreement shall be determined by negotiations between the
corporation and the approved company, except that each financing
agreement shall include the following provisions:

(a) If the corporation issues any bonds in connection
with an economic development project, the term of the financing
agreement shall not be less than the last maturity of the bonds
issued with respect to the economic development project, except
that the financing agreement may terminate upon the earlier
redemption of all of the bonds issued with respect to the economic
development project and may grant to the approved company an
option to purchase the economic development project from the
corporation upon the termination of the financing agreement for
such consideration and under such terms and conditions the
corporation may approve. Nothing in this paragraph shall limit
the extension of the term of a financing agreement if there is a
refunding of the correlative bonds or otherwise.

(b) If the corporation issues any bonds in connection
with an economic development project, the financing agreement
shall specify that the annual obligations of the approved company
under Sections 57-10-401 through 57-10-445 shall equal in each
year at least the annual debt service for that year on the bonds
issued with respect to the economic development project; and the
approved company shall pay such obligation of the financing
agreement to the trustee for bonds issued for the benefit of the
approved company, at such time and in such amounts sufficient to
amortize such bonds.
(c) If the corporation loans funds to an approved company that is a private company under the Mississippi Small Enterprise Development Finance Act, the financing agreement shall include the terms and conditions of the loan required by Section 57-71-1 et seq.

(d) (i) In consideration for financing agreement payment, the approved company may be permitted the following during the period of time in which the financing agreement is in effect, not to exceed twenty-five (25) years:

1. A tax credit on the amount provided for in Section 27-7-22.3(2), Mississippi Code of 1972; plus
2. The aggregate assessment withheld by the approved company in each year.

(ii) The income tax credited to the approved company referred to herein shall be credited in the fiscal year of the financing agreement in which the tax return of the approved company is filed. The approved company shall not be required to pay estimated tax payments under Section 27-7-319, Mississippi Code of 1972.

(e) (i) The financing agreement shall provide that the assessments, when added to the credit for the state corporate income tax herein granted, shall not exceed the total financing agreement annual payment by the approved company in any year; however, to the extent that financing agreement annual payments exceed credits received and assessments collected in any year, the
excess payment may be recouped from excess credits or assessment collections in succeeding years.

(ii) If during any fiscal year of the financing agreement the total of the income tax credit granted to the approved company plus the assessment collected from the wages of the employees equals the annual payment pursuant to the financing agreement, and if all excess payments pursuant to the financing agreement accumulated in prior years have been recouped, the assessment collected from the wages of the employees shall cease for the remainder of the fiscal year of the financing agreement.

(f) The financing agreement shall provide that:

(i) It may be assigned by the approved company only upon the prior written consent of the corporation following the adoption of a resolution by the corporation to such effect;

and

(ii) Upon the default by the approved company in the obligation to render its annual payment, the corporation shall have the right, at its option, to declare the financing agreement in default and to accelerate the total of all annual payments that are to be made or to terminate the financing agreement and cause to be sold the economic development project at public or private sale, or to pursue any other remedies available under the Uniform Commercial Code, as from time to time amended, or otherwise available in law or equity.
In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, but has issued bonds for such project prior to July 1, 1997, or in cases involving an economic development project which has been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:

57-10-409. The corporation may enter into, with any approved company, a financing agreement with respect to its economic development project. The terms and provisions of each financing agreement shall be determined by negotiations between the corporation and the approved company, except that each financing agreement shall include the following provisions:

(a) If the corporation issues any bonds in connection with an economic development project, the term of the financing agreement shall not be less than the last maturity of the bonds issued with respect to the economic development project, except that the financing agreement may terminate upon the earlier redemption of all of the bonds issued with respect to the economic development project and may grant to the approved company an option to purchase the economic development project from the corporation upon the termination of the financing agreement for such consideration and under such terms and conditions the
corporation may approve. Nothing in this paragraph shall limit
the extension of the term of a financing agreement if there is a
refunding of the correlative bonds or otherwise.

(b) If the corporation issues any bonds in connection
with an economic development project, the financing agreement
shall specify that the annual obligations of the approved company
under Sections 57-10-401 through 57-10-445 shall equal in each
year at least the annual debt service for that year on the bonds
issued with respect to the economic development project; and the
approved company shall pay such obligation of the financing
agreement to the trustee for bonds issued for the benefit of the
approved company, at such time and in such amounts sufficient to
amortize such bonds.

(c) If the corporation loans funds to an approved
company that is a private company under the Mississippi Small
Enterprise Development Finance Act, the financing agreement shall
include the terms and conditions of the loan required by Section
57-71-1 et seq.

(d) (i) In consideration for financing agreement
payment, the approved company may be permitted the following
during the period of time in which the financing agreement is in
effect, not to exceed twenty-five (25) years:

1. A tax credit on the amount provided for in
Section 27-7-22.3(2), Mississippi Code of 1972; plus
2. The aggregate assessment withheld by the approved company in each year.

   (ii) The income tax credited to the approved company referred to herein shall be credited in the fiscal year of the financing agreement in which the tax return of the approved company is filed. The approved company shall not be required to pay estimated tax payments under Section 27-7-319, Mississippi Code of 1972.

   (e) (i) The financing agreement shall provide that the assessments, when added to the credit for the state corporate income tax herein granted, shall not exceed the total financing agreement annual payment by the approved company in any year; however, to the extent that financing agreement annual payments exceed credits received and assessments collected in any year, the excess payment may be recouped from excess credits or assessment collections in succeeding years not to exceed three (3) years following the termination of the period of time during which the financing agreement is in effect.

   (ii) If during any fiscal year of the financing agreement the total of the income tax credit granted to the approved company plus the assessment collected from the wages of the employees equals the annual payment pursuant to the financing agreement, and if all excess payments pursuant to the financing agreement accumulated in prior years have been recouped, the
assessment collected from the wages of the employees shall cease for the remainder of the fiscal year of the financing agreement.  

(f) The financing agreement shall provide that:

(i) It may be assigned by the approved company only upon the prior written consent of the corporation following the adoption of a resolution by the corporation to such effect; and

(ii) Upon the default by the approved company in the obligation to render its annual payment, the corporation shall have the right, at its option, to declare the financing agreement in default and to accelerate the total of all annual payments that are to be made or to terminate the financing agreement and cause to be sold the economic development project at public or private sale, or to pursue any other remedies available under the Uniform Commercial Code, as from time to time amended, or otherwise available in law or equity.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1997, or in cases involving an economic development project which has not been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:]
57-10-409. The corporation may enter into, with any approved company, a financing agreement with respect to its economic development project. The terms and provisions of each financing agreement shall be determined by negotiations between the corporation and the approved company, except that each financing agreement shall include the following provisions:

(a) If the corporation issues any bonds in connection with an economic development project, the term of the financing agreement shall not be less than the last maturity of the bonds issued with respect to the economic development project, except that the financing agreement may terminate upon the earlier redemption of all of the bonds issued with respect to the economic development project and may grant to the approved company an option to purchase the economic development project from the corporation upon the termination of the financing agreement for such consideration and under such terms and conditions the corporation may approve. Nothing in this paragraph shall limit the extension of the term of a financing agreement if there is a refunding of the correlative bonds or otherwise.

(b) If the corporation issues any bonds in connection with an economic development project, the financing agreement shall specify that the annual obligations of the approved company under Sections 57-10-401 through 57-10-445 shall equal in each year at least the annual debt service for that year on the bonds issued with respect to the economic development project; and the
approved company shall pay such obligation of the financing
agreement to the trustee for bonds issued for the benefit of the
approved company, at such time and in such amounts sufficient to
amortize such bonds.

(c) If the corporation loans funds to an approved
company that is a private company under the Mississippi Small
Enterprise Development Finance Act, the financing agreement shall
include the terms and conditions of the loan required by Section
57-71-1 et seq.

(d) (i) In consideration for financing agreement
payment, the approved company may be permitted a tax credit on the
amount provided for in Section 27-7-22.3(2), Mississippi Code of
1972, during the period of time in which the financing agreement
is in effect, not to exceed twenty-five (25) years.

(ii) The income tax credited to the approved
company referred to herein shall be credited in the fiscal year of
the financing agreement in which the tax return of the approved
company is filed. The approved company shall not be required to
pay estimated tax payments under Section 27-7-319, Mississippi

(e) The financing agreement shall provide that:

(i) It may be assigned by the approved company
only upon the prior written consent of the corporation following
the adoption of a resolution by the corporation to such effect;
and
(ii) Upon the default by the approved company in the obligation to render its annual payment, the corporation shall have the right, at its option, to declare the financing agreement in default and to accelerate the total of all annual payments that are to be made or to terminate the financing agreement and cause to be sold the economic development project at public or private sale, or to pursue any other remedies available under the Uniform Commercial Code, as from time to time amended, or otherwise available in law or equity.

SECTION 256. Section 57-10-411, Mississippi Code of 1972, is brought forward as follows:

57-10-411. Ninety (90) days after the filing of the tax return of the approved company, the Department of Revenue shall certify to the corporation the state income tax liability for the preceding year of each approved company with respect to an economic development project financed under Sections 57-10-401 through 57-10-445, and the amounts of any tax credits taken under Sections 57-10-401 through 57-10-445.

SECTION 257. Section 57-10-413, Mississippi Code of 1972, is brought forward as follows:

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, this section shall read as follows:]
57-10-413. (1) The approved company may require that each employee whose gross wages are equivalent to Five Dollars ($5.00) or more per hour, as a condition of employment, agrees to pay a job development assessment fee not to exceed a certain percentage of the gross wages of each such employee whose job was created as a result of the economic development project, for the purpose of retiring the bonds which fund the economic development project or other indebtedness. The job development assessment fee shall not exceed the following percentages of the gross wages of the employee:

(a) Two percent (2%), if the gross wages of the employee are equivalent to Five Dollars ($5.00) or more per hour but less than Seven Dollars ($7.00) per hour;

(b) Four percent (4%), if the gross wages of the employee are equivalent to Seven Dollars ($7.00) or more per hour but less than Nine Dollars ($9.00) per hour; and

(c) Six percent (6%), if the gross wages of the employee are equivalent to Nine Dollars ($9.00) or more per hour.

(2) Each employee so assessed shall be entitled to credits against Mississippi income taxes as provided in Section 27-7-22.3.

(3) If an approved company shall elect to impose the assessment as a condition of employment, it shall deduct the assessment from each paycheck of each employee.

(4) Any approved company collecting an assessment as provided in subsection (1) of this section shall make its payroll
books and records available to the corporation at such reasonable times as the corporation shall request and shall file with the corporation documentation respecting the assessment as the corporation may require.

(5) Any assessment of the wages of employees of an approved company in connection with their employment at an economic development project under subsection (1) of this section shall lapse on the date the bonds are retired.

[In cases involving an economic development project for which the Mississippi Business Finance Corporation has not issued bonds for the purpose of financing the approved costs of such project prior to July 1, 1994, but has issued bonds for such project prior to July 1, 1997, or in cases involving an economic development project which has been induced by a resolution of the Board of Directors of the Mississippi Business Finance Corporation that has been filed with the State Tax Commission prior to July 1, 1997, this section shall read as follows:]

57-10-413. (1) Except as otherwise provided for in subsection (6) of this section, the approved company may require that each employee whose gross wages are equivalent to Five Dollars ($5.00) or more per hour, as a condition of employment, agrees to pay a job development assessment fee not to exceed a certain percentage of the gross wages of each such employee whose job was created as a result of the economic development project, for the purpose of retiring the bonds which fund the economic
development project or other indebtedness. The job development
assessment fee shall not exceed the following percentages of the
gross wages of the employee:

(a) Two percent (2%), if the gross wages of the
employee are equivalent to Five Dollars ($5.00) or more per hour
but less than Seven Dollars ($7.00) per hour;

(b) Four percent (4%), if the gross wages of the
employee are equivalent to Seven Dollars ($7.00) or more per hour
but less than Nine Dollars ($9.00) per hour; and

(c) Six percent (6%), if the gross wages of the
employee are equivalent to Nine Dollars ($9.00) or more per hour.

(2) Each employee so assessed shall be entitled to credits
against Mississippi income taxes as provided in Section 27-7-22.3.

(3) If an approved company shall elect to impose the
assessment as a condition of employment, it shall deduct the
assessment from each paycheck of each employee.

(4) Any approved company collecting an assessment as
provided in subsection (1) of this section shall make its payroll
books and records available to the corporation at such reasonable
times as the corporation shall request and shall file with the
corporation documentation respecting the assessment as the
corporation may require.

(5) Any assessment of the wages of employees of an approved
company in connection with their employment at an economic
(6) If an eligible company closes a facility in this state and becomes an approved company under the provisions of Sections 57-10-401 through 57-10-449, only those jobs created in excess of those that existed at the closed facility at the time of the closure shall be eligible for the imposition of the job development assessment fee. The Mississippi Business Finance Corporation shall promulgate rules and regulations to govern the determination of the number of jobs upon which the job development assessment fee may be imposed.

SECTION 258. Section 57-10-415, Mississippi Code of 1972, is brought forward as follows:

57-10-415. Every issue of bonds under Sections 57-10-401 through 57-10-445 shall be payable solely out of any revenues of the corporation as provided in Sections 57-10-401 through 57-10-445. The bonds additionally may be secured by a pledge of any grant, contribution or guarantee from the federal government or any person or a pledge by the corporation of any revenues from any source.

SECTION 259. Section 57-10-417, Mississippi Code of 1972, is brought forward as follows:

57-10-417. The bonds issued by the corporation under Sections 57-10-401 through 57-10-445 shall be limited obligations of the corporation and shall not constitute a debt, liability or
general obligation of the state or any political subdivision thereof (other than the corporation), or a pledge of the faith and credit of the state or any political subdivision thereof (other than the corporation), but shall be payable solely as provided by the corporation under Sections 57-10-401 through 57-10-445. No member or officer of the board of directors of the corporation nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. Each bond issued under Sections 57-10-401 through 57-10-445 shall contain on the face thereof a statement that neither the state, nor any other political subdivision thereof, shall be obligated to pay the same or the interest thereon or other costs incident thereto except from the revenue or money pledged by the corporation and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bond.

SECTION 260. Section 57-10-419, Mississippi Code of 1972, is brought forward as follows:

57-10-419. (1) The corporation may issue in its own name, from time to time, for the purpose of financing the approved costs of an economic development project, its bonds and may pledge for the payment thereof funds derived in respect of any financing agreement or other arrangement entered into by the corporation and an approved company under Sections 57-10-401 through 57-10-445.
(2) In anticipation of the issuance of bonds, the corporation may provide for the issuance, at one time or from time to time, of bond anticipation notes. The principal of and the interest on the notes shall be payable solely from the funds herein provided for the payment. Any notes may be made payable from the proceeds of bonds or renewal notes; or, if bond or renewal note proceeds are not available, the notes may be paid from any available revenues or assets of the corporation.

(3) The bonds issued under Sections 57-10-401 through 57-10-445 shall be authorized by a resolution of the corporation, shall bear such date or dates, and shall mature at such time or times as such resolution may provide, except that no bond shall mature more than twenty-five (25) years from the date of issue. Bonds which are not subject to taxation shall bear interest at such rate or rates, be in such denominations, be in such form, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, including redemption before maturity, as such resolution may provide. Except as expressly provided otherwise in Sections 57-10-401 through 57-10-445, the provisions of other laws of the state relating to the issuance of revenue bonds shall not apply to bonds issued by the corporation. As to bonds issued hereunder and designated as taxable bonds by the corporation, any immunity to taxation by the United States government of interest on such bonds or notes is hereby waived.
Bonds of the corporation may be sold by the corporation at public
or private sale, from time to time, and at such price or prices as
the corporation shall determine.

(4) The proceeds of any bonds shall be used solely for the
purposes for which issued and shall be disbursed in the manner and
under the restrictions, if any, that the corporation may provide
in the resolution authorizing the issuance of the bonds or in a
trust indenture securing the same.

(5) The principal and interest on the bonds issued by the
corporation shall be payable solely and only from proceeds derived
under a financing agreement and shall be secured solely by the
economic development project, the proceeds of the financing
agreement, and such other assets as may be available, but not
including revenues of the state.

(6) Before the preparation of definitive certificates
evidencing the bonds, the corporation may issue, under like
restrictions, interim receipts or temporary certificates, with or
without coupons, exchangeable for definitive certificates when the
certificates have been executed and are available for delivery.
The corporation may also provide for the replacement of any
certificates which become mutilated or are destroyed or lost.

SECTION 261. Section 57-10-421, Mississippi Code of 1972, is
brought forward as follows:

57-10-421. In addition to the requirements provided for in
Section 57-10-419, any resolution authorizing the issuance of
bonds under Sections 57-10-401 through 57-10-445 may contain provisions as to:

(a) The setting aside of reserves or sinking funds and the regulations and disposition thereof;

(b) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds;

(c) The procedure, if any, by which the terms of any of the proceedings under which the bonds are being issued may be amended or abrogated, the number or percentage of bondholders who or which must consent thereto, and the manner in which the consent may be given;

(d) The vesting in a trustee or trustees of such property, rights, powers and duties in trust as the company may determine, and limiting or abrogating the right of bondholders to appoint a trustee or limiting the rights, powers and duties of the trustee;

(e) Defining the act or omissions to act which shall constitute a default and the obligations or duties of the corporation to the holders of the bonds, and providing for the rights and remedies of the holders of the bonds in the event of default, which rights and remedies may include the general laws of the state and other provisions of Sections 57-10-401 through 57-10-445; or
(f) Any other matter, of like or different character, which in any way affects the security or protection of the holders of the bonds.

SECTION 262. Section 57-10-423, Mississippi Code of 1972, is brought forward as follows:

57-10-423. Any pledge made by the corporation shall be valid and binding from the time when the pledge was made. The revenues or properties so pledged and thereafter received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

SECTION 263. Section 57-10-425, Mississippi Code of 1972, is brought forward as follows:

57-10-425. The corporation, subject to the provisions in proceedings relating to outstanding bonds as may then exist, may purchase bonds out of any funds available therefor, which shall thereupon be canceled, at any reasonable price which, if the bonds are then redeemable, shall not exceed the redemption price (and premium, if any) then applicable plus accrued interest to the redemption date thereof.
SECTION 264. Section 57-10-427, Mississippi Code of 1972, is brought forward as follows:

57-10-427. The bonds may be secured by an indenture by and between the corporation and a corporate trustee which may be any bank or other corporation having the power of a trust company or any trust company within or without this state. Such indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the corporation in relation to the exercise of its powers and the custody, safekeeping and application of all money. The corporation may provide by the indenture for the payment of the proceeds of the bonds and revenues to the trustee under the indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as the corporation may determine. If the bonds shall be secured by an indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.

SECTION 265. Section 57-10-429, Mississippi Code of 1972, is brought forward as follows:

57-10-429. In the event that any of the members or officers of the board of directors of the corporation shall cease to be members or officers of the board prior to the delivery of any bonds signed by them, their signatures or facsimiles thereof shall nevertheless be valid and sufficient for all purposes, the same as
if such members or officers had remained in office until such delivery.

SECTION 266. Section 57-10-431, Mississippi Code of 1972, is brought forward as follows:

57-10-431. The corporation may create and establish such funds and accounts as may be necessary or desirable for its purposes under Sections 57-10-401 through 57-10-445.

SECTION 267. Section 57-10-433, Mississippi Code of 1972, is brought forward as follows:

57-10-433. The corporation shall have the power to contract with the holders of any of its bonds issued under Sections 57-10-401 through 57-10-445 as to the custody, collection, securing, investment and payment of any money of the corporation, and of any money held in trust or otherwise for the payment of bonds, and to carry out such contract. Money held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of money may be secured in the same manner as money of the corporation, and all banks and trust companies are authorized to give security for the deposits.

SECTION 268. Section 57-10-435, Mississippi Code of 1972, is brought forward as follows:

57-10-435. Amendments to Sections 57-10-401 through 57-10-445, enacted after July 1, 1993, shall not limit the rights vested in the corporation with respect to any agreements made with, or remedies available to, the holders of bonds issued under
this article or Section 27-7-22.3 prior to the enactment of the
amendments until the bonds, together with all interest thereon,
and all costs and expenses in connection with any proceeding by or
on behalf of the holders, are fully met and discharged.

SECTION 269. Section 57-10-437, Mississippi Code of 1972, is
brought forward as follows:

57-10-437. All expenses incurred by the corporation in
carrying out the provisions of Sections 57-10-401 through
57-10-445 shall be payable solely from funds provided under
Sections 57-10-401 through 57-10-445, or other funds of the
corporation. Nothing in Sections 57-10-401 through 57-10-445
shall be construed to authorize the corporation to incur
indebtedness or liability on behalf of or payable by the state or
any other political subdivision thereof.

SECTION 270. Section 57-10-439, Mississippi Code of 1972, is
brought forward as follows:

57-10-439. (1) The corporation is hereby declared to be
performing a public function and to be a public body corporate and
a political subdivision of the state. Accordingly, the income,
including any profit made on the sale thereof from all bonds
issued by the corporation, shall at all times be exempt from all
taxation by the state or any political subdivision thereof. If,
after all indebtedness and other obligations of the corporation
are discharged, the corporation is dissolved, its remaining assets
shall inure to the benefit of the state.
(2) With the approval of the appropriate local taxing authority, all mortgages or deeds of trust executed as security therefor, all lease or purchase agreements made pursuant to the provisions hereof, and all purchases required to establish the industrial enterprise and financed by proceeds from bonds issued under Sections 57-10-401 through 57-10-445, shall likewise be exempt from all taxation in the State of Mississippi except the contractors' tax imposed by Section 27-65-21 and the tax levied by Section 27-65-24(1)(b), and except ad valorem taxes levied for school district purposes. All projects and the revenue derived therefrom from any lease thereof shall be exempt from all taxation in the State of Mississippi, except the tax levied by Sections 27-65-21 and 27-65-24(1)(b), except the tax levied under Chapter 7, Title 27, Mississippi Code of 1972, and except ad valorem taxes levied for school district purposes.

SECTION 271. Section 57-10-441, Mississippi Code of 1972, is brought forward as follows:

57-10-441. The bonds issued by and under the authority of Sections 57-10-401 through 57-10-445 by the corporation are declared to be legal investments in which all public officers or public bodies of the state, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations, and other persons carrying on insurance business, all banks, bankers, banking associations, trust companies, savings associations, including savings and loan
associations, building and loan associations, investment
companies, and other persons carrying on a banking business, all
administrators, guardians, executors, trustees and other
fiduciaries, and all other persons who are now or may later be
authorized to invest in bonds or in other obligations of the
state, may invest funds, including capital, in their control or
belonging to them. Such bonds are also hereby made securities
which may be deposited with and received by all public officers
and bodies of the state or any agency or political subdivision of
the state and all municipalities and public corporations for any
purpose for which the deposit of bonds or other obligations of the
state is now or may be later authorized by law.

**SECTION 272.** Section 57-10-443, Mississippi Code of 1972, is
brought forward as follows:

57-10-443. The corporation, within one hundred twenty (120)
days of the close of each fiscal year, shall submit an annual
report of its activities in regard to Sections 57-10-401 through
57-10-445 for the preceding year to the Governor. The Clerk of
the House of Representatives and the Secretary of the Senate each
shall receive a copy of the report by making a request for it to
the corporation. Each report shall set forth a complete operating
and financial statement in regard to Sections 57-10-401 through
57-10-445 for the corporation during the fiscal year it covers.

**SECTION 273.** Section 57-10-445, Mississippi Code of 1972, is
brought forward as follows:
57-10-445. Nothing contained in Sections 57-10-401 through 57-10-445 is to be construed as a restriction or limitation upon any powers which the corporation might otherwise have under any other law of the state. Insofar as the provisions of Sections 57-10-401 through 57-10-445 are inconsistent with the provisions of any other law, the provisions of Sections 57-10-401 through 57-10-445 shall be controlling, and the powers conferred by Sections 57-10-401 through 57-10-445 shall be regarded as supplemental and additional to powers conferred by any other laws. No proceedings, notice or approval shall be required for the issuance of any bonds or any instrument or the security therefor, except as provided in Sections 57-10-401 through 57-10-445.

The provisions of Sections 57-10-401 through 57-10-445 shall be liberally construed to accomplish the purposes of Sections 57-10-401 through 57-10-445. The powers granted and the duties imposed in Sections 57-10-401 through 57-10-445 shall be construed to be independent and severable. If any one or more sections, subsections, sentences or parts of any of Sections 57-10-401 through 57-10-445 shall be adjudged unconstitutional or invalid, such adjudication shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional or invalid.

SECTION 274. Section 57-10-447, Mississippi Code of 1972, is brought forward as follows:
57-10-447. No elected or appointed official shall derive any pecuniary benefit, directly or indirectly, as a result of such elected or appointed official's duties under Sections 57-10-401 through 57-10-445. Any member of the Legislature, any elected or appointed official, any member of the immediate family of a member of the Legislature, or any partner or associate of such a member of the Legislature or elected or appointed official, shall not derive any income from the issuance of any bonds under Sections 57-10-401 through 57-10-445, contrary to the provisions of Section 109, Mississippi Constitution of 1890, or Article 3, Chapter 4, Title 25, Mississippi Code of 1972. The provisions of this section shall not apply to any person performing clerical or administrative functions, which are other than legal services provided by an attorney, that are associated with the issuance of any bonds under Sections 57-10-401 through 57-10-445, such as the printing of bonds or other materials. Any person convicted of a violation of this section shall be punished by imprisonment for not less than one (1) year and not more than five (5) years and a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) and not more than Ten Thousand Dollars ($10,000.00).

SECTION 275. Section 57-10-449, Mississippi Code of 1972, is brought forward as follows:

57-10-449. Sections 57-10-401 through 57-10-445 and 27-7-22.3 shall be repealed from and after October 1, 2022.
SECTION 276. Section 57-10-501, Mississippi Code of 1972, is brought forward as follows:

57-10-501. This article shall be known and may be cited as the Mississippi Small Business Assistance Act.

SECTION 277. Section 57-10-503, Mississippi Code of 1972, is brought forward as follows:

57-10-503. It is the purpose of this article to promote economic and community development in the State of Mississippi through the planning and development districts in Mississippi by providing assistance for job creation and retention and small business development and to authorize the issuance of state bonds or notes for funding such assistance.

SECTION 278. Section 57-10-505, Mississippi Code of 1972, is brought forward as follows:

57-10-505. The following words and phrases when used in this article shall have the meaning given to them in this section unless the context clearly indicates otherwise:

(a) "Assistance" means a loan to a small business or an equity investment in a small business by a planning and development district in accordance with this article.
(b) "DECD" means the Mississippi Development Authority.
(c) "Equity investment" means an investment in the ownership of a small business incorporated in Mississippi by a planning and development district in accordance with this article.
(d) "General Fund" means the General Fund of the State of Mississippi.

(e) "Loan" means a loan by a planning and development district to a small business in accordance with this article.

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

(g) "Planning and development districts" means an organized planning and development district in Mississippi.

(h) "Program" means the Mississippi Small Business Assistance Program established in this article.

(i) "Qualified entities" means small business investment corporations, community development corporations and other similar entities approved by the Mississippi Business Finance Corporation to participate in the program.

(j) "Seller" means the State Bond Commission.

(k) "Small business" means any commercial enterprise with less than one hundred (100) full-time employees, less than Seven Million Dollars ($7,000,000.00) in net worth or less than Seven Hundred Fifty Thousand Dollars ($750,000.00) in net annual profit after taxes.

SECTION 279. Section 57-10-507, Mississippi Code of 1972, is amended as follows:

57-10-507. There is hereby established, under the direction of MDA, a program to be known as the Mississippi Small Business Assistance Program for the purpose of making grants to the planning and development districts and qualified entities for...
their use in providing assistance to small businesses in accordance with this article for the purpose of creating and retaining jobs and small business development.

SECTION 280. Section 57-10-509, Mississippi Code of 1972, is amended as follows:

57-10-509. (1) Any planning and development district or qualified entity desiring to participate in the program shall make application for a grant to * * * MDA in a form satisfactory to * * * MDA.

(2) The application must indicate that the planning and development district or qualified entity has established a small business assistance review board to review applications for assistance under the program and make recommendations thereon to the board of directors of the planning and development district or governing board of a qualified entity in accordance with this article. The planning and development district or qualified entity shall provide such other assurances of their ability to administer and manage the program in accordance with this article as may be reasonably required by * * * MDA. An eligible community development corporation shall execute a memorandum of agreement with the planning and development district(s) having such jurisdiction as may be concurrent with that of the community development corporation.

SECTION 281. Section 57-10-511, Mississippi Code of 1972, is amended as follows:
MDA shall grant funds under this article to a planning and development district or qualified entity in accordance with the following terms and conditions:

(a) Grant funds received by a planning and development district or qualified entity in accordance with this article shall be used by the planning and development district or qualified entity to establish a revolving assistance fund for the purpose of providing assistance to small businesses in accordance with this article. Except as otherwise allowed in this article, all principal and interest payments by small businesses in repayment of such assistance shall be eligible for and used by the planning and development district or qualified entity for additional assistance to small businesses in accordance with this article.

(b) Each planning and development district meeting the criteria set forth in this article shall receive an initial grant of not to exceed One Million Dollars ($1,000,000.00) for the purpose of establishing the program within its area in accordance with this article. Each qualified entity meeting the criteria set forth in this article shall be eligible to receive an initial grant of Five Hundred Thousand Dollars ($500,000.00) for the purpose of establishing the program within the area it serves in accordance with this article. The total amount of initial grants to planning and development districts shall not exceed Ten Million Dollars ($10,000,000.00) and the total amount of initial grants for qualified entities shall not exceed Two Million Dollars.
($2,000,000.00). Each planning and development district or qualified entity receiving an initial grant shall have twelve (12) months in which to make binding commitments to provide assistance to small businesses in the principal amount of the initial grant in accordance with this article. Grant funds not committed to provide assistance to small businesses at the end of twelve (12) months after receipt thereof by the planning and development district or qualified entity shall be returned to MDA for placement in a pool to be redistributed by MDA to planning and development districts or qualified entities which have binding commitments to distribute as assistance all their initial grant funds and have pending applications for additional assistance in accordance with this article. Any planning and development district or qualified entity returning any such grant funds to MDA shall be required at the time such initial grant funds are returned to deliver to the State Treasury, for deposit in the General Fund, interest on the amount of such returned funds at the same rate as any bonds or notes of the State of Mississippi issued pursuant to this article to provide such grant funds.

(c) After all of the initial grant funds have been provided as assistance to small businesses in accordance with this article, MDA shall distribute additional grant funds to each planning and development district or qualified entity qualified under this article to receive and requesting such funds in whatever amounts MDA deems appropriate and when needed by such
planning and development districts or qualified entities to provide additional assistance to small businesses in accordance with this article. The schedule for distributing such funds shall be determined by MDA. Funds distributed to planning and development districts and qualified entities pursuant to this paragraph shall be in addition to funds distributed to planning and development districts and qualified entities pursuant to paragraph (b) of this section. The total amount of grants issued pursuant to this paragraph shall not exceed Twenty Million Dollars ($20,000,000.00) for planning and development districts or qualified entities. Grant funds not committed to provide assistance to small businesses at the end of twelve (12) months after receipt thereof by the planning and development district or qualified entity shall be returned to MDA for placement in a pool to be redistributed by MDA to planning and development districts or qualified entities which have binding commitments to distribute as assistance all their initial grant funds and have pending applications for additional assistance in accordance with this article. Any planning and development district or qualified entity returning any such grant funds to MDA shall be required at the time such grant funds are returned to deliver to the State Treasury, for deposit in the General Fund, interest on the amount of such returned funds at the same rate as any bonds or notes of the State of Mississippi issued pursuant to this article to provide such grant funds.
(d) A planning and development district or qualified entity participating in the program may utilize an amount equal to not more than fifty percent (50%) of interest earned on assistance provided to small businesses in accordance with this article or three percent (3%) of the current annual loans disbursed, whichever is the lesser amount, for administration and management of the program, unless specifically authorized to utilize more by MDA; however, any interest earned on grant funds held by a planning and development district or qualified entity prior to the utilization of such grant funds to provide assistance to small businesses shall be placed in the revolving assistance fund of the planning and development district or qualified entity and shall not be expended for administration or management costs. Planning and development districts and qualified entities may retain an amount equal to fifty percent (50%) of the interest earned on repayment funds that are being held on deposit in anticipation of relending, or three percent (3%) of the current annual loans disbursed, whichever is the lesser amount, to aid in the administration and management of the program. Each planning and development district and qualified entity shall file annually with the Secretary of the Senate and the Clerk of the House of Representatives not later than the first day of each regular legislative session a report which details any interest retained or utilized by the planning and development district or qualified entity pursuant to this paragraph (d).
(e) If a planning and development district or qualified entity participating in the program experiences losses from assistance provided pursuant to the program in excess of sixty percent (60%) of the amount of grant funds received by the planning and development district or qualified entity, the planning and development district or qualified entity shall repay the State of Mississippi the amount of such losses in excess of sixty percent (60%) by delivering that amount to the State Treasury for deposit in the General Fund.

(f) MDA shall assist each planning and development district or qualified entity participating in the program in connection with such planning and development district's or qualified entity's compliance with this article.

(g) Each planning and development district or qualified entity participating in the program shall submit the following reports to * * * MDA:

(i) An annual audit of grant funds received in connection with the program; and

(ii) A semiannual report on July 30 and January 30 of each year, describing all assistance provided to small businesses pursuant to the program, such reports to include, without limitation, the following: a description of each small business receiving assistance; the project to be assisted and purpose of assistance; a description of each loan and equity investment, including the terms and conditions thereof and use of
the assistance funds by the small business; history of the assistance pool, including principal amount loaned, interest earned, interest expended for administration and management, principal amount of equity investments, assistance funds available, and losses; and a statement of jobs created or retained as a result of the assistance program.

(h) If MDA determines that a district or entity has provided assistance to small businesses in a manner inconsistent with the provisions of this article, then the amount of such assistance so provided shall be withheld by MDA from any additional grant funds to which the district or entity becomes entitled under this article. If MDA determines, after notifying such district or entity twice in writing and providing such district or entity a reasonable opportunity to comply, that a planning and development district or qualified entity has consistently failed to comply with this article in connection with the program, MDA may declare such planning and development district or qualified entity in default under the program and, upon receipt of notice thereof from MDA, such planning and development district or qualified entity shall immediately cease providing assistance under the program, shall refund to MDA for distribution to other planning and development districts or qualified entities all funds held in its revolving assistance fund and, if required by MDA, shall convey to MDA all administrative
and management control of assistance provided by it under the program.

(i) If MDA determines, after notifying a planning and development district or qualified entity twice in writing and providing copies of such notification to each member of the Legislature in whose district or in a part of whose district such planning and development district or qualified entity is located and providing such district or entity a reasonable opportunity to take corrective action, that a planning and development district or a qualified entity administering a revolving assistance fund under the provisions of this article is not actively engaged in lending as defined by the rules and regulations of MDA, MDA may declare such planning and development district or qualified entity in default under the program and, upon receipt of notice thereof from MDA, such planning and development district or qualified entity shall immediately cease providing assistance under the program, shall refund to MDA for distribution to other planning and development districts or qualified entities all funds held in its revolving assistance fund and, if required by MDA, shall convey to MDA all administrative and management control of assistance provided by it under the program.

(j) Notwithstanding any other provision of this article to the contrary, if federal funds are not available for commitments made by a planning and development district to provide assistance under any federal loan program administered by the
planning and development district in coordination with the Appalachian Regional Commission or Economic Development Administration, or both, a planning and development district may use funds in its revolving assistance fund, which have not been committed otherwise to provide assistance, for the purpose of providing temporary funding for such commitments. If a planning and development district uses uncommitted funds in its revolving assistance fund to provide such temporary funding, the district shall use funds repaid to the district under the temporarily funded federal loan program to replenish the funds used to provide the temporary funding. Funds used by a planning and development district to provide temporary funding under this paragraph (j) must be repaid to the district's revolving assistance fund no later than twelve (12) months after the date the district provides the temporary funding. A planning and development district may not use uncommitted funds in its revolving assistance fund to provide temporary funding under this paragraph (j) on more than two (2) occasions during a calendar year. A planning and development district may provide temporary funding for multiple commitments on each such occasion. The maximum aggregate amount of uncommitted funds in a revolving assistance fund that may be used for such purposes during a calendar year shall not exceed seventy percent (70%) of the uncommitted funds in the revolving assistance fund on the date the district first provides temporary funding during the calendar year.
SECTION 282. Section 57-10-513, Mississippi Code of 1972, is brought forward as follows:

57-10-513. The planning and development districts and qualified entities are authorized, empowered and directed to deposit all grant funds received pursuant to this article in a revolving assistance fund and to provide assistance therefrom to small businesses in accordance with this article and the following criteria, terms and conditions:

(a) To be eligible for assistance under this article, the small business and the project to be assisted must meet the following criteria:

(i) Assistance must be in connection with an identifiable project or business plan, and the principal amount of all assistance may not exceed fifty percent (50%) of the total cost of said project or business plan;

(ii) Assistance may be used in connection with the purchase or lease of land, buildings, equipment and inventory, and for working capital; provided, however, no more than one-third (1/3) of the total assistance to a small business pursuant to this article or Fifty Thousand Dollars ($50,000.00), whichever is less, may be used for working capital;

(iii) Assistance may not be provided for speculative land or real estate investments;

(iv) Assistance may not be provided under the program to finance or satisfy any existing debt;
(v) Assistance may not be provided to a small business unless at least sixty percent (60%) of the small business is owned, directly or indirectly, by individuals who have been residents of the State of Mississippi for two (2) years immediately prior to the application for assistance; and

(vi) The project or business plan for which assistance is provided must create or retain full-time jobs, and the planning and development district or qualified entity must receive a certificate to that effect from the small business before any assistance is provided.

(b) The interest rate on loans shall not be less than five percent (5%) per annum or more than four percent (4%) above the federal discount rate, plus the servicing fees established in this article.

(c) As security for any loan under the program, the planning and development district or qualified entity shall take a security interest in assets of the small business and require personal guarantees of all persons and entities owning twenty percent (20%) or more of the small business. Such security interests may be subordinate to other security interests in such assets.

(d) The maximum term of any loan under the program shall not exceed the following: fifteen (15) years if used to purchase or lease land or buildings, ten (10) years if used to
purchase or lease equipment, five (5) years if used to provide
working capital and three (3) years if used to purchase inventory.

(e) In the event of a default by a small business on a
loan under the program, the planning and development district or
qualified entity shall foreclose and enforce its security
interests and personal guarantees relating to such loan and take
all necessary and appropriate action to recover all principal and
interest owed, and all amounts so recovered shall be deposited in
the revolving assistance fund administered by said planning and
development district or qualified entity. Any small business
which defaults on a loan under the program shall not be eligible
for any other loan under the program.

(f) A planning and development district or qualified
entity may acquire, subscribe for, own, hold, sell, assign,
transfer, mortgage or pledge an equity investment in a small
business incorporated under the laws of the State of Mississippi,
provided such equity investment constitutes less than fifty
percent (50%) of the voting shares of the small business and does
not exceed Fifty Thousand Dollars ($50,000.00), and while the
owner or holder thereof, the planning and development district or
qualified entity may exercise all the rights, powers and
privileges of ownership, including the right to vote thereon. Any
such equity investment in a small business may be redeemed by such
small business upon payment to the planning and development
district or qualified entity of the principal amount of such
equity investment, plus six percent (6%) interest, compounded annually from the date of such equity investment, provided such repayment is tendered within seven (7) years of the date of such equity investment.

(g) A planning and development district or qualified entity shall not utilize more than one-third (1/3) of all grant funds received for equity investments in small businesses.

(h) No small business shall receive assistance under the program in excess of Two Hundred Fifty Thousand Dollars ($250,000.00).

(i) All assistance applications must be reviewed by, and the terms and conditions of the assistance must be recommended to the planning and development district or qualified entity, by a small business assistance review board established by the planning and development district or qualified entity, consisting of the following members appointed by the planning and development district or qualified entity:

   (i) Two (2) individuals with current experience in banking or finance;

   (ii) Two (2) principal or majority owners of private, for-profit commercial enterprises qualifying as small businesses under this article;

   (iii) One (1) senior officer of a private, for-profit commercial enterprise not qualifying as a small
business under this article or the executive director of an
industrial or economic development foundation;

(iv) One (1) individual who is a minority and who
has current experience in banking or finance or who is the
principal or majority owner of a private, for-profit commercial
enterprise qualifying as a small business under this article; and

(v) One (1) individual who is female and who has
current experience in banking or finance or who is the principal
or majority owner of a private, for-profit commercial enterprise
qualifying as a small business under this article.

As used in this paragraph, "minority" shall mean individuals
who are Asian, Black, Hispanic or Native American as defined in
Section 31-7-13(s), Mississippi Code of 1972.

All members of such small business assistance review boards
shall be residents of the area served by the planning and
development district or qualified entity. Small business
assistance review boards shall meet at least quarterly and shall
meet anytime there are at least two (2) assistance applications
pending that require review.

(j) If the small business assistance review board
recommends that assistance be provided, the planning and
development district or qualified entity may either approve and
provide the assistance on the exact terms and conditions
recommended by the small business assistance review board or
determine not to provide such assistance. Under no circumstances
may the planning and development district or qualified entity
provide such assistance on any terms or conditions not approved
and recommended by the small business assistance review board. If
the planning and development district or qualified entity
determines not to provide the assistance that the small business
assistance review board has recommended to be provided, the board
of directors of such district or the governing body of such entity
shall place in its minutes an explanation of the reasons for such
refusal. If the small business assistance review board recommends
against providing the assistance, the board of directors of the
planning and development district or the governing body of the
qualified entity may not determine to provide such assistance
under any terms and conditions.

SECTION 283. Section 57-10-515, Mississippi Code of 1972, is
amended as follows:

57-10-515. The planning and development districts and
qualified entities are hereby authorized to engage legal counsel,
accountants, financial advisors, appraisers, consultants and
others as needed in connection with providing assistance to small
businesses pursuant to this article, and to charge the costs of
these services to the small businesses receiving such assistance
or charge the proceeds of such assistance therefor. To the extent
required by ** MDA, such professional services shall be engaged
on a statewide program basis.
SECTION 284. Section 57-10-517, Mississippi Code of 1972, is brought forward as follows:

57-10-517. (1) DECD shall adopt and publish the eligibility criteria for planning and development districts and qualified entities to participate in the program as set forth in this article, a timetable and process for review of applications from planning and development districts or qualified entities, and program report forms, all in accordance with this article, and such other rules and regulations as may be necessary and appropriate in carrying out its responsibilities under this article; provided, however, that planning and development districts or qualified entities shall have sole authority over the approval of assistance and the management of the assistance provided under this article.

(2) The Mississippi Association of Planning and Development Districts shall prepare and adopt such uniform applications, forms, procedures and requirements for use in connection with the program as they deem necessary and appropriate.

SECTION 285. Section 57-10-519, Mississippi Code of 1972, is amended as follows:

57-10-519. No assistance shall be provided to a small business under this article unless the small business certifies to the planning and development district or qualified entity, in a form satisfactory to *** MDA, that it will not discriminate
against any employee or against any applicant for employment
because of race, religion, color, national origin, sex or age.

SECTION 286. Section 57-10-521, Mississippi Code of 1972, is
brought forward as follows:

57-10-521. (1) There is hereby created a special fund in
the State Treasury to be known as the Mississippi Small Business
Assistance Fund out of which grants and expenditures authorized in
connection with the program shall be disbursed. All monies
received by issuance of bonds to carry out the purposes of this
article shall be deposited into the Mississippi Small Business
Assistance Fund.

(2) All funds repaid to the State Treasury under this
article or designated hereunder for repayment of any bonds issued
under this article shall be delivered to the State Treasurer for
deposit in the General Fund.

SECTION 287. Section 57-10-523, Mississippi Code of 1972, is
brought forward as follows:

57-10-523. (1) All bonds issued under the authority of this
article shall be redeemed at maturity, together with all interest
due, from time to time, on the bonds, and these principal and
interest payments shall be paid from the General Fund.

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

(3) The State Treasurer shall determine and report to the
Department of Finance and Administration and Legislative Budget
Office by September 1 of each year the amount of money necessary
for the payment of the principal of and interest on outstanding
obligations for the following fiscal year and the times and
amounts of the payments. It shall be the duty of the Governor to
include in every executive budget submitted to the Legislature
full information relating to the issuance of bonds and notes under
the provisions of this article and the status of the General Fund
for the payment of the principal of and interest on the bonds and
notes.

(4) Except as otherwise provided by law, the rate of
interest on any assistance made using funds from the Mississippi
Small Business Assistance Fund shall be in accordance with Section
57-10-513. Notwithstanding the provisions of any other law to the
contrary, the interest rate charged shall not be set such that the
aggregate of the interest, penalties and other payments to the
planning and development districts or qualified entities in
connection with such assistance made using funds from the
Mississippi Small Business Assistance Fund will cause the bonds issued pursuant to this article to be deemed arbitrage bonds pursuant to Section 148 of the Internal Revenue Code of 1986 and the regulations promulgated thereunder. In the case of assistance initially funded from the proceeds of notes and subsequently funded from renewal bonds and notes, the interest rate to be charged on the assistance shall be established in accordance with Section 57-10-513 upon the sale of bonds or notes, as the case may be, for such assistance.

SECTION 288. Section 57-10-525, Mississippi Code of 1972, is brought forward as follows:

57-10-525. (1) The seller is authorized to borrow, on the credit of the state, money not exceeding the aggregate sum of Thirty-two Million Dollars ($32,000,000.00), not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be necessary to carry out the purposes of this article. The rate of interest on any such bonds or notes which are not subject to taxation shall not exceed the rates set forth in Section 75-17-101, Mississippi Code of 1972, for general obligation bonds.

(2) As evidence of indebtedness authorized in this article, general or limited obligation bonds of the state shall be issued from time to time to provide monies necessary to carry out the purposes of this article for such total amount, in such form, in such denominations, payable in such currencies (either domestic or
(3) All bonds and notes issued under authority of this article shall be signed by the chairman of the seller, or by his facsimile signature, and the official seal of the seller shall be affixed thereto, attested by the secretary of the seller.

(4) All bonds and notes issued under authority of this article may be general or limited obligations of the state, and the full faith and credit of the State of Mississippi as to general obligation bonds, or the revenue derived from projects assisted as to limited obligation bonds, are hereby pledged for the payment of the principal of and interest on such bonds and notes.

(5) Such bonds and notes and the income therefrom shall be exempt from all taxation in the State of Mississippi.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the seller may determine. If interest coupons are attached, they shall contain the facsimile signature of the chairman and the secretary of the seller.

(7) As to bonds issued hereunder and designated as taxable bonds by the seller, any immunity of the state to taxation by the
United States government of interest on bonds or notes issued by the state is hereby waived.

**SECTION 289.** Section 57-10-527, Mississippi Code of 1972, is brought forward as follows:

57-10-527. (1) Whenever bonds are issued, they shall be offered for sale at not less than par value and accrued interest and shall be sold by the seller at public or private sale, from time to time, in such manner and at such price as may be determined by the seller to be most advantageous.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the seller in such manner and at such prices not less than par and accrued interest, as the seller shall direct.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the seller or may be combined for sale as one (1) series with other general obligation bonds of the State of Mississippi.

(4) Until permanent bonds can be prepared, the seller may in its discretion issue, in lieu of permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the seller.

(5) Pending their application to the purposes authorized, bond proceeds held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings
received from the investment or deposit of such funds shall be
paid into the State Treasury to the credit of the Mississippi
Small Business Assistance Fund.

(6) The State Treasurer shall prepare the necessary registry
book to be kept in the office of the duly authorized loan and
transfer agent of the state for the registration of any bonds, at
the request of owners thereof, according to the terms and
conditions of issue directed by the seller.

(7) All costs and expenses in connection with the issue of
and sale and registration of the bonds and notes in connection
with this article, and all costs and expenses in connection with
implementation of the program and development of application
forms, procedures and requirements for use in connection with the
program may be paid from the proceeds of bonds and notes issued
under this article.

(8) The seller may provide in the resolution authorizing the
issuance of such bonds for the employment of one or more persons
or firms to assist in the sale of the bonds; to enter into
contracts with financial institutions located either within or
without the State of Mississippi to act as registrar, paying
agents, transfer agents or otherwise; for rating of the bonds; and
to purchase insurance.

SECTION 290. Section 57-10-529, Mississippi Code of 1972, is
brought forward as follows:
57-10-529. (1) Pending the issuance of bonds of the state as authorized under this article, the seller is hereby authorized in accordance with the provisions of this article and on the credit of the state, to make temporary borrowings not to exceed two (2) years in anticipation of the issue of bonds in order to provide funds in such amounts as may, from time to time, be deemed advisable prior to the issue of bonds. In order to provide for and in connection with such temporary borrowings, the seller is hereby authorized in the name and on behalf of the state to enter into any purchase, loan or credit agreement, or agreements, or other agreement or agreements with any financial institution or persons in the United States having power to enter into the same, which agreements may contain such provisions not inconsistent with the provisions of this article as may be authorized by the seller.

(2) All temporary borrowings made under this section shall be evidenced by notes of the state which shall be issued, from time to time, for such amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in such form and in such denominations and subject to terms and conditions of sale and issue, prepayment or redemption and maturity, rate or rates of sale and time of payment of interest as the seller shall authorize and direct and in accordance with this article. Such authorization and direction may provide for the subsequent issuance of replacement notes to refund, upon issuance thereof, such notes, and may specify such other terms and conditions with
respect to the notes and replacement notes thereby authorized for issuance as the seller may determine and direct.

(3) When the authorization and direction of the seller provide for the issuance of replacement notes, the seller is hereby authorized in the name and on behalf of the state to enter into agreements with any financial institutions or persons in the United States having the power to enter into the same:

(a) To purchase or underwrite an issue or series of issues of notes.

(b) To enter into any purchase, loan or credit agreements, and to draw monies pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under any such agreements.

(c) To appoint or act as issuing and paying agent or agents with respect to notes.

(d) To do such other acts as may be necessary or appropriate to provide for the payment, when due, of the principal of and interest on such notes.

Such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes by payment of a fixed fee or commission at the time of issuance thereof, and for all other costs and expenses, including fees for agreements related to the notes issuing and paying agent costs. Costs and expenses of issuance may be paid from the proceeds of the notes.
(4) When the authorization and direction of the seller provides for the issuance of replacement notes, it shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates, rates of discount, denominations and all other terms and conditions relating to the issuance. The State Treasurer shall perform all acts and things necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any monies available for that purpose pursuant to any purchase loan or credit agreements established with respect thereto, all subject to the authorization and direction of the seller.

(5) Outstanding notes evidencing such borrowings may be funded and retired by the issuance and sale of the bonds of the state as hereinafter authorized. The refunding bonds must be issued and sold not later than a date two (2) years after the date of issuance of the first notes evidencing such borrowings to the extent that payment of such notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all such temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of Section 57-10-521.

SECTION 291. Section 57-10-531, Mississippi Code of 1972, is brought forward as follows:
57-10-531. (1) The proceeds realized from the sale of bonds and notes under this article, other than refunding bonds and replacement notes, shall be paid to the State Treasurer and deposited into the Mississippi Small Business Assistance Fund and specifically dedicated to the purposes enumerated in this article.

(2) All nonfederal funds which may become available for the purposes of this article shall be deposited in the Mississippi Small Business Assistance Fund and shall be allocated for the purposes of this article.

(3) The proceeds of the sale of refunding bonds and replacement notes shall be applied solely to the payment of the principal of and the accrued interest on and premium, if any, and costs of redemption of the bonds and notes for which such obligations have been issued.

SECTION 292. Section 57-10-533, Mississippi Code of 1972, is brought forward as follows:

57-10-533. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds or notes herein provided for, and the seller is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds or notes authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds or notes authorized under this article.
SECTION 293. Section 57-10-601, Mississippi Code of 1972, is brought forward as follows:

57-10-601. (1) As used in this section:

(a) "Act" means the State Small Business Credit Initiative Act of 2010 (Public Law 111-240).

(b) "State program" has the meaning ascribed to such term in the State Small Business Credit Initiative Act of 2010 (Public Law 111-240).

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

(2) The MDA is designated as the agency to implement a state program and participate in the State Small Business Credit Initiative established under the act.

(3) The MDA is authorized and empowered to take any action necessary to establish and implement a state program that meets all the requirements of the act.

(4) The MDA is authorized and empowered to administer funds transferred to the state under the act.

(5) The Executive Director of MDA is authorized and empowered to promulgate and put into effect all reasonable rules and regulations that he may deem necessary to carry out the provisions of this section and comply with the act.

SECTION 294. Section 57-10-701, Mississippi Code of 1972, is brought forward as follows:

57-10-701. This article shall be known as the "Small Business and Grocer Investment Act."
SECTION 295. Section 57-10-703, Mississippi Code of 1972, is brought forward as follows:

57-10-703. The Legislature finds the following:

(a) Developing quality retail food outlets creates jobs, expands markets for Mississippi farmers, and supports economic vitality in underserved communities.

(b) Increasing access to retail food outlets that sell fresh fruits, vegetables and other healthy food is an important strategy for fighting the obesity epidemic and improving health. Studies have shown that people with better access to supermarkets and fresh produce tend to have healthier diets and lower levels of obesity.

(c) The program established under this article is intended to provide a dedicated source of financing for healthy food retailers operating in underserved communities in Mississippi, in both urban and rural areas; to increase access to affordable healthy food so as to improve diets and health; to promote the sale and consumption of fresh fruits and vegetables, in natural and/or frozen form, particularly those that are Mississippi grown; and to support expanded economic opportunities in low-income and rural communities.

SECTION 296. Section 57-10-705, Mississippi Code of 1972, is brought forward as follows:

57-10-705. As used in this article:
(a) "Agency" means the Mississippi Development Authority.

(b) "Funding" means grants, loans, or a combination of grants and loans.

(c) "Healthy food retailers" means retailers that sell quality fresh fruits and vegetables, in natural and/or frozen form, including, but not limited to, supermarkets, grocery stores, convenience stores and farmers' markets.

(d) "Program" means technical assistance and a public-private partnership established in the state by the Mississippi Development Authority to identify and/or provide a dedicated source of funding and other financing for food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food for Mississippi residents overseen by the Mississippi Development Authority.

(e) "Underserved community" means a geographic area that has limited access to healthy food retailers, or an area that is otherwise determined to have serious healthy food access limitations, that is located in a county that has been designated by the Department of Revenue as a Tier Two or Tier Three area under the provisions of Section 57-73-21(1).

SECTION 297. Section 57-10-707, Mississippi Code of 1972, is brought forward as follows:
57-10-707. (1) To the extent funds are available, the Mississippi Development Authority, in cooperation with public and private sector partners, is authorized to establish a program modeled on comparable initiatives throughout the nation that provides grants and loans and/or promotes access to healthy food retailers that increase access to fresh fruits and vegetables, in natural and/or frozen form, and other affordable healthy food in underserved communities.

(2) The agency may contract with one or more qualified nonprofit organizations or community development financial institutions to administer the program described in this article through a public-private partnership, to raise matching funds, market the program statewide, evaluate applicants, make award decisions, underwrite loans and monitor compliance and impact. The agency and its partners shall coordinate with complementary nutrition assistance and education programs.

(3) Any funding provided under the program shall be provided on a competitive, one-time basis as appropriate for the eligible project. No state funds shall be directly provided as a source of funding for any food retailer under this program, but may be used by the agency for its administrative duties in carrying out the provisions of this article.

(4) (a) The program may provide technical assistance and/or funding for projects such as:

(i) New construction of healthy food retailers.
(ii) Store renovations, expansion and infrastructure upgrades that improve the availability and quality of fresh produce.

(iii) Farmers' markets and public markets, food cooperatives, mobile markets and delivery projects and distribution projects that enable food retailers in underserved communities to regularly obtain fresh produce.

(iv) Other projects that create or improve healthy food retail outlets that meet the intent of this article as determined by the agency.

(b) Funding made available for projects included in paragraph (a) of this subsection may be used for the following purposes:

(i) Site acquisition and preparation.

(ii) Construction costs.

(iii) Equipment and furnishings.

(iv) Workforce training.

(v) Security.

(vi) Certain predevelopment costs such as market studies and appraisals.

(vii) Working capital for initial inventory and costs.

(5) An applicant for funding may include, but not be limited to, a sole proprietorship, partnership, limited liability company, corporation or cooperative.
(6) In order to be considered for funding, an applicant shall meet the following eligibility criteria:

(a) The project for which the applicant seeks funding shall benefit an underserved community.

(b) The applicant shall demonstrate a meaningful commitment to sell fresh fruits and vegetables, in natural and/or frozen form, according to a measurable standard established by the agency.

(c) The applicant shall not locate the project in an area where it would be directly competing against an existing food retailer.

(7) Applicants shall be evaluated on the following financial criteria in order to determine the funding awarded:

(a) Demonstrated capacity to successfully implement the project, including the applicant's relevant experience and the likelihood that the project will be economically self-sustaining.

(b) The ability of the applicant to repay debt.

(c) The degree to which the project requires an investment of public funding to move forward, create impact or be competitive, and the level of need in the area to be served.

Additional factors that will improve or preserve retail access for low-income residents, such as proximity to public transit lines, also may be taken into account.
(d) The degree to which the project will promote sales of fresh produce, particularly Mississippi-grown fruits and vegetables.

(e) The degree to which the project will have a positive economic impact on the underserved community, including, creating or retaining jobs for local residents.

(f) Other criteria that the agency determines to be consistent with the purposes of this article.

(8) The agency shall establish program benchmarks and reporting processes to make certain that the program benefits the communities in the program area. The agency shall likewise establish monitoring and accountability mechanisms for projects receiving grants or loans, such as tracking fruit and vegetable sales data.

(9) The agency shall prepare and submit an annual report to the Legislature on any projects funded and outcome data.

(10) The agency shall establish rules for the implementation of this article.

SECTION 298. Section 57-10-709, Mississippi Code of 1972, is brought forward as follows:

57-10-709. Funding described in this article, to the extent practicable, may be used to leverage other sources of funds, including, but not limited to, New Markets Tax Credits, federal and foundation grant programs, incentives available to designated Enterprise Zones or Renewal Communities, operator equity and funds...
from private sector financial institutions under the federal Community Reinvestment Act.

**SECTION 299.** Section 57-10-711, Mississippi Code of 1972, is brought forward as follows:

57-10-711. Sections 57-10-701 through 57-10-709 shall stand repealed on July 1, 2022.

**SECTION 300.** Section 57-11-3, Mississippi Code of 1972, is brought forward as follows:

57-11-3. The duties and responsibilities of the council shall be to advise the division of marketing of the Mississippi Department of Economic Development regarding the development and execution of programs designed to carry out the purposes hereinbefore stated and to advise the Governor and the Legislature regarding policies and laws bearing upon the marketing of products and services and the establishment of industries utilizing or otherwise relating to agricultural and forestry products.

**SECTION 301.** Section 57-11-5, Mississippi Code of 1972, is brought forward as follows:

57-11-5. The council shall consist of fifteen (15) members from the state at large, representative of the various segments of agriculture and forestry, to be selected and appointed by the Governor, and who shall serve for a term of not more than four (4) years under each appointment, which term of office shall expire at the expiration of the term of office for which the Governor appointing the members was elected, without regard for the date of
actual appointment of the members. Such members shall continue to serve until their successors have been appointed and duly qualified. The Governor shall appoint a chairman and a vice chairman of the council, and nine (9) members shall constitute a quorum of the members thereof.

**SECTION 302.** Section 57-11-15, Mississippi Code of 1972, is brought forward as follows:

57-11-15. For the purpose of aiding, establishing and providing proper facilities for the efficient display and merchandising of crafts and arts in the interest of those individual citizens who are producing and are capable of producing various items of value and interest, the general public and the State of Mississippi, and to assist in the display, disposal and sale of such arts and crafts, there is hereby established under the supervision of the Mississippi Marketing Council the Mississippi Craft Stores.

**SECTION 303.** Section 57-11-17, Mississippi Code of 1972, is brought forward as follows:

57-11-17. The Mississippi Marketing Council is hereby authorized to acquire by donation or lease for and in the name of the State of Mississippi suitable and accessible facilities as may be necessary for the display, disposal and sale of those certain objects of crafts and arts set forth in Section 57-11-15. The marketing council is hereby authorized and empowered to lease, or rent, to any individual any part of the property under its
jurisdiction acquired for such purposes. The funds derived from any lease, or rental contract, entered into under authority of this section shall be deposited in the State Treasury to the credit of the general fund of the state.

SECTION 304. Section 57-11-19, Mississippi Code of 1972, is amended as follows:

57-11-19. The Mississippi Department of Wildlife, Fisheries and Parks, the Mississippi Arts Commission, the Mississippi Department of Education, the Department of Human Services, the Mississippi Extension Service, the Mississippi Department of Agriculture and Commerce, the Mississippi Development Authority, and the Mississippi Fair Commission may cooperate with the marketing council in carrying out the purposes of Sections 57-11-15 through 57-11-21.

SECTION 305. Section 57-11-21, Mississippi Code of 1972, is brought forward as follows:

57-11-21. No craft store shall have on display, for sale, or otherwise handle any merchandise commercially manufactured except soft drinks or other items related to snacks.

SECTION 306. Section 57-11-31, Mississippi Code of 1972, is brought forward as follows:

57-11-31. The Mississippi Agricultural and Industrial Board is hereby authorized and empowered to employ such a firm or firms which are experienced, competent and qualified in the field of market research, industrial research, plant design and engineering
as may be necessary to accomplish the following work in the shortest time possible:

(1) To make a broad, preliminary market study to reveal a wide range of products, both agricultural and nonagricultural, that can be manufactured in Mississippi from materials and resources available in or to Mississippi.

(2) To make detailed market studies in connection with the favorable products revealed by the preliminary study above referred to, in order to determine with reasonable certainty those products for which a profitable and growing market exists.

(3) Lay out, design and prepare plans and specifications of the plants, machinery, equipment and other facilities necessary to produce in profitable volume those products selected as a result of the detailed study authorized in the foregoing paragraph.

(4) Prepare detailed cost estimates of the necessary land, buildings, machinery, equipment and other facilities and determine the amount of investment capital required to build and equip each plant.

(5) Prepare an estimate of the number of jobs to be created by each plant designed pursuant to Sections 57-11-31 through 57-11-39, the wage scale of the employees and the annual payroll of each plant.

(6) Prepare a projected operating statement of each plant, showing the anticipated profits at the end of the first,
third and fifth year of operation, based on maximum operating capacity. Prepare the same information based on the assumption that the plant will operate at minimum operating capacity. Provide the same information for such percentages of maximum operating capacity as the board may deem necessary to determine with reasonable certainty the capacity at which the plant must operate in order to show a profit and to attract investment capital. The aforesaid studies shall show the normal operating capital requirements of each plant for the first five (5) years.

SECTION 307. Section 57-11-33, Mississippi Code of 1972, is brought forward as follows:

57-11-33. The Mississippi Agricultural and Industrial Board is authorized and empowered to contract and pay for the services set out in the foregoing section, in such amount or amounts as may be necessary to attain the objectives of Sections 57-11-31 through 57-11-39, provided such commitments and expenditures are not to exceed the sum of One Hundred Fifty Thousand Dollars ($150,000.00) appropriated by the Mississippi Legislature for special market research and do not, at any time, exceed for plant design and engineering the amount or balance that may be available in a special "Plant Engineering Revolving Fund" maintained in the State Treasury by an initial appropriation by the Mississippi Legislature in the amount of Two Hundred Fifty Thousand Dollars ($250,000.00).
SECTION 308.  Section 57-11-35, Mississippi Code of 1972, is brought forward as follows:

57-11-35. The Mississippi Agricultural and Industrial Board is authorized and empowered to offer the market research information and such plant designs, blueprints, estimates of operation and other information obtained as the result of the surveys and studies authorized by Sections 57-11-31 through 57-11-39 to any individual or group of individuals in Mississippi, including any governmental subdivision thereof. However, the Mississippi Agricultural and Industrial Board shall inform such individuals or group of individuals desiring to make use of such plans, specifications and other information that the cost of the actual design, engineering and other work connected with each proposed plant, but not the cost of the special market research, has come from a revolving fund established by the Mississippi Legislature under Sections 57-11-31 through 57-11-39, and that the cost of such plant engineering services must be included by such individuals or group of individuals in the total cost of the new plant and the amount repaid to the State Treasurer, to be placed in the said revolving fund, and thereby made available to pay for the cost of additional engineering and other services in connection with the design of plants for the use by other individuals. The Mississippi Agricultural and Industrial Board, after having investigated and confirmed the financial responsibility of the applicant, shall require each individual or
group of individuals building a plant by the plans and specifications so provided to enter into a valid, legal and binding obligation to repay the cost of such plant engineering to the "Plant Engineering Revolving Fund" maintained in the State Treasury, in an amount each year and over a period of years to be fixed by the said board in its discretion. If the individual or group of individuals building a plant by the plans and specifications so provided shall enter into a contract with any municipality for the construction of a plant from the proceeds of bonds to be issued under the provisions of Sections 57-1-1 through 57-1-51, known as the "Balance Agriculture With Industry Law," then the cost of such plant engineering shall be included as a part of the initial cost of the building and shall be repaid to the State Treasurer from the proceeds of the sale of said bonds.

SECTION 309. Section 57-11-37, Mississippi Code of 1972, is brought forward as follows:

57-11-37. The term "revolving fund" means a "Plant Engineering Revolving Fund" maintained in the State Treasury as a separate fund which can be expended by the Mississippi Agricultural and Industrial Board for costs incurred in connection with the design engineering and projected operating estimates of the proposed industrial plants so long as there is a balance in the fund provided by the Mississippi Legislature. All moneys repaid by individuals or groups of individuals in return payment for such plant engineering will be credited to the "Plant
ST: Mississippi Development Authority; bring forward various sections of law relating to.

SECTION 310. Section 57-11-39, Mississippi Code of 1972, is brought forward as follows:

57-11-39. If the program provided by Sections 57-11-31 through 57-11-39 is terminated or discontinued for any reason in the future, all moneys in the "Plant Engineering Revolving Fund," after the payment by the Mississippi Agricultural and Industrial Board of any outstanding costs in connection with said plant engineering, shall be transferred to the general fund of the State Treasury on written certification of the Director of the Mississippi Agricultural and Industrial Board that this program has been so discontinued or terminated, citing the statutory authority therefor.

SECTION 311. Section 57-11-61, Mississippi Code of 1972, is brought forward as follows:

57-11-61. Sections 57-11-61 through 57-11-69 may be cited as "The Selected Industrial Feasibility Law of 1964."

SECTION 312. Section 57-11-63, Mississippi Code of 1972, is brought forward as follows:

57-11-63. The Mississippi Agricultural and Industrial Board is hereby authorized and empowered to contract with a firm or firms which are experienced, competent and qualified to make

Engineering Revolving Fund" so that additional studies can be made on the same basis and under the same conditions as provided in Sections 57-11-31 through 57-11-39.
market, operating and financial feasibility studies as may be necessary to accomplish the following:

(a) To make specific marketing, operating and financial feasibility studies of selected heavy industries in the chemical, petrochemical, mineral, wood and pulp using, and related fields that can properly be constructed and operated in the State of Mississippi to preempt markets that now exist or may exist.

(b) To contract with the firm or firms making such feasibility studies on the basis that they will recommend methods which will promptly cause to be constructed and/or operated, such manufacturing and industrial facilities, or either, as may prove by these studies to be feasible.

SECTION 313. Section 57-11-65, Mississippi Code of 1972, is brought forward as follows:

57-11-65. (1) The Mississippi Agricultural and Industrial Board is authorized and empowered to contract and pay for the feasibility studies as set out in Section 57-11-63, in such amount or amounts as may be necessary to attain the objectives of Sections 57-11-61 through 57-11-69, provided such commitments and expenditures do not at any time exceed the amount or balance that may be available in a special "Selected Industrial Feasibility Fund" maintained in the State Treasury through such appropriation as may be subsequently made by the Legislature for such purpose, or as received from contributions and funds from various political
subdivisions, and area industrial development districts or organizations.

(2) Cities, towns, municipalities, boards of supervisors, and any and all combinations thereof, and area industrial development districts or organizations, are hereby authorized, in the discretion of said political subdivisions and area industrial development districts and organizations, to make contributions to the Mississippi Agricultural and Industrial Board, such funds as said political subdivisions are authorized to use for advertising and industrial promotion purposes, to be deposited into the "Selected Industrial Feasibility Fund," and which contributions will be used by the Mississippi Agricultural and Industrial Board for the purposes of making the hereinabove designated feasibility studies, and said studies shall be made available to said contributing political subdivisions, and area industrial development districts or organizations.

SECTION 314. Section 57-11-67, Mississippi Code of 1972, is brought forward as follows:

57-11-67. The firm or firms which are under contract to make such feasibility studies shall submit progress reports to the Mississippi Agricultural and Industrial Board on each stage of the study, and should any stage of the progress report reflect that the stage or feasibility study shall not be feasible, then the entire study shall be terminated.
SECTION 315. Section 57-11-69, Mississippi Code of 1972, is brought forward as follows:

57-11-69. There shall be a "Selected Industrial Feasibility Fund," which fund shall be maintained in the State Treasury as a separate fund. The Mississippi Agricultural and Industrial Board is authorized to receive appropriated funds from the Legislature of the State of Mississippi and contributions and funds from the different political subdivisions of this state and area industrial development districts or organizations, and shall deposit all of said funds and contributions into this "Selected Industrial Feasibility Fund," and said Mississippi Agricultural and Industrial Board shall, in the manner now required by law, expend from said fund such sums of money necessary for the payment of feasibility studies required in connection with the provisions of Sections 57-11-61 through 57-11-69, so long as there is a balance in the said fund.

SECTION 316. Section 57-13-22, Mississippi Code of 1972, is amended as follows:

57-13-22. (1) The Mississippi Research and Development Center is hereby abolished from and after July 1, 1988. All of the functions of the center shall be transferred on that date to the Mississippi Development Authority or to the University Research Center which is created in Section 37-141-3.

(2) (a) From and after July 1, 1988, the duties and responsibilities of the Research and Development Center which are
depicted organizationally in the 1989 fiscal year budget request of the Research and Development Center and which are performed by the Forecast and Analysis Division, the Administration Division, the Government Services Division and the Data Services Division except as provided in subsection 3(b) shall be transferred to the University Research Center.

(b) From and after July 1, 1988, the duties and responsibilities of the Research and Development Center not included in the transfer described in paragraph (a) except as provided in subsection (3)(c) of this section shall be transferred to the Mississippi Development Authority.

(3) (a) All personnel of the Mississippi Research and Development Center shall be transferred to the Mississippi Development Authority or to the University Research Center according to the transfer of their duties pursuant to this section.

(b) It is specifically provided that the positions identified in items (i), (ii) and (iii) below be transferred to the Mississippi Development Authority unless the Director of the Research and Development Center and the Executive Director of the Mississippi Development Authority make mutually agreeable substitutions:

(i) Position identification numbers 60, 174, 244, 98 and 177 of the Administration Unit shall be transferred June 1, 1988.

(iii) Position identification numbers 71, 104 and 148 of the Government Services Division shall be transferred July 1, 1988.

(c) It is specifically provided that position identification numbers 30 and 76 of the Office of the Director of the Research and Development Center be transferred to the University Research Center on July 1, 1988.

(d) It is the intention of the Legislature that there be a reduction in personnel where there is a duplication of effort as a result of the transfers required by this subsection.

The * * * Mississippi Development Authority in its reorganization pursuant to this act [Laws, 1988, Chapter 518] may utilize savings realized from personnel attrition and other economies to reallocate and reclassify positions within the department, subject to the approval of the State Personnel Board.

(e) All personnel transferred to the University Research Center shall become subject to all personnel and compensation policies of the Board of Trustees of State Institutions of Higher Learning; however, anyone so transferred shall retain all of the protection and benefits to which they have been entitled under the state personnel system.
(4) All records, property, unexpended balances of appropriations or other funds, and all other resources of the Mississippi Research and Development Center shall be transferred to the Mississippi Development Authority or to the University Research Center, as appropriate, pursuant to the transfer of duties and responsibilities in subsection (2) of this section.

(5) (a) Each officer or agency subject to the provisions of this act [Laws, 1988, Chapter 518] shall assist with the fullest degree of reasonable cooperation any other officer or agency in carrying out the intent and purpose of this act [Laws, 1988, Chapter 518].

(b) Each officer or agency subject to the provisions of this act [Laws, 1988, Chapter 518] is hereby authorized and empowered to promulgate all necessary rules and regulations not in conflict with this act [Laws, 1988, Chapter 518] necessary to accomplish an orderly transition pursuant to this act [Laws, 1988, Chapter 518].

SECTION 317. Section 57-13-23, Mississippi Code of 1972, is amended as follows:

57-13-23. (1) There is hereby created and established the Mississippi Automated Resource Information System (MARIS), (heretofore created by Executive Order No. 459, dated May 26, 1983, as amended by Executive Order No. 562, dated January 15, 1986), which shall be the mechanism within state government for
the storing, processing, extracting and disseminating of useful data and information relating to the state's resources.

(2) The goal of MARIS shall be to facilitate the achievement of state agencies' responsibilities as they relate to the development, management, conservation, protection and utilization of the resources of Mississippi by making usable resource data and information more readily available and in a format that is consistent throughout state departments, agencies and institutions, and, to the extent possible, with federal and privately generated resource data banks.

(3) MARIS shall be under the supervision and general policy formulations of a policy committee as the cooperative effort of state departments, agencies and institutions for the sharing of useful data acquired and generated by state agencies in discharging their individual responsibilities.

(4) There is hereby created and established the MARIS Policy Committee composed of the directors or their designees of the following departments, agencies and institutions:

Center for Population Studies, University of Mississippi
Central Data Processing Authority
Department of Agriculture and Commerce
Department of Archives and History

**Mississippi Development Authority**
Department of Human Services
Department of Environmental Quality
Department of Wildlife, Fisheries and Parks
Mississippi Department of Transportation
Mississippi Emergency Management Agency
Mississippi Mineral Resources Institute, University of Mississippi
Department of Finance and Administration
Office of the Secretary of State
Public Service Commission
Remote Sensing Center, Mississippi State University
State Forestry Commission
State Department of Health
State Oil and Gas Board
State Soil and Water Conservation Commission
State Tax Commission
University Research Center
State Tax Commission
Water Management Council.

(5) The MARIS Policy Committee shall elect a chairman, vice chairman and secretary, and it shall elect an executive committee from the membership of the policy committee to be composed of not less than five (5) nor more than nine (9) members, including the aforesaid officers. The policy committee may elect to the executive committee one (1) person other than from its membership. The policy committee shall determine the authority and responsibility to be exercised by the executive committee.
(6) There is hereby created and established the MARIS Task Force which shall be composed of at least one (1) representative from each of the aforesaid agencies with knowledge in computer applications to natural, cultural, industrial or economic resources to be appointed by the respective directors thereof, and any other persons deemed advisable by the policy committee.

(7) The University Research Center shall house the MARIS equipment and staff and shall provide administrative support for the policy committee and technical support to all member agencies.

(8) It shall be the duty of every department, agency, office and institution of the State of Mississippi, and the officers thereof, to cooperate with and assist the MARIS Policy Committee in every reasonable way.

SECTION 318. Section 57-26-1, Mississippi Code of 1972, is brought forward as follows:

57-26-1. As used in Sections 57-26-1 through 57-26-5, the following terms and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Approved project costs" means actual costs incurred by an approved participant for land acquisition, construction, engineering, design and other costs approved by the Mississippi Development Authority relating to a tourism project; however, for the purposes of a tourism project described in paragraph (d)(iv) of this section, such costs include only those incurred after January 1, 2011, relating to the hotel portion of
the project consisting of facilities used for lodging and common
areas in that portion of the project. All costs must be verified
by an independent third party approved by the MDA. An approved
participant shall pay the costs for the third-party verification
of costs. Approved project costs may not increase regardless of
the actual costs incurred by the project.

(b) "Approved participant" means a person, corporation
or other entity issued a certificate by the Mississippi
Development Authority under Section 57-26-5.

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

(d) "Tourism project" shall include any of the
following as may be approved by the MDA:

(i) Theme parks, water parks, entertainment parks
or outdoor adventure parks, cultural or historical interpretive
educational centers or museums, motor speedways, indoor or outdoor
entertainment centers or complexes, convention centers,
professional sports facilities, spas, attractions created around a
natural phenomenon or scenic landscape and marinas open to the
public with a minimum private investment of not less than Ten
Million Dollars ($10,000,000.00);

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

(iii) A public golf course with a minimum private investment of Ten Million Dollars ($10,000,000.00);

(iv) A full service hotel with a minimum private investment of Fifteen Million Dollars ($15,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority, and having a minimum private investment of Two Hundred Thousand Dollars ($200,000.00) per guest room or suite which amount shall be included within the minimum private investment of Fifteen Million Dollars ($15,000,000.00), a minimum of twenty-five (25) guest rooms or suites, and guest amenities such as restaurants, spas and other amenities as determined by the Mississippi Development Authority; however, in a county in which the Grammy Museum Mississippi or the Mississippi Arts and Entertainment Center is located, in a county in which the Saenger Theater and the main campus of a state institution of higher learning are located, and in the downtown historic district of the city in which the NWCC Performing Arts Center is located, the minimum private investment per guest room or suite shall be One Hundred Fifty Thousand Dollars ($150,000.00) which amount shall be included within the minimum private investment of Fifteen Million Dollars ($15,000,000.00);
(v) A tourism attraction located within an "entertainment district" as defined in Section 17-29-3 that is open to the public, has seating to accommodate at least forty (40) persons, is open at least five (5) days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least three (3) nights per week;

(vi) A cultural retail attraction;

(vii) A tourism attraction located within a historic district where the district is listed in the National Register of Historic Places, where the tourism attraction is open to the public, has seating to accommodate at least forty (40) persons, is open at least five (5) days per week from at least 6:00 p.m. until midnight, serves food and beverages, and provides live entertainment at least three (3) nights per week;

(viii) A tourism attraction, located in a county bordered by the Mississippi River and including Interstate 69 and U.S. Highways 3, 4 and 61, with a minimum investment of One Hundred Million Dollars ($100,000,000.00) and subject to an urban renewal plan that redevelops two (2) hotels, a golf course and clubhouse, a shooting range and a convention center and develops an entertainment center and waterpark, together with other attraction-related amenities, on an area not less than two thousand (2,000) acres.

The term "tourism project" does not include any licensed gaming establishment owned, leased or controlled by a business,
corporation or entity having a gaming license issued under Section 75-76-1 et seq.; however, the term "tourism project" may include a project described in this paragraph (d) that is owned, leased or controlled by such a business, corporation or entity or in which the business, corporation or entity has a direct or indirect financial interest if the project is in excess of development that the State Gaming Commission requires for the issuance or renewal of a gaming license and is not part of a licensed gaming establishment in which gaming activities are conducted.

The term "tourism project" does not include any facility within the project whose primary business is retail sales or any expansions of existing projects; however, pro shops, souvenir shops, gift shops, concessions and similar retail activities, and cultural retail attractions may be included within the definition of the term "tourism project." In addition, retail activities, regardless of whether the primary business is retail sales, that are part of a resort development may be included within the definition of "tourism project."

(e) "Resort development" means a travel destination development with a minimum private investment of One Hundred Million Dollars ($100,000,000.00) and which consists of (i) a hotel with a minimum of two hundred (200) guest rooms or suites and having a minimum private investment of Two Hundred Thousand Dollars ($200,000.00) per guest room or suite, and (ii) guest amenities such as restaurants, golf courses, spas, fitness
facilities, entertainment activities and other amenities as determined by the MDA. Not more than an amount equal to forty percent (40%) of the private investment required by this paragraph may be expended on facilities to house retail activity.

(f) "Cultural retail attraction" means a project which combines destination shopping with cultural or historical interpretive elements specific to Mississippi with a minimum private investment of Fifty Million Dollars ($50,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority and which:

(i) Is located in a qualified resort area as defined in Section 67-1-5;

(ii) Is a part of a master-planned development with a total investment of not less than One Hundred Million Dollars ($100,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority;

(iii) Has a minimum of fifty (50) retail tenants with a minimum of three hundred thousand (300,000) square feet of heated and cooled space; and

(iv) Has a minimum investment of One Million Dollars ($1,000,000.00) in one or more of the following:
1. Art created by Mississippi artists or portraying themes specific to Mississippi;
2. Memorabilia, signage or historical markers which serve to promote the State of Mississippi;
3. Audio/visual equipment used to showcase Mississippi artists;
4. A minimum of one thousand two hundred fifty (1,250) square feet of heated and cooled space available to the Mississippi Development Authority or its assignee for a period of not less than ten (10) years.

(g) "Retail activity" means businesses whose inventory consists primarily of upscale name brands or their equivalent as determined by the MDA.

(h) "State" means the State of Mississippi.

SECTION 319. Section 57-26-3, Mississippi Code of 1972, is brought forward as follows:

57-26-3. (1) (a) There is created in the State Treasury a special fund to be known as the "Tourism Project Sales Tax Incentive Fund," into which shall be deposited such money as provided in Section 27-65-75(16). The monies in the fund shall be used for the purpose of making the incentive payments authorized in this section. The fund shall be administered by the MDA. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on or investment earnings on the amounts in the fund shall
be deposited to the credit of the fund. The MDA may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program authorized under Sections 57-26-1 through 57-26-5.

(b) Subject to the provisions of this section, incentive payments may be made by the MDA to an approved participant that incurs approved project costs to locate a tourism project in the state. The payments to an approved participant shall be for eighty percent (80%) of the amount of sales tax revenue collected from the operation of the tourism project, after making the diversions required in Section 27-65-75(7) and (8).

The MDA shall make payments to an approved participant on a semiannual basis with payments being made in the months of January and July. The aggregate amount of incentive payments that an approved participant may receive shall not exceed thirty percent (30%) of the approved project costs incurred by the approved participant for the tourism project. Expansions, enlargements or additional investments made by an approved participant will not increase authorized incentive payments certified by the MDA. The MDA shall make the calculations necessary to make the payments provided for in this section. The MDA shall cease making incentive payments to an approved participant on the occurrence of the earlier of:
(i) The date that an aggregate amount of thirty percent (30%) of the approved project costs incurred by the approved participant for the tourism project has been paid to the approved participant; or

(ii) Fifteen (15) years after the date the tourism project opens for commercial operation.

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

SECTION 320. Section 57-26-5, Mississippi Code of 1972, is brought forward as follows:

57-26-5. (1) The MDA shall develop, implement and administer the incentive program authorized in Sections 57-26-1 through 57-26-5 and shall promulgate rules and regulations necessary for the development, implementation and administration of such program.

(2) A person, corporation or other entity desiring to participate in the incentive program authorized in Sections 57-26-1 through 57-26-5 must submit an application and an application fee in the amount of Five Thousand Dollars ($5,000.00) to the MDA. Such application must contain (a) plans for the
proposed tourism project; (b) a detailed description of the
proposed tourism project; (c) the method of financing the proposed
tourism project and the terms of such financing; (d) an
independent study that identifies the number of out-of-state
visitors anticipated to visit the project and the ratio of
out-of-state visitors to in-state visitors; and (e) any other
information required by the MDA. The Executive Director of the
MDA shall review the application and determine if it qualifies as
a tourism project under this section and under the rules and
regulations promulgated pursuant to this section. If the
executive director determines the proposed tourism project
qualifies as a tourism project under this section and under the
rules and regulations promulgated pursuant to this section, he
shall issue a certificate to the person, corporation or other
entity designating such person, corporation or other entity as an
approved participant and authorizing the approved participant to
participate in the incentive program provided for in Sections
57-26-1 through 57-26-5. No certificate designating an entity as
an approved participant and authorizing the approved participant
to participate in the incentive program shall be issued from and
after July 1, 2014, for tourism projects that are cultural retail
attractions, or from and after July 1, 2023, for other tourism
projects. For tourism projects that are cultural retail
attractions, no such issued certificate shall be altered or
extended after the date last approved as of July 1, 2020.
(3) The MDA shall cause a cost benefit analysis of the tourism project to be performed by a state institution of higher learning, the university research center or some other entity approved by the MDA.

SECTION 321. Section 57-26-7, Mississippi Code of 1972, is brought forward as follows:

57-26-7. The MDA shall not approve any application submitted after June 30, 2014, pursuant to Section 57-26-5 for a project that includes any resort development.

SECTION 322. Section 57-27-1, Mississippi Code of 1972, is amended as follows:

57-27-1. As used in this chapter, the following words and phrases shall have the following meanings, unless the context hereof clearly indicates otherwise:

(a) "Regional tourist promotion council" shall mean a corporation organized pursuant to the provisions of the Mississippi Nonprofit Corporation Law established for the purposes authorized in this chapter, and which is recognized by the Mississippi Board of Economic Development as qualifying under the provisions of this chapter.

(b) "Board" shall mean the Mississippi Board of Economic Development or any successor agency that may be designated by law to succeed to the duties of the Mississippi Board of Economic Development with respect to the promotion of tourist travel and vacation business in Mississippi.
“Natural promotion regions” shall consist of the following area tourist councils:

(i) Area Tourist Council One: DeSoto, Tate, Panola, Yalobusha, Grenada, Calhoun, Lafayette, Marshall, Benton, Union, Pontotoc, Tippah, Alcorn, Tishomingo, Prentiss, Lee and Itawamba.

(ii) Area Tourist Council Two: Tunica, Coahoma, Quitman, Bolivar, Tallahatchie, Sunflower, Leflore, Carroll, Washington, Humphreys, Holmes, Issaquena and Sharkey.


(v) Area Tourist Council Five: Jefferson Davis, Covington, Jones, Wayne, Marion, Lamar, Forrest, Perry, Greene, Pearl River, Stone, George, Hancock, Harrison and Jackson.

Upon the approval of the Mississippi Board of Economic Development, the area tourist councils established by paragraph (c) may reorganize in order to allow a county to join that council with which it feels most closely connected, taking
into consideration such factors as common interests and compatibility with the member counties.

**SECTION 323.** Section 57-27-3, Mississippi Code of 1972, is brought forward as follows:

57-27-3. Any group of interested citizens and residents of counties comprising a natural promotion region of this state, and who are residents of counties representing not less than fifty percent (50%) of the total population of the region, but in no event less than fifteen (15) individuals, who shall form a nonprofit corporation pursuant to the provisions of the Mississippi Nonprofit Corporation Law for the purpose of promoting tourist travel and vacation business in the counties comprising the natural promotion region, and whose charter, bylaws and purpose are in compliance with the rules and regulations promulgated by the board pursuant to the provisions of this chapter, may apply for recognition by the board as a regional tourist promotion council under this chapter. Provided, that upon approval of the board, a county in one (1) natural promotion region of the state may be included within the area comprising a different and adjacent natural promotion region if, and when, experience establishes that the county tourist values are more closely identified with the other region.

**SECTION 324.** Section 57-27-5, Mississippi Code of 1972, is brought forward as follows:
57-27-5. The board, upon receipt of a copy of incorporation papers, constitution, bylaws and resolutions, if any, of a nonprofit corporation applying for recognition as a regional tourist promotion council under the provisions of this chapter is hereby authorized to designate such corporation as a regional tourist promotion council whenever the board shall determine:

(1) That the applying agency is established under the Mississippi Nonprofit Corporation Law, and has a constitution and bylaws governing the activities and purposes of said corporation which are in compliance with the rules and regulations of the board;

(2) That the charter, constitution or bylaws of the applying council provide for the selection of a board of directors, and successor members on said boards, of persons who have demonstrated knowledge of and interest in the tourist travel and vacation business in the various counties comprising the council to be served by the agency;

(3) That the applying council has furnished a proposed plan and demonstration of financial resources to establish and promote an active tourist travel and vacation business promotion program within the region.

Upon determining that an applying corporation is eligible for designation as a regional tourist promotion council, the Mississippi Agricultural and Industrial Board shall upon a majority vote of said board designate such council as the
participating council for such region and shall certify same to the applying council. The board is hereby authorized to revoke or suspend its designation of any regional tourist promotion council whenever the board shall determine that said council is not complying with the rules and regulations of the board, or has failed to comply with the terms of any grant made to such council pursuant to the provisions of this chapter.

**SECTION 325.** Section 57-27-7, Mississippi Code of 1972, is brought forward as follows:

57-27-7. (1) The travel and tourism department of the board is hereby authorized, upon approval of the board, to make grants, from funds specifically appropriated for such purposes, to regional tourist promotion councils to assist such councils in the financing of promotional and advertising programs and to encourage and stimulate tourist travel and vacation business within the region. Provided, that before any such grant may be made, the regional tourist promotional council shall have made application to the board for such grant, and shall have set forth therein the promotion and advertising program and project, or projects, proposed to be undertaken for the purpose of encouraging and stimulating the tourist travel and vacation business within the region. The application shall further state, under oath or affirmation, the amount of funds held by or committed or subscribed to the regional tourist promotion council for
application to the purposes herein described and the amount of the
grant for which application is made.

(2) The board, after review of the application, if satisfied
that the program of the regional tourist promotion council appears
to be in accord with the purposes of this chapter, shall authorize
the making of a matching grant to such regional tourist promotion
council equal to the funds of the council allocated by it to the
program described in the application; provided, however, that the
state grant shall not exceed an amount equal to the total amount
apportioned to the region as outlined herein.

SECTION 326. Section 57-27-9, Mississippi Code of 1972, is
brought forward as follows:

57-27-9. The board and/or regional tourist promotion council
are hereby authorized to accept gifts, grants or donations from
the federal government or agencies thereof, and from private
individuals, foundations or concerns to be used in furtherance of
the purposes of this chapter.

The board shall annually review the amount of funds
appropriated by the Mississippi Legislature, and other funds that
may be available therefor, and shall apportion said funds to
various participating regional tourist promotion councils for
grant purposes on the following basis: Twenty percent (20%) shall
be apportioned to each of the five (5) congressional districts.

If, at the end of a six (6) month period, an area has not applied
for the full amount allocated to it, the money shall be
reallocated to the other areas during the last six (6) months of the fiscal year for use in compliance with the provisions of this chapter.

SECTION 327. Section 57-27-11, Mississippi Code of 1972, is brought forward as follows:

57-27-11. At least twenty five percent (25%) of the total matching funds of any participating regional tourist promotion council shall be first used in the production, preparation and printing of a regional tourist promotion brochure, and the participating council shall thereafter allocate such funds, as may be designated by the board, for the revision, reproduction and printing of such regional promotion brochure as the board may designate. The balance of matched funds available to each regional tourist promotion council may be used for needed approved tourist promotion, advertising or research programs designated to encourage and stimulate the visitor and vacation business within the region as may have been approved by the board.

No part of the matched funds provided by the participating council, or made available on a matching basis by the board, may be used by a regional tourist promotion council for administrative salaries or expenses, it being the intent hereof that all matched funds shall be used for the purposes for which the application and grant is made.

SECTION 328. Section 57-27-13, Mississippi Code of 1972, is brought forward as follows:
57-27-13. All grants under the provisions of this chapter shall be on a matching basis with the applying council furnishing fifty percent (50%) of the funds and the state grants in no event exceeding an amount equal to the funds supplied by the council. Upon approval of each application and the making of a grant by the board in accordance therewith, the board shall give notice to the applying regional tourist promotion council of such approval and grant, and shall direct the regional tourist promotion council to proceed with its promotional program as described in its application, and to use therefor funds allocated by the regional tourist promotion council for such purposes. Upon the furnishing of said evidence to the board that the particular regional tourist promotion council has proceeded in accordance with the terms of the application, the grant allocated to such agency shall be paid to the council by the board.

The board may, from time to time, make such investigations and audits, and require each participating council to furnish such evidence or proof, to determine that all funds granted under the provisions of this chapter are being handled and expended for the purposes as approved by the board in awarding the grant.

SECTION 329. Section 57-27-15, Mississippi Code of 1972, is brought forward as follows:

57-27-15. The travel and tourism department of the board is hereby designated as the administrative agency of this state to
act, under the authority of the board, in administering the provisions of this chapter.

SECTION 330. Section 57-28-1, Mississippi Code of 1972, is brought forward as follows:

57-28-1. As used in Sections 57-28-1 through 57-28-5, the following terms and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Approved project costs" means actual costs incurred by an approved participant for land acquisition, construction, engineering, design and other costs approved by the Mississippi Development Authority relating to a tourism project. The term "approved project costs" also may include, if approved by the Mississippi Development Authority, costs described above that are incurred by an approved participant within three (3) months after the date a tourism project opens for commercial operation. All costs must be verified by an independent third party approved by the MDA. An approved participant shall pay the costs for the third-party verification of costs.

(b) "Approved participant" means a person, corporation or other entity issued a certificate by the Mississippi Development Authority under Section 57-28-5.

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

(d) "Tourism project" shall include an entertainment district described below and may include any of the following as may be approved by the MDA:
(i) A hotel with a minimum private investment of Forty Million Dollars ($40,000,000.00) in land, buildings, architecture, engineering, fixtures, equipment, furnishings, amenities and other related soft costs approved by the Mississippi Development Authority, and having a minimum private investment of One Hundred Fifty Thousand Dollars ($150,000.00) per guest room which amount shall be included within the minimum private investment of Forty Million Dollars ($40,000,000.00);

(ii) A nationally branded, themed entertainment district consisting of restaurants, bars, amphitheaters, live theaters, other entertainment venues and commercial improvements that the MDA determines to be tourism related located within the entertainment district, with a minimum private investment of Seventy-five Million Dollars ($75,000,000.00);

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

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

In addition, in order for a tourism project to be eligible to qualify under the provisions of Sections 57-28-1 through 57-28-5, the tourism project must be located on a project site, and construction of the tourism project must begin no later than June 1, 2017.
(e) "Project site" means a planned mixed use development located on at least four thousand (4,000) acres of land that will consist of commercial, recreational, resort, tourism and residential development, for which the initial phase of development shall begin no later than June 1, 2007.

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

SECTION 331. Section 57-28-3, Mississippi Code of 1972, is brought forward as follows:

57-28-3. (1) (a) There is created in the State Treasury a special fund to be known as the "Tourism Sales Tax Incentive Fund," into which shall be deposited such money as provided in Section 27-65-75(20). The monies in the fund shall be used for the purpose of making the incentive payments authorized in this section. The fund shall be administered by the MDA. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on or investment earnings on the amounts in the fund shall be deposited to the credit of the fund. The MDA may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program authorized under Sections 57-28-1 through 57-28-5.

(b) Subject to the provisions of this section, incentive payments may be made by the MDA to an approved participant that incurs approved project costs to locate a tourism
project in the state. The payments to an approved participant shall be for eighty percent (80%) of the amount of sales tax revenue collected from the operation of the tourism project, after making the diversions required in Section 27-65-75(7) and (8). The MDA shall make payments to an approved participant on a semiannual basis with payments being made in the months of January and July. The aggregate amount of incentive payments that an approved participant may receive shall not exceed thirty percent (30%) of the approved project costs incurred by the approved participant for the tourism project. Expansions, enlargements or additional investments made by an approved participant will not increase authorized incentive payments certified by the MDA. The MDA shall make the calculations necessary to make the payments provided for in this section. The MDA shall cease making incentive payments to an approved participant on the occurrence of the earlier of (i) the date that an aggregate amount of thirty percent (30%) of the approved project costs incurred by the approved participant for the tourism project has been paid to the approved participant, or (ii) ten (10) years after the date the tourism project opens for commercial operation.

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

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

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

SECTION 332. Section 57-28-5, Mississippi Code of 1972, is brought forward as follows:

57-28-5. (1) The MDA shall develop, implement and administer the incentive program authorized in Sections 57-28-1 through 57-28-5 and shall promulgate rules and regulations necessary for the development, implementation and administration of such program.
(2) A person, corporation or other entity desiring to participate in the incentive program authorized in Sections 57-28-1 through 57-28-5 must submit an application to the MDA. Such application must contain (a) plans for the proposed tourism project; (b) a detailed description of the proposed tourism project; (c) the method of financing the proposed tourism project and the terms of such financing; and (d) any other information required by the MDA. An application must be submitted no later than June 1, 2017. The Executive Director of the MDA shall review the application and determine if it qualifies as a tourism project. If the executive director determines the proposed tourism project qualifies as a tourism project, he shall issue a certificate to the person, corporation or other entity designating such person, corporation or other entity as an approved participant and authorizing the approved participant to participate in the incentive program provided for in Sections 57-28-1 through 57-28-5.

(3) If a person, entity or other person submits an application to the MDA to participate in the incentive program authorized in Sections 57-28-1 through 57-28-5, a gaming license may not be issued by the state for any establishment located in the project site.

SECTION 333. Section 57-29-1, Mississippi Code of 1972, is brought forward as follows:
57-29-1. As used in this section and Section 57-29-3, the following words and phrases shall have the meanings herein ascribed to them unless the context clearly indicates otherwise:

(a) "Vacation Guide" shall mean a publication, compiled, edited and published by the Mississippi Agricultural and Industrial Board, distributed free to the members of the general public and containing no advertising and no photographs or listings of public officials.

(b) "Board" shall mean the Mississippi Agricultural and Industrial Board or any successor agency that may be designated by law to succeed to the duties of the agricultural and industrial board with respect to the promotion of tourist travel and vacation business in Mississippi.

(c) "Publication agency" shall mean any printer, photographer, publication designer, binder, or copywriter or any agency whose technical, production or supply services are a prerequisite to the support of the above functions.

SECTION 334. Section 57-29-3, Mississippi Code of 1972, is brought forward as follows:

57-29-3. The travel and tourism department of the board is hereby authorized, upon approval of the board, to solicit bids from competent publication agencies and to expend such funds as may be appropriated for the purpose of publishing a vacation guide.
SECTION 335. Section 57-30-1, Mississippi Code of 1972, is brought forward as follows:

57-30-1. As used in this chapter, the following terms and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Approved participant" means a person, corporation or other entity issued a certificate by the Mississippi Development Authority under Section 57-30-3.

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

(c) "Project" means any family-oriented entertainment enterprise such as campgrounds and theme parks, as designated by the Mississippi Development Authority, with an initial capital investment of not less than Five Million Dollars ($5,000,000.00) in federal, local and/or private funds if located in a county in a Tier One area, as designated under Section 57-73-21, or with an initial capital investment of not less than Three Million Dollars ($3,000,000.00) in federal, local and/or private funds if located in a county in a Tier Two area or Tier Three area as designated in Section 57-73-21. Whether a county is in a Tier One area, Tier Two area or Tier Three area shall be determined by the classification of the area at the time the initial investment is made. The term "project" also means any of the following ancillary businesses if located on the project site or within one (1) mile of the project and owned by the owner of the family-oriented entertainment enterprise or owned by an entity
legally affiliated with the owner of the family-oriented
entertainment enterprise: (i) auditoriums, (ii) dining
facilities, (iii) gift shops, and (iv) lodging facilities.
However, the capital investment in any such dining facility or
lodging facility shall not be included for purposes of meeting the
minimum capital investment requirement for a project. The term
"project" does not mean any business, corporation or entity having
a gaming license issued under Section 75-76-1 et seq., Mississippi
Code of 1972, but may include a family-oriented entertainment
enterprise owned by such a business, corporation or entity that is
in excess of development that the State Gaming Commission requires
for the issuance or renewal of a gaming license.
(d) "State" means the State of Mississippi.
SECTION 336. Section 57-30-3, Mississippi Code of 1972, is
brought forward as follows:
57-30-3. (1) (a) There is created in the State Treasury a
special fund to be known as the "Sales Tax Incentive Fund," into
which shall be deposited such money as provided in Section
27-65-75(16). The monies in the fund shall be used for the
purpose of making the incentive payments authorized in this
section. The fund shall be administered by the MDA. Unexpended
amounts remaining in the fund at the end of a fiscal year shall
not lapse into the General Fund, and any interest earned on or
investment earnings on the amounts in the fund shall be deposited
to the credit of the fund. The MDA may use not more than one
percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program.

(b) Subject to the provisions of this section, incentive payments may be made by the MDA to an approved participant that incurs indebtedness or incurs capital costs, or both, to locate a project in the state. The payments to an approved participant shall be for the amount of sales tax revenue collected on the gross proceeds of sales of a project, after making the diversions required in Section 27-65-75, except the diversion provided for in Section 27-65-75(1). The MDA shall ensure that payments made pursuant to this section are utilized to pay the debt service incurred by the approved participant for the project as approved by the MDA or any project capital cost incurred by the approved participant for the project as approved by the MDA, or both. The MDA shall make payments to an approved participant on a semiannual basis with payments being made in the months of January and July. For the purposes of determining the amount of indebtedness or project capital costs, or both, incurred for any ancillary business, as described in Section 57-30-1(c), which is eligible for incentive payments under this section, the amount of such indebtedness or project capital costs, or both, shall be limited to an amount not greater than the indebtedness or project capital costs, or both, incurred for the primary project. The aggregate amount that an approved participant may receive
shall not exceed thirty-five percent (35%) of the portion of the
original indebtedness that is funded from private sources or
project capital cost that is funded from private sources, or both,
incurred by such participant for the project. The MDA shall make
the calculations necessary to make the payments provided for in
this section. The MDA shall cease making incentive payments to an
approved participant on the occurrence of the earlier of (i) the
date thirty-five percent (35%) of the portion of the original
indebtedness that is funded from private sources, or any
refinancing of the portion of the original indebtedness that is
funded from private sources, incurred for the project or the
portion of the original project capital cost that is funded from
private sources incurred for the project, or both, is satisfied,
(ii) ten (10) years from the date the original indebtedness for
the project was incurred, without regard to any refinancing or
additional financing for any addition to or expansion of the
project, or (iii) the project ceases operations.

(2) At such time as payments are no longer required to be
made to an approved participant, the MDA shall notify the State
Tax Commission and the sales tax revenue collected from such
project shall no longer be deposited into the Sales Tax Incentive
Fund, and any amounts remaining in the fund that were collected
from such participant shall be transferred to the State General
Fund; however, if the project is located in a municipality, a
portion of such amount shall be paid to such municipality in the
same manner and amounts as provided for in Section 27-65-75(1).

SECTION 337. Section 57-39-1, Mississippi Code of 1972, is
brought forward as follows:

57-39-1. (1) The purpose of this chapter is to coordinate
all energy-related needs and activities in Mississippi with the
objective of providing an efficient and economical energy system
through a statewide plan. To that end, the Mississippi
Development Authority is directed to evaluate this state's energy
needs and availability.

(2) The powers, duties and responsibilities of the Board of
Energy and Transportation with respect to the state's energy needs
and activities are transferred to the Mississippi Development
Authority, and wherever the word "board" appears in this chapter
meaning the former Board of Energy and Transportation it shall
mean the Mississippi Development Authority. Whenever the word
"division" appears in this chapter, it shall mean the Mississippi
Development Authority Energy and Natural Resources Division.

SECTION 338. Section 57-39-9, Mississippi Code of 1972, is
brought forward as follows:

57-39-9. The powers and duties of the division shall
include, but not be limited to, the following:

(a) To promote Mississippi as a leader in energy
development, job creation and research.
(b) To contribute to economic development activities related to the energy production and manufacturing sectors.

(c) To promote energy efficiency across state government and within the private sector and other sectors, so that the state can realize the monetary and environmental benefits of energy efficiency.

(d) To prepare, when necessary, a Mississippi Energy Plan and a State Energy Management Plan as hereinafter set forth.

(e) To develop policies and long-term strategic plans for the State of Mississippi to accomplish the duties hereinafter set forth.

(f) To collect, maintain and provide analysis of data related to energy consumption, production and natural resources pertinent to the development of more energy opportunities within the state.

(g) To promote the development, manufacturing and use of renewable technologies, processes and products in the state.

(h) To serve as the State Energy Office for the State of Mississippi and fulfill requirements of the State Energy Office as mandated by the federal government or the Governor.

(i) To prepare implementation programs in accordance with the requirements of the plan.

(j) Upon request, to accept, receive and receipt for federal monies and other monies, either public or private, for and in behalf of this state. Upon request of any political
subdivision of the state, to accept, receive and receipt for any
designated purpose, federal monies and other monies, either public
or private, for and in behalf of any such political subdivision.

(k) To confer with or to hold joint hearings with any
agency of the United States in connection with any matter arising
under this chapter, or relating to the sound development of energy
utilization.

(l) To perform such acts, make, promulgate and amend
such reasonable general or special rules, regulations and
procedures as it shall deem necessary to carry out the provisions
of this chapter and to perform its duties hereunder. No rules,
regulations or procedures prescribed by the board shall be
inconsistent with, or contrary to, any acts of the Congress of the
United States or any regulations promulgated pursuant thereto, or
to this chapter or any other statutes of the State of Mississippi.

(m) To enter into contracts, grants and cooperative
agreements with any federal or state agency, department or
subdivision thereof, or any public or private institution located
inside or outside the State of Mississippi, or any person,
corporation or association in connection with carrying out the
provisions of this chapter, provided the agreements do not have a
financial cost in excess of the amounts appropriated for such
purposes by the Legislature.

(n) As required by the federal government or as
directed by the Governor of the State of Mississippi, to establish
a state program to administer the State Petroleum Set-Aside
Program and to provide assistance in obtaining adjustments
specified in orders issued by the Federal Energy Office.

**SECTION 339.** Section 57-39-11, Mississippi Code of 1972, is
brought forward as follows:

57-39-11. The division shall be tasked with developing,
implementing and refining over time the Mississippi Energy Plan.
The Mississippi Energy Plan shall include, but not be limited to
the following:

(a) Efforts to promote Mississippi as a leader in
energy development, job creation and research;

(b) Plans to encourage the safe and responsible
exploration and extraction of the state's natural resources;

(c) Plans to add value and sustain resources through
advances in manufacturing, conversion, and processing related to
energy consumption and generation;

(d) Expanding energy capacity and realizing savings
through energy efficiency;

(e) Encourage investments in the energy infrastructure
of transmission and distribution to maintain the state's
leadership in this area;

(f) Plans to ensure the state competes in
technology-based energy economic development, research and
development, and commercialization;

(g) Prepare a twenty-first century energy workforce;
(h) Statewide forecasts of energy needs and deficiencies;

(i) A program for directing the expenditure of local, state and federal energy funds in conformity with the statewide plan;

(j) Statewide implementation program, including a schedule of improvement programs, an operations program, a financial plan, necessary policies and legislation for implementation of the energy plan; and

(k) Financial impact statement.

SECTION 340. Section 57-39-13, Mississippi Code of 1972, is brought forward as follows:

57-39-13. Hearings shall be open to the public and shall be held upon such call or notice as the board shall deem advisable, in compliance with and as directed by federal and state statutes. The chairman, vice chairman or employee of the board designated by it to hold any inquiry, investigation or hearing shall have the power to administer oaths and affirmations and certify to all official acts.

SECTION 341. Section 57-39-19, Mississippi Code of 1972, is brought forward as follows:

57-39-19. (1) To ensure that state-owned facilities be operated in an energy-efficient manner to reduce operating costs to the General Fund and demonstrate successful energy consumption reduction strategies to other sectors of the state economy, the
division shall coordinate the development and implementation of a
general energy management plan for state-owned and operated
facilities in conjunction with the Department of Finance and
Administration, Bureau of Building, Grounds and Real Property
Management. The general energy management plan shall include, but
not be limited to, the following elements:

(a) Gathering of energy-related data from state
agencies, state institutions of higher learning, and community and
junior colleges in a form and manner as required by the division;
(b) Benchmarking of energy consumption and costs;
(c) Use of a central system to aggregate and track
energy consumption data for all state-owned facilities;
(d) Model buildings and facilities energy audit
procedures;
(e) Model energy consumption reduction techniques;
(f) Uniform data analysis procedures;
(g) Model employee energy education program procedures;
(h) Model training program for agency and institution
personnel and energy coordinators;
(i) Model guidelines for buildings and facilities
managers;
(j) Program monitoring and evaluation procedures.
(2) The State Energy Management Plan shall also include a
description of actions to reduce consumption of electricity and
nonrenewable energy sources used for heating, cooling,
ventilation, lighting and water heating. A designee of each of
the following entities - the Board of Trustees of State
Institutions of Higher Learning, the Community College Board, the
Department of Education, and the Department of Finance and
Administration shall assist in the preparation of the State Energy
Management Plan and serve together on an advisory board; the
director of the division shall serve as the head of this board and
shall convene representatives of these institutions no fewer than
once each year in order to review implementation of the State

(3) The State Energy Management Plan shall be developed and
implemented with input and assistance from the Department of
Finance and Administration, Bureau of Building, Grounds and Real
Property Management, and the two (2) state agencies shall work
together and pledge to use pertinent resources and programs in
conjunction with one another to accomplish the goals described in
this section.

(4) The Department of Finance and Administration, Bureau of
Building, Grounds and Real Property Management shall transmit to
the division an updated state building inventory on an annual
basis.

(5) All state agencies having buildings on the inventory of
buildings submitted to the Department of Finance and
Administration as well as all institutions of higher learning and
community and junior colleges (hereafter referred to as "covered
entities"), shall submit energy consumption in a form and manner prescribed by the division.

(6) Energy-related data may include, but shall not be limited to, the following:

(a) Electrical consumption data;
(b) Natural gas consumption; and
(c) Fuel oil consumption.

Any covered entity that does not enter its energy data in the form and manner prescribed by the division shall, at the discretion of the division, not be eligible to receive energy conservation funds from the Bureau of Building, Grounds and Real Property Management or be eligible to receive any state, federal or other funds from the division. The Mississippi Development Authority, in coordination with the Bureau of Building, Grounds and Real Property Management, shall promulgate rules pertaining to this section.

(7) By September 1 of each year, the division shall provide to the Legislature and the Governor a report on the energy consumption of covered entities. This report shall include, but shall not be limited to, total energy consumption for the state, total costs related to the energy metrics being tracked, increases or decreases from year-to-year by the state and by each covered entity, and forecast models for the coming fiscal year. The Bureau of Building, Grounds and Real Property Management shall provide assistance in the development of this report, as needed.
The division will also provide a list of covered entities that have not reported data in accordance with this section.

(8) By November 1, 2014, and each subsequent five-year interval, each covered entity must submit a detailed energy management plan to the division. The detailed energy management plan shall describe specific measures to be taken to reduce the agency's energy consumption by energy unit measure over a five-year period. The plan shall also include a timetable to accomplish the agency's reduction goals. If the detailed energy management plan meets the criteria developed by the division, the division shall approve the plan. If the detailed energy management plan fails to meet the criteria, the division shall disapprove the detailed energy management plan and notify the submitting agency in writing, including the reasons for disapproval. Covered entities that do not submit an energy management plan by the deadline or fail to remedy changes subsequently required by the division shall, at the discretion of the division, not be eligible to receive energy conservation funds from the Bureau of Building, Grounds and Real Property Management or be eligible to receive capital improvement funds from the Bureau of Building, Grounds and Real Property Management or be eligible to receive any state, federal or other funds from the division until such time as the entity has an energy management plan approved by the division.
SECTION 342. Section 57-39-21, Mississippi Code of 1972, is brought forward as follows:

57-39-21. (1) The board, in consultation with other appropriate professional groups and organizations, and others knowledgeable in the subject, shall review, amend and adopt, in accordance with Standard 90.1-2010 of the American Society of Heating, Refrigeration and Air-Conditioning Engineers, energy code standards for building construction, standards for computer-based energy management systems, standards for systems for cogeneration of heating, cooling and electricity, and standards for design to use passive solar energy concepts, in order to promote the efficient use of energy. For the purposes of this section, "building" shall mean any structure which includes provisions for a heating or cooling system, or both, or for a hot water system, except exempted buildings. Unless it is an exempted building, each of the following are examples of buildings, within the meaning of this section:

(a) Any building which provides facilities or shelter for public assembly, or which is used for educational, office or institutional purposes;

(b) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, restaurant or other commercial establishment which provides service or retail merchandise;
Any portion of an industrial plant building used primarily as office space; and

Any building owned by a state or political subdivision or instrumentality thereof, including libraries, museums, schools, hospitals, auditoriums, sports arenas and university buildings.

(2) Exempt buildings shall include:

(a) Buildings and structures or portions thereof whose peak design rate of energy usage is less than three and four-tenths (3.4) British thermal units per hour per square foot or one (1.0) watt per square foot of floor area for all purposes;

(b) Buildings and structures or portions thereof which are neither heated nor cooled by fuel;

(c) Any mobile home;

(d) Any privately owned, noncommercial building or structure whose construction, heating, cooling or lighting arrangement is not in conflict with federal law;

(e) Any building owned or leased, in whole or in part, by the United States government.

(3) Beginning July 1, 2013, the design, direction, construction and alteration of any building for which the standards promulgated pursuant to subsection (1) of this section applies shall be accomplished so that the building or applicable portions thereof shall meet or conform to the standards. The board shall not have enforcement over this section. Local
governing authorities shall adopt rules and regulations for the
administration and enforcement of this section, and to adopt such
penalties for violation of this section as they deem appropriate,
except in regard to buildings owned by the state. In state-owned
buildings, the building commission shall provide for the
compliance with the standards adopted under this chapter. Local
governing authorities are authorized to adopt rules and
regulations as developed and promulgated by the commission for the
administration and enforcement of these standards and to adopt
such penalties for violations of the standards as they deem
appropriate. Local governing authorities are authorized to
establish an inspection fee for the inspection of thermal and
lighting standards in an amount not to exceed One Hundred Fifty
Dollars ($150.00).

(4) This section shall stand repealed from and after July 1, 2023.

SECTION 343. Section 57-39-39, Mississippi Code of 1972, is
brought forward as follows:

57-39-39. (1) There is hereby created in the State Treasury
a fund to be known as the Energy Development Fund. Monies in such
fund are reserved exclusively for:

(a) Promoting the development of Mississippi's energy
resources.
(b) Developing projects under this section which will demonstrate a realistic promise of making a significant energy contribution to the State of Mississippi.

(c) Effectively utilizing the state's existing alternative and conventional energy resources to foster economic and social improvements in the state.

(2) The division will administer the fund. The division will establish policy and guidelines for use of the fund not later than one hundred twenty (120) days after July 1, 2013.

(3) The division will submit to the Governor on or before December 31 of each year a comprehensive report on the operation of the fund.

**SECTION 344.** Section 57-39-43, Mississippi Code of 1972, is brought forward as follows:

57-39-43. (1) There is created in the State Treasury a fund to be designated as the "Mississippi Oil Overcharge Fund," referred to in this section as "fund." Monies in the fund, referred to in this section as "oil overcharge funds," may be used for projects or programs authorized in accordance with appropriate federal court orders regarding the use of oil overcharge funds or by the United States Department of Energy, or both.

(2) The Treasurer shall deposit or transfer into the fund any funds received as a result of federal statute or administrative or regulatory actions requiring the disbursement to states of refund monies for alleged overcharges for crude oil or
refined petroleum products. The Treasurer may establish accounts
within the fund as necessary for management of monies in the fund.

(3) Expenditures may be made from the fund upon requisition
to the Treasurer by the Executive Director of the Department of
Economic and Community Development or the Executive Director of
the Department of Human Services.

(4) The fund shall be treated as a special trust fund.

Interest earned on the principal in the fund shall be credited by
the Treasurer to the fund.

(5) In their annual budget request, the Department of
Economic and Community Development and the Department of Human
Services shall submit a list of projects or programs for which
monies from the fund are requested to be used.

SECTION 345. Section 57-39-45, Mississippi Code of 1972, is
brought forward as follows:

57-39-45. (1) The division shall be responsible for
compiling on an ongoing basis data related to the energy
resources, both natural and manmade, of the State of Mississippi.
This information shall be compiled from trusted and verified
sources for the purposes of aggregation for analysis and
dissemination to partners and the public with the intent to
maximize the energy resources of the state.

(2) Biomass resources. The division shall be responsible
for maintaining a current database and map of biomass feedstocks
found in the State of Mississippi. The division shall work with
the Mississippi Forestry Commission, the Department of Agriculture, the institutions of higher learning, and other knowledgeable partners to produce and maintain accurate data on the renewable biomass resources of the state. The division shall analyze the data and prepare reports on a regular basis in order to highlight and promote the biomass resources of the state.

(3) Energy infrastructure. The division shall be responsible for maintaining a current database and map of the infrastructure that transports energy fuels and products across the state. The division shall analyze the data and prepare reports on a regular basis in order to highlight and promote the energy infrastructure of the state.

(4) Energy production and reserves. The division shall be responsible for maintaining information from all readily available resources on the energy production capacity in the state. The division shall maintain information on the energy reserves of the state.

(5) Reports and publications. The division shall produce reports, white papers, or articles for placement in targeted publications that include information to promote Mississippi as a leader in the energy sector.

SECTION 346. Section 57-39-101, Mississippi Code of 1972, is brought forward as follows:

SECTION 347. Section 57-39-103, Mississippi Code of 1972, is brought forward as follows:

57-39-103. The purpose of Sections 57-39-103 through 57-39-115 is to provide for development and implementation of a state energy management plan for all state-owned or state-leased buildings and facilities which will minimize energy consumption and insure that buildings and facilities are operated with maximum efficiency of energy use.

SECTION 348. Section 57-39-109, Mississippi Code of 1972, is brought forward as follows:

57-39-109. Any agency or institution designated by the division and funded in whole or in part by public funds shall appoint a coordinator from existing staff who shall advise the agency head or institution head on energy-related matters. The coordinator shall confer and cooperate with the board in developing, implementing and evaluating an energy management plan for the agency or institution. Any public school district may appoint a coordinator from its existing staff.

SECTION 349. Section 57-39-112, Mississippi Code of 1972, is brought forward as follows:

57-39-112. The division shall provide technical assistance to the Mississippi Department of Education so that the department can assist local school districts in developing a detailed energy management plan for that public school district. The purposes of the plan shall be to assist the public school district in reducing...
consumption of energy in its buildings and facilities and to
maintain or reduce that level of energy consumption, subject to
any allowances for building and facilities modernization,
remodeling or upgrading for educational purposes, and for
increased or decreased enrollment.

SECTION 350. Section 57-40-1, Mississippi Code of 1972, is
brought forward as follows:

57-40-1. As used in this chapter:

(a) "Project" means a facility constructed after July
1, 2012, with a capital investment from private sources of not
less than Fifty Million Dollars ($50,000,000.00).

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

SECTION 351. Section 57-40-3, Mississippi Code of 1972, is
brought forward as follows:

57-40-3. There is established an Energy Infrastructure
Revolving Loan Program to be administered by the MDA for the
purpose of assisting counties and municipalities in:

(a) Constructing, repairing or improving infrastructure
related to a project, including, but not limited to, making a
contribution in aid of construction to an energy-providing utility
or cooperative for its constructing, repairing, improving and
owning such infrastructure;

(b) Site preparation related to a project on property
owned by a county or municipality; and
(c) Site preparation on property owned by the enterprise owning or operating a project.

SECTION 352. Section 57-40-5, Mississippi Code of 1972, is brought forward as follows:

57-40-5. (1) There is created a special fund in the State Treasury to be designated as the "Energy Infrastructure Revolving Loan Fund," which shall consist of such money authorized to be deposited into such fund from any source. The fund shall be maintained in perpetuity for the purposes established in this chapter. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Money in the fund may not be used or expended for any purpose except as authorized under this chapter.

(2) A county or an incorporated municipality may apply to the MDA for a loan under the energy infrastructure revolving loan program established under this chapter.

(3) (a) The MDA shall establish a loan program by which loans, at the rate of interest set by the MDA, may be made available to counties and incorporated municipalities for the purposes provided in Section 57-40-3.

(b) Loans from the revolving fund may be made to counties and municipalities as set forth in a loan agreement in amounts not to exceed one hundred percent (100%) of eligible costs.
as established by the MDA. The MDA may require county, municipal or private participation or funding from other sources, or otherwise limit the percentage of costs covered by loans from the revolving loan fund. The MDA may establish a maximum amount for any loan. Loan repayments shall be deposited into the revolving loan fund.

(4) A county that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for (i) monthly payments, (ii) semiannual payments, or (iii) other periodic payments. The loan agreement shall provide for the repayment of all funds received within not more than twenty (20) years from the date of project completion.

(5) Prior to the execution of a loan agreement, relevant parties to the project shall enter into an agreement, in a manner acceptable to MDA, that stipulates the terms of the energy infrastructure investment and responsibilities among parties.

(6) The State Auditor, upon request of the MDA, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if
he finds that the entity is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA.

(7) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 353. Section 57-40-7, Mississippi Code of 1972, is brought forward as follows:

57-40-7. In administering the provisions of this chapter, the MDA shall have the following powers and duties:

(a) To supervise the use of all funds made available under this chapter for infrastructure improvements;

(b) To review and certify all projects for which funds are authorized to be made available under this chapter;

(c) To requisition money in the Energy Infrastructure Revolving Loan Fund and distribute that money on a project-by-project basis in accordance with the provisions of this chapter;
To maintain an accurate record of all Energy Infrastructure Revolving Loan Program funds made available to counties and municipalities and the costs for each project; and

(e) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the provisions of this chapter.

SECTION 354. Section 57-41-1, Mississippi Code of 1972, is brought forward as follows:

57-41-1. Wherever used in this chapter, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

(a) "Municipality" means any county or incorporated city, town or village in the State of Mississippi;

(b) "Project" means land, buildings, improvements, fixtures, machinery, equipment and furnishings, and all real and personal properties deemed necessary in connection therewith, or any part or combination of parts of the foregoing, whether or not now in existence, which shall be suitable for use by any industrial enterprise;

(c) "Industrial enterprise" means a person, corporation, partnership or other legal entity authorized by law to engage in the business of manufacturing, processing or assembling any products of agriculture, mining or industry, excluding retail businesses;
(d) "Governing body" means the board or body in which the legislative powers of the municipality are vested;

(e) "Mortgage" means a mortgage, indenture of trust, deed of trust or any other instrument securing notes of an industrial enterprise;

(f) "Loan agreement" means an agreement providing for the governing body to loan the proceeds derived from the issuance of notes pursuant to this chapter to one or more industrial enterprises to be used to pay the cost of one or more projects and providing for the repayment of such loans by the industrial enterprises, and which shall provide for such loans to be evidenced by one or more notes, and secured by a mortgage delivered to the municipality or to the assignee of the municipality's rights under the loan agreement.

SECTION 355. Section 57-41-3, Mississippi Code of 1972, is brought forward as follows:

57-41-3. The governing body is hereby granted the following powers, together with all powers incidental thereto or necessary for the performance of those hereinafter stated, in order to effectuate the purposes of this chapter:

(a) To enter into loan agreements with an industrial enterprise with respect to one or more projects for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter;
(b) To borrow money and issue its notes for the purpose of making loans to industrial enterprises to finance one or more projects; however, no loan shall exceed Five Hundred Thousand Dollars ($500,000.00) for any one (1) project;

(c) As security for the payment of the principal of and interest on any notes so issued, to assign and pledge all or any part of its interest in and rights under the loan agreements relating thereto to financial institutions purchasing the notes, together with all notes and deeds of trust delivered to the municipality pursuant thereto.

The powers conferred upon the governing body of a municipality under this chapter may be exercised only after the governing body has obtained a certificate of public convenience and necessity from the Mississippi Board of Economic Development for each project of an industrial enterprise.

SECTION 356. Section 57-41-5, Mississippi Code of 1972, is brought forward as follows:

57-41-5. The principal of, redemption premium, if any, and interest on the notes of the municipality shall be payable solely out of, and shall be secured by a pledge of the revenues and receipts derived from the industrial enterprise as designated in the proceedings of the governing body under which the notes shall be authorized to be issued, including debt obligations of the industrial enterprises obtained from or in connection with the financing of a project, and from such other sources available to
the municipality as may be designated by the governing body in its proceedings in connection with the issuance of the notes. Such notes may be executed and delivered by the governing body at any time and from time to time, may be in such form and denominations, may be subject to such terms of redemption, may mature at such time or times not exceeding ten (10) years; and may be in fully registered form or in bearer form registrable either as to principal or interest or both, may bear such conversion privileges and be payable in such installments and at such time or times, may be payable at such place or places, whether within or without the State of Mississippi, may bear interest irrespective of any interest rate limitation, payable at such time or times, and at such place or places and evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the governing body whereunder the notes shall be authorized to be issued.

Any notes of the governing body may be sold at public or private sale. The governing body may pay all expenses, premiums and commissions which its governing body may deem necessary or advantageous in connection with the issuance thereof, but solely from the proceeds of the notes. Bonds issued hereunder shall be validated in the manner provided by law in the chancery court of the county in which the municipality is located.

**SECTION 357.** Section 57-41-7, Mississippi Code of 1972, is brought forward as follows:
57-41-7. (1) The notes may be secured by a trust agreement by and between the municipality and a corporate trustee, which may be any trust company or bank incorporated under the laws of the United States or the laws of any state in the United States. Any such trust agreement may pledge or assign income, contract payments, fees or any other revenues and receipts to be received from an industrial enterprise, whether or not related to a project. The notes may be additionally secured by an assignment of a mortgage, deed of trust or other security interest upon all or any part of one or more projects, including any enlargements of and additions to a project, vesting in the trustee power to sell such project for the payment of indebtedness, power to operate a project and all other powers and authority and for the further security of the notes.

(2) Any trust agreement made in accordance with the provisions of this chapter may contain a provision that, in the event of a default in the payment of the principal of, redemption premium, if any, or the interest on the notes issued in accordance with, or relating to, such agreement, or in the performance of any agreement contained in the proceedings, trust agreement or instruments relating to such notes, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rates, rents or payments and to apply the revenues from the project in accordance with such proceedings, trust agreement or instruments.
(3) Any mortgage or deed of trust to secure notes issued in accordance with the provisions of this chapter may also provide that in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage or deed of trust, the property secured by the mortgage or deed of trust may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage or deed of trust may also provide that any trustee under such mortgage or deed of trust or the holder of any of the notes secured thereby, may become the purchaser at any foreclosure sale if it is the highest bidder therefor.

(4) The notes may be additionally secured by a guaranty agreement from an industrial enterprise to the trustee or to the holder of any note or by such other guaranty agreement, letter of credit or other arrangement as shall be acceptable to the municipality.

SECTION 358. Section 57-41-9, Mississippi Code of 1972, is brought forward as follows:

57-41-9. All notes issued by a municipality under authority of this chapter shall be limited obligations of the municipality, the principal of, redemption premium, if any, and interest on which shall be payable solely from revenues received by the municipality pursuant to the loan agreement or pursuant to notes and deeds of trust delivered to the municipality and from such other funds as may be made available to the municipality for such
purpose by the terms of the trust agreement. Notes issued under
authority of this chapter shall never constitute an indebtedness
of the municipality within the meaning of any state constitutional
provision or statutory limitation, and shall never constitute nor
give rise to a pecuniary liability of the municipality or a charge
against its general credit or taxing powers, and such fact shall
be plainly stated on the face of each such note. The notes shall
not be considered when computing any limitation of indebtedness of
the municipality established by law. All notes issued under the
authority of this chapter shall be construed to be negotiable
instruments, despite the fact that they are payable solely from a
specified source.

SECTION 359. Section 57-41-11, Mississippi Code of 1972, is
brought forward as follows:

57-41-11. Notes issued under the provisions of this chapter
shall be legal investments for commercial banks, savings and loan
associations and insurance companies organized under the laws of
this state.

SECTION 360. Section 57-41-13, Mississippi Code of 1972, is
brought forward as follows:

57-41-13. The notes authorized by this chapter and the
income therefrom shall be exempt from all taxation in the State of
Mississippi, and the revenue derived by the issuer from the
project shall be exempt from all taxation in the State of
Mississippi. Any industrial enterprise shall not be exempt from
ad valorem taxes on the project, except as is otherwise provided
in Section 27-31-101 et seq., Mississippi Code of 1972, nor shall
purchases required to establish projects and financed by note
proceeds be exempt from taxation in the State of Mississippi.

SECTION 361. Section 57-41-15, Mississippi Code of 1972, is
brought forward as follows:

57-41-15. This chapter, without reference to any other
statute, shall be deemed to be full and complete authority for the
issuance of the aforesaid notes, and shall be construed as an
additional and alternative method therefor, and none of the
present restrictions, requirements, conditions or limitations of
law applicable to the issuance or sale of bonds, notes or other
obligations by municipalities in this state shall apply to the
issuance and sale of notes under this chapter, and no proceedings
shall be required for the issuance of such notes other than those
provided for and required herein, and all powers necessary to be
exercised in order to carry out the provisions of this chapter are
hereby conferred.

SECTION 362. Section 57-41-17, Mississippi Code of 1972, is
brought forward as follows:

57-41-17. The Mississippi Board of Economic Development is
authorized and empowered to adopt and put into effect all
reasonable rules and regulations that it may deem necessary to
carry out the provisions of this chapter not inconsistent

therewith, including, but not limited to, eligible costs of a project and the financing thereof.

**SECTION 363.** Section 57-44-1, Mississippi Code of 1972, is brought forward as follows:

57-44-1. The implementation of freight rail service projects within the State of Mississippi develops and promotes, for the public good, safety and general welfare, trade, commerce, industry, and employment opportunities, and promotes the general welfare of the state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade and commerce within the State of Mississippi. Implementation of freight rail service projects within this state will develop and promote, for the public good, safety and general welfare, trade, commerce, industry, and employment opportunities, and will promote the general welfare of the state. It is therefore in the public interest and is vital to the public welfare of the people of Mississippi, and it is declared to be the public purpose of this chapter to so develop freight rail service projects within this state.

**SECTION 364.** Section 57-44-3, Mississippi Code of 1972, is brought forward as follows:

57-44-3. As used in this chapter the term "freight rail service project" means the acquisition, construction, installation, operation, modification, renovation, or rehabilitation of any freight rail service facilities. A project
may also include any fixtures, machinery, or equipment used on, in
or in connection with any such facilities. A project may be for
any freight transportation purpose, provided that the department
determines that the project will further the public purposes of
this act.

SECTION 365. Section 57-44-5, Mississippi Code of 1972, is
amended as follows:

57-44-5. There is established a local governments freight
rail service project revolving loan program to be administered by
the * * * Mississippi Development Authority for the purpose of
making loans to counties and municipalities that the governing
authorities of such counties and municipalities may utilize to
make loans to railroad corporations for freight rail service
projects.

SECTION 366. Section 57-44-7, Mississippi Code of 1972, is
brought forward as follows:

57-44-7. (1) There is created a special fund in the State
Treasury to be designated as the "Local Governments Freight Rail
Service Project Revolving Loan Fund," which fund shall consist of
such monies as provided in Sections 57-44-11 through 57-44-39.
The fund shall be maintained in perpetuity for the purposes
established in this chapter. Unexpended amounts remaining in the
fund at the end of a fiscal year shall not lapse into the State
General Fund, and any interest earned on amounts in the fund shall
be deposited to the credit of the fund. Monies in the fund may
not be used or expended for any purpose except as authorized under this chapter. However, the Mississippi Development Authority, in order to promote the safety of the general public, shall establish a program to permit monies from the Local Governments Freight Rail Service Project Revolving Loan Fund to be provided to counties in the form of grants to assist counties in defraying expenses relating to the upgrading of railroad grade crossings. Only projects approved by the Mississippi Department of Transportation shall be eligible for such grants. The Mississippi Development Authority, by rule and regulation, shall establish the maximum amount of any grant awarded to a county and may establish such other rules and regulations as it deems appropriate or necessary to administer the grant program and ensure that monies in the fund are made available to all counties on an equitable basis. Federal funds shall be utilized to pay not less than five percent (5%) of the cost of each project. However, the maximum amount of such grants to all counties may not exceed Eight Million Dollars ($8,000,000.00), in the aggregate.

(2) The Mississippi Development Authority shall establish a loan program by which loans, at a rate of interest not to exceed one percent (1%) less than the federal reserve discount rate, may be made available to counties and incorporated municipalities to provide loans to counties and incorporated municipalities which may be used by the governing authorities of such counties and municipalities to provide loans to railroad corporations for
freight rail service projects. Loans from the revolving fund may be made to counties and municipalities as set forth in a loan agreement in amounts established by the Mississippi Development Authority. The Mississippi Development Authority may establish a maximum amount for any loan in order to provide for broad and equitable participation in the program.

(3) A county that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality that receives a loan from the revolving fund shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for (a) monthly payments, (b) semiannual payments, or (c) other periodic payments, the annual total of which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). The loan agreement shall provide for the repayment of all funds received within not more than fifteen (15) years from the date of project completion.

(4) The State Auditor, upon request of the Mississippi Development Authority, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the county or municipality is in arrears in such payments, he shall immediately
notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the Mississippi Development Authority.

(5) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

(6) The Mississippi Development Authority may, on a case-by-case basis, renegotiate the payment of principal and interest on loans made under this chapter to the six (6) most southern counties of the state covered by the Presidential Declaration of Major Disaster for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005, and to incorporated municipalities located in such counties; however, the interest on the loans shall not be forgiven for a period of more than twenty-four (24) months and the maturity of the loans shall not be extended for a period of more than forty-eight (48) months.

SECTION 367. Section 57-44-9, Mississippi Code of 1972, is amended as follows:
57-44-9. In administering the provisions of this chapter, the Mississippi Development Authority shall have the following powers and duties:

(a) To supervise the use of all funds made available under this chapter;

(b) To review all freight rail service projects for which loans are made under this chapter by local governments;

(c) To requisition monies in the Local Governments Freight Rail Service Project Revolving Loan Fund and distribute those monies to counties and municipalities, on a project-by-project basis in accordance with the provisions of this chapter;

(d) To insure that the funds made available to a county or an incorporated municipality under this chapter provide for an equitable distribution of projects and funds among the counties and incorporated municipalities;

(e) To maintain an accurate record of all funds made available to counties and municipalities;

(f) To adopt and promulgate such rules and regulations as may be necessary or desirable for the purpose of implementing the provisions of this chapter; and

(g) To file annually with the Legislature a report detailing how monies in the Revolving Loan Fund were spent during the preceding fiscal year in each county and incorporated
municipality, the number of freight rail service projects
constructed, and the cost of each project.

SECTION 368. Section 57-44-11, Mississippi Code of 1972, is
brought forward as follows:

57-44-11. (1) The State Bond Commission, at one time, or
from time to time, may declare by resolution the necessity for
issuance of general obligation bonds of the State of Mississippi
to provide funds for all costs incurred or to be incurred for the
purposes described in Section 57-44-7. Upon the adoption of a
resolution by the Mississippi Development Authority, declaring the
necessity for the issuance of any part or all of the general
obligation bonds authorized by this section, the Mississippi
Development Authority shall deliver a certified copy of its
resolution or resolutions to the State Bond Commission. Upon
receipt of such resolution, the State Bond Commission, in its
discretion, may act as the issuing agent, prescribe the form of
the bonds, advertise for and accept bids, issue and sell the bonds
so authorized to be sold and do any and all other things necessary
and advisable in connection with the issuance and sale of such
bonds. The total amount of bonds issued under Sections 57-44-11
through 57-44-39 shall not exceed Eighteen Million Dollars
($18,000,000.00).

(2) Proceeds from the sale of bonds shall be deposited in
the special fund created in Section 57-44-7. Any investment
earnings on amounts deposited into the special fund created in
Section 57-44-7 shall be used to pay debt service on bonds issued under Sections 57-44-11 through 57-44-39, in accordance with the proceedings authorizing issuance of such bonds.

**SECTION 369.** Section 57-44-13, Mississippi Code of 1972, is brought forward as follows:

57-44-13. The principal of and interest on the bonds authorized under Section 57-44-11 shall be payable in the manner provided in this section. Such bonds shall bear such date or dates, be in such denomination or denominations, bear interest at such rate or rates (not to exceed the limits set forth in Section 75-17-101, Mississippi Code of 1972), be payable at such place or places within or without the State of Mississippi, shall mature absolutely at such time or times not to exceed twenty-five (25) years from date of issue, be redeemable before maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the State Bond Commission.

**SECTION 370.** Section 57-44-15, Mississippi Code of 1972, is brought forward as follows:

57-44-15. The bonds authorized by Section 57-44-11 shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official seal of the commission shall be affixed thereto, attested by the Secretary of the State Bond Commission. The interest coupons, if any, to be attached to such
bonds may be executed by the facsimile signatures of such officers. Whenever any such bonds shall have been signed by the officials designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers before the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until their delivery to the purchaser, or had been in office on the date such bonds may bear. However, notwithstanding anything herein to the contrary, such bonds may be issued as provided in the Registered Bond Act of the State of Mississippi.

**SECTION 371.** Section 57-44-17, Mississippi Code of 1972, is brought forward as follows:

57-44-17. All bonds and interest coupons issued under the provisions of Sections 57-44-11 through 57-44-39 have all the qualities and incidents of negotiable instruments under the provisions of the Uniform Commercial Code, and in exercising the powers granted by this chapter, the State Bond Commission shall not be required to and need not comply with the provisions of the Uniform Commercial Code.

**SECTION 372.** Section 57-44-19, Mississippi Code of 1972, is brought forward as follows:
57-44-19. The State Bond Commission shall act as the issuing agent for the bonds authorized under Section 57-44-11, prescribe the form of the bonds, advertise for and accept bids, issue and sell the bonds so authorized to be sold, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of such bonds. The State Bond Commission is authorized and empowered to pay the costs that are incident to the sale, issuance and delivery of the bonds authorized under Sections 57-44-11 through 57-44-39 from the proceeds derived from the sale of such bonds. The State Bond Commission shall sell such bonds on sealed bids at public sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to the date of delivery of the bonds to the purchaser. All interest accruing on such bonds so issued shall be payable semiannually or annually; however, the first interest payment may be for any period of not more than one (1) year.

Notice of the sale of any such bond shall be published at least one (1) time, not less than ten (10) days before the date of sale, and shall be so published in one or more newspapers published or having a general circulation in the City of Jackson, Mississippi, and in one or more other newspapers or financial journals with a national circulation, to be selected by the State Bond Commission.
The State Bond Commission, when issuing any bonds under the authority of Sections 57-44-11 through 57-44-39, may provide that bonds, at the option of the State of Mississippi, may be called in for payment and redemption at the call price named therein and accrued interest on such date or dates named therein.

SECTION 373. Section 57-44-21, Mississippi Code of 1972, is brought forward as follows:

57-44-21. The bonds issued under the provisions of Sections 57-44-11 through 57-44-39 are general obligations of the State of Mississippi, and for the payment thereof the full faith and credit of the State of Mississippi is irrevocably pledged. If the funds appropriated by the Legislature are insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All such bonds shall contain recitals on their faces substantially covering the provisions of this section.

SECTION 374. Section 57-44-23, Mississippi Code of 1972, is amended as follows:

57-44-23. Upon the issuance and sale of bonds under the provisions of Sections 57-44-11 through 57-44-39, the State Bond Commission shall transfer the proceeds of any such sale or sales to the special fund created in Section 57-44-7. The proceeds of such bonds shall be disbursed solely upon the order of the * * * Mississippi Development Authority under such restrictions, if any,
as may be contained in the resolution providing for the issuance
of the bonds.

SECTION 375. Section 57-44-25, Mississippi Code of 1972, is
brought forward as follows:

57-44-25. The bonds authorized under Sections 57-44-11
through 57-44-39 may be issued without any other proceedings or
the happening of any other conditions or things other than those
proceedings, conditions and things which are specified or required
by Sections 57-44-11 through 57-44-39. Any resolution providing
for the issuance of bonds under the provisions of Sections
57-44-11 through 57-44-39 shall become effective immediately upon
its adoption by the State Bond Commission, and any such resolution
may be adopted at any regular or special meeting of the State Bond
Commission by a majority of its members.

SECTION 376. Section 57-44-27, Mississippi Code of 1972, is
brought forward as follows:

57-44-27. The bonds authorized under the authority of
Sections 57-44-11 through 57-44-39 may be validated in the
Chancery Court of the First Judicial District of Hinds County,
Mississippi, in the manner and with the force and effect provided
by Chapter 13, Title 31, Mississippi Code of 1972, for the
validation of county, municipal, school district and other bonds.
The notice to taxpayers required by such statutes shall be
published in a newspaper published or having a general circulation
in the City of Jackson, Mississippi.
SECTION 377. Section 57-44-29, Mississippi Code of 1972, is brought forward as follows:

57-44-29. Any holder of bonds issued under the provisions of Sections 57-44-11 through 57-44-39 or of any of the interest coupons pertaining thereto may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted under Sections 57-44-11 through 57-44-39, or under such resolution, and may enforce and compel performance of all duties required by Sections 57-44-11 through 57-44-39 to be performed, in order to provide for the payment of bonds and interest thereon.

SECTION 378. Section 57-44-31, Mississippi Code of 1972, is brought forward as follows:

57-44-31. All bonds issued under the provisions of Sections 57-44-11 through 57-44-39 shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies and insurance companies organized under the laws of the State of Mississippi, and such bonds shall be legal securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and political subdivisions for the purpose of securing the deposit of public funds.

SECTION 379. Section 57-44-33, Mississippi Code of 1972, is brought forward as follows:
57-44-33. Bonds issued under the provisions of Sections 57-44-11 through 57-44-39 and income therefrom shall be exempt from all taxation in the State of Mississippi.

SECTION 380. Section 57-44-35, Mississippi Code of 1972, is brought forward as follows:

57-44-35. The proceeds of the bonds issued under Sections 57-44-11 through 57-44-39 shall be used solely for the purposes herein provided, including the costs incident to the issuance and sale of such bonds.

SECTION 381. Section 57-44-37, Mississippi Code of 1972, is brought forward as follows:

57-44-37. The State Treasurer is authorized to certify to the Department of Finance and Administration the necessity for warrants, and the Executive Director of the Department of Finance and Administration is authorized and directed to issue such warrants, in such amounts as may be necessary to pay when due the principal of, premium, if any, and interest on, or the accreted value of, all bonds issued under Sections 57-44-11 through 57-44-39; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

SECTION 382. Section 57-44-39, Mississippi Code of 1972, is brought forward as follows:
57-44-39. Sections 57-44-11 through 57-44-39 shall be deemed to be full and complete authority for the exercise of the powers herein granted, but this chapter shall not be deemed to repeal or to be in derogation of any existing law of this state.

SECTION 383. Section 57-46-1, Mississippi Code of 1972, is brought forward as follows:

57-46-1. (1) (a) There is created a special fund in the State Treasury to be known as the Mississippi Railroad Improvements Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be disbursed by the Mississippi Development Authority (MDA) for the purposes authorized in subsection (2) of this section.

(b) Monies in the fund that are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA in providing grants under this section through the use of general obligation bonds. An accounting of actual costs incurred for which reimbursement is sought shall be maintained for each grant by the MDA. Reimbursement of reasonable actual and necessary costs for assistance shall not exceed three percent (3%) of the proceeds of bonds issued for such assistance. Reimbursements made...
under this subsection shall satisfy any applicable federal tax law requirements.

(2) The MDA shall establish a program to make grants to short line railroads from the Mississippi Railroad Improvements Fund to assist in paying a portion of the costs associated with the repair, rehabilitation, construction, reconstruction, upgrading and improvement of railroad lines and related facilities, including projects necessary to ensure safety and structural integrity of rail lines, rail beds and bridges.

(3) (a) A short line railroad desiring a grant under this section shall submit an application to the MDA which shall include, at a minimum:

(i) A description, including the cost, of the requested assistance;

(ii) A description of the purpose for which the assistance is requested; and

(iii) Any other information required by the MDA.

(b) The MDA shall have sole discretion in providing grants under this section. The terms of a grant shall be within the discretion of the MDA.

(4) The MDA shall have all powers necessary to implement and administer the program established under this section, including the establishing of requirements for matching funds and criteria regarding the evaluation of applications for assistance. The MDA shall promulgate rules and regulations, in accordance with the
Mississippi Administrative Procedures Law, necessary for the implementation and administration of this section.

**SECTION 384.** Section 57-57-1, Mississippi Code of 1972, is brought forward as follows:

57-57-1. This chapter may be cited as the "Mississippi Export Trade Development Act."

**SECTION 385.** Section 57-57-3, Mississippi Code of 1972, is brought forward as follows:

57-57-3. The Legislature of the State of Mississippi hereby finds and declares that the economy of the State of Mississippi is increasingly dependent upon the international export of Mississippi manufactured goods, commodities, and services, and the export of these products and services has become vital to the stimulation and development of the state's economy, and that expanding international export markets is essential to the creation of and increase in the number of jobs in these sectors of the state's economy. Therefore, it is declared to be the purpose of this chapter to promote the general welfare of all of the people of the state and increase job opportunities through the development and expansion of international export markets for Mississippi products and services, especially those of small and medium sized businesses, by assisting in the creation of an export trade company and by providing financial assistance and tax incentives for Mississippi businesses engaging in export sales.
SECTION 386. Section 57-57-5, Mississippi Code of 1972, is amended as follows:

57-57-5. For the purposes of this chapter, the following terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

(a) "Committee" means a committee, consisting of the Chairman of the Certified Development Company of Mississippi, Inc., or his designee, two (2) bankers and two (2) Mississippi businessmen who are members of the Certified Development Company of Mississippi, Inc., created pursuant to Section 57-10-167, and actively involved in exporting.

(b) "Company" means the Certified Development Company of Mississippi, Inc., created pursuant to Section 57-10-167.

(c) "Bank" means any state or national bank doing business in Mississippi, which is approved by the company.

(d) "Eligible export trade transaction" means a transaction consisting of a loan from any Mississippi bank to finance an international pre-export or export, which in the judgment of the company will create or maintain employment in Mississippi and shall contain at least fifty percent (50%) of value added in goods or services at a location in Mississippi.

(e) "Guarantee" means additional security by the State of Mississippi for the eligible export trade transaction of any Mississippi business.
(f) "Business" means any person, corporation, partnership, proprietorship, association, organization or agency domiciled in the State of Mississippi.

(g) "Guarantee fee" means a fee charged by the Certified Development Company of Mississippi, Inc., for processing the guarantee.

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

(i) "Commercial loss" means failure of the buyer to pay to the Mississippi business when due all or part of the gross invoice value of an eligible export trade transaction due to the insolvency of the buyer.

(j) "Political loss" means failure of the buyer to pay to the Mississippi business when due all or part of the gross invoice value of an eligible export trade transaction due to dollar transfer delays, war, revolution, license revocation or diversion of goods.

SECTION 387. Section 57-57-7, Mississippi Code of 1972, is brought forward as follows:

57-57-7. The Certified Development Company of Mississippi, Inc., is hereby given the authority to create a committee to assist the company in implementing this chapter and establishing a source of guarantees and financial assistance to support export development, particularly to small business as defined in Section
503 of the Small Business Investment Act of 1958, as amended. The company is hereby authorized to:

(a) Utilize any funds not to exceed One Million Dollars ($1,000,000.00), authorized to be expended under Chapter 10, Title 57, Mississippi Code of 1972.

(b) Provide a guarantee against political or commercial loss in whole or in part of the outstanding principal balance on any eligible export trade transaction. Such a guarantee may include, without limitation, the cost of insurance provided by the exporting business against loss up to a stated amount. The maximum amount payable under any guarantee shall be specifically set forth in writing, and shall not exceed seventy-five percent (75%) of the total principal amount. The amount of all outstanding loan guarantees shall not exceed Five Million Dollars ($5,000,000.00) at any one (1) time. A reasonable and legal guarantee fee may be set by the company. Any guarantee entered into by the company hereunder shall not constitute a general obligation of the State of Mississippi. Any guarantee made by the company hereunder shall not be terminated, cancelled, or otherwise revoked except in accordance with the terms thereof; shall be conclusive evidence that such guarantee complies fully with the provisions of this chapter; and shall be valid and incontestable in the hands of a holder in due course of a guaranteed eligible export trade transaction.
(c) Prior to providing a guarantee, the participating bank shall make a thorough credit investigation of the exporting business in order to determine its viability, the economic benefits to be derived therefrom, the prospects for repayment, and such other facts as it deems necessary in order to determine that such a guarantee is consistent with the purpose of this chapter.

The company shall provide a guarantee if, and only if and to the extent that, it determines that such a guarantee is reasonably necessary in order to stimulate or facilitate the making of the eligible export trade transaction, upon terms which will enable the export transaction to be reasonably competitive with export transactions in other states or in foreign countries, or such guarantee is reasonably necessary in order to stimulate or facilitate the sale or resale of such eligible export trade transaction to a holder in due course which would not otherwise purchase such eligible export trade transaction; provided, however, that the guarantee provided by the company to the bank shall be loaned to the business at a fixed interest rate and term as the company may from time to time require. The interest rate and term of such loan shall not be in violation of the 1947 General Agreement on Tariffs and Trade. The company may condition the provision of guarantee hereunder upon such terms and conditions as it may deem desirable to carry out the provisions of this chapter.
SECTION 388. Section 57-57-9, Mississippi Code of 1972, is brought forward as follows:

57-57-9. An annual report of the activities by the company and the committee under this chapter shall be submitted along with other annual reports of the Certified Development Company of Mississippi, Inc., to the board.

SECTION 389. Section 57-57-11, Mississippi Code of 1972, is brought forward as follows:

57-57-11. The board is hereby authorized to assist in the creation of and actively participate in an export trading company as defined in Title I, Section 103 of the United States Export Trading Company Act of 1982 to promote and facilitate increased exports in Mississippi.

SECTION 390. Section 57-57-13, Mississippi Code of 1972, is brought forward as follows:

57-57-13. The board may promulgate necessary rules and regulations and prescribe procedures to effectuate the purposes of this chapter.

SECTION 391. Section 57-61-1, Mississippi Code of 1972, is brought forward as follows:

57-61-1. This chapter shall be known and may be cited as the Mississippi Business Investment Act.

SECTION 392. Section 57-61-3, Mississippi Code of 1972, is brought forward as follows:
57-61-3. It is the purpose of this chapter to promote business and economic development in the State of Mississippi through job producing programs and by providing loans to municipalities as defined in this chapter; to assist in securing strategic investments and/or investments in small communities by private companies locating or expanding in the state; to promote the improvement and enhancement of facilities utilized in foreign and domestic commerce to and from Mississippi through state-owned ports and to provide loans to state agencies as defined in this chapter, for the construction and development of harbor, channel and port facilities; and to authorize the issuance of state bonds or notes for funding of said programs.

SECTION 393. Section 57-61-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

(g) "Private match" means any new private investment by the private company and/or governmental unit in land, buildings, depreciable fixed assets, and improvements of the project used to match improvements funded under this chapter. The term "private match" includes improvements made prior to the effective date of this chapter [Laws, 1986, Chapter 419, effective March 31, 1986] pursuant to contracts entered into contingent upon assistance being made available under this chapter.

(h) "Publicly owned property" means property which is owned by the local, state or United States government and is not under the control of a private company.

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

(j) "Small community" means a county with a population of twenty-five thousand (25,000) or less; or a municipality with a population of ten thousand (10,000) or less and any area within five (5) miles of the limits of such municipality, according to the most recent federal decennial census.

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

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

SECTION 394. Section 57-61-7, Mississippi Code of 1972, is
brought forward as follows:

57-61-7. There is hereby established, under the direction of
the department, a program to be known as the Business Investment
Program for the purpose of making grants or loans to
municipalities in order to install and effect specific
improvements and projects necessary to complement industrial
investment by private companies, the federal government or
municipalities which increase Mississippi's share of domestic,
international and foreign commerce to create and maintain new
full-time jobs.

SECTION 395. Section 57-61-9, Mississippi Code of 1972, is
brought forward as follows:

57-61-9. (1) Any private company desiring assistance from a
municipality shall submit to the municipality a letter of intent
to locate, expand or build a facility entirely or partially within
the municipality or on land the municipality is authorized to own
or otherwise acquire. The letter of intent shall include:
(a) Except for strategic investments, a commitment that the proposed project will create and maintain a minimum of ten (10) net new full-time equivalent jobs, will create and maintain at least a five percent (5%) increase in full-time equivalent jobs in the case of expansion of an enterprise already located at the site or at least a twenty-five percent (25%) increase in full-time equivalent jobs pursuant to subsection (9) of Section 57-61-15 and will create and maintain at least one (1) net new full-time equivalent job for every Fifteen Thousand Dollars ($15,000.00) either loaned or granted for the project. The commitment required by this paragraph (a) shall include any jobs created prior to March 31, 1986, resulting from contracts entered into contingent upon assistance being made available under this chapter. All jobs required to be maintained by this paragraph (a) shall be maintained until such time as any loan made under this chapter for the benefit of a private company is repaid.

(b) A statement that the specific improvements are necessary for the efficient and cost-effective operation of the private company, together with supporting financial and engineering documentation.

(c) Any commitment to pay rental on, or to make loan repayments related to, the improvements to be made with funds loaned to a municipality under this chapter.

(d) If required by the Mississippi Development Authority, a notarized statement of willingness to grant a lien on
the facility for which the improvement is being provided, in an amount and a manner to be determined by the Mississippi Development Authority, which lien may be foreclosed in the event that the private company fails to operate in the facility according to the terms of the agreement and/or to collateralize the loan made for the benefit of the private company for which the improvement is being provided in an amount and manner to be determined by the Mississippi Development Authority. In the event the contractual agreement is to be entered into with a department or subsidiary of the United States government, the Mississippi Development Authority shall determine that the governmental unit will operate the proposed project for a sufficient number of years to retire the loan based on increased revenue estimates by the University Research Center and any agreement entered into shall reflect that the interest paid on any loan for such purpose shall be included in Mississippi's contributory value in the project. In the event the private company requesting the assistance is a subsidiary of another corporation, if required by the Mississippi Development Authority, any contractual agreement entered into shall also require the parent company to unconditionally warrant the performance of the subsidiary in carrying out the terms of the agreement or it shall require the subsidiary and/or the parent company to pledge assets in an amount and a manner to be determined by the Mississippi Development Authority and/or to collateralize the loan in an amount and a manner to be determined.
by the Mississippi Development Authority to ensure the performance of the terms of the contract.

(2) Upon receipt of the letter of intent from a private company, the municipality may apply to the Mississippi Development Authority for a loan or grant. The application from the municipality shall include, but not be limited to:

(a) A statement of the purpose of the proposed loan or grant, including a list of eligible items and the cost of each.

(b) A statement showing the sources of funding for the entire project, including the private company's or governmental unit's investment in the project and any public and other private sources of funding.

(c) A certified copy of the signed letter of intent from a private company or governmental unit, as specified in this section.

(d) Evidence that there will be a private match of at least Three Dollars ($3.00) for every One Dollar ($1.00) of state assistance, except:

(i) In the case of ports the private match will be at least Two Dollars ($2.00) for every One Dollar ($1.00) of state assistance; and

(ii) In the case where the Mississippi Development Authority determines that a private company is a high technology enterprise the private match will be at least Two Dollars ($2.00) for every One Dollar ($1.00) of state assistance.
The Mississippi Development Authority shall establish criteria for determining whether a private company is a high technology enterprise.

(e) Demonstration that the private company is financially sound and is likely to fulfill the commitments made in its letter of intent.

(f) A proposed timetable for the provision of the improvements.

(g) Evidence that the project will be expeditiously carried out and completed as planned.

(h) A demonstration that insufficient local capital improvement funds at reasonable rates and terms are available within the necessary time to provide the needed improvement on public property. This includes local funds available through issuance of bonds or other means, state funds available through existing programs, and available federal program funds such as community development block grant funds, urban development action grant funds, and economic development administration funds.

(i) A demonstration that insufficient private funds are available at reasonable rates and terms within the necessary time to fund improvement on property owned by the private company.

(3) The Mississippi Development Authority shall consider grant and loan applications based on the following criteria:

(a) The number of net new full-time equivalent jobs that will be provided and the amount of additional state and local
tax revenue estimated by the University Research Center to be
directly generated by the private company's new investment, and
additionally, as to loan applications by state agencies, the
extent to which shipping through the port will be increased by the
proposed port development projects, the degree to which jobs will
be increased in the port area and the impact on port revenues.

(b) The ability to repay the principal and interest, in
the case of a loan, based on increased revenue estimates and any
revenue-producing provision of a contractual agreement.

(c) The increase in the employment base of the state.

The Mississippi Development Authority and the University
Research Center may use the resources and capabilities of the
planning and development districts in carrying out the provisions
of this chapter.

(4) No loan shall be made in excess of the amounts which can
be repaid with the increased revenues estimated by the University
Research Center, provided that this subsection (4) shall not apply
to loans in connection with a United States Navy home port.

(5) (a) Notwithstanding anything contained in this chapter,
an agency of the State of Mississippi operating a state-owned
port, and hereinabove identified as a "municipality" and
"governmental unit" for purposes of this chapter, may make
application for a loan or grant under the terms and provisions of
this chapter. In addition, a public agency operating a port
bordering on the Gulf of Mexico, which shall be considered to be a
"municipality" or a "governmental unit" for the purposes of this chapter, may make application for a loan or grant under the terms and provisions of this chapter from funds other than those funds authorized for a state-owned port under paragraph (e)(iii) of Section 57-61-11. The application shall be initiated by submission of a letter of intent to engage in a project or projects for the purpose of effecting enlargement and improvement in all facilities used and useful in attracting international and foreign commerce through the port. Projects eligible for inclusion in the letter of intent may include, but not be restricted to:

**(i)** Dredging and deepening the access channel and harbor basin of the port;

**(ii)** Effecting the enlargement of the land area of the port by reclamation;

**(iii)** Construction and installation of piling, bulkheads, docks, wharves, warehouses and appurtenances; and

**(iv)** Acquisition of facilities and equipment for handling bulk and containerized cargo.

**(b)** With respect to a state-owned port bordering on the Gulf of Mexico, the letter of intent shall include the following information and any other information required by the Mississippi Development Authority:

**(i)** Present and future annual tonnages expected as a result of the improvements.
(ii) Reasons why present facilities are inadequate to enable the port to compete, including limitations imposed by insufficient depth of channel and basin.

(iii) Increased channel and basin depths necessary to accommodate modern shipping.

(iv) Comparison of the percentage of the world's cargo shipping that can now be accommodated with what could be accommodated with project improvements.

(v) Economic contribution to the region and state resulting from increased shipping activity.

(vi) Statement of degree to which port revenues are expected to be increased as a result of projects.

(vii) Financial data of port activities, including cost of project, degree of federal funding available and required local participation.

On or before January 1, 1989, a state-owned port described in this paragraph (b) shall submit to the Senate Finance Committee and the House Ways and Means Committee of the Mississippi Legislature a comprehensive, written report updating for each committee the information listed in items (i) through (vii) of this paragraph (b) with particular emphasis on the economic contribution to the region and state by shipping activity at the port; on financial data with respect to the degree of federal funding available and local participation in funding port
activities; and on progress made in dredging and completing other improvements necessary to accommodate modern shipping.

(c) The Mississippi Development Authority shall consider grant and loan applications based on the following:

(i) The extent to which shipping through the port will be increased by the proposed projects.

(ii) The degree to which jobs will be increased in the port area.

(iii) Impact on port revenues.

(iv) The ability of the port to repay interest and principal in the case of a loan.

(6) A municipality may apply to the Mississippi Development Authority for a grant under the terms and provisions of this chapter, and the Mississippi Development Authority may award grants to a municipality subject to limitations contained in this chapter. The application shall be initiated by submission of a letter of intent to engage in a project or projects for the purpose of providing improvements necessary to accommodate a United States Navy home port.

(7) The Legislature hereby finds and determines that financing facilities necessary to accommodate a Navy home port serves a valid public purpose in that a Navy home port will significantly contribute to the employment base of the state which is in great need of assistance; provided, that in the event such
(8) Notwithstanding any provision or requirement of this chapter to the contrary, a municipality may make application for a loan under this chapter, in an amount not to exceed Five Million Dollars ($5,000,000.00), for the purpose of acquiring and developing land to be used as a technology/industrial park for which there is a binding commitment by one or more private companies to create and maintain not less than an aggregate of three hundred (300) jobs meeting minimum criteria established by the Mississippi Development Authority. Such a commitment by a private company shall not disqualify the private company from obtaining assistance under this section. The match requirements of this section shall not apply to any loan made pursuant to this subsection (8).

(9) Notwithstanding any provision or requirement of this chapter to the contrary, a municipality operating a county-owned port or municipally owned port may make application for a loan under this chapter, in an amount not to exceed Three Million Dollars ($3,000,000.00), for the purpose of acquiring land, buildings and other improvements and for repairing, renovating, maintaining and improving such a port.

(10) (a) A municipality is authorized to negotiate a contract for the acquisition, construction and erection of a project or any portion of a project hereunder where a municipality facilities are no longer required for use by the Navy as a home port, such facilities shall revert as provided in Section 59-9-21.
finds that, because of the particular nature of a project or any
portion thereof, it would be in the best public interest of the
municipality to negotiate.

(b) Contracts by a private company for the acquisition,
construction or erection of a project which receives assistance
under this chapter shall be effected in the manner prescribed by
law for public contracts, unless the Mississippi Development
Authority makes a written finding that, because of special
circumstances with respect to the projects or any portion thereof,
it would better serve the public interest or more effectively
achieve the purposes of this chapter to enter into such contracts
based on negotiation.

(11) A municipality is authorized upon such terms and
conditions as the municipality may deem advisable, provided such
terms and conditions shall not be in conflict with the provisions
of this chapter, to (a) acquire, whether by construction,
purchase, gift or lease, all of or any portion of a project
hereunder; (b) to lease or sell to others all of or any portion of
a project hereunder; and (c) to lend to the private company the
proceeds of the loan from the board to such municipality.

(12) All agreements between a municipality and a private
company related directly or indirectly to a project or a portion
of a project to be funded in whole or in part under this chapter
are subject to approval by the Mississippi Development Authority.
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SECTION 396. Section 57-61-11, Mississippi Code of 1972, is brought forward as follows:

57-61-11. The Mississippi Development Authority shall establish such guidelines, rules and regulations for the repayment of funds loaned pursuant to this chapter as may be necessary. These provisions shall include, but not be limited to, the following:

(a) Funds may be loaned for a maximum of ten (10) years or the estimated useful life of the property as established by the United States Department of Treasury, whichever is greater.

(b) The rate of interest charged by the Mississippi Development Authority for improvements not on publicly owned property may be negotiated by the Mississippi Development Authority.

(c) For all improvements funded through this chapter which occur on publicly owned property, repayment of funds loaned may, in the discretion of the Mississippi Development Authority, involve only the principal amount loaned with no interest charged thereon.

(d) An audit by a certified public accountant of all costs of a project hereunder must be submitted to the Mississippi Development Authority not later than ninety (90) days after a project's completion. Such an audit shall certify that all of the funds loaned or granted pursuant to this chapter were disbursed in accordance with the terms of this chapter and shall be paid for by

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the private company benefited by the project. In addition to the audit required under this paragraph, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(e) Notwithstanding the foregoing, in the case of an application under Section 57-61-9(5)(a), the guidelines shall include, but not be limited to, the following:

(i) Funds may be loaned for a maximum of twenty (20) years, or the estimated useful life of improvements on the land areas of the port, whichever is greater.

(ii) The rate of interest charged by the Mississippi Development Authority for loans for port projects may be negotiated by the Mississippi Development Authority and shall be consistent with Section 57-61-11(b) and (c).

(iii) The total of grants and loans to any one (1) state-owned port made pursuant to an application under Section 57-61-9(5)(a) shall not exceed Twenty Million Dollars ($20,000,000.00).

(iv) Before any loan or grant may be made under Section 57-61-9(5)(a) to a state-owned port bordering the Gulf of Mexico, the applicant shall make adequate assurance to the Mississippi Development Authority that federal participation in the cost of the project or projects has been committed contingent only upon availability of local participation in accordance with federal guidelines.
(v) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Four Million Dollars ($4,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter to be made available as interest-bearing loans to state-owned ports for the purpose of repairing, renovating, maintaining and improving the state-owned port. The Mississippi Development Authority shall establish an amortization schedule for the repayment of any loans made pursuant to this subparagraph. The state-owned port shall not spend any revenues for other purposes unless payments on the loan are being timely made according to the amortization schedule. The match requirements of this section and Section 57-61-9 shall not apply to any loan made pursuant to this subparagraph.

(f) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Three Million Dollars ($3,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making loans to municipalities operating county-owned ports or municipally owned ports for the purpose of acquiring land, buildings and other improvements and for repairing, renovating, maintaining and improving such ports. The Mississippi Development Authority shall establish an amortization schedule for the repayment of any loans made pursuant to this paragraph (f). A municipality shall not spend any port revenues for other purposes.
unless payments on the loan are being timely made according to the amortization schedule.

SECTION 397. Section 57-61-13, Mississippi Code of 1972, is brought forward as follows:

57-61-13. Grants for improvements on publicly owned property necessary to complete eligible projects, consistent with the criteria set forth in this chapter, shall be given preference in enterprise zones designated as such by the board in the case of a strategic investment or in those municipalities which are experiencing three (3) or more of the following problems:

(a) Twenty percent (20%) or more of the population with income below the poverty level as reported in the most recent federal decennial census.

(b) The unemployment rate of the county is at least two percent (2%) greater than the state unemployment rate as reported by the Mississippi Employment Security Commission.

(c) Five percent (5%) or more loss of population between 1970 and 1980 as reported by the Bureau of the Census of the United States Department of Commerce.

(d) Significant business vacancy rate within the area, either in gross footage or acreage or in the number of business or industrial buildings.

SECTION 398. Section 57-61-14, Mississippi Code of 1972, is brought forward as follows:
57-61-14. In accordance with Section 27-65-111, purchases of tangible personal property or services by a private company, as defined in this chapter, with proceeds of bonds issued under this chapter, shall be exempt from sales tax.

SECTION 399. Section 57-61-15, Mississippi Code of 1972, is brought forward as follows:

57-61-15. (1) Except for grants authorized for state-owned ports and for grants authorized under Section 57-61-32, Section 57-61-33 and Section 57-61-36, Mississippi Code of 1972, no more than Seven Million Five Hundred Thousand Dollars ($7,500,000.00) of the proceeds of bonds authorized to be issued under this chapter shall be made available for grants to municipalities; however, Two Million Five Hundred Thousand Dollars ($2,500,000.00) of such amount shall be made available for grants to small communities.

(2) In no case shall any municipality receive more than one (1) grant in any single fiscal year. This subsection shall not apply to grants authorized under Section 57-61-36, Mississippi Code of 1972.

(3) A minimum of twenty-five percent (25%) of the aggregate funds made available under this chapter shall be allocated to small communities. For the purpose of determining the aggregate funds available to make the allocation established in this subsection, there shall be excluded from inclusion therein any funds specifically dedicated pursuant to Sections 57-61-11(e)(iii)

(4) No loan or grant shall be made without substantiation of the provisions of Section 57-61-9, Mississippi Code of 1972.

(5) Except in the case of an application pursuant to Section 57-61-9(5)(a), Mississippi Code of 1972, funds loaned shall be secured by a lien and/or collateralized consistent with Section 57-61-9(1)(d), Mississippi Code of 1972, if required by the Mississippi Development Authority.

(6) Except in the case of an application pursuant to Section 57-61-9(5)(a), Mississippi Code of 1972, private companies which fail to create and maintain the number of jobs specified in an approved application shall be liable for, in the discretion of the Mississippi Development Authority, (a) a penalty equal to two percent (2%) greater than the current prime interest rate for the remainder of the loan made for their benefit, or (b) prepayment of the outstanding loan amount incurred by the municipality for their benefit, unless the penalty or a portion thereof is waived by the Mississippi Development Authority because the failure is due to circumstances outside the control of the private company. The penalty shall be payable in installments which the Mississippi Development Authority deems appropriate. Immediate notice of penalties and waivers of penalties, including the penalties in Section 57-61-9(1)(d), Mississippi Code of 1972, with the reasons thereof, shall be submitted by the Mississippi Development Authority; bring forward various sections of law relating to.
Authority to the Governor and the Legislature along with the
Mississippi Development Authority's decision on the imposition of
penalties and the reasons for this decision.

(7) Except in the case of an application pursuant to Section
57-61-9(5)(a), Mississippi Code of 1972, municipalities receiving
loans which fail to meet their repayment obligations shall forfeit
the right to receive their sales tax allocation and/or homestead
exemption reimbursement in an amount sufficient to repay
obligations due until such time as their indebtedness has been
discharged or arrangements to discharge such indebtedness
satisfactory to the Mississippi Development Authority have been
made. Sales tax allocations and/or homestead exemption
reimbursements forfeited hereby shall, upon demand by the
Mississippi Development Authority made in writing upon the State
Tax Commission, be paid to the Mississippi Development Authority
and applied to the discharge of the obligation. The Mississippi
Development Authority may prescribe such other penalties it deems
necessary.

(8) Any municipality which has forfeited its sales tax
allocation and/or homestead exemption reimbursement for twelve
(12) months may levy an ad valorem tax on the taxable property
therein for the purpose of meeting its repayment obligation. The
revenue produced from the tax levy shall not be included within
the ten percent (10%) growth limitation on ad valorem tax receipts
for its general budget.
(9) This chapter is expressly not intended to encourage the relocation of a company from one (1) jurisdiction within the state to another. Any request by a local sponsor for assistance to be provided a firm which currently operates a similar business in the state must be accompanied by a demonstration that the total net increase in and maintenance of full-time equivalent jobs, using the current number of jobs in all similar businesses operated by the private company in the state as a base, shall be at least twenty-five percent (25%). This requirement shall not apply to private companies relocating from small business incubators.

SECTION 400. Section 57-61-17, Mississippi Code of 1972, is brought forward as follows:

57-61-17. (1) The board may prescribe such application forms and promulgate such guidelines, rules and regulations as may be necessary to carry out the provisions of this chapter with respect to loan and grant conditions and criteria for evaluation of the economic benefit of proposed loans and grants and for determining and evaluating compliance with all the criteria established in this chapter.

(2) The board is authorized to engage legal services, financial advisors, appraisers and consultants, if needed, to review and close loans or grants made pursuant to this chapter. The cost of such professionals shall be paid by the borrower or from bond proceeds as determined and approved by the board.
(3) On or before February 1, 1987, and on or before February 1 in each succeeding year in which loans are outstanding, the board shall provide the Legislature with a report on its activities for the preceding calendar year. The report shall contain, at a minimum, the following information:

(a) A list of the approved projects including the municipality, name of private company or governmental unit, cost of each project, amount of private investment, projected number of new jobs, location of each project, date of submission of the application by the local sponsor, type of project and estimated completion date of each project.

(b) A list of applications not approved.

(c) A list of pending applications.

(d) A list of projects where job projections are not being met or the project is not being completed and the penalty being applied or the reason a penalty is not being applied.

(e) Estimates of state and local tax revenue increases caused directly by projects.

(f) A list of projects approved or completed in years prior to the preceding year.

(g) Guidelines issued for the Business Investment Program.

(h) An overall statement of the progress of the program during the preceding year, along with recommendations for improvements.
(4) The board shall accumulate from the municipalities having approved projects the following data on an annual and cumulative basis:

(a) The number of jobs actually created by these projects.

(b) Estimated increased tax revenue caused by the projects.

SECTION 401. Section 57-61-19, Mississippi Code of 1972, is brought forward as follows:

57-61-19. No loan shall be made to a municipality under this chapter unless the municipality certifies to the department, in a form satisfactory to the department, that it shall not discriminate against any employee or against any applicant for employment because of race, religion, color, national origin, sex or age.

SECTION 402. Section 57-61-21, Mississippi Code of 1972, is amended as follows:

57-61-21. (1) There is hereby created a special fund in the State Treasury to be known as the Mississippi Business Investment Fund dedicated to the purpose of providing grants and/or loans to municipalities for the purpose of providing for improvements authorized by this chapter. All monies received by the board to carry out the purposes of this chapter, by legislative appropriation, issuance of bonds or otherwise, shall be deposited into the Mississippi Business Investment Fund. Expenditures
authorized herein shall be paid by the State Treasurer upon warrants drawn from the Mississippi Business Investment Fund, and the State Auditor, or his successor to such duties, shall issue warrants upon requisitions signed by the Chairman or Executive Director of the Mississippi * * * Development Authority.

(2) Any monies repaid to the state from loans funded through the Mississippi Business Investment Fund shall be deposited into the Mississippi Business Investment Sinking Fund, which is hereby created in the State Treasury. Funds required in excess of the amounts available in the Mississippi Business Investment Sinking Fund to retire bonds issued pursuant to this chapter shall be appropriated from the State General Fund.

SECTION 403. Section 57-61-23, Mississippi Code of 1972, is amended as follows:

57-61-23. (1) All bonds issued under the authority of this chapter shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid by appropriation from the Mississippi Business Investment Sinking Fund, and/or the State General Fund. All * * * monies paid into the Mississippi Business Investment Sinking Fund not appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.
(2) In the event that all or any part of the bonds and notes are purchased, they shall be canceled and returned to the loan and transfer agent as canceled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the canceled bonds, notes and coupons together with any other canceled bonds, notes and coupons shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the canceled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(3) The State Treasurer shall determine and report to the * * * Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the Mississippi Business Investment Sinking Fund of the state for the payment of the principal of and interest on the bonds and notes.

(4) Except as otherwise provided by law, the rate of interest on any loan made using funds from the Mississippi Business Investment Fund may be negotiated by the department and shall be consistent with Section 57-61-11(b) and (c), Mississippi...
Code of 1972. Notwithstanding the provisions of any other law to the contrary, the interest rate charged shall not be set such that the aggregate of the interest, penalties and other payments to the state on loans and other assistance made using funds from the Mississippi Business Investment Fund will cause the bonds issued pursuant to this chapter to be deemed arbitrage bonds pursuant to Section 103(c) of the Internal Revenue Code of 1954 and the regulations promulgated thereunder. In the case of loans initially funded from the proceeds of notes and subsequently funded from renewal bonds and notes, the interest rate to be charged on the loans shall be established in accordance with this subsection upon the sale of bonds or notes, as the case may be, for the loans. It is the intention of the Legislature that the penalties assessed for breach of program conditions imposed upon private companies shall not be treated as interest income for purposes of Section 103(c) of the Internal Revenue Code of 1954.

SECTION 404. Section 57-61-25, Mississippi Code of 1972, is brought forward as follows:

57-61-25. (1) The seller is authorized to borrow, on the credit of the state upon receipt of a resolution from the Mississippi Development Authority requesting the same, monies not exceeding the aggregate sum of Three Hundred Eighty-seven Million Five Hundred Thousand Dollars ($387,500,000.00), not including monies borrowed to refund outstanding bonds, notes or replacement notes, as may be necessary to carry out the purposes of this

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chapter. The rate of interest on any such bonds or notes which are not subject to taxation shall not exceed the rates set forth in Section 75-17-101, Mississippi Code of 1972, for general obligation bonds.

(2) As evidence of indebtedness authorized in this chapter, general or limited obligation bonds of the state shall be issued, from time to time, to provide monies necessary to carry out the purposes of this chapter for such total amounts, in such form, in such denominations payable in such currencies (either domestic or foreign, or both) and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the seller directs, except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from date thereof and extending not more than thirty (30) years from date thereof.

(3) All bonds and notes issued under authority of this chapter shall be signed by the chairman of the seller, or by his facsimile signature, and the official seal of the seller shall be affixed thereto, attested by the secretary of the seller.

(4) All bonds and notes issued under authority of this chapter may be general or limited obligations of the state, and the full faith and credit of the State of Mississippi as to general obligation bonds, or the revenues derived from projects assisted as to limited obligation bonds, are hereby pledged for...
the payment of the principal of and interest on such bonds and
notes.

(5) Such bonds and notes and the income therefrom shall be
exempt from all taxation in the State of Mississippi.

(6) The bonds may be issued as coupon bonds or registered as
to both principal and interest, as the seller may determine. If
interest coupons are attached, they shall contain the facsimile
signature of the chairman and secretary of the seller.

(7) The seller is authorized to provide, by resolution, for
the issuance of refunding bonds for the purpose of refunding any
debt issued under the provisions of this chapter and then
outstanding, either by voluntary exchange with the holders of the
outstanding debt or to provide funds to redeem and the costs of
issuance and retirement of the debt, at maturity or at any call
date. The issuance of the refunding bonds, the maturities and
other details thereof, the rights of the holders thereof and the
duties of the issuing officials in respect to the same shall be
governed by the provisions of this section, insofar as they may be
applicable.

(8) As to bonds issued hereunder and designated as taxable
bonds by the seller, any immunity of the state to taxation by the
United States government of interest on bonds or notes issued by
the state is hereby waived.

(9) The proceeds of bonds issued under this chapter after
April 9, 2002, may be used to reimburse reasonable actual and
necessary costs incurred by the Mississippi Development Authority
for the administration of the various grant, loan and financial
incentive programs administered by the authority. An accounting
of actual costs incurred for which reimbursement is sought shall
be maintained by the Mississippi Development Authority.
Reimbursement of reasonable actual and necessary costs shall not
exceed three percent (3%) of the proceeds of bonds issued.
Reimbursements under this subsection shall satisfy any applicable
federal tax law requirements.

SECTION 405. Section 57-61-27, Mississippi Code of 1972, is
brought forward as follows:

57-61-27. (1) Whenever bonds are issued, they shall be sold
by the seller at a competitive or negotiated sale, from time to
time, in such manner and at such price as may be determined by the
seller to be most advantageous.

(2) When bonds are issued from time to time, the bonds of
each issue shall constitute a separate series to be designated by
the seller or may be combined for sale as one (1) series with
other general obligation bonds of the State of Mississippi.

(3) Until permanent bonds can be prepared, the seller may in
its discretion issue, in lieu of permanent bonds, temporary bonds
in such form and with such privileges as to registration and
exchange for permanent bonds as may be determined by the seller.

(4) Pending their application to the purposes authorized,
bond proceeds held or deposited by the State Treasurer may be
invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State Treasury to the credit of the Mississippi Business Investment Sinking Fund.

(5) The State Treasurer shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the state for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the seller.

(6) All costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with this chapter may be paid from the proceeds of bonds and notes issued under this chapter.

(7) The seller may provide in the resolution authorizing the issuance of such bonds the employment of one or more persons or firms to assist in the sale of the bonds; to enter into contracts for banks or trust companies located either within or without the State of Mississippi to act as registrars, paying agents, transfer agents or otherwise, for rating of the bonds, and to purchase insurance.

SECTION 406. Section 57-61-29, Mississippi Code of 1972, is brought forward as follows:

57-61-29. (1) Pending the issuance of bonds of the state as authorized under this chapter, the seller is hereby authorized in
accordance with the provisions of this chapter and on the credit of the state, to make temporary borrowings not to exceed two (2) years in anticipation of the issue of bonds in order to provide funds in such amounts as may, from time to time, be deemed advisable prior to the issue of bonds. In order to provide for and in connection with such temporary borrowings, the seller is hereby authorized in the name and on behalf of the state, and in accordance with Section 57-61-27(1), Mississippi Code of 1972, to enter into any purchase, loan or credit agreement, or agreements, or other agreement or agreements with any banks or trust companies or other lending institutions, investment banking firms or persons in the United States having power to enter into the same, which agreements may contain such provisions not inconsistent with the provisions of this chapter as may be authorized by the seller.

(2) All temporary borrowings made under this section shall be evidenced by notes of the state which shall be issued, from time to time, for such amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in such form and in such denominations and subject to terms and condition of sale and issue, prepayment or redemption and maturity, rate or rates of interest and time of payment of interest as the seller shall authorize and direct and in accordance with this chapter. Such authorization and direction may provide for the subsequent issuance of replacement notes to refund, upon issuance thereof, such notes, and may specify such other terms and conditions with
respect to the notes and replacement notes thereby authorized for issuance as the seller may determine and direct.

(3) When the authorization and direction of the seller provide for the issuance of replacement notes, the seller is hereby authorized in the name and on behalf of the state to enter into agreements with any banks, trust companies, investment banking firms or other institutions or persons in the United States having the power to enter the same:

(a) To purchase or underwrite an issue or series of issues of notes.

(b) To enter into any purchase, loan or credit agreements, and to draw monies pursuant to any such agreements on the terms and conditions set forth therein and to issue notes as evidence of borrowings made under any such agreements.

(c) To appoint or act as issuing and paying agent or agents with respect to notes.

(d) To do such other acts as may be necessary or appropriate to provide for the payment, when due, of the principal of and interest on such notes.

Such agreements may provide for the compensation of any purchasers or underwriters of notes or replacement notes by payment of a fixed fee or commission at the time of issuance thereof, and for all other costs and expenses, including fees for agreements related to the notes issuing and paying agent costs.
Costs and expenses of issuance may be paid from the proceeds of the notes.

(4) When the authorization and direction of the seller provides for the issuance of replacement notes, it shall, at or prior to the time of delivery of these notes or replacement notes, determine the principal amounts, dates of issue, interest rate or rates, rates of discount, denominations and all other terms and conditions relating to the issuance. The State Treasurer shall perform all acts and things necessary to pay or cause to be paid, when due, all principal of and interest on the notes being refunded by replacement notes and to assure that the same may draw upon any monies available for that purpose pursuant to any purchase loan or credit agreements established with respect thereto, all subject to the authorization and direction of the seller.

(5) Outstanding notes evidencing such borrowings may be funded and retired by the issuance and sale of the bonds of the state as hereinafter authorized. The refunding bonds must be issued and sold not later than a date two (2) years after the date of issuance of the first notes evidencing such borrowings to the extent that payment of such notes has not otherwise been made or provided for by sources other than proceeds of replacement notes.

(6) The proceeds of all such temporary borrowing shall be paid to the State Treasurer to be held and disposed of in
accordance with the provisions of Section 57-61-31, Mississippi Code of 1972.

(7) Notes issued hereunder, and the income therefrom, shall be exempt from all taxation in the State of Mississippi.

SECTION 407. Section 57-61-31, Mississippi Code of 1972, is brought forward as follows:

57-61-31. (1) The proceeds realized from the sale of bonds and notes under this chapter, other than refunding bonds and replacement notes, shall be paid to the State Treasurer and deposited into the Mississippi Business Investment Fund and specifically dedicated to the purposes enumerated in this chapter.

(2) All nonfederal funds which may become available for the purposes of this chapter shall be deposited in the Mississippi Business Investment Fund and shall be allocated for the purposes of this chapter.

(3) The proceeds of the sale of refunding bonds and replacement notes shall be applied solely to the payment of the principal of and the accrued interest on and premium, if any, and costs of redemption of the bonds and notes for which such obligations have been issued.

SECTION 408. Section 57-61-32, Mississippi Code of 1972, is brought forward as follows:

57-61-32. (1) Notwithstanding any provision of this chapter to the contrary, the Commission on Wildlife, Fisheries and Parks shall certify to the department the amount of money necessary to
defray the cost of the state's share in constructing the North
Mississippi fish hatchery, which amount shall not be more than
Four Million Dollars ($4,000,000.00); and the department shall, if
funds have not otherwise been made available, provide a grant for
such amount out of the proceeds of bonds issued under this
chapter. Of the funds provided hereunder, any amounts not
expended on the fish hatchery shall be remitted to the department
for deposit into the Mississippi Business Investment Sinking Fund.
The private match requirements of Section 57-61-9(2)(d),
Mississippi Code of 1972, shall not apply to any loan or grant
made under this section.

(2) Notwithstanding any provision of this chapter to the
contrary, the Commission on Wildlife, Fisheries and Parks shall
certify to the department the amount of money necessary to defray
the costs of the state's share in constructing the water diversion
project on the lower East Pearl River, beginning at the Wilson
Slough Breakout down through the Farrs Slough and Holmes Bayou to
the Hobolochitto Creek, which amount shall not be more than Four
Million Dollars ($4,000,000.00); and if the United States Army
Corps of Engineers receives approval for the construction of such
project, and if the United States has committed funding for the
project, then the department shall provide a grant for such amount
out of the proceeds of bonds issued under this chapter. Of the
funds provided in this subsection, any amounts not expended on the
project described herein shall be remitted to the department for
deposit into the Mississippi Business Investment Sinking Fund.

The provisions of this subsection (2) shall stand repealed from and after December 31, 2002.

**SECTION 409.** Section 57-61-33, Mississippi Code of 1972, is amended as follows:

57-61-33. Notwithstanding any provision of this chapter to the contrary, the Bureau of Building, Grounds and Real Property Management of the Governor's Office of General Services shall certify to the Mississippi Development Authority the amount of money necessary to complete the construction, furnishing and equipping of the Technology Transfer Center at the National Space Technology Laboratory site in Hancock County, which amount shall not be more than Three Million Two Hundred Thousand Dollars ($3,200,000.00), and the board shall if funds have not otherwise been made available provide a grant to the bureau for such amount out of the proceeds of bonds authorized to be issued under this chapter. Any funds remaining unexpended upon completion of such project shall be deposited in the Mississippi Business Investment Sinking Fund.

**SECTION 410.** Section 57-61-34, Mississippi Code of 1972, is brought forward as follows:

57-61-34. (1) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Sixteen Million Dollars ($16,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter
to be made available as interest-bearing loans to municipalities or private companies to aid in the establishment of business incubation centers and the creation of new and expanding research and development and technology-based business and industry. In making loans under this section, the Mississippi Development Authority shall attempt to provide for an equitable distribution of such loans among each of the congressional districts of this state in order to promote economic development across the entire state.

(2) The Mississippi Development Authority shall require that any private company receiving a loan under subsection (1) of this section enter into a binding commitment to meet the following minimum obligations, in return for obtaining a loan derived from the proceeds of any bonds issued under this section after July 1, 2005:

(a) The private company shall create a certain minimum number of jobs over a certain period of time, as determined by the authority, and such jobs must be held by persons eligible for employment in the United States under applicable state and federal law;

(b) The private company shall invest, over a certain period of time, a certain minimum amount of capital within the state, as determined by the authority; and
(c) The private company must meet such other requirements as the Mississippi Development Authority considers proper.

If the private company fails to satisfy any commitment under this subsection, then the company must repay an amount equal to all or a portion of the funds loaned by the state under this subsection, as determined by the Mississippi Development Authority.

(3) In exercising the power given it under this section, the Mississippi Development Authority shall work in conjunction with the University Research Center and may contract with the center to provide space and assistance to business incubation centers as the center is authorized to do pursuant to Section 57-13-13.

(4) The requirements of Section 57-61-9 shall not apply to any loan made under this section. The Mississippi Development Authority shall establish criteria and guidelines to govern loans made pursuant to this section.

SECTION 411. Section 57-61-35, Mississippi Code of 1972, is brought forward as follows:

57-61-35. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds herein provided for, and the seller is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds authorized hereunder all necessary administrative, legal and other
expenses incidental and related to the issuance of bonds authorized under this chapter.

**SECTION 412.** Section 57-61-36, Mississippi Code of 1972, is brought forward as follows:

57-61-36. (1) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Fourteen Million Five Hundred Thousand Dollars ($14,500,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants to municipalities through a Development Infrastructure Grant Fund to complete infrastructure related to new or expanded industry.

(2) [Repealed]

(3) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize the monies transferred from the Housing Development Revolving Loan Fund and not more than Ninety-four Million One Hundred Thousand Dollars ($94,100,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants or loans to municipalities through an equipment and public facilities grant and loan fund to aid in infrastructure-related improvements as determined by the Mississippi Development Authority, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities. Any bonds previously issued for the Development Infrastructure Revolving Loan Program which have not been loaned or applied for are eligible to be
administered as grants or loans. In making grants and loans under this section, the Mississippi Development Authority shall attempt to provide for an equitable distribution of such grants and loans among each of the congressional districts of this state in order to promote economic development across the entire state.

The requirements of Section 57-61-9 shall not apply to any grant made under this subsection. The Mississippi Development Authority may establish criteria and guidelines to govern grants made pursuant to this subsection.

(4) [Repealed]

(5) (a) The Mississippi Development Authority may establish a Capital Access Program and may contract with any financial institution to participate in the program upon such terms and conditions as the authority shall consider necessary and proper.

The Mississippi Development Authority may establish loss reserve accounts at financial institutions that participate in the program and require payments by the financial institution and the borrower to such loss reserve accounts. All monies in such loss reserve accounts is the property of the Mississippi Development Authority.

(b) Under the Capital Access Program a participating financial institution may make a loan to any borrower the Mississippi Development Authority determines to be qualified under rules and regulations adopted by the authority and be protected against losses from such loans as provided in the program. Under such rules and regulations as may be adopted by the Mississippi Development Authority; bring forward various sections of law relating to.
Development Authority, a participating financial institution may submit claims for the reimbursement for losses incurred as a result of default on loans by qualified borrowers.

(c) Under the Capital Access Program a participating financial institution may make a loan that is secured by the assignment of the proceeds of a contract between the borrower and a public entity if the Mississippi Development Authority determines the loan to be qualified under the rules and regulations adopted by the authority. Under such rules and regulations as may be adopted by the Mississippi Development Authority, a participating financial institution may submit an application to the authority requesting that a loan secured pursuant to this paragraph be funded under the Capital Access Program.

(d) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than One Million Five Hundred Fifty Thousand Dollars ($1,550,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making payments to loan loss reserve accounts established at financial institutions that participate in the Capital Access Program established by the Mississippi Development Authority; however, any portion of the bond proceeds authorized to be utilized by this paragraph that are not utilized for making payments to loss reserve accounts may be utilized by the Mississippi Development Authority to advance funds...
to financial institutions that participate in the Capital Access Program pursuant to paragraph (c) of this subsection.

(6) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Two Hundred Thousand Dollars ($200,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of assisting Warren County, Mississippi, in the continuation and completion of the study for the proposed Kings Point Levee.

(7) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than One Hundred Thousand Dollars ($100,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of developing a long-range plan for coordinating the resources of the state institutions of higher learning, the community and junior colleges, the Mississippi Development Authority and other state agencies in order to promote economic development in the state.

(8) Notwithstanding any other provision of this chapter to the contrary, the Mississippi Development Authority shall use not more than One Hundred Fifty Thousand Dollars ($150,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of providing assistance to municipalities that have received Community Development Block Grant funds for repair, renovation and other improvements to buildings for use as
community centers. Assistance provided to a municipality under this subsection shall be used by the municipality to match such Community Development Block Grant funds. The maximum amount of assistance that may be provided to a municipality under this subsection shall not exceed Seventy-five Thousand Dollars ($75,000.00) in the aggregate.

(9) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Two Million Dollars ($2,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of assisting in paying the costs of constructing a new spillway and related bridge and dam structures at Lake Mary in Wilkinson County, Mississippi, including construction of a temporary dam and diversion canal, removing existing structures, removing and stockpiling riprap, spillway construction, dam embankment construction, road access, constructing bridges and related structures, design and construction engineering and field testing.

(10) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than One Hundred Thousand Dollars ($100,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of assisting the City of Holly Springs, Mississippi, in providing water and sewer and other infrastructure services in the Marshall, Benton and Tippah Counties area.
SECTION 413. Section 57-61-37, Mississippi Code of 1972, is brought forward as follows:

57-61-37. (1) Each municipality is hereby authorized and empowered to borrow money from the board pursuant to the terms and provisions of this chapter. Each municipality is further authorized and empowered to pay to the board such fees and charges for services hereunder as the board may prescribe.

(2) Each municipality is hereby authorized to evidence the borrowing of money from the board pursuant to this chapter by the issuance of evidences of indebtedness under the provisions of this section and to sell such evidences of indebtedness to the board to raise money for any purpose or purposes for which the board is authorized to loan money to such municipality under the terms of this chapter. Except as specifically provided in this chapter, such evidences of indebtedness shall be issued in accordance with the provisions of Sections 21-33-307, 21-33-309, 21-33-311, 21-33-313, 21-33-315, 21-33-317, 21-33-319, 21-33-321 and 21-33-323 in the case of cities or incorporated towns, and in accordance with the provisions of Sections 19-9-7, 19-9-9, 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23, 19-9-25 and 19-9-29 in the case of counties. Bonds or other evidences of indebtedness which are issued either pursuant to this chapter, or pursuant to any other law as evidence of loans made pursuant to this chapter, shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities.
or incorporated towns, and in Section 19-9-5 with regard to counties. The preceding sentence shall apply to all such bonds and evidences of indebtedness outstanding as of the effective date of this provision and to all such bonds and evidences of indebtedness hereafter issued.

(3) In connection with the issuance of evidences of indebtedness under the provisions of this chapter by cities, incorporated towns and counties, the following provisions shall specifically apply:

(a) When publishing notice of intent to issue bonds as required under the terms of Section 21-33-307 or Section 19-9-11, as the case may be, the municipality shall publish such notice once a week for three (3) consecutive weeks, the first publication to be not less than twenty-one (21) days prior to the date set for authorizing such issuance and the last publication to be not more than seven (7) days prior to such date.

(b) Such evidences of indebtedness shall be secured:

(i) by the revenues derived by the municipality from the ownership, operation or lease of the project or improvements funded with proceeds of the loan from the board to such municipality under the terms of this chapter or by loan repayments from the private company derived by the municipality from the loan to the private company of the proceeds of the loan from the board to such municipality under the terms of this chapter, but only to the extent, in whole or in part, pledged by the municipality,
which pledge may be on a basis subordinate to other obligations or
agreements of the municipality; (ii) by the sources of repayment
provided for under the terms of subsections (7) and (8) of Section
57-61-15 of this chapter; (iii) and as provided by Chapter 33,
Title 21, Mississippi Code of 1972, in the case of cities and
incorporated towns, and Chapter 9, Title 19, Mississippi Code of
1972, in the case of counties but only in the event that the
sources provided by items (i) and (ii) hereof are insufficient
therefor. For the purposes of Section 27-39-321, the evidences of
indebtedness issued hereunder shall be deemed to be "general
obligation bonds."

(c) Such evidences of indebtedness may be sold only to
the board at private sale and may be sold at such price or prices,
in such manner and at such times as may be agreed to by the
municipality and the board, and the municipality may pay all
expenses, premiums, fees and commissions which it may deem
necessary and advantageous in connection with the issuance and
sale thereof and such evidences of indebtedness shall mature at
such time or times not exceeding thirty (30) years and in such
amounts and shall bear interest at such rate or rates as required
for loans made under the provisions of this chapter and as may be
agreed upon by the board and the municipality; provided, that in
connection with financing a Navy home port, the municipality may
obtain a letter of credit and pledge to the repayment thereof the
same sources pledged to such evidences of indebtedness or
negotiate and enter into a credit agreement, trust indenture or
other agreement with any bank, trust company or other lending
institution for the purpose of making or receiving any payments
required to be made to the United States Navy to accommodate a
Navy home port.

(d) The proceeds of such evidences of indebtedness
shall be applied to the following: (i) the purpose for which such
evidences of indebtedness were issued; (ii) the payment of all
costs of issuance of such evidences of indebtedness; (iii) the
payment of any fees and charges established by the board; (iv) the
payment of interest on such evidences of indebtedness for a period
of time not greater than the period of time estimated to be
required to complete the purpose for which the evidences of
indebtedness were issued or to the extent provided by resolution
of the municipality and approved by the board; (v) the payment of
any costs relating to obtaining or entering into a credit
agreement, loan disbursement agreement, trust indenture or other
agreement with any bank, trust company or other lending
institution for the purpose of securing, making or receiving any
payments required to be made to the United States Navy to
accommodate a Navy home port.

(e) Evidences of indebtedness issued under this section
may be validated in the manner and with the force and effect
provided in Section 31-13-1 et seq.
(f) This section shall be deemed to provide an additional, alternate and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental to any provisions of any other laws and not in derogation of any such provisions. In connection with the issuance of evidences of indebtedness, a municipality shall not be required to comply with the provisions of any other law except as provided herein.

SECTION 414. Section 57-61-41, Mississippi Code of 1972, is brought forward as follows:

57-61-41. (1) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Twelve Million Dollars ($12,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter to be made available to state, county or municipal port and airport authorities through a Port Revitalization Revolving Loan Fund for the purpose of making loans to port authorities for the improvement of port and airport facilities to promote commerce and economic growth. Proceeds shall not be made available to provide any facilities for utilization by a gaming vessel.

(2) In exercising its authority, the Mississippi Development Authority shall work in conjunction with the Water Resources Council to establish criteria and guidelines to govern loans made pursuant to this section.
(3) The Mississippi Development Authority may, on a case-by-case basis, renegotiate the payment of principal and interest on loans made under this section to state, county and municipal port and airport authorities located in the six (6) most southern counties of the state covered by the Presidential Declaration of Major Disaster for the State of Mississippi (FEMA-1604-DR) dated August 29, 2005; however, the interest on the loans shall not be forgiven for a period of more than twenty-four (24) months and the maturity of the loans shall not be extended for a period of more than forty-eight (48) months.

SECTION 415. Section 57-61-43, Mississippi Code of 1972, is brought forward as follows:

57-61-43. Notwithstanding any provision of this chapter to the contrary, the Department of Economic and Community Development shall utilize not more than One Million Five Hundred Thousand Dollars ($1,500,000.00) out of the proceeds of bonds issued in this chapter to provide a grant to provide funds for the Small Farm Loan Program at Alcorn State University.

The requirements of Section 57-61-9, Mississippi Code of 1972, shall not apply to the grant made under this section.

SECTION 416. Section 57-61-44, Mississippi Code of 1972, is brought forward as follows:

57-61-44. Notwithstanding any provision of this chapter to the contrary, the Department of Economic and Community Development may deposit not more than Seven Hundred Fifty Thousand Dollars...
($750,000.00) out of the proceeds of bonds issued in this chapter into the revolving fund created in Section 43-3-103, Mississippi Code of 1972, for use by the Mississippi Industries for the Blind.

SECTION 417. Section 57-62-1, Mississippi Code of 1972, is brought forward as follows:

57-62-1. This chapter shall be known and may be cited as the "Mississippi Advantage Jobs Act."

SECTION 418. Section 57-62-3, Mississippi Code of 1972, is brought forward as follows:

57-62-3. It is the intent of the Legislature that:

(a) The State of Mississippi provide appropriate incentives to support the establishment of quality business and industry that hold the promise of significant development of the economy of the State of Mississippi through the creation of quality jobs;

(b) The amount of incentives provided under this chapter in connection with a particular establishment shall be directly related to the jobs created as a result of the establishment locating in the State of Mississippi;

(c) The Mississippi Development Authority and the Department of Revenue shall implement the provisions of this chapter and exercise all powers as authorized in this chapter; however, the application of this chapter or the offering of any of its incentives as to any particular qualified business or industry shall be in the sole discretion of the Mississippi Development Authority; bring forward various sections of law relating to.
The exercise of powers conferred by this chapter shall be deemed and held to be the performance of essential public purposes; and

(d) Nothing in this chapter shall be construed to constitute a guarantee or assumption by the State of Mississippi of any debt of any individual, company, corporation or association nor to authorize the credit of the State of Mississippi to be given, pledged or loaned to any individual, company, corporation or association. Also, nothing in this chapter gives any right to any qualified business or industry to the incentives contained herein unless said incentive is given by the Mississippi Development Authority pursuant to this chapter.

SECTION 419. Section 57-62-5, Mississippi Code of 1972, is brought forward as follows:

[For businesses or industries that received or applied for incentive payments prior to July 1, 2005, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits
which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business;

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment;
(c) "Full-time job" means a job of at least thirty-five (35) hours per week;

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry;

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry;

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs;

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits;

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry; and

(i) "MDA" means the Mississippi Development Authority.
For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than one hundred (100) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);
(ii) Is a manufacturing or distribution enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, invests not less than Twenty Million Dollars ($20,000,000.00) in land, buildings and equipment, and creates not less than fifty (50) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than twenty (20) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Development Authority; bring forward various sections of law relating to.
Mississippi Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than ten (10) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21). An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business; or

(iv) Is a research and development or a technology intensive enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than ten (10) new direct jobs.
An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business.

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment.

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

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry.
(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry.

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs.

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits.

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

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

[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:
(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs;

(ii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi
Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs; or

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which is a manufacturer that:

1. Provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser;

2. Has a minimum of five thousand (5,000) existing employees as of the last day of the previous calendar year; and

3. MDA determines will create not less than three thousand (3,000) new direct jobs within forty-eight (48) months of the date the MDA determines that the applicant is qualified to receive incentive payments.

An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new
direct jobs in this state which is approved by the MDA. Qualified
business or industry does not include retail business or gaming
business.

(b) "New direct job" means full-time employment in this
state in a qualified business or industry that has qualified to
receive an incentive payment pursuant to this chapter, which
employment did not exist in this state before the date of approval
by the MDA of the application of the qualified business or
industry pursuant to the provisions of this chapter. "New direct
job" shall include full-time employment in this state of employees
who are employed by an entity other than the establishment that
has qualified to receive an incentive payment and who are leased
to the qualified business or industry, if such employment did not
exist in this state before the date of approval by the MDA of the
application of the establishment.

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

(d) "Gross payroll" means wages for new direct jobs of
the qualified business or industry.

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

SECTION 420. Section 57-62-7, Mississippi Code of 1972, is
brought forward as follows:

57-62-7. The MDA shall determine, upon initial application
on a form approved by the MDA, if an establishment is engaged in a
qualified business or industry.
SECTION 421. Section 57-62-9, Mississippi Code of 1972, is brought forward as follows:

[For businesses or industries that received or applied for incentive payments prior to July 1, 2005, this section shall read as follows:]

57-62-9. (1) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to the net benefit rate multiplied by the actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Department of Employment Security, but not to exceed the amount of money previously paid into the fund by the employer. A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv) may elect the date upon which the ten-year period will begin. Such date may not be later than sixty (60) months after the date the business or industry applied for incentive payments.

(2) (a) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv) may apply to the MDA to receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:
(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (a) for four (4) consecutive calendar quarters.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 and qualified to receive incentive payments for the additional period provided in paragraph (a) of this subsection (2) may apply to the MDA to receive
incentive payments for an additional period not to exceed ten (10) years beyond the expiration date of the additional period provided in paragraph (a) of this subsection (2) if:

(i) The qualified business or industry creates at least four thousand (4,000) new direct jobs after qualifying for the additional incentive period provided in paragraph (a) of this subsection (2) but before the expiration of the additional period. For purposes of determining whether the business or industry meets the minimum jobs requirement of this subparagraph (i), the number of jobs the business or industry created in order to meet the minimum jobs requirement of paragraph (a) of this subsection (2) shall be subtracted from the minimum jobs requirement of this subparagraph (i);

(ii) The average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and
The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (b) for four (4) consecutive calendar quarters.

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

4. In order to qualify to receive such payments, the establishment applying shall be required to:

   a. Be engaged in a qualified business or industry;

   b. Provide an average salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for this requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of application, and the threshold established upon application will remain constant for the duration of the project;

   c. The business or industry must create and maintain a minimum of ten (10) full-time jobs in counties that have an average unemployment rate over the previous twelve-month period.
which is at least one hundred fifty percent (150%) of the most recently published state unemployment rate, as determined by the Mississippi Department of Employment Security or in Tier Three counties as determined under Section 57-73-21. In all other counties, the business or industry must create and maintain a minimum of twenty-five (25) full-time jobs. The criteria for this requirement shall be based on the designation of the county at the time of the application. The threshold established upon the application will remain constant for the duration of the project. The business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) The MDA shall determine if the applicant is qualified to receive incentive payments. If the applicant is determined to be qualified by the MDA, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for a period not to exceed ten (10) years and to estimate the amount of gross payroll for the period. If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct a cost/benefit analysis to
determine the estimated net direct state benefits and the net
benefit rate applicable for the appropriate additional period and
to estimate the amount of gross payroll for the additional period.
In conducting such cost/benefit analysis, the MDA shall consider
quantitative factors, such as the anticipated level of new tax
revenues to the state along with the cost to the state of the
qualified business or industry, and such other criteria as deemed
appropriate by the MDA, including the adequacy of retirement
benefits that the business or industry provides to individuals it
employs in new direct jobs in this state. In no event shall
incentive payments, cumulatively, exceed the estimated net direct
state benefits. Once the qualified business or industry is
approved by the MDA, an agreement shall be deemed to exist between
the qualified business or industry and the State of Mississippi,
requiring the continued incentive payment to be made as long as
the qualified business or industry retains its eligibility.
(6) Upon approval of such an application, the MDA shall
notify the Department of Revenue and shall provide it with a copy
of the approved application and the estimated net direct state
benefits. The Department of Revenue may require the qualified
business or industry to submit such additional information as may
be necessary to administer the provisions of this chapter. The
qualified business or industry shall report to the Department of
Revenue periodically to show its continued eligibility for
incentive payments. The qualified business or industry may be
audited by the Department of Revenue to verify such eligibility. In addition, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

[For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:]

57-62-9. (1) (a) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this
chapter in an amount which shall be equal to the net benefit rate multiplied by the actual gross payroll of new direct jobs for a calendar quarter as verified by the Mississippi Department of Employment Security, but not to exceed:

   (i) Ninety percent (90%) of the amount of money previously paid into the fund by the employer if the employer provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred seventy-five percent (175%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser;

   (ii) Eighty percent (80%) of the amount of money previously paid into the fund by the employer if the employer provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) but less than one hundred seventy-five percent (175%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser; or

   (iii) Seventy percent (70%) of the amount of money previously paid into the fund by the employer if the employer...
provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of less than one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may elect the date upon which the ten-year period will begin. Such date may not be later than sixty (60) months after the date the business or industry applied for incentive payments.

(2) (a) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:

(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or
the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (a) for four (4) consecutive calendar quarters.

(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 and qualified to receive incentive payments for the additional period provided in paragraph (a) of this subsection (2) may apply to the MDA to receive incentive payments for an additional period not to exceed ten (10) years beyond the expiration date of the additional period provided in paragraph (a) of this subsection (2) if:

(i) The qualified business or industry creates at least four thousand (4,000) new direct jobs after qualifying for the additional incentive period provided in paragraph (a) of this subsection (2) but before the expiration of the additional period.

For purposes of determining whether the business or industry meets
the minimum jobs requirement of this subparagraph (i), the number
of jobs the business or industry created in order to meet the
minimum jobs requirement of paragraph (a) of this subsection (2)
shall be subtracted from the minimum jobs requirement of this
subparagraph (i);

(ii) The average annual wage of the jobs is at
least one hundred fifty percent (150%) of the most recently
published state average annual wage or the most recently published
average annual wage of the county in which the qualified business
or industry is located as determined by the Mississippi Department
of Employment Security, whichever is the lesser. The criteria for
the average annual wage requirement shall be based upon the state
average annual wage or the average annual wage of the county
whichever is appropriate, at the time of creation of the minimum
number of jobs, and the threshold established at that time will
remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and
maintains the job and wage requirements of subparagraphs (i) and
(ii) of this paragraph (b) for four (4) consecutive calendar
quarters.

(3) In order to receive incentive payments, an establishment
shall apply to the MDA. The application shall be on a form
prescribed by the MDA and shall contain such information as may be
required by the MDA to determine if the applicant is qualified.
(4) (a) In order to qualify to receive such payments, the establishment applying shall be required to meet the definition of the term "qualified business or industry";

(b) The criteria for the average annual salary requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of application, and the threshold established upon application will remain constant for the duration of the project;

(c) The business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) (a) The MDA shall determine if the applicant is qualified to receive incentive payments.

(b) If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct a cost/benefit analysis to determine the estimated net direct state benefits and the net benefit rate applicable for the appropriate additional period and to estimate the amount of gross payroll for the additional period. In conducting such cost/benefit analysis, the MDA shall consider quantitative factors, such as the
anticipated level of new tax revenues to the state along with the
cost to the state of the qualified business or industry, and such
other criteria as deemed appropriate by the MDA, including the
adequacy of retirement benefits that the business or industry
provides to individuals it employs in new direct jobs in this
state. In no event shall incentive payments, cumulatively, exceed
the estimated net direct state benefits. Once the qualified
business or industry is approved by the MDA, an agreement shall be
deemed to exist between the qualified business or industry and the
State of Mississippi, requiring the continued incentive payment to
be made as long as the qualified business or industry retains its
eligibility.

(6) Upon approval of such an application, the MDA shall
notify the Department of Revenue and shall provide it with a copy
of the approved application and the estimated net direct state
benefits. The Department of Revenue may require the qualified
business or industry to submit such additional information as may
be necessary to administer the provisions of this chapter. The
qualified business or industry shall report to the Department of
Revenue periodically to show its continued eligibility for
incentive payments. The qualified business or industry may be
audited by the Department of Revenue to verify such eligibility.
In addition, the State Auditor may conduct performance and
compliance audits under this chapter according to Section
7-7-211(o) and may bill the oversight agency.
(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]

57-62-9. (1) (a) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed ten (10) years from the Department of Revenue pursuant to the provisions of this chapter in an amount which shall be equal to ninety percent (90%) of the amount of actual income tax withheld for employees with new direct jobs, but in no event more than four percent (4%) of the total annual salary paid for new direct jobs during such period,
excluding benefits which are not subject to Mississippi income
taxes.

(b) A qualified business or industry that is a project
as defined in Section 57-75-5(f)(iv) may elect the date upon
which the ten-year period will begin. Such date may not be later
than sixty (60) months after the date the business or industry
applied for incentive payments.

(c) A qualified business or industry as defined in
Section 57-62-5(a)(iii) may elect the date upon which the ten-year
period will begin and may elect to begin receiving incentive
payments as early as the second quarter after that date.

Incentive payments will be calculated on all jobs above the
existing number of jobs as of the date the MDA determines that the
applicant is qualified to receive incentive payments. In the
event that the qualified business or industry falls below the
number of existing jobs at the time of determination that the
applicant is qualified to receive the incentive payment, the
incentive payment shall cease until the qualified business or
industry once again exceeds that number. If after forty-eight
(48) months, the qualified business or industry has failed to
create at least three thousand (3,000) new direct jobs, incentive
payments shall cease and the qualified business or industry shall
not be qualified to receive further incentive payments.

(2) (a) A qualified business or industry that is a project
as defined in Section 57-75-5(f)(iv) may apply to the MDA to
receive incentive payments for an additional period not to exceed five (5) years beyond the expiration date of the initial ten-year period if:

(i) The qualified business or industry creates at least three thousand (3,000) new direct jobs within five (5) years after the date the business or industry commences commercial production;

(ii) Within five (5) years after the date the business or industry commences commercial production, the average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (a) for four (4) consecutive calendar quarters.
(b) A qualified business or industry that is a project as defined in Section 57-75-5(f)(iv)1 and qualified to receive incentive payments for the additional period provided in paragraph (a) of this subsection (2) may apply to the MDA to receive incentive payments for an additional period not to exceed ten (10) years beyond the expiration date of the additional period provided in paragraph (a) of this subsection (2) if:

(i) The qualified business or industry creates at least four thousand (4,000) new direct jobs after qualifying for the additional incentive period provided in paragraph (a) of this subsection (2) but before the expiration of the additional period. For purposes of determining whether the business or industry meets the minimum jobs requirement of this subparagraph (i), the number of jobs the business or industry created in order to meet the minimum jobs requirement of paragraph (a) of this subsection (2) shall be subtracted from the minimum jobs requirement of this subparagraph (i);

(ii) The average annual wage of the jobs is at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. The criteria for the average annual wage requirement shall be based upon the state average annual wage or the average annual wage of the county
whichever is appropriate, at the time of creation of the minimum number of jobs, and the threshold established at that time will remain constant for the duration of the additional period; and

(iii) The qualified business or industry meets and maintains the job and wage requirements of subparagraphs (i) and (ii) of this paragraph (b) for four (4) consecutive calendar quarters.

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

(4) (a) In order to qualify to receive such payments, the establishment applying shall be required to meet the definition of the term "qualified business or industry";

(b) The criteria for the average annual salary requirement shall be based upon the state average annual wage or the average annual wage of the county whichever is appropriate, at the time of application, and the threshold established upon application will remain constant for the duration of the project;

(c) Except as otherwise provided for a qualified business or industry as defined in Section 57-62-5(a)(iii), the business or industry must meet its job creation commitment within twenty-four (24) months of the application approval. However, if the qualified business or industry is applying for incentive payments for an additional period under subsection (2) of this
section, the business or industry must comply with the applicable job and wage requirements of subsection (2) of this section.

(5) (a) The MDA shall determine if the applicant is qualified to receive incentive payments.

(b) If the applicant is determined to be qualified to receive incentive payments for an additional period under subsection (2) of this section, the MDA shall conduct an analysis to estimate the amount of gross payroll for the appropriate additional period. Incentive payments, cumulatively, shall not exceed ninety percent (90%) of the amount of actual income tax withheld for employees with new direct jobs, but in no event more than four percent (4%) of the total annual salary paid for new direct jobs during the additional period, excluding benefits which are not subject to Mississippi income taxes. Once the qualified business or industry is approved by the MDA, an agreement shall be deemed to exist between the qualified business or industry and the State of Mississippi, requiring the continued incentive payment to be made as long as the qualified business or industry retains its eligibility.

(6) Upon approval of such an application, the MDA shall notify the Department of Revenue and shall provide it with a copy of the approved application and the minimum job and salary requirements. The Department of Revenue may require the qualified business or industry to submit such additional information as may be necessary to administer the provisions of this chapter. The
qualified business or industry shall report to the Department of Revenue periodically to show its continued eligibility for incentive payments. The qualified business or industry may be audited by the Department of Revenue to verify such eligibility. In addition, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(7) If the qualified business or industry is located in an area that has been declared by the Governor to be a disaster area and as a result of the disaster the business or industry is unable to create or maintain the full-time jobs required by this section:

(a) The Commissioner of Revenue may extend the period of time that the business or industry may receive incentive payments for a period of time not to exceed two (2) years;

(b) The Commissioner of Revenue may waive the requirement that a certain number of jobs be maintained for a period of time not to exceed twenty-four (24) months; and

(c) The MDA may extend the period of time within which the jobs must be created for a period of time not to exceed twenty-four (24) months.

**SECTION 422.** Section 57-62-11, Mississippi Code of 1972, is brought forward as follows:

57-62-11. (1) There is created in the State Treasury a special fund to be known as the Mississippi Advantage Jobs Incentive Payment Fund, into which shall be deposited withholding
tax revenue required to be deposited into such fund pursuant to Section 27-7-312. The money in the fund shall be used for the purpose of making the incentive payments authorized under this chapter.

(2) The Mississippi Advantage Jobs Incentive Payment Fund shall be administered by the Department of Revenue, and monies in the fund, less three percent (3%) to be retained by the Department of Revenue to pay the reasonable and necessary expenses of the Department of Revenue in administering its duties under this chapter, shall be expended pursuant to the approved application. Amounts in the fund at the end of any fiscal year that are not necessary to make future incentive payments shall be paid into the General Fund.

(3) The liability of the State of Mississippi to make the incentive payments authorized under this chapter shall be limited to the balance contained in the fund.

SECTION 423. Section 57-62-13, Mississippi Code of 1972, is brought forward as follows:

57-62-13. (1) As soon as practicable after the end of a calendar quarter for which a qualified business or industry has qualified to receive an incentive payment, the qualified business or industry shall file a claim for the payment with the Department of Revenue and shall specify the actual number of new direct jobs created and maintained by the business or industry for the calendar quarter and the gross payroll thereof. The Department of
Revenue shall verify the actual number of new direct jobs created and maintained by the business or industry and compliance with the average annual wage requirements for such business or industry under this chapter. If the qualified business or industry files a claim for an incentive payment during an additional incentive period provided under Section 57-62-9(2), the Department of Revenue shall verify the actual number of new direct jobs created and maintained by the business or industry and compliance with the average annual wage requirements for such business or industry under this chapter. If the Department of Revenue is not able to provide such verification utilizing all available resources, the Department of Revenue may request such additional information from the business or industry as may be necessary.

(2) (a) Except as otherwise provided in this chapter, the business or industry must meet the salary and job requirements of this chapter for four (4) consecutive calendar quarters prior to payment of the first incentive payment. Except as otherwise provided in Section 57-62-9, if the business or industry does not maintain the salary or job requirements of this chapter at any other time during the ten-year period after the date the first payment was made, the incentive payments shall not be made and shall not be resumed until such time as the actual verified number of new direct jobs created and maintained by the business or industry equals or exceeds the requirements of this chapter for one (1) calendar quarter.
(b) If the business or industry is qualified to receive incentive payments for an additional period provided under Section 57-62-9(2), the business or industry must meet the wage and job requirements of Section 57-62-9(2), for four (4) consecutive calendar quarters prior to payment of the first incentive payment. If the business or industry does not maintain the wage or job requirements of Section 57-62-9(2), at any other time during the appropriate additional period after the date the first payment was made, the incentive payments shall not be made and shall not be resumed until such time as the actual verified number of new direct jobs created and maintained by the business or industry equals or exceeds the amounts specified in Section 57-62-9(2), for one (1) calendar quarter.

(3) An establishment that has qualified pursuant to this chapter may receive payments only in accordance with the provision under which it initially applied and was approved. If an establishment that is receiving incentive payments expands, it may apply for additional incentive payments based on the new gross payroll for new direct jobs anticipated from the expansion only, pursuant to this chapter.

(4) As soon as practicable after verification of the qualified business or industry meeting the requirements of this chapter and all rules and regulations, the Department of Finance and Administration, upon requisition of the Department of Revenue, shall issue a warrant drawn on the Mississippi Advantage Jobs
Incentive Payment Fund to the establishment in the amount of the incentive payment as determined pursuant to subsection (1) of this section for the calendar quarter.

**SECTION 424.** Section 57-62-15, Mississippi Code of 1972, is brought forward as follows:

57-62-15. The MDA and the Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, and all application forms and other forms necessary to implement their respective duties and responsibilities under the provisions of this chapter.

**SECTION 425.** Section 57-62-17, Mississippi Code of 1972, is brought forward as follows:

57-62-17. The MDA shall prepare a report on the program pursuant to Section 57-1-12.

**SECTION 426.** Section 57-64-1, Mississippi Code of 1972, is brought forward as follows:

57-64-1. This chapter may be cited as the "Regional Economic Development Act."

**SECTION 427.** Section 57-64-3, Mississippi Code of 1972, is brought forward as follows:

57-64-3. It is hereby declared that the state's public welfare demands, and the state's public policy requires:

(a) That for the benefit of the people of the State of Mississippi, it is essential to foster and promote the issuing of bonds by local government units jointly or severally, including
any joint bond issuance with a county, parish or other foreign
political subdivision in another state.

(b) That the bonds to be issued pursuant to this
chapter shall be of any type permissible to be issued by any local
government unit without limitation.

(c) That the purposes of the bonds issued under this
chapter are for acquiring land and/or acquiring or constructing
buildings, fixtures, machinery, equipment, infrastructure,
utilities, port or airport facilities, roads, railroad spurs and
other related projects that have or will provide a
multijurisdictional benefit.

(d) That the projects contemplated under this chapter
are to provide economic development benefits, including, but not
limited to, industry, distribution, commerce, tourism, healthcare
and other purposes in which the public purpose and interest of the
people of the state is served.

(e) That costs and revenues connected with a project
should both be shared by the members of the alliance created
pursuant to this chapter.

(f) That the authority granted under this chapter and
the purposes to be accomplished hereby are proper governmental and
public purposes and that the resulting economic benefits to the
state are of paramount importance, mandating that the provisions
of this chapter be liberally construed and applied in order to
advance the public purposes.
SECTION 428. Section 57-64-5, Mississippi Code of 1972, is brought forward as follows:

57-64-5. It is the purpose of this chapter to permit local government units of the state to make the most efficient use of their powers and resources by enabling them to cooperate and to contract with other local government units, including foreign governmental units from another state, on a basis of mutual advantage, to share the costs of and revenues derived from a project, and to pledge revenue from a project to secure payment of the bonds issued for the project, and thereby provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and economic development of the local government units.

SECTION 429. Section 57-64-7, Mississippi Code of 1972, is brought forward as follows:

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

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

(b) "Bond" or "bonds" means bonds, notes or other evidence of indebtedness of the local government unit issued pursuant to this chapter.
(c) "Cost of project" means all costs of site preparation and other start-up costs; all costs of construction; all costs of fixtures and of real and personal property required for the purposes of the project and facilities related thereto, whether publicly or privately owned, including land and any rights or undivided interest therein, easements, franchises, fees, permits, approvals, licenses, and certificates and the securing of such permits, approvals, licenses, and certificates and all machinery and equipment, including motor vehicles which are used for project functions; and including any cost associated with the closure, post-closure maintenance or corrective action on environmental matters, financing charges and interest prior to and during construction and during such additional period as the alliance may reasonably determine to be necessary for the placing of the project in operation; costs of engineering, surveying, environmental geotechnical, architectural and legal services; costs of plans and specifications and all expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incidental to the financing authorized in this chapter. The costs of any project may also include funds for the creation of a debt service reserve, a renewal and replacement reserve, bond insurance and credit enhancement, and such other reserves as may be reasonably required by the alliance for the operation of its projects and as may be authorized by any bond
resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the costs of the project and may be paid or reimbursed as such out of the proceeds of user fees, of revenue bonds or notes issued under this chapter for such project, or from other revenues obtained by the alliance.

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

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

(f) "Governing body" means the board of supervisors of any county or the governing board of any city, town or village, the governing body of any utility district, the governing body of any school district or community college, the Board of Trustees of State Institutions of Higher Learning, the governing body of any municipal or regional airport authority, the governing body of any port authority, or the governing body of any other political subdivision of the state. As to the state, the term governing body means the State Bond Commission.

(g) "Holder of bonds" or "bondholder" or any similar term means any person who shall be the registered owner of any such bond or bonds which shall at the time be registered.
(h) "Law" means any act or statute, general, special or local, of this state.

(i) "Local government unit" means any county or incorporated city, town or village in the state, any school district, any utility district, any community college, any institution of higher learning, any municipal airport authority, any regional airport authority, any port authority or any other political subdivision of the state acting jointly or severally.

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

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

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

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

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

1. Buildings and site improvements (including fixtures);

2. Potable and nonpotable water supply systems;

3. Sewage and waste disposal systems;

4. Storm water drainage and other drainage systems;
5. Airport facilities;
6. Rail lines and rail spurs;
7. Port facilities;
8. Highways, streets and other roadways;
9. Fire suppression and prevention systems;
10. Utility distribution systems, including, but not limited to, water, electricity, natural gas, telephone and other information and telecommunications facilities, whether by wire, fiber or wireless means; provided, however, that electrical, natural gas, telephone and telecommunication systems shall be constructed, repaired or renovated only for the purpose of completing the project and connecting to existing utility systems (this provision shall not be construed to prevent a city, county or natural gas district from supplying utility service that it is authorized to supply in the service area that it is authorized to serve);

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

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

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

(iv) Refunding of bonds as authorized in Section 21-27-1 et seq.; and
(v) A project as defined in Section 57-75-5(f)(i)
or a facility related to the project as defined in Section 57-75-5(d), or both.

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

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

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

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

SECTION 430. Section 57-64-9, Mississippi Code of 1972, is brought forward as follows:

57-64-9. (1) Prior to issuing bonds to finance any proposed project under this chapter, the local government unit shall submit an application to the MDA for a certificate of public convenience and necessity. The application shall be in such form and content as the MDA shall from time to time prescribe.
(2) The MDA shall investigate, find and determine, upon application of any local government unit therefor, as to whether a certificate of public convenience and necessity shall be issued to such local government unit to authorize creation of an alliance. The MDA is authorized and empowered, having due regard to the promotion of the public policy and the general welfare herein declared, to issue or refuse to issue a certificate of public convenience and necessity for the alliance to the local government unit. The MDA shall issue or refuse to issue the certificate of public convenience and necessity within six (6) months after it receives such application. If and when such certificate is issued, it shall authorize the particular local government unit to create and operate the alliance but, except as otherwise provided in subsection (4) of this section, the certificate shall expire twelve (12) months from its date unless within that time such alliance shall have been created. Any application rejected may be resubmitted.

(3) If and when a certificate is issued, the MDA therein shall fix and determine:

(a) The extent and amount to which the local government unit may issue bonds or make expenditures for such alliance;

(b) The extent and amount that the revenues derived from the project shall be shared by the local government unit with other members of the alliance;
(c) The extent and amount that the revenues derived from the project may be pledged to secure payment of the bonds issued to finance the project;

(d) What property may be acquired therefor;

(e) The terms upon which such acquisition may be had;

(f) What expenditures may be made; and

(g) The construction of buildings and of equipment with its installation.

If the governing body of the local government unit fails or refuses to follow the requirements made by the MDA in the certificate, then the members of the governing body of the local government unit voting for such failure or refusal shall be individually and personally liable until they have been out of office for one (1) year, and liable upon their official bonds for any loss that the local government unit may sustain by reason of such failure or refusal to follow the requirements, and in addition may be compelled by injunction to comply with such requirements.

(4) (a) As an alternative to the procedure provided in subsection (1) of this section, local governmental units desiring to create an alliance may initially apply to the MDA for the creation of an alliance without identifying or providing details about a specific project for which the local governmental units desire to create an alliance. Upon receipt of such an application, the MDA shall review the application and determine
whether it is appropriate for the issuance of an initial
certificate of public convenience and necessity to the local
government units authorizing the creation of an alliance. If the
MDA determines the application for the creation of an alliance is
appropriate, the MDA shall issue an initial certificate of public
convenience and necessity authorizing the creation of an alliance
and authorizing the expenditure of funds by the alliance. An
alliance created under this subsection (4) may make a subsequent
application to the MDA identifying and providing details about a
specific project or projects along with the methods of financing
or amounts required for each project as provided under subsection
(3) of this section. Upon receipt of such an application, the MDA
shall review the application and determine whether it is
appropriate for the issuance of a subsequent certificate of public
convenience and necessity. If the MDA determines the application
for a subsequent certificate of public convenience and necessity
is appropriate, the MDA shall issue a subsequent certificate of
public convenience and necessity authorizing and approving the
project including the items provided in subsection (3) of this
section.
(b) A certificate of public convenience and necessity
issued under this subsection (4) shall not expire until the local
governmental units comprising the alliance terminate and dissolve
the alliance.
SECTION 431. Section 57-64-11, Mississippi Code of 1972, is brought forward as follows:

57-64-11. (1) After receiving a certificate of public convenience and necessity from the MDA, the local government unit is empowered and authorized, from time to time, to issue bonds up to the maximum principal amount authorized in the certificate.

(2) After receiving a certificate of public convenience and necessity from the MDA, the governing body of any local government unit entering into an agreement pursuant to this chapter may incur bonded and floating indebtedness by issuing general obligation bonds, revenue bonds or special assessment bonds as authorized by any statute authorizing the issuance of such bonds, and otherwise incur indebtedness in any manner for which the local government unit is authorized by statute to incur debt, and may appropriate funds for the purposes and in the manner prescribed by law without regard to whether the activities and improvements authorized by this chapter to be financed by such debt or appropriation are within or without the boundaries of the local government unit.

Revenues derived from any project financed with bonds issued pursuant to this chapter may be pledged in whole or in part to secure payment of the bonded indebtedness incurred to finance the project. Such governing body may sell, lease, grant or otherwise supply goods and services to any other local government unit which is a party to the agreement or the administrative body or legal entity created to operate the joint or cooperative undertaking.
SECTION 432. Section 57-64-13, Mississippi Code of 1972, is brought forward as follows:

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

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

(3) No agreement made under this chapter shall be entered into by any local government unit without the approval by resolution on the minutes of the governing body of that local government unit.

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

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

SECTION 433. Section 57-64-15, Mississippi Code of 1972, is brought forward as follows:

57-64-15. (1) The local government unit shall be the issuer of any debt incurred hereunder and the proceeds of such debt shall be made available to the alliance in order to provide funds to defray the costs of a project.

(2) The local government unit shall have power in the issuance of its bonds to:

(a) Covenant as to the use of any or all of its property, real or personal.

(b) Redeem the bonds, to covenant for their redemption and to provide the terms and conditions thereof.
(c) Covenant to charge rates, fees and charges sufficient to meet operating and maintenance expenses, renewals and replacements, principal and debt service on bonds, creation and maintenance of any reserves required by a bond resolution, trust indenture or other security instrument and to provide for any margins or coverages over and above debt service on the bonds deemed desirable for the marketability of the bonds.

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity, as to the terms and conditions upon which such declaration and its consequences may be waived and as to the consequences of default and the remedies of bondholders.

(e) Covenant as to the mortgage or pledge of or the grant of a security interest in any real or personal property and all or any part of the revenues from any facilities or any revenue-producing contract or contracts made by the compact with any person to secure the payment of bonds, subject to such agreements with the holders of bonds as may then exist.

(f) Covenant as to the custody, collection, securing, investment and payment of any revenue assets, monies, funds or property with respect to which the compact may have any rights or interest.

(g) Covenant as to the purpose to which the proceeds from the sale of any bonds then or thereafter to be issued may be
applied, and the pledge of such proceeds to secure the payment of the bonds.

(h) Covenant as to the limitations on the issuance of any additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

(i) Covenant as to the rank or priority of any bonds with respect to any lien or security.

(j) Covenant as to the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(k) Covenant as to the custody of any of its properties or investments, the safekeeping thereof, the insurance to be carried thereon, and the use and disposition of insurance proceeds.

(l) Covenant as to the vesting in a trustee or trustees, within or outside the state, of such properties, rights, powers and duties in trust as the local government unit may determine.

(m) Covenant as to the appointing and providing for the duties and obligations of a paying agent or paying agents or other fiduciaries within or outside the state.

(n) Make all other covenants and to do any and all such acts and things as may be necessary or convenient or desirable in
order to secure its bonds, including providing a debt service reserve fund, bond insurance and credit enhancement, or in the absolute discretion of the local government unit make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the local government unit power to do all things in the issuance of bonds and in the provisions for security thereof which are not inconsistent with the Mississippi Constitution of 1890.

(o) Execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of covenants or duties, which may contain such covenants and provisions, as any purchaser of the bonds of the local government unit may reasonably require.

(3) Before the local government unit may issue any bonds to finance any debt relating to a proposed project under this chapter, the governing authority of the local government unit shall advertise, in addition to any other publication required by law, its intention to issue the bonds. The intention to issue bonds shall include (a) the amount of bonds proposed to be issued; (b) the purpose for which the bonds are to be issued, including a specific description of the proposed project for which the proceeds of the bonds may be used and extended; and (c) the date upon which the governing authority proposes to direct the issuance of such bonds. Such intention to issue bonds shall be published once in at least one (1) newspaper published in such local
government unit. The publication of such intention to issue bonds shall be made not less than thirty (30) days before the date upon which the governing authority proposes to direct the issuance of the bonds. If no newspaper be published in such local government unit, then such notice shall be given by publishing the intention to issue bonds for the required time in some newspaper having a general circulation in such local government unit and, in addition, by posting a copy of such intention to issue bonds for at least thirty (30) days next preceding the date fixed therein at three (3) public places in such local government unit. The newspaper publication shall be a notice that shall not be less than forty (40) square inches in size and surrounded by a one-fourth-inch solid black border. The notice shall be headlined "NOTICE OF BOND ISSUE" and the headline shall be no smaller than thirty (30) point type. The remainder of the notice shall be no smaller than ten (10) point type. The notice shall not be placed in any portion of the newspaper where legal notices and classified advertisements appear.

**SECTION 434.** Section 57-64-17, Mississippi Code of 1972, is brought forward as follows:

57-64-17. The MDA is hereby authorized and empowered to promulgate and put into effect, in accordance with the Mississippi Administrative Procedures Law, all reasonable rules and regulations that it may deem necessary to carry out the provisions of the Regional Economic Development Act. Nothing in the Regional Economic Development Act.
Economic Development Act shall in any way confer to the MDA the authority to impose a sales tax or other tax of any kind.

**SECTION 435.** Section 57-64-19, Mississippi Code of 1972, is brought forward as follows:

57-64-19. (1) The alliance is authorized to cooperate and coordinate with economic development commissions, authorities, districts, travel, and other similar commissions and boards, or other similar agencies of other states, the federal government, and with county, municipal, and regional economic development, travel, and other similar commissions or boards, or other agencies thereof, and other political subdivisions of this state, for the purposes of securing economic development within the State of Mississippi and other states, and to accomplish this purpose.

(2) With regard to a project as defined in Section 57-75-5(f)(xxi) a regional economic development alliance shall have the following powers:

(a) [Repealed]

(b) To negotiate the necessary relocation or rerouting of roads and highways, railroad, telephone and telegraph lines and properties, electric power lines, pipelines and related facilities, cellular towers and related facilities, or to require the anchoring or other protection of any of these, provided due compensation is paid to the owners thereof or agreement is had with such owners regarding the payment of the cost of such relocation, and to acquire by condemnation or otherwise easements...
or rights-of-way for such relocation or rerouting and to convey the same to the owners of the facilities being relocated or rerouted in connection with the purposes of the project.

(c) To negotiate the necessary relocation of graves and cemeteries and to pay all reasonable costs thereof as necessary for the project.

(d) To lease, sell or convey any or all property acquired by the alliance or its agent under the provisions of this section to the enterprise operating the project, its affiliates, successors or assigns, and in connection therewith to warrant title to pay the costs of title search, perfection of title, title insurance and recording fees as may be required for the project.

(e) To establish and maintain reasonable rates and charges for the use of any facility or property within the project area owned or operated by the alliance, and from time to time, to adjust such rates and to impose penalties for failure to pay such rates and charges when due as necessary for the project.

(f) To establish land use restrictions within the lands adjacent to the project site. Within the lands identified as necessary for the project, the following land uses are prohibited:

(i) Heavy industrial uses, where the assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke,
fumes, odors, glare, or health or safety hazards, which shall include, enameling, lacquering; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; oxygen manufacture and/or storage; pottery, porcelain and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stone cutting; tire recapping and retreading; resource extraction; and recycling and salvage operations.

(ii) All temporary or permanent living quarters, including, without limitation, houses, residential buildings, apartments, motels, hotels, motor lodges, mobile home parks, camping grounds, nursing homes, independent and assisted living facilities.

(iii) Schools, day care centers and hospitals.

(iv) Any of the uses set forth in this paragraph (f) which are ancillary or adjacent to an otherwise permitted use.

Notwithstanding the foregoing, these land use restrictions will not prohibit the continuation of existing uses, including rebuilding substantially in conformity with the use in existence immediately before a casualty loss. For a period of twelve (12) months from the date of adoption, the property owners within the lands identified as necessary for the project have a vested right to complete any new land use that is currently under construction.

(g) To execute contractual agreements to warrant the project site for any and all preexisting environmental issues and
to indemnify an enterprise owning a project on that site for such
preexisting environmental issues.

(h) To adopt and enforce all necessary and reasonable
rules and regulations restrictions to carry out and effectuate the
implementation of the project concerning mining or any other
activity the occurrence of which may endanger the structure or
operation of the project. These rules may be enforced within the
project area and without the project area as necessary to protect
the structure and operation of the project.

SECTION 436. Section 57-64-21, Mississippi Code of 1972, is
brought forward as follows:

57-64-21. Any agreement made under this chapter shall
specify the following:

(a) Its duration.

(b) Its purpose or purposes.

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

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

(e) The permissible method or methods to be employed in
operating the alliance and the project and accomplishing the
partial or complete termination or amendment of the agreement and
for disposing of property upon such partial or complete
termination or amendment.

(f) The provision for administration of issuance of any
bonds under this chapter by a local government unit exercising the
power authorized by this chapter.

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

(h) A provision specifying the terms and conditions
that would cause the alliance to be terminated.

(i) The manner in which the costs of the project shall
be shared between the local government units.

(j) The manner in which the revenues from the project
shall be shared by the local government units.

(k) Any other necessary and proper matters.

**SECTION 437.** Section 57-64-23, Mississippi Code of 1972, is
brought forward as follows:
57-64-23. (1) In the event that an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer, unit or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its being in force, be submitted to the state officer, unit or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing action of the Attorney General pursuant to subsection (2) of this section.

(2) Every agreement made by a local government unit under this chapter shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General of this state who shall determine whether the agreement is in proper form and compatible with the laws of this state. The Attorney General shall approve any such agreement submitted to him hereunder unless he shall find that it does not meet the conditions set forth herein and elsewhere in the laws of this state and shall detail in writing addressed to the governing bodies of the units concerned the specific respects in which the proposed agreement fails to meet the requirements of law.

Failure to disapprove an agreement submitted hereunder within sixty (60) days of its submission shall constitute approval thereof.
(3) Prior to its being in force, an agreement made pursuant to this chapter shall be filed with the chancery clerk of each of the counties wherein a participating local government unit is located and with the Secretary of State. The chancery clerk and the Secretary of State shall preserve such agreements as public records and index and docket the same separate and apart from all other records in his office.

**SECTION 438.** Section 57-64-25, Mississippi Code of 1972, is brought forward as follows:

57-64-25. All laws in regard to purchases, auditing, depositories and expenditures in general which limit the authority of the agreeing local governing units shall also apply to any joint body created by the agreement pursuant to the provisions of this chapter.

**SECTION 439.** Section 57-64-27, Mississippi Code of 1972, is brought forward as follows:

57-64-27. (1) The powers and authority granted and set forth in this chapter shall be additional and supplemental to any other powers and authority granted by law and shall not amend, repeal or supersede any other powers and authority granted by law.

(2) Nothing in this chapter shall authorize an alliance to provide utility services, other than water and sewage, for compensation. This subsection shall not be construed to prevent a city, county or natural gas district from supplying utility

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ST: Mississippi Development Authority; bring forward various sections of law relating to.
service that it is authorized to supply in the service area that it is authorized to serve.

(3) Nothing in this chapter shall be construed to limit the authority of any local government unit to plan, construct, expand or maintain a project as defined in this chapter utilizing any method not included in this chapter, nor shall the authority to issue bonds to finance such projects or oversight of the project be construed to be transferred to the MDA.

**SECTION 440.** Section 57-64-29, Mississippi Code of 1972, is brought forward as follows:

57-64-29. A local government unit that is a member of a regional economic development alliance created under the Regional Economic Development Act is authorized to negotiate a purchase option for real property to be used for the purposes of the alliance. A local government unit may pay all costs incurred for the acquisition of such an option regardless of whether the local government unit exercises the option at a later date. As a part of any such option, a local government unit may negotiate the right to enter upon the real property before the purchase for the purpose of conducting any preliminary engineering, environmental and related surveys or studies necessary to effectuate the option. A local government unit may pay all costs incurred for such surveys or studies regardless of whether the local government unit exercises the option at a later date.
**SECTION 441.** Section 57-64-31, Mississippi Code of 1972, is brought forward as follows:

57-64-31. The board of supervisors of any county that is a member of a regional economic development alliance created under the Regional Economic Development Act may exercise the power of eminent domain for the purpose of acquiring land, property and/or rights-of-way for a project as defined in Section 57-75-5(f)(i) or any facility related to the project as defined in Section 57-75-5(d), or both. The board of supervisors of such a county shall not exercise the authority granted under this section without first receiving a binding commitment providing that such a project will be located in a county that is a member of the regional economic development alliance. The board of supervisors of such a county shall not exercise the power of eminent domain under this section after July 1, 2006.

**SECTION 442.** Section 57-65-1, Mississippi Code of 1972, is amended as follows:

57-65-1. (1) The * * * Mississippi Development Authority may establish a Mississippi International Trade Institute, hereinafter referred to as the MITI.

(2) It shall be the function and duties of the MITI to:

(a) Gather, evaluate, interpret and publish international trade data on Mississippi's foreign trade.

(b) Represent the state in responding to, and assisting, foreign officials or business representatives and...
domestic representatives in undertaking appropriate foreign trade development.

(c) Establish liaison with those federal and state agencies and organizations engaged in international trade to assure for Mississippi the best possible posture for expanding its international trade economy.

(d) Serve as a clearinghouse for inquiries received from foreign business persons seeking information on product distribution, sales, trade agreements, manufacturing, licensing and similar matters.

(e) Publish a directory of prominent businesses and organizations in Mississippi's foreign trade, with a product guide.

(f) Provide special assistance to Mississippi's agricultural producers and firms engaged in the marketing of agricultural products produced in Mississippi to develop overseas markets.

(g) Communicate with foreign, national, state and local agencies, and public and private persons, associations and corporations regarding international marketing of agricultural products produced in Mississippi.

(3) In executing the duties assigned in this section, the MITI shall work closely with other state and local agencies having responsibility for economic development.
(4) It is the intention of the Legislature that the Mississippi Development Authority shall establish such institute if personnel and funds are made available therefor.

SECTION 443. Section 57-67-1, Mississippi Code of 1972, is brought forward as follows:

57-67-1. This chapter shall be known and may be cited as the "Mississippi Superconducting Super Collider Act."

SECTION 444. Section 57-67-3, Mississippi Code of 1972, is brought forward as follows:

57-67-3. The Legislature hereby finds and declares that:

(a) There exists in the State of Mississippi a continuing need for gainful employment for the citizens of this state.

(b) To help provide employment opportunities, a division within the Office of the Governor should be created with power to secure the location within this state of the particle beam accelerator known as the Superconducting Super Collider that the United States Department of Energy is planning to build.

(c) In accomplishing this purpose, such division will be acting in all respects for the benefit of the people of the state in the performance of essential public functions and is serving a valid public purpose in improving and otherwise promoting their health, welfare and prosperity, and the enactment of the provisions hereinafter set forth is for a valid public purpose.
Public agencies of the state, as herein defined, must be authorized and empowered to contract with and cooperate with the authority for the purposes herein set out.

(e) The borrowing of money and the issuance of bonds and state bonds for the purposes hereinafter set out serves valid public purposes in that the project will significantly contribute to the employment base and scientific and educational growth of the state.

SECTION 445. Section 57-67-5, Mississippi Code of 1972, is brought forward as follows:

57-67-5. Words and phrases used in this chapter shall have meanings as follows, unless the context clearly indicates a different meaning:

(a) "Act" means the Mississippi Superconducting Super Collider Act as originally enacted or as hereafter amended.

(b) "Authority" means the Mississippi Superconducting Super Collider Authority created pursuant to the chapter.

(c) "Bonds" means bonds, interim notes and other certificates of indebtedness of the authority issued pursuant to the provisions of Sections 57-67-19 through 57-67-31.

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project:
(i) Facilities to provide potable and industrial water supply systems (including cooling lakes) and sewage and waste disposal systems to the site of the project;
(ii) Airports, airfields and air terminals;
(iii) Rail lines;
(iv) Port facilities on the Tennessee-Tombigbee Waterway;
(v) Highways, streets and other roadways;
(vi) Public school buildings, classrooms and instructional facilities, including any functionally related facilities;
(vii) Parks, outdoor recreation facilities and athletic facilities; and
(viii) Auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities.

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

(f) "Project" means the superconducting super colliding particle beam accelerator, known as the Superconducting Super Collider, proposed to be constructed by the United States Department of Energy, as described in the Invitation for Proposals.
issued by said department, as now or hereafter supplemented or amended, together with all real property required for construction, maintenance and operation of the Superconducting Super Collider, and all buildings, tunneling and other supporting land and facilities required or useful for construction, maintenance and operation of the Superconducting Super Collider.

(g) "Project area" means the project site, together with any area or territory within the state lying within fifty (50) air miles from any portion of the project site to be conveyed to the Department of Energy, whether or not such area or territory be contiguous. "Project site" means the real property to be conveyed to the United States Department of Energy as set forth in the application to be filed with the Department of Energy by the authority.

(h) "Public agency" means and includes:

(i) The state and any department, board, commission, institution or other agency or instrumentality of the state, including, but not limited to, the Board of Trustees of State Institutions of Higher Learning and the State Board of Education;

(ii) Any city, town, county, political subdivision, school district or other district created or existing under the laws of the state or any public agency of any such city, town, county, political subdivision or district;
(iii) Any department, commission, agency or instrumentality of the United States of America; and
(iv) Any other state of the United States of America which may be cooperating with respect to location of the project within the state, or any agency thereof.

(i) "State" means State of Mississippi.

(j) "State bonds" means general obligation bonds, notes or other evidences of the State of Mississippi issued under Section 57-67-15.

SECTION 446. Section 57-67-7, Mississippi Code of 1972, is brought forward as follows:

57-67-7. (1) There is created within the Office of the Governor a division to be known as the "Mississippi Superconducting Super Collider Authority" for the performance of essential public functions. The Governor shall appoint, with the advice and consent of the Senate, an executive director, who shall serve at the will and pleasure of the Governor. The Governor shall prescribe the duties of and fix the compensation of such executive director. The executive director shall have the authority to employ and dismiss employees of the authority.

(2) The executive director shall administer, manage and direct the affairs and business of the authority, subject to the policies, direction, control and approval of the Governor.

SECTION 447. Section 57-67-9, Mississippi Code of 1972, is brought forward as follows:
57-67-9. (1) The authority is hereby designated and empowered to act on behalf of the state in submitting a siting proposal for the project. If the authority is not operational as of the date of the proposal, the Governor is authorized to submit the proposal. The authority is empowered to take all steps appropriate or necessary to effect the siting, development, and operation of the Superconducting Super Collider research facility within the state. If the state is selected as the preferred site for the project, the authority is hereby designated and empowered to act on behalf of the state and to represent the state in the planning, financing, development, construction and operation of the project or any facility related to the project. The authority shall take affirmative steps to coordinate fully all aspects of the submission of a siting proposal for the project and, if the state is selected as the preferred site, to coordinate fully the development of the project or any facility related to the project with the United States Department of Energy and other public agencies. Other state agencies and local governmental entities in this state shall cooperate to the fullest extent possible to effectuate the duties of the authority.

(2) To consult with the Governor and with the authority concerning the siting, development and operation of the Superconducting Super Collider research facility in the state, the Governor may establish special advisory committees, as he deems necessary, which may be composed of lay persons, scientists,
physicists, engineers, other professionals and anyone having
special knowledge of or interest in the project.

SECTION 448. Section 57-67-11, Mississippi Code of 1972, is
brought forward as follows:

57-67-11. The authority, in addition to any and all powers
now or hereafter granted to it, is hereby empowered:

(a) To maintain an office at a place or places in the
state.

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

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

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

(e) To acquire by purchase, lease, gift, or in other
manner other than by eminent domain, or obtain options to acquire,
and to own, maintain, use, operate and convey any and all property
of any kind, real, personal, or mixed, or any interest or estate
therein, (including easements, rights-of-way, air rights or
subsurface rights, or a stratified fee estate in a specified

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volume of land located below, at, or above the surface) within or without the project area, necessary or convenient for the project or any facility related to the project or necessary or convenient for any enhancement offered to secure the siting of the project in the state or for the exercise of the powers granted by this chapter.

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

(g) To make or cause to be made such examinations and surveys as may be necessary to the planning, design, construction and operation of the project; and for such purpose the authority, its agents, servants, or any public agency involved in the project selection, design, construction or operation, shall have immediate and full right of entry upon the lands and waters of any person for the purposes of survey and exploration.

(h) From and after the date of notification to the authority by the Department of Energy that the state has been finally selected as the site of the project, to acquire by condemnation and to own, maintain, use, operate and convey or
otherwise dispose of any and all property of any kind, real, personal or mixed, or any interest or estate therein, (including easements, rights-of-way, air rights or subsurface rights, or a stratified fee estate in a specified volume of land located below, at, or above the surface), within the project area, necessary or convenient for the project or any facility related to the project and the exercise of the powers granted by this chapter, according to the procedures provided by Chapter 27, Title 11, Mississippi Code of 1972, except as modified by this chapter. For the purposes of this chapter, the right of eminent domain shall be superior and dominant to the right of eminent domain of other public agencies and of railroad, telephone, telegraph, gas, power and other companies or corporations and shall extend to public and private lands including sixteenth section lands. The amount and character of interest in land, other property, and easements thus to be acquired shall be determined by the authority, and its determination shall be conclusive and shall not be subject to attack in the absence of manifest abuse of discretion or fraud on the part of the authority in making such determination. However, (i) In acquiring lands by condemnation, the authority shall not acquire minerals or royalties in minerals unless a competent registered professional engineer shall have certified that the acquisition of such minerals and royalties in minerals is necessary for purposes of the project; provided that
limestone, clay, chalk, sand and gravel shall not be considered as minerals within the meaning of this section; and

(ii) Unless minerals or royalties in minerals have been acquired by condemnation or otherwise, no person or persons owning the drilling rights or the right to share in production of minerals shall be prevented from exploring, developing, or producing oil or gas with necessary rights-of-way for ingress and egress, pipelines and other means of transporting interests on any land or interest therein of the authority held or used for the purposes of this chapter; but any such activities shall be under such reasonable regulation by the authority as will adequately protect the project contemplated by this chapter as provided in subparagraph (s) of this section. For the purpose of acquiring by condemnation land and easements for the project or any facility related to the project located within the project area, the authority shall have the right of immediate possession pursuant to Sections 11-27-81 through 11-27-89.

(i) In any proceeding in any court which has been or may be instituted by and in the name of the authority for the acquisition of any land or easement or right-of-way in land for the public use as provided in subparagraph (h) of this section, the authority may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority, declaring that said lands are thereby taken for the use
of the authority in connection with the location of the project.

Said declaration of taking shall contain or have annexed thereto:

(i) A statement of the statutory authority under
which and the public use for which said lands are taken.

(ii) A description of the lands taken sufficient
for the identification thereof.

(iii) A statement of the estate or interest in
said lands taken for said public use.

(iv) A statement of the necessity of the immediate
vesting of title in the authority in order to convey such property
to the United States for the use in connection with the project.

(v) A statement of the sum of money estimated by
the authority to be due compensation for the land taken. Upon
filing the declaration of taking and of the deposit in the court,
to the use of the persons entitled thereto, of the amount of the
estimated compensation stated in the declaration, title to such
lands in fee simple absolute, or such less estate or interest
therein as is specified in the declaration, shall vest in the
authority, and such lands shall be deemed to be condemned and
taken for the use of the authority, and the right to due
compensation for the same shall vest in the persons entitled
thereto; and compensation shall be ascertained and awarded in the
proceeding and established by judgment therein, and the judgment
shall include, as part of the due compensation awarded, interest
in accordance with law on the amount finally awarded as the value
of the property as of the date of taking, from such date to the
date of payment; but interest shall not be allowed on so much
thereof as shall have been paid into the court. No sum so paid
into the court shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court
may order that the money deposited in the court, or any part
thereof, be paid forthwith for or on account of the due
compensation to be awarded in the proceeding. If the compensation
finally awarded in respect of such lands, or any parcel thereof,
shall exceed the amount of the money so received by any person
entitled, the court shall enter judgment against the authority for
the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall
have power to fix the time within which and the terms upon which
the parties in possession shall be required to surrender
possession to the petitioner. The court shall have power to make
such orders in respect of encumbrances, liens, rents, taxes,
assessments, insurance, and other charges, if any, as shall be
just and equitable. No appeal in any cause under this
subparagraph (i) of this section nor any bond or undertaking given
therein shall operate to prevent or delay the vesting of title to
such lands in the authority.

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

(k) To require the necessary relocation of cemeteries
and to pay all reasonable costs thereof.

(l) To perform or have performed any and all acts and
make all payments necessary to comply with all applicable federal
laws, rules or regulations including but not limited to the
Uniform Relocation Assistance and Real Property Acquisition
Policies Act of 1970 (42 U.S.C. 4601, 4602, 4621 to 4638, and 4651
to 4655) and relocation rules and regulations promulgated by the
Department of Energy.

(m) To construct, extend, improve, maintain, and
reconstruct, to cause to be constructed, extended, improved,
maintained, and reconstructed, and to use and operate any and all
components of the project or any facility related to the project,
within the project area, necessary or convenient to the project
and to the exercise of such powers, rights, and privileges granted
the authority.
(n) To incur or defray any designated portion of the cost of any component of the project or any facility related to the project acquired or constructed by any public agency.

(o) To lease, sell, give, donate, convey or otherwise transfer any or all property acquired by the authority under the provisions of this chapter to the United States Department of Energy, its successors or assigns, and in connection therewith to pay the costs of title search, perfection of title, title insurance and recording fees as may be required. The authority may provide in the instrument conveying such property a provision that such property shall revert to the authority if, as and when the property is declared by the United States Department of Energy to be no longer needed for the Superconducting Super Collider research facility.

(p) To enter into contracts with any person, public agency or political subdivision including, but not limited to, contracts authorized by Section 57-67-17, in furtherance of any of the purposes authorized by this chapter upon such consideration as the authority and such person, public agency or political subdivision may agree. Any such contract may extend over any period of time, notwithstanding any rule of law to the contrary, may be upon such terms as the parties thereto shall agree, and may provide that it shall continue in effect until bonds specified therein, refunding bonds issued in lieu of such bonds, and all other obligations specified therein are paid or terminated. Any
such contract shall be binding upon the parties thereto according to its terms. Such contracts may include an agreement to reimburse the United States Department of Energy, its successors and assigns for any assistance provided by the United States Department of Energy in the acquisition of real property for the project or any facility related to the project.

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

(r) To make and enforce, and from time to time amend and repeal, rules and regulations for the construction, use, maintenance and operation of any facility related to the project under its management and control and any other of its properties.

(s) To adopt and enforce all necessary and reasonable rules and regulations to carry out and effectuate the implementation of the project and any land use plan or zoning classification adopted for the project area, including but not limited to rules, regulations, and restrictions concerning mining, construction, excavation or any other activity the occurrence of which may endanger the structure or operation of the project. Such rules may be enforced within the project area and without the project area as necessary to protect the structure and operation of the project. The authority is authorized to plan or replan,
zone or rezone, and make exceptions to any regulations, whether
local or state, which are inconsistent with the design, planning,
construction or operation of the project and facilities related to
the project.

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

(u) To assist any public agency involved with the
project design, construction or operation in securing any state or
local permits and approval required for the project or any
facility related to the project.

(v) To do any and all things necessary or convenient to
carry out the authority's purposes and to exercise the powers
given and granted in this chapter.

SECTION 449. Section 57-67-13, Mississippi Code of 1972, is
brought forward as follows:

57-67-13. (1) The Board of Trustees of State Institutions
of Higher Learning is hereby directed to develop plans for the
creation of an Institute of High Energy Physics. Upon
notification to the authority by the Department of Energy that the
state has been selected as the site of the project, the Board of
Trustees of State Institutions of Higher Learning not later than
one (1) year thereafter shall establish and create the institute.
Such institute shall include at least twenty (20) funded faculty
positions and shall include facilities to accommodate faculty and graduate students.

(2) The Board of Trustees of State Institutions of Higher Learning is hereby directed to develop plans for the creation of an Institute for Mathematics and Computing Sciences. Upon notification to the authority by the Department of Energy that the state has been selected as the site of the project, the Board of Trustees of State Institutions of Higher Learning not later than one (1) year thereafter shall establish and create the institute.

(3) The authority is hereby directed to develop plans for technology transfer activities to ensure private sector conduits for exchange of information, technology and expertise related to the project to generate opportunities for commercial development within the state.

SECTION 450. Section 57-67-15, Mississippi Code of 1972, is amended as follows:

57-67-15. (1) Upon notification to the authority by the Department of Energy that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the Governor as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the Governor may thereafter, from time to time, declare the necessity for the issuance of general obligation state
bonds as authorized by this section and forward such declaration
to the State Bond Commission, provided that prior to said
notification, the Governor may enter into agreements with the
United States Government and others that will commit the Governor
to direct the State Bond Commission to issue bonds for eligible
undertakings set out in subsection (4) of this section,
conditioned on the siting of the project in the state.

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

(3) Bonds issued under the authority of this section shall
not exceed an aggregate principal amount in the sum of Five
Hundred Million Dollars ($500,000,000.00).

(4) The proceeds from the sale of the state bonds issued
pursuant to this section may be applied for the purposes of: (a)
defraying all or any designated portion of the costs incurred with
respect to acquisition, planning, design, construction,
installation, rehabilitation, improvement and relocation of the
project and any facility related to the project located within the
project area, including costs of design and engineering, all costs
incurred to provide land, easements and rights-of-way, relocation
costs with respect to the project and with respect to any facility
related to the project located within the project area, and costs
associated with mitigation of environmental impacts; (b) providing for the payment of interest on the bonds; (c) providing debt service reserves; and (d) paying underwriters discount, original issue discount, accountants' fees, engineers' fees, attorney's fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds. Such bonds shall be issued, from time to time, and in such principal amounts as shall be designated by the Governor not to exceed in aggregate principal amount the amount authorized in subsection (3) of this section. Proceeds from the sale of the state bonds issued pursuant to this section may be invested, subject to federal limitations, pending their use, in such securities as may be specified in the resolution authorizing the issuance of the bonds or the trust indenture securing them, and the earning on such investment applied as provided in such resolution or trust indenture.

(5) The principal of and the interest on the state bonds shall be payable in the manner hereinafter set forth. The state bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, be payable at such place or places within or without the state, shall mature absolutely at such time or times, be redeemable prior to maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by resolution of the State Bond Commission. Provided, however, that
such state bonds shall mature or otherwise be retired in annual
installments beginning not more than five (5) years from date
thereof and extending not more than twenty-five (25) years from
date thereof. The state bonds shall be signed by the Chairman of
the State Bond Commission, or by his facsimile signature, and the
official seal of the State Bond Commission shall be imprinted on
or affixed thereto, attested by the manual or facsimile signature
of the Secretary of the State Bond Commission. Whenever any such
state bonds shall have been signed by the officials herein
designated to sign the bonds, who were in the office at the time
of such signing but who may have ceased to be such officers prior
to the sale and delivery of such bonds, or who may not have been
in office on the date such bonds may bear, the signatures of such
officers upon such bonds shall nevertheless be valid and
sufficient for all purposes and have the same effect as if the
person so officially signing such bonds had remained in office
until the delivery of the same to the purchaser, or had been in
office on the date such bonds may bear.

(6) All state bonds issued under the provisions of this
section shall be and are hereby declared to have all the qualities
and incidents of negotiable instruments under the provisions of
the Uniform Commercial Code and in exercising the powers granted
by this chapter, the State Bond Commission shall not be required
to and need not comply with the provisions of the Uniform
Commercial Code.
The State Bond Commission shall sell the state bonds on sealed bids at public sale, and for such price as it may determine to be for the best interest of the State of Mississippi, but no such sale shall be made at a price less than par plus accrued interest to date of delivery of the bonds to the purchaser. The state bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually; provided that the first interest payment may be for any period of not more than one (1) year.

The lowest interest rate specified for any bonds issued shall not be less than sixty percent (60%) of the highest interest rate specified for the same bond issue. Each interest rate specified in any bid must be in a multiple of one-eighth of one percent (1/8 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of interest cannot be named. Notice of the sale of any state bond shall be published at least one (1) time, the first of which shall be made not less than ten (10) days prior to the date of sale, and shall be so published in one or more newspapers having a general circulation in the City of Jackson and in one or more other newspapers or financial journals with a large national circulation, to be selected by the State Bond Commission. The State Bond Commission, when issuing any state bonds under the authority of this section, may provide that the bonds, at the
option of the state, may be called in for payment and redemption in reverse order of maturity at the call price named therein and accrued interest on such date or dates named therein.

(8) State bonds issued under the provisions of this section shall be the general obligations of the state and backed by the full faith and credit of the state, and if the funds appropriated by the Legislature shall be insufficient to pay the principal of and the interest on such bonds as they become due, then the deficiency shall be paid by the State Treasurer from any funds in the State Treasury not otherwise appropriated. All state bonds shall contain recitals on their faces substantially covering the foregoing provisions of this section.

(9) The State Treasurer is hereby authorized, without further process of law, to certify to the State Fiscal Management Board the necessity for warrants, and the State Fiscal Management Board is hereby authorized and directed to issue such warrants payable out of any funds authorized by this section for such purpose, in such amounts as may be necessary to pay when due the principal of and interest on all state bonds issued under the provisions of this section; and the State Treasurer shall forward the necessary amount to the designated place or places of payment of such bonds in ample time to discharge such bonds, or the interest thereon, on the due dates thereof.

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

(11) In anticipation of the issuance of state bonds
hereunder, the State Bond Commission is hereby authorized to
negotiate and enter into any purchase, loan, credit or other
agreement with any bank, trust company or other lending
institution or to issue and sell short-term notes for the purpose
of making any payments authorized under this section. All
borrowings made under this provision shall be evidenced by notes
of the state which shall be issued from time to time, for such
amounts not exceeding the amount of state bonds authorized herein,
in such form and in such denomination and subject to such terms
and conditions of sale and issuance, prepayment or redemption and
maturity, rate or rates of interest not to exceed the maximum rate
authorized herein for bonds, and time of payment of interest as
the State Bond Commission shall agree to in such agreement. Such
notes shall constitute general obligations of the state and shall
be backed by the full faith and credit of the state. Such notes
may also be issued for the purpose of refunding previously issued
notes; provided that no notes shall mature more than three (3)
years following the date of issuance of the first note hereunder and provided further, that all outstanding notes shall be retired from the proceeds of the first issuance of bonds hereunder. The State Bond Commission is authorized to provide for the compensation of any purchaser of the notes by payment of a fixed fee or commission and for all other costs and expenses of issuance and service, including paying agent costs. Such costs and expenses may be paid from the proceeds of the notes.

(12) The bonds and notes authorized under the authority of this section may be validated in the First Judicial District of the Chancery Court of Hinds County, Mississippi, in the manner and with the force and effect provided now or hereafter by Chapter 13, Title 31, Mississippi Code of 1972, for the validation of county, municipal, school district and other bonds. The necessary papers for such validation proceedings shall be transmitted to the state bond attorney, and the required notice shall be published in a newspaper published in the City of Jackson, Mississippi.

(13) There is hereby created in the State Treasury a special fund, separate and apart from any other fund, to be designated as the "Superconducting Super Collider Special Fund." On July 15 immediately succeeding the date that the state has been finally selected as the site for the project and on or before the fifteenth day of each succeeding month thereafter until a period of time not to exceed twenty-five (25) years from the initial deposit or until the date that all state bonds issued under this
chapter are retired, whichever occurs last in time, the State Treasurer shall deposit into the Superconducting Super Collider Special Fund the sum of Three Million Seven Hundred Fifty Thousand Dollars ($3,750,000.00) from taxes collected under the provisions of Chapter 7, Title 27, Mississippi Code of 1972. Funds deposited in the special fund shall be used to pay the principal of and interest on the state bonds issued under this section and any balance in the special fund in excess of the amount needed to pay the principal of and interest on the state bonds shall be appropriated by the Legislature to defray expenses of the project, facilities related to the project or enhancements within the project area.

SECTION 451. Section 57-67-17, Mississippi Code of 1972, is amended as follows:

57-67-17. For the purpose of aiding in the planning, design, undertaking and carrying out of the project or any facility related to the project, or any educational, cultural, housing or recreational facility or enhancement offered to secure the siting of the project in the state, any public agency or political subdivision of any kind is authorized and empowered upon such terms, with or without consideration, as it may determine: (a) to enter into agreements, which may extend over any period, with the authority respecting action to be taken by such public agency or political subdivision with respect to the acquisition, planning, construction, improvement, operation, maintenance or funding of
the project or any such facility or enhancement, including without
limitation (i) the appropriation or payment of funds to the
authority or to a trustee in amounts which shall be sufficient to
enable the authority to defray any designated portion or
percentage of the expenses of administering, planning, designing,
constructing, acquiring, improving, operating, and maintaining the
project or any such facility or enhancement, (ii) the
appropriation or payment of funds to the authority or to a trustee
to pay interest and principal (whether at maturity or upon sinking
fund redemption) on bonds of the authority issued pursuant to this
chapter and to fund reserves for debt service, for operation and
maintenance and for renewals and replacements, and to fulfill
requirements of any covenant with respect to debt service
contained in any resolution, trust indenture or other security
agreement relating to the bonds of the authority issued pursuant
to this chapter and (iii) the furnishing of other assistance in
connection with the project or any such facility or enhancement;
(b) to dedicate, sell, donate, convey or lease any property or
interest in property to the authority or grant easements, licenses
or other rights or privileges therein to the authority; (c) to
incur the entire expense of any public improvements made or to be
made by such public agency or political subdivision in exercising
the powers granted in this section; (d) to do any and all things
necessary to aid or cooperate in the planning or carrying out of
the project or any such facility or enhancement; (e) to lend,
grant or contribute funds to the authority; (f) to cause public
buildings and public facilities, including parks, playgrounds,
recreational areas, community meeting facilities, water, sewer or
drainage facilities, or any other works which it is otherwise
empowered to undertake, to be furnished to or with respect to the
project or any such facility or enhancement; (g) to furnish,
dedicate, close, vacate, pave, install, upgrade or improve
highways, streets, roads, sidewalks, airports, railroads, ports or
other public facilities; (h) to plan or replan, zone or rezone any
parcel of land within the public agency or political subdivision
or make exceptions from land use, building and zoning regulations;
and (i) to cause administrative and other services to be furnished
to the authority, including services pertaining to the acquisition
of real property and the furnishing of relocation assistance. Any
contract between a public agency or political subdivision entered
into with the authority pursuant to any of the powers granted by
this chapter shall be binding upon said public agency or political
subdivision according to its terms, and such public agency or
political subdivision shall have the power to enter into such
contracts as in the discretion of the governing authorities
thereof would be to the best interest of the people of such public
agency or political subdivision. Such contracts may include
within the discretion of such governing authorities a pledge of
the full faith and credit of such political subdivision for the
performance thereof. If such contracts include a pledge of the
full faith and credit of such political subdivision, then for the
purposes of Sections 27-39-321 and 37-57-107, the indebtedness
created by such contracts shall be deemed to be general obligation
bonds. The obligations of any public agency or political
subdivision arising under the terms of such contracts shall not be
included within the indebtedness of such public agency or
political subdivision for the purposes of any constitutional or
statutory limitation or provision. If at any time title to or
possession of the project or any such facility or enhancement is
held by any public body or governmental agency other than the
authority, including any agency or instrumentality of the United
States of America, the agreements referred to in this section
shall inure to the benefit of and may be enforced by such public
body or governmental agency.

Notwithstanding any provisions of this chapter to the
contrary, any contract entered into between the authority and any
political subdivision for the appropriation or payment of funds to
the authority under item (a)(ii) of this section shall contain a
provision therein requiring monthly payments by the political
subdivision to pay its indebtedness and, if the political
subdivision is not a county or municipality, such contract shall
include as an additional party to the contract the county or
municipality (referred to in this paragraph as "levying
authority") that levies and collects taxes for the contracting
political subdivision. If the political subdivision fails to pay
its indebtedness for any month, the authority shall certify to
the * * * Department of Revenue, or other appropriate agency, the
amount of the delinquency, and the * * * Department of Revenue
shall deduct such amount from the political subdivision's or
levying authority's, as the case may be, next allocation of sales
taxes, petroleum taxes, highway privilege taxes, severance taxes,
Tennessee Valley Authority payments in lieu of taxes and homestead
exemption reimbursements in that order of priority. The * * *
Department of Revenue, or other appropriate agency, shall pay the
sums so deducted to the authority to be applied to the discharge
of the contractual obligation.

SECTION 452. Section 57-67-19, Mississippi Code of 1972, is
amended as follows:

57-67-19. (1) Upon notification to the authority by the
United States Department of Energy that the state has been finally
selected as the site for the project, then the authority shall
have the power and is hereby authorized, from time to time,
pursuant to contracts entered into under Section 57-67-17, to
borrow money and to issue bonds in such principal amounts as the
authority may determine to be necessary to provide funds
sufficient to defray all or any designated portion of the costs
incurred with respect to the project or any facility related to
the project, or any educational, cultural, housing or recreational
facility or enhancement offered to secure the siting of the
project in the state; provided that prior to said notification,
the authority may enter into agreements with the United States
government or others that will commit the authority to issue bonds
for eligible undertakings set out in subsection (6) of this
section pursuant to contracts entered into under Section 57-67-17,
conditioned on the siting of the project in the state.

(2) Bonds of the authority issued pursuant to Sections
57-67-19 through 57-67-31 shall be payable (except to the extent
that payment may be made from bond proceeds deposited or
accumulated in any capitalized interest fund or bond reserve fund)
solely from and secured by a pledge of all or any designated part
of the revenues received by the authority pursuant to contracts
entered into with one or more public agencies pursuant to Section
57-67-19. Such bonds may be further secured by a trust indenture
between the authority and a corporate trustee, which may be any
trust company or bank having powers of a trust company within or
without the state, and by reserves established to secure the
payment of principal of and interest on such bonds. Any pledge of
earnings, revenues or other * * * monies made by the authority
shall be valid and binding from the time the pledge is made. The
earnings, revenues or other * * * monies so pledged and thereafter
received by the authority shall immediately be subject to the lien
of such pledge without any physical delivery thereof or further
act, and the lien of any such pledge shall be valid and binding as
against all parties having claims of any kind against the
authority whether such parties have or do not have notice thereof.
Neither the bond resolution, trust indenture nor any other instrument by which a pledge is created need be recorded.

(3) Bonds of the authority issued pursuant to Sections 57-67-19 through 57-67-31 may be authorized and issued in one or more series by a resolution or resolutions of the authority, without publication of notice of intent and without an election on the question of the issuance thereof. Such bonds shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form, carry such conversion privileges, have such rank or priority, be executed in such manner and by such officers, be payable from such sources in such medium of payment at such place or places within or without the state, be subject to such terms of redemption prior to maturity, all as may be provided by resolution or resolutions of the authority. Such bonds may be executed and delivered at any time as a single issue or from time to time as several issues, and may mature or become payable in such amounts and at such time or times not exceeding thirty (30) years from their date, all as may be provided by resolution or resolutions of the authority.

(4) Bonds of the authority issued pursuant to Sections 57-67-19 through 57-67-31 may be sold at a price not less than ninety-eight percent (98%) of par value plus accrued interest, at public or private sale, at such times as may be determined by the authority to be in the public interest, and the authority may pay
all expenses, premiums, fees and commissions which it may deem
necessary and advantageous in connection with the issuance and
sale thereof.

(5) Whenever any bonds issued pursuant to Sections 57-67-19
through 57-67-31 shall have been signed by the officer(s)
designated by the resolution of the authority to sign the bonds,
who were in office at the time of such signing but who may have
ceased to be such officer(s) prior to the sale and delivery of
such bonds, or who may not have been in office on the date such
bonds may bear, the manual or facsimile signatures of such
officer(s) upon such bonds shall nevertheless be valid and
sufficient for all purposes and have the same effect as if the
person so officially executing such bonds had remained in office
until the delivery of the same to the purchaser or had been in
office on the date such bonds may bear.

(6) Proceeds from the sale of bonds issued pursuant to
Sections 57-67-19 through 57-67-31 may be applied for the purposes
of (a) defraying all or any designated portion of the costs
incurred with respect to the project or any facility related to
the project, or any educational, cultural, housing or recreational
facility offered as an enhancement to secure the siting of the
project in the state, including costs of design and engineering,
all costs incurred to provide land, easements, rights-of-way and
relocation costs with respect to the project and with respect to
any such facility; (b) providing for the payment of interest on
the bonds; (c) providing debt service reserves; and (d) paying
underwriters discount, original issue discount, accountants' fees,
engineers' fees, attorney's fees, rating agency fees and other
fees and expenses in connection with the issuance of the bonds and
other necessary and proper expenses of the authority in connection
with the project or any such facility. Proceeds from the sale of
bonds issued pursuant to Sections 57-67-19 through 57-67-31 may be
invested, subject to federal limitations, pending their use, in
such securities as may be specified in the resolution authorizing
the issuance of the bonds or the trust indenture securing them,
and the earning on such investment applied as provided in such
resolution or trust indenture.

(7) Neither the executive director of the authority nor any
person executing the bonds shall be personally liable on the bonds
or be subject to any personal liability or accountability by
reason of the issuance thereof.

(8) In anticipation of the issuance of bonds under Sections
57-67-19 through 57-67-31, the authority is hereby authorized to
negotiate and enter into any loan or credit agreement with any
bank, trust company or other lending institution for the purpose
of making any payments authorized under this chapter. All
borrowings made under this provision shall be evidenced by notes
of the authority which shall be issued from time to time, for such
amounts not exceeding the amount of bonds authorized herein, in
such form and in such denomination and subject to such terms and
conditions of sale and issuance, prepayment or redemption and
maturity, rate or rates of interest, and time of payment of
interest as the authority shall agree to in such agreement. Such
notes may also be issued for the purpose of refunding previously
issued notes; provided that no notes shall mature more than three
(3) years following the date of issuance of the first note
hereunder and provided further, that all outstanding notes shall
be retired from the proceeds of the first issuance of bonds
hereunder. The authority is authorized to provide for the
compensation of any purchaser of the notes by payment of a fixed
fee or commission and for all other costs and expenses of issuance
and service, including paying agent costs. Such costs and
expenses may be paid from the proceeds of the notes.

SECTION 453. Section 57-67-21, Mississippi Code of 1972, is
brought forward as follows:

57-67-21. The authority may issue refunding bonds for the
purpose of paying any of its bonds at or prior to maturity or upon
acceleration or redemption. Refunding bonds may be issued at such
time prior to the maturity or redemption of the refunded bonds as
the authority deems to be in the public interest, without notice
and without an election on the question of the issuance thereof.
The refunding bonds may be issued in sufficient amounts to pay or
provide the principal of the bonds being refunded, together with
any redemption premium thereon, any interest accrued or to accrue
to the date of payment of such bonds, the expenses of issue of the
refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture or other security instruments. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders and the rights, duties and obligations of the authority in respect of the same shall be governed by the provisions of this chapter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable. Any such refunding may be effected, whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations proposed to be refunded thereby, and regardless of whether the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

SECTION 454. Section 57-67-23, Mississippi Code of 1972, is brought forward as follows:

57-67-23. All bonds (other than state bonds, refunding bonds, interim notes and certificates of indebtedness, which may be validated) issued pursuant to Sections 57-67-19 through 57-67-31 shall be validated as provided in Sections 31-13-1
through 31-13-11, Mississippi Code of 1972; provided, however, that notice of such validation proceedings shall be addressed to the taxpayers of all public agencies and political subdivisions:

(a) Which have contracted with the authority pursuant to Section 57-67-17; and

(b) Whose contracts and the payments to be made thereunder constitute security for the bonds of the authority proposed to be issued, and such notice shall be published at least once in a newspaper or newspapers having a general circulation within the geographical boundaries of each public agency or political subdivision to whose taxpayers the notice is addressed. Such validation proceedings shall be instituted in the First Judicial District of the Chancery Court of Hinds County. The validity of the bonds so validated and of the contracts and payments to be made by the political subdivisions thereunder constituting security for the bonds shall be forever conclusive against the authority and the political subdivisions which are parties to said contracts; and the validity of said bonds and said contracts and the payments to be made thereunder shall never be called in question in any court in this state.

SECTION 455. Section 57-67-25, Mississippi Code of 1972, is amended as follows:

57-67-25. Bonds issued pursuant to Sections 57-67-19 through 57-67-31 shall not be deemed to constitute a debt, liability or obligation of the contracting public agency or political
subdivisions, within the meaning of any constitutional or statutory limitation, nor shall such bonds constitute a pledge of the full faith and credit of the state or the contracting public agency or political subdivisions, but shall be payable solely from the revenues, * * * monies and funds of the authority pledged therefor. Each bond shall contain on the face thereof a statement to the effect that the authority shall not be obligated to pay the same nor the interest thereon except from those sources above mentioned and pledged therefor and that neither the full faith and credit nor the taxing power of the state or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bond.

SECTION 456. Section 57-67-27, Mississippi Code of 1972, is brought forward as follows:

57-67-27. The authority may, in any authorizing resolution, trust indenture or other security instrument relating to its bonds, provide for the appointment of a trustee who shall have such powers as are provided therein to represent the registered owners of any issue of bonds in the enforcement or protection of their rights under any such resolution, trust indenture or security instrument. The authority may also provide in such resolution, trust indenture or other security instrument that the trustee, or in the event that the trustee so appointed shall fail or decline to so protect and enforce such registered owners' rights then such percentage of registered owners as shall be set
forth in, and subject to the provisions of, such resolution, trust
indenture or other security interest, may petition the court of
proper jurisdiction for the appointment of a receiver of the
revenues which are pledged to the payment of the principal of and
interest on the bonds of such registered owners. Such receiver
may exercise any power as may be granted in any such resolution,
trust indenture or security instrument to collect, enforce and
receive all revenues derived from agreements with any public
agency or political subdivisions entered pursuant to Section
57-67-17, and carry out the contracts and obligations of the
authority in the same manner as the authority itself might do, all
under the direction of such court.

SECTION 457. Section 57-67-29, Mississippi Code of 1972, is
brought forward as follows:

57-67-29. The authority shall have power in connection with
the issuance of bonds other than state bonds issued pursuant to
this chapter to:

(a) Covenant as to the use of any or all of its
property, real or personal.

(b) Redeem the bonds, to covenant for their redemption
and to provide the terms and conditions thereof.

(c) Covenant and prescribe as to events of default and
terms and conditions upon which any or all of its bonds shall
become or may be declared due before maturity, as to the terms and
conditions upon which such declaration and its consequences may be
waived and as to the consequences of default and the remedies of
the registered owners of the bonds.

(d) Covenant as to the mortgage or pledge of or the
grant of a security interest in all or any part of the revenues
derived from any revenue-producing contract or contracts made by
the authority with any public agency or political subdivision to
secure the payment of bonds, subject to such agreements with the
registered owners of bonds as may then exist.

(e) Covenant as to the custody, collection, securing,
investment and payment of any revenues to which the authority may
have any rights or interest, which are pledged as security for the
bonds.

(f) Covenant as to the purposes to which the proceeds
from the sale of any bonds then or thereafter to be issued may be
applied, and the pledge of such proceeds to secure the payment of
the bonds.

(g) Covenant as to the limitations on the issuance of
any additional bonds, the terms upon which additional bonds may be
issued and secured, and the refunding of outstanding bonds.

(h) Covenant as to the rank or priority of any bonds
with respect to any lien or security.

(i) Covenant as to the procedure by which the terms of
any contract with or for the benefit of the registered owners of
bonds may be amended or abrogated, the amount of bonds the
registered owners of which must consent thereto, and the manner in which such consent may be given.

(j) Covenant as to the custody of any of its properties or investments, the safekeeping thereof, the insurance to be carried thereon, and the use and disposition of insurance proceeds.

(k) Covenant as to the vesting in a trustee or trustees, within or outside the state, of such properties, rights, powers and duties in trust as the authority may determine.

(l) Covenant as to the appointing and providing for the duties and obligations of a paying agent or paying agents, a bond registrar and transfer agent or other fiduciaries, all of which may be domiciled within or outside the state.

(m) Make all other covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of the authority tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the authority power to do all things in the issuance of bonds and in the provisions for security thereof which are not inconsistent with the Constitution of the state.

(n) Execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of covenants or duties, which may contain such covenants and
provisions, as any purchaser of the bonds of the authority may reasonably require.

**SECTION 458.** Section 57-67-31, Mississippi Code of 1972, is brought forward as follows:

57-67-31. The state hereby covenants with the registered owners of bonds of the authority issued pursuant to this chapter, that so long as the bonds are outstanding and unpaid the state will not materially limit or materially alter the rights and powers of the authority under this chapter to conduct the activities referred to herein in any way pertinent to the interests of the bondholders including without limitation the authority's right to collect revenues and to fulfill the terms of any covenants made with the registered owners of the bonds, or in any other way materially impair the rights and remedies of the registered owners of the bonds, unless provision for full payment of such bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture or security instrument securing the bonds.

**SECTION 459.** Section 57-67-33, Mississippi Code of 1972, is brought forward as follows:

57-67-33. Any bonds or state bonds issued under the provisions of this chapter, a transaction relating to the sale or securing of such bonds, their transfer and the income therefrom shall at all times be free from taxation by the state or any local...
unit or political subdivision or other instrumentality of the
state, excepting inheritance and gift taxes.

SECTION 460. Section 57-67-35, Mississippi Code of 1972, is
brought forward as follows:

57-67-35. All bonds or state bonds issued pursuant to this
chapter shall be legal investments for trustees, other
fiduciaries, savings banks, trust companies and insurance
companies organized under the laws of the State of Mississippi;
and such bonds shall be legal securities which may be deposited
with and shall be received by all public officers and bodies of
the state and all municipalities and other political subdivisions
thereof for the purpose of securing the deposit of public funds.

SECTION 461. Section 57-67-37, Mississippi Code of 1972, is
amended as follows:

57-67-37. (1) (a) The authority shall expend not less than
fifteen percent (15%) of the total amounts expended by the
authority on planning, construction, training, research,
development, testing, evaluation, personal services, procurement,
and for the operation and maintenance of any facilities or
activities controlled by such authority, with minority small
business concerns owned and controlled by socially and
economically disadvantaged individuals. For the purpose of
determining the total amounts expended with such minority small
business concerns, credit shall be given for that portion of any
prime contract entered into with the authority which inures to the
benefit of such minority small business concern as a subcontractor thereunder.

(b) For the purposes of this section, the term 
"socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 * * * USCS, Section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

(c) For the purposes of this section, the term "minority small business concern" means any small business concern:

(i) Which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned businesses, at least fifty-one percent (51%) of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) Whose management and daily business operations are controlled by one or more of such individuals.

(d) For the purposes of this section, the term "small business concern" shall mean "small business" as the latter term is defined in Section 57-10-155, Mississippi Code of 1972.

(2) In order to comply in a timely manner with its minority small business participation mandate, the authority shall set an annual goal to expend not less than fifteen percent (15%) of its
aggregate yearly expenditures with minority small business concerns.

(3) The authority shall:

(a) Monitor the minority small business concerns assistance programs prescribed in this section.

(b) Review and determine the business capabilities of minority small business concerns.

(c) Establish standards for a certification procedure for minority small business concerns seeking to do business with the authority.

(d) Provide technical assistance services to minority small business concerns. Such technical assistance shall include but not be limited to:

(i) Research;

(ii) Assistance in obtaining bonds;

(iii) Bid preparation;

(iv) Certification of business concerns;

(v) Marketing assistance; and

(vi) Joint venture and capital development.

(e) Develop alternative bidding and contracting procedures for minority small business concerns in conjunction with the State Fiscal Management Board and the Governor's Office of General Services.

(f) Utilize such alternative bidding and contracting procedures in lieu of those prescribed in ** Chapters 5 and 7,
Title 31, Mississippi Code of 1972, when contracting with minority small business concerns that have qualified to bid for contracts and have satisfied any other disclosure provisions required by the authority.

(g) Be authorized to accept in lieu of any bond otherwise required from minority small business concerns or small business concerns contracting with the authority, in an amount equal to one hundred percent (100%) of the total cost of the contracted project, any combination of the following:

(i) Cash;

(ii) Certificates of deposit from any bank or banking corporation insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(iii) Federal treasury bills;

(iv) Letters of credit issued by a bank as that term is defined in Section 81-3-1, Mississippi Code of 1972; or

(v) Surety bonds issued by an insurance company licensed and qualified to do business in the State of Mississippi.

(h) Be authorized, in its discretion, to waive any bond required on any project which does not exceed a total dollar value of One Hundred Thousand Dollars ($100,000.00). A retainage shall be held by the authority in an amount not to exceed fifteen percent (15%) from each draw according to American Institute of Architects (AIA) standards. Upon satisfactory completion of such project, ten percent (10%) of the total cost of the contract shall
be held in an interest-bearing escrow account for one (1) year. 
Funds deposited in such escrow account shall stand as a surety for 
any defects in workmanship or materials detected within twelve 
(12) months of completion. The balance of all monies so escrowed 
including accrued interest shall be paid to the contractor at the 
end of such twelve-month period. 

   (i) Be empowered to provide an incentive of bimonthly 
payments to any prime contractors utilizing minority small 
business concerns as subcontractors on twenty-five percent (25%) 
or more of the total dollar value of any single project or 
contract. 

   (j) Submit an annual report on its progress concerning 
minority small business contracts to the Legislature by January 30 
of each year.

   (k) Take all steps necessary to implement the 
provisions of this section.

   (4) The Governor shall create an Office of Minority Small 
Business Development within the authority. The Office of Minority 
Small Business Development shall be the primary provider of 
technical assistance to minority small business concerns. The 
authority may, in its discretion, contract with minority small 
business concerns and small business concerns to provide technical 
assistance under the provisions of this section. The authority 
may annually expend not more than one percent (1%) of the total 
dollar amount prescribed in subsection (2) of this section for the
purpose of providing technical assistance. All funds expended for technical assistance shall be administrative funds or any funds available other than the amounts prescribed in subsection (1)(a) of this section.

(5) The authority shall assist in facilitating the entry of minorities into the subject areas of engineering, high-energy physics, mathematics and computer science. An historically Black public institution of higher learning may receive funding from the authority for the enhancement of curriculum in any of these areas for minority student development on the undergraduate and graduate levels.

SECTION 462. Section 57-67-39, Mississippi Code of 1972, is brought forward as follows:

57-67-39. The provisions of this chapter are cumulative of other statutes now or hereafter enacted relating to the authority, and the authority may exercise all presently held powers in the furtherance of this chapter. If any section, paragraph, sentence, clause, phrase or any part of the provisions of this chapter is declared to be unconstitutional or void, or for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses and phrases shall in no manner be affected thereby but shall remain in full force and effect.

SECTION 463. Section 57-69-1, Mississippi Code of 1972, is brought forward as follows:
57-69-1. This chapter shall be known and may be cited as the "Mississippi Minority Business Enterprise Act."

SECTION 464. Section 57-69-3, Mississippi Code of 1972, is amended as follows:

57-69-3. Unless the context requires otherwise, the following words shall have the following meanings for the purposes of this chapter:

(a) "Class of contract basis" means an entire group of contracts having a common characteristic.

(b) "Commercially useful function" means being responsible for execution of a contract or a distinct element of the work under a contract by actually performing, managing, and supervising the work involved.

(c) "Contract" means all types of state agreements, regardless of what they may be called, for the purchase of supplies or services or for construction or major repairs. "Contract" includes the following:

(i) Awards and notices of award.

(ii) Contracts of a fixed price, cost, cost-plus-a-fixed-fee, or incentive types.

(iii) Contracts providing for the issuance of job or task orders.

(iv) Leases.

(v) Letter contracts.

(vi) Purchase orders.
(vii) Any supplemental agreements with respect to (i) through (vi) of this paragraph.

(d) "Contracting base" means the dollar amount of contracts for public works and procurement of goods and services awarded by a state agency or a state educational institution during a fiscal year.

(e) "Contract by contract basis" means a single contract within a specific class of contracts.

(f) "Contractor" means a party who enters into a contract to provide a state or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(g) "Director" means the Executive Director of the Office of Minority Business Enterprises of the Mississippi Development Authority.

(h) "Educational institutions" means the state universities, vocational institutions, and any other state-supported educational institutions.

(i) "Joint venture" means an association of two (2) or more persons or businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge, and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.
(j) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa.

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race.

(iii) Asian American: having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(iv) American Indian or Alaskan Native: having origins in any of the original peoples of North America.

(v) Female.

(k) "Minority business enterprise" or "minority owned business" means a socially and economically disadvantaged small business concern organized for profit performing a commercially useful function which is owned and controlled by one or more individuals or minority business enterprises certified by the office, at least seventy-five percent (75%) of whom are resident citizens of the State of Mississippi. For purposes of this paragraph, the term "socially and economically disadvantaged small business concern" shall have the meaning ascribed to such term under the Small Business Act (15 USCS, Section 637(a)). Owned and controlled means a business in which one or more minorities or minority business enterprises certified by the office own at least
fifty-one percent (51%) or in the case of a corporation at least
fifty-one percent (51%) of the voting stock and control at least
fifty-one percent (51%) of the management and daily business
operations of the business.

(1) "Minority business enterprise supplier" means a
socially and economically disadvantaged small business concern
which is owned and controlled by one or more individuals, at least
seventy-five percent (75%) of whom are resident citizens of the
State of Mississippi. For purposes of this paragraph, the term
"socially and economically disadvantaged small business concern"
shall have the meaning ascribed to such term under the Small
Business Act (15 USCS, Section 637(a)) except that the net worth
of the business may not be greater than Seven Hundred Fifty
Thousand Dollars ($750,000.00). Owned and controlled means a
business in which one or more minorities own at least fifty-one
percent (51%) or in the case of a corporation at least fifty-one
percent (51%) of the voting stock and control at least fifty-one
percent (51%) of the management and daily business operations of
the business.

(m) "Office" means the Office of Minority Business
Enterprises of the Mississippi Development Authority.

(n) "Procurement" means the purchase, lease, or rental
of any goods or services.

(o) "Commodities" means the various items described in
Section 31-7-1(e).
(p) "Professional services" means all personal service contracts utilized by state agencies and institutions.

(q) "Small business" means a small business as defined by the Small Business Administration of the United States government which for purposes of size eligibility or other factors meets the applicable criteria set forth in Part 121 of Title 13 of the Code of Federal Regulations as amended, and which has its principal place of business in Mississippi.

(r) "State agency" includes the State of Mississippi and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the Mississippi Department of Transportation nor the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

SECTION 465. Section 57-69-5, Mississippi Code of 1972, is brought forward as follows:

57-69-5. (1) There is hereby created the Office of Minority Business Enterprises of the Mississippi Development Authority under the Mississippi Development Authority. The Executive Director of the Mississippi Development Authority shall appoint an executive director for the office. The executive director may employ a staff subject to approval of the Executive Director of the Mississippi Development Authority as necessary to carry out the purposes of this office.
The office shall perform the following:

(a) Develop, plan and implement programs to provide an opportunity for participation by qualified minority owned businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector;

(b) Develop a comprehensive plan encouraging that qualified minority owned businesses are provided an opportunity to participate in public contracts for public works and commodities and services;

(c) Identify barriers to equal participation by qualified minority owned businesses in all state agency and educational institution contracts;

(d) Develop and maintain a central minority business enterprise certification list for all state agencies and educational institutions;

(e) Adopt rules for the implementation of this chapter;

(f) Develop and maintain a central minority business enterprise certification program;

(g) Develop and maintain a central minority business enterprise supplier certification program;

(h) Submit an annual report to the Governor and the Legislature outlining the progress and economic impact on the public and private sectors of implementing this chapter;
(i) Increase efforts to inform minority businesses of state government procurement procedures and policies;

(j) Serve as the principal advocate in the state on behalf of minority business enterprises and minority business enterprise suppliers and provide advice in the consideration of administrative requirements and legislation that affect minority business enterprises and minority business enterprise suppliers;

(k) Evaluate the effectiveness of efforts of state agencies and other entities to assist minority business enterprises and minority business enterprise suppliers and make appropriate recommendations to assist the development and strengthening of minority business enterprises and minority business enterprise suppliers;

(l) Determine the availability of financial and other resources to minority business enterprises and minority business enterprise suppliers and recommend methods for:

(i) Increasing the availability of equity capital and other forms of financial assistance to minority business enterprises and minority business enterprise suppliers;

(ii) Generating markets for the goods and services of minority business enterprises and minority business enterprise suppliers;

(iii) Providing more effective education, training and management and technical assistance to minority business enterprises and minority business enterprise suppliers; and
(iv) Providing assistance to minority business enterprises and minority business enterprise suppliers in complying with federal, state and local laws;

(m) Serve as a focal point for receiving complaints and suggestions concerning state government policies and activities that affect minority business enterprises and minority business enterprise suppliers;

(n) Develop and advocate proposals for changes in state policies and activities that adversely affect minority business enterprises and minority business enterprise suppliers;

(o) Provide to legislative committees and state agencies information on the effects of proposed policies or actions that affect minority business enterprises and minority business enterprise suppliers;

(p) Enlist the assistance of public and private agencies, businesses and other organizations in disseminating information about state programs and services that benefit minority business enterprises and minority business enterprise suppliers and information regarding means by which minority business enterprises and minority business enterprise suppliers can use those programs and services;

(q) Identify sources of financial assistance for minority business enterprises, match minority business enterprises and minority business enterprise suppliers with sources of financial assistance, and assist minority business enterprises and
minority business enterprise suppliers with the preparation of
applications for loans from governmental or private sources;

(r) Sponsor meetings, to the extent practicable in
cooporation with public and private educational institutions, to
provide training and disseminate information beneficial to
minority business enterprises and minority business enterprise
suppliers;

(s) Assist minority business enterprises and minority
business enterprise suppliers in their dealings with federal,
state and local governmental agencies and provide information
regarding governmental requirements affecting minority business
to minority business enterprise suppliers;

(t) Develop and implement programs to encourage
governmental agencies, public sector business associations and
other organizations to provide useful services to minority
business enterprises and minority business enterprise suppliers;

(u) Use available resources within the state, such as
minority business enterprise development centers, educational
institutions and nonprofit associations, to coordinate the
provision of management and technical assistance to minority
business enterprises and minority business enterprise suppliers in
a systematic manner;

(v) Publish newsletters, brochures and other documents
containing information useful to minority business enterprises and
minority business enterprise suppliers;
(w) Identify successful minority business enterprise assistance programs provided by other states and determine the feasibility of adapting those programs for implementation in Mississippi;

(x) Establish an outreach program to make the existence of the office known to minority business enterprises, minority business enterprise suppliers and potential clients throughout the state; and

(y) Identify potential business opportunities for minority business enterprises and minority business enterprise suppliers and develop programs to maximize those opportunities.

SECTION 466. Section 57-69-7, Mississippi Code of 1972, is amended as follows:

57-69-7. (1) The Executive Director of the Mississippi Development Authority shall certify minority business enterprises that qualify as such. The director shall establish criteria by which minority business enterprises may qualify for certification.

(2) The Executive Director of the Mississippi Development Authority shall certify minority business enterprise suppliers that qualify as such. The director shall establish criteria by which minority business enterprise suppliers may qualify for certification.

SECTION 467. Section 57-69-9, Mississippi Code of 1972, is brought forward as follows:
57-69-9. Each state agency and educational institution shall report the participation of minority business enterprises in the public works and procurement contracts executed by the agency or institution. The reports shall be made on an annual basis.

SECTION 468. Section 57-71-1, Mississippi Code of 1972, is brought forward as follows:

57-71-1. This act shall be known and may be cited as the Mississippi Small Enterprise Development Finance Act.

SECTION 469. Section 57-71-3, Mississippi Code of 1972, is amended as follows:

57-71-3. It is the purpose of this act to promote business and economic development in the State of Mississippi through job producing programs and by providing loans to the Mississippi Business Finance Corporation, as defined in this act; to assist in securing investment in small communities by private companies locating or expanding in the state; and to authorize the issuance of state bonds or notes for funding such programs.

SECTION 470. Section 57-71-5, Mississippi Code of 1972, is brought forward as follows:

57-71-5. The following words and phrases when used in this act shall have the meaning given to them in this section unless the context clearly indicates otherwise:

(a) "MBFC" or "company" means the Mississippi Business Finance Corporation.
(b) "Private company" means any agricultural, aquacultural, horticultural, industrial, manufacturing or research and development enterprise or enterprises, or the lessee thereof, or any commercial enterprise approved by the Mississippi Business Finance Corporation; however, the term "private company" shall not include any business, corporation or entity having a gaming license issued under Section 75-76-1 et seq.

(c) "Qualified financial institution" means any commercial bank or savings and loan institution approved by the Mississippi Business Finance Corporation to provide letters of credit under this act.

(d) "Letter of credit" means a letter of credit obligation from a qualified financial institution approved by the Mississippi Business Finance Corporation.

(e) "Planning and development districts" means the organized planning and development districts in Mississippi.

(f) "Director" means the Executive Director of the Mississippi Business Finance Corporation.

(g) "Seller" means the State Bond Commission.

SECTION 471. Section 57-71-7, Mississippi Code of 1972, is amended as follows:

57-71-7. There is hereby established, under the direction of the * * * Mississippi Business Finance Corporation, a program to be known as the Mississippi Small Enterprise Development Finance Program for the purpose of making loans to qualified private
companies in order to provide financing to small businesses which will increase employment and investment in small communities.

**SECTION 472.** Section 57-71-9, Mississippi Code of 1972, is amended as follows:

57-71-9. Any private company desiring to borrow from the program shall make application to the company. The company shall define and publish criteria for eligibility for the program and timetable for review.

All loan applications shall identify a qualified financial institution which will issue a letter of credit to the Mississippi Business Finance Corporation guaranteeing the loan made pursuant to this act. Such letter of credit will be in a form satisfactory to the Mississippi Business Finance Corporation.

**SECTION 473.** Section 57-71-11, Mississippi Code of 1972, is brought forward as follows:

57-71-11. (1) No loan made under the provisions of this act shall be in an amount exceeding Four Million Dollars ($4,000,000.00) principal.

(2) The maximum loan term shall not exceed twenty (20) years.

(3) All loans made pursuant to this act shall be guaranteed by a letter of credit in a form acceptable to the Mississippi Business Finance Corporation from a qualified financial institution. A letter of credit may be replaced by another letter
of credit from a qualified financial institution if the letter is in a form acceptable to the Mississippi Business Finance Corporation. The cost of the letter of credit shall not exceed two percent (2%) per annum of the loan. If a letter of credit, upon expiration, is not renewed by the financial institution or otherwise replaced, the company shall draw upon the letter of credit for the payment of the principal of and accrued interest on the bonds, including any penalties, premium on bonds or other costs incident to the loan.

(4) No more than Four Million Dollars ($4,000,000.00) in loans may be outstanding in the aggregate to any one (1) borrower, either directly or indirectly, at any one time.

(5) The interest rate on such loans shall not be less than the net interest rate on the bonds or notes issued pursuant to this act to finance the loan being repaid, plus company servicing fees.

(6) The total amount of a loan secured by real and/or personal property, including any previous indebtedness incurred against real and/or personal property offered as security for such loan shall not exceed ninety percent (90%) of the market value thereof as determined by an appraisal made by the lender. In determining the amount of indebtedness to be incurred against any real or personal property securing such a loan, the lender may consider the enhanced value of the real property and any other
additional capital assets accruing to the borrower through loans provided under this act.

(7) No loan shall be made under this act to finance any existing debt.

**SECTION 474.** Section 57-71-13, Mississippi Code of 1972, is brought forward as follows:

57-71-13. The Mississippi Business Finance Corporation shall promulgate lending guidelines, rules and regulations as may be necessary to carry out the provisions of this act.

The Mississippi Business Finance Corporation may work closely with the planning and development districts in identifying eligible projects and making the program available in all areas of the state.

As part of the lending criteria, the Mississippi Business Finance Corporation must receive a commitment that the proposed project will create a minimum of ten (10) net new full-time equivalent jobs.

Notwithstanding the provisions of Section 27-65-101(1), Mississippi Code of 1972, and other applicable laws, all purchases required to establish any project and financed by proceeds from bonds issued under this act shall be exempt from all taxation in the State of Mississippi except the contractors' tax imposed by Sections 27-65-21 and 27-65-24(1)(b).

**SECTION 475.** Section 57-71-15, Mississippi Code of 1972, is amended as follows:
57-71-15. The * * * Mississippi Business Finance Corporation is hereby authorized to engage legal services, financial advisors, appraisers and consultants if needed to review and close loans made pursuant to this act. The costs of such professionals shall be paid by the borrower or from loan proceeds as determined and approved by the company.

SECTION 476. Section 57-71-17, Mississippi Code of 1972, is amended as follows:

57-71-17. In the event of a default, the * * * Mississippi Business Finance Corporation shall call upon the letter of credit guaranteeing the principal amount of the loan plus interest due. Failure to comply with lending criteria shall result in a penalty which the company may establish by regulation, and penalties shall not be treated as interest income for the purposes of Section 148 of the Internal Revenue Code of 1986.

SECTION 477. Section 57-71-19, Mississippi Code of 1972, is amended as follows:

57-71-19. No loan shall be made to a private company under this act unless the private company certifies to the * * * Mississippi Business Finance Corporation, in a form satisfactory to the company, that it will not discriminate against any employee or against any applicant for employment because of race, religion, color, national origin, sex or age.

SECTION 478. Section 57-71-21, Mississippi Code of 1972, is amended as follows:
57-71-21. (1) There is hereby created a special fund in the State Treasury to be known as the Mississippi Small Enterprise Development Finance Fund out of which the Mississippi Business Finance Corporation shall provide loans authorized by this act. All monies received by the company to carry out the purposes of this act by issuance of bonds shall be deposited into the Mississippi Small Enterprise Development Finance Fund or funds. Expenditures authorized from the fund shall be paid by the State Treasurer upon warrants drawn on the Mississippi Small Enterprise Development Finance Fund, and the Department of Finance and Administration shall issue warrants upon requisitions signed by the director.

(2) Any monies repaid to the state from loans funded through the Mississippi Small Enterprise Development Finance Fund shall be deposited into the Mississippi Small Enterprise Development Finance Sinking Fund, which is hereby created in the State Treasury.

SECTION 479. Section 57-71-23, Mississippi Code of 1972, is amended as follows:

57-71-23. (1) All bonds issued under the authority of this act shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid from the Mississippi Small Enterprise Development Finance Sinking Fund. All monies paid into the Mississippi Small Enterprise Development Finance Sinking Fund not
appropriated to pay accruing bonds and interest shall be invested by the State Treasurer in such securities as are provided by law for the investment of the sinking funds of the state.

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

(3) The State Treasurer shall determine and report to the * * * Department of Finance and Administration * * * and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this act and the status of the Mississippi Small Enterprise Development Finance Sinking Fund of the state for the payment of the principal of and interest on the bonds and notes.
(4) Except as otherwise provided by law, the rate of interest on any loan made using funds from the Mississippi Small Enterprise Development Finance Fund shall be that rate as established by Section 57-71-11(5). Notwithstanding the provisions of any other law to the contrary, the interest rate charged shall not be set such that the aggregate of the interest, penalties and other payments to the state on loans and other assistance made using funds from the Mississippi Small Enterprise Development Finance Fund will cause the bonds issued pursuant to this act to be deemed arbitrage bonds pursuant to Section 148 of the Internal Revenue Code of 1986 and the regulations promulgated thereunder. In the case of loans initially funded from the proceeds of notes and subsequently funded from renewal bonds and notes, the interest rate to be charged on the loans shall be established in accordance with Section 57-71-11(5) upon the sale of bonds or notes, as the case may be, for the loans.

SECTION 480. Section 57-71-25, Mississippi Code of 1972, is brought forward as follows:

57-71-25. (1) The seller is authorized to borrow, on the credit of the state, upon receipt of a resolution from the company requesting the same, money not exceeding the aggregate sum of One Hundred Forty Million Dollars ($140,000,000.00), outstanding at any one time, not including money borrowed to refund outstanding bonds, notes or replacement notes, as may be necessary to carry out the purposes of this act. The rate of interest on any such
bonds or notes which are not subject to taxation shall not exceed the rates set forth in Section 75-17-101, Mississippi Code of 1972, for general obligation bonds.

(2) As evidence of indebtedness authorized in this act, general or limited obligation bonds of the state shall be issued from time to time to provide monies necessary to carry out the purposes of this act for such total amount, in such form, in such denominations, payable in such currencies (either domestic or foreign or both), and subject to such terms and conditions of issue, redemption and maturity, rate of interest and time of payment of interest as the seller directs, except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from date thereof and extending not more than twenty (20) years from date thereof.

(3) All bonds and notes issued under authority of this act shall be signed by the chairman of the seller, or by his facsimile signature, and the official seal of the seller shall be affixed thereto, attested by the secretary of the seller.

(4) All bonds and notes issued under authority of this act may be general or limited obligations of the state, and the full faith and credit of the State of Mississippi as to general obligation bonds, or the revenue derived from projects assisted as to limited obligation bonds, are hereby pledged for the payment of the principal of and the interest on such bonds and notes.
(5) Such bonds and notes and the income therefrom shall be exempt from all taxation in the State of Mississippi.

(6) The bonds may be issued as coupon bonds or registered as to both principal and interest as the seller may determine. If interest coupons are attached, they shall contain the facsimile signature of the chairman and the secretary of the seller.

(7) As to bonds issued hereunder and designated as taxable bonds by the seller, any immunity of the state to taxation by the United States government of interest on bonds or notes issued by the state is hereby waived.

SECTION 481. Section 57-71-27, Mississippi Code of 1972, is brought forward as follows:

57-71-27. (1) Whenever bonds are issued, they shall be offered for sale at not less than par value and accrued interest and shall be sold by the seller at public or private sale, from time to time, in such manner and at such price as may be determined by the seller to be most advantageous.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the seller in such manner and at such prices not less than par and accrued interest, as the seller shall direct.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the seller or may be combined for sale as one (1) series with other general obligation bonds of the State of Mississippi.
(4) Until permanent bonds can be prepared, the seller may in its discretion issue, in lieu of permanent bonds, temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the seller.

(5) Pending their application to the purposes authorized, bond proceeds held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State Treasury to the credit of the Mississippi Small Enterprise Development Finance Fund.

(6) The State Treasurer shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the state for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the seller.

(7) All costs and expenses in connection with the issue of and sale and registration of the bonds and notes in connection with this act may be paid from the proceeds of bonds and notes issued under this act.

(8) The seller may provide in the resolution authorizing the issuance of such bonds for the employment of one or more persons or firms to assist in the sale of the bonds; to enter into contracts with financial institutions located either within or without the State of Mississippi to act as registrars, paying
agents, transfer agents or otherwise; for rating of the bonds; and to purchase insurance.

SECTION 482. Section 57-71-29, Mississippi Code of 1972, is brought forward as follows:

57-71-29. (1) Pending the issuance of bonds of the state as authorized under this act, the seller is hereby authorized in accordance with the provisions of this act and on the credit of the state, to make temporary borrowings not to exceed two (2) years in anticipation of the issue of bonds in order to provide funds in such amounts as may, from time to time, be deemed advisable prior to the issue of bonds. In order to provide for and in connection with such temporary borrowings, the seller is hereby authorized in the name and on behalf of the state to enter into any purchase, loan or credit agreement, or agreements, or other agreement or agreements with any financial institution or persons in the United States having power to enter into the same, which agreements may contain such provisions not inconsistent with the provisions of this act as may be authorized by the seller.

(2) All temporary borrowings made under this section shall be evidenced by notes of the state which shall be issued, from time to time, for such amounts not exceeding in the aggregate the applicable statutory and constitutional debt limitation, in such form and in such denominations and subject to terms and conditions of sale and issue, prepayment or redemption and maturity, rate or rates of interest and time of payment of interest as the seller
shall authorize and direct and in accordance with this act. Such
authorization and direction may provide for the subsequent
issuance of replacement notes to refund, upon issuance thereof,
such notes, and may specify such other terms and conditions with
respect to the notes and replacement notes thereby authorized for
issuance as the seller may determine and direct.

(3) When the authorization and direction of the seller
provide for the issuance of replacement notes, the seller is
hereby authorized in the name and on behalf of the state to enter
into agreements with any financial institutions or persons in the
United States having the power to enter the same:

(a) To purchase or underwrite an issue or series of
issues of notes.

(b) To enter into any purchase, loan or credit
agreements, and to draw monies pursuant to any such agreements on
the terms and conditions set forth therein and to issue notes as
evidence of borrowings made under any such agreements.

(c) To appoint or act as issuing and paying agent or
agents with respect to notes.

(d) To do such other acts as may be necessary or
appropriate to provide for the payment, when due, of the principal
of and interest on such notes.

Such agreements may provide for the compensation of any
purchasers or underwriters of notes or replacement notes by
payment of a fixed fee or commission at the time of issuance
thereof, and for all other costs and expenses, including fees for
agreements related to the notes issuing and paying agent costs.

Costs and expenses of issuance may be paid from the proceeds of
the notes.

(4) When the authorization and direction of the seller
provides for the issuance of replacement notes, it shall, at or
prior to the time of delivery of these notes or replacement notes,
determine the principal amounts, dates of issue, interest rate or
rates, rates of discount, denominations and all other terms and
conditions relating to the issuance. The State Treasurer shall
perform all acts and things necessary to pay or cause to be paid,
when due, all principal of and interest on the notes being
refunded by replacement notes and to assure that the same may draw
upon any monies available for that purpose pursuant to any
purchase loan or credit agreements established with respect
tereto, all subject to the authorization and direction of the
seller.

(5) Outstanding notes evidencing such borrowings may be
funded and retired by the issuance and sale of the bonds of the
state as hereinafter authorized. The refunding bonds must be
issued and sold not later than a date two (2) years after the date
of issuance of the first notes evidencing such borrowings to the
extent that payment of such notes has not otherwise been made or
provided for by sources other than proceeds of replacement notes.
(6) The proceeds of all such temporary borrowing shall be paid to the State Treasurer to be held and disposed of in accordance with the provisions of Section 57-71-31.

**SECTION 483.** Section 57-71-31, Mississippi Code of 1972, is brought forward as follows:

57-71-31. (1) The proceeds realized from the sale of bonds and notes under this act, other than refunding bonds and replacement notes, shall be paid to the State Treasurer and deposited into the Mississippi Small Enterprise Development Finance Fund or funds and specifically dedicated to the purposes enumerated in this act.

(2) All nonfederal funds which may become available for the purposes of this act shall be deposited in the Mississippi Small Enterprise Development Finance Fund or funds and shall be allocated for the purposes of this act.

(3) The proceeds of the sale of refunding bonds and replacement notes shall be applied solely to the payment of the principal of and the accrued interest on and premium, if any, and costs of redemption of the bonds and notes for which such obligations have been issued.

**SECTION 484.** Section 57-71-33, Mississippi Code of 1972, is brought forward as follows:

57-71-33. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds or notes...
herein provided for, and the seller is hereby authorized and
empowered to expend from the proceeds derived from the sale of the
bonds or notes authorized hereunder all necessary administrative,
legal and other expenses incidental and related to the issuance of
bonds or notes authorized under this act.

SECTION 485. Section 57-71-35, Mississippi Code of 1972, is
brought forward as follows:

57-71-35. The term "this act" referred to in Sections
57-71-1 through 57-71-33 hereof shall mean the Mississippi Small
Enterprise Development Finance Act unless the context clearly
indicates otherwise.

SECTION 486. Section 57-73-21, Mississippi Code of 1972, is
brought forward as follows:

[In cases involving business enterprises that received or
applied for the job tax credit authorized by this section prior to
January 1, 2005, this section shall read as follows:]

57-73-21. (1) Annually by December 31, using the most
current data available from the University Research Center,
Mississippi Department of Employment Security and the United
States Department of Commerce, the State Tax Commission shall rank
and designate the state's counties as provided in this section.
The twenty-eight (28) counties in this state having a combination
of the highest unemployment rate and lowest per capita income for
the most recent thirty-six-month period, with equal weight being
given to each category, are designated Tier Three areas. The
twenty-seven (27) counties in the state with a combination of the
next highest unemployment rate and next lowest per capita income
for the most recent thirty-six-month period, with equal weight
being given to each category, are designated Tier Two areas. The
twenty-seven (27) counties in the state with a combination of the
lowest unemployment rate and the highest per capita income for the
most recent thirty-six-month period, with equal weight being given
to each category, are designated Tier One areas. Counties
designated by the Tax Commission qualify for the appropriate tax
credit for jobs as provided in subsections (2), (3) and (4) of
this section. The designation by the Tax Commission is effective
for the tax years of permanent business enterprises which begin
after the date of designation. For companies which plan an
expansion in their labor forces, the Tax Commission shall
prescribe certification procedures to ensure that the companies
can claim credits in future years without regard to whether or not
a particular county is removed from the list of Tier Three or Tier
Two areas.

(2) Permanent business enterprises primarily engaged in
manufacturing, processing, warehousing, distribution, wholesaling
and research and development, or permanent business enterprises
designated by rule and regulation of the Mississippi Development
Authority as air transportation and maintenance facilities, final
destination or resort hotels having a minimum of one hundred fifty
(150) guest rooms, recreational facilities that impact tourism,
movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Two Thousand Dollars ($2,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10).
(3) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties that have been designated by the Tax Commission as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to One Thousand Dollars ($1,000.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Chairman of the State Tax Commission may extend this time period for not more two (2) years.

The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those
permanent businesses that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).

(4) Permanent business enterprises primarily engaged in manufacturing, processing, warehousing, distribution, wholesaling and research and development, or permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise, in counties designated by the Tax Commission as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to Five Hundred Dollars ($500.00) annually for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the
Chairman of the State Tax Commission may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent businesses that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20).

The Tax Commission shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

(5) In addition to the credits authorized in subsections (2), (3) and (4), an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or
outside the State of Mississippi. A minimum of thirty-five (35) jobs must be created to qualify for the additional credit. The State Tax Commission shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this subsection. As used in this subsection, the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the credits authorized in subsections (2), (3), (4) and (5), any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee.

(7) In lieu of the tax credits provided in subsections (2) through (6), any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the amounts provided in subsection (2), (3) or (4) for each net new full-time employee job for five (5) years beginning with years two (2) through six (6) after the creation of the job. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior
taxable year. This subsection shall be administered in the same
manner as subsections (2), (3) and (4), except the landowner shall
not be required to increase employment by the levels provided in
subsections (2), (3) and (4) to be eligible for the tax credit.

(8) Tax credits for five (5) years for the taxes imposed by
Section 27-7-5 shall be awarded for additional net new full-time
jobs created by business enterprises qualified under subsections
(2), (3), (4), (5), (6) and (7) of this section. Except as
otherwise provided, the Tax Commission shall adjust the credit
allowed in the event of employment fluctuations during the
additional five (5) years of credit.

(9) (a) The sale, merger, acquisition, reorganization,
bankruptcy or relocation from one (1) county to another county
within the state of any business enterprise may not create new
eligibility in any succeeding business entity, but any unused job
tax credit may be transferred and continued by any transferee of
the business enterprise. The Tax Commission shall determine
whether or not qualifying net increases or decreases have occurred
or proper transfers of credit have been made and may require
reports, promulgate regulations, and hold hearings as needed for
substantiation and qualification.

(b) This subsection shall not apply in cases in which a
business enterprise has ceased operation, laid off all its
employees and is subsequently acquired by another unrelated
business entity that continues operation of the enterprise in the
same or a similar type of business. In such a case the succeeding
business entity shall be eligible for the credit authorized by
this section unless the cessation of operation of the business
enterprise was for the purpose of obtaining new eligibility for
the credit.

(10) Any tax credit claimed under this section but not used
in any taxable year may be carried forward for five (5) years from
the close of the tax year in which the qualified jobs were
established but the credit established by this section taken in
any one (1) tax year must be limited to an amount not greater than
fifty percent (50%) of the taxpayer's state income tax liability
which is attributable to income derived from operations in the
state for that year. If the permanent business enterprise is
located in an area that has been declared by the Governor to be a
disaster area and as a direct result of the disaster the business
enterprise is unable to use the existing carryforward, the
Chairman of the State Tax Commission may extend the period that
the credit may be carried forward for a period of time not to
exceed two (2) years.

(11) No business enterprise for the transportation,
handling, storage, processing or disposal of hazardous waste is
eligible to receive the tax credits provided in this section.

(12) The credits allowed under this section shall not be
used by any business enterprise or corporation other than the
business enterprise actually qualifying for the credits.
(13) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case may be; however, from and after July 1, 1989, tax credits shall be allowed only under either this section or Sections 57-51-13(b), 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time employee.

(14) As used in this section, the term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."
In cases involving business enterprises that apply for the job tax credit authorized by this section from and after January 1, 2005, this section shall read as follows:

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi Department of Employment Security and the United States Department of Commerce, the Department of Revenue shall rank and designate the state's counties as provided in this section. The twenty-eight (28) counties in this state having a combination of the highest unemployment rate and lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Three areas. The twenty-seven (27) counties in the state with a combination of the next highest unemployment rate and next lowest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier Two areas. The twenty-seven (27) counties in the state with a combination of the lowest unemployment rate and the highest per capita income for the most recent thirty-six-month period, with equal weight being given to each category, are designated Tier One areas. Counties designated by the Department of Revenue qualify for the appropriate tax credit for jobs as provided in this section. The designation by the Department of Revenue is effective for the tax years of permanent business enterprises which begin after the date of designation. For companies which
plan an expansion in their labor forces, the Department of Revenue shall prescribe certification procedures to ensure that the companies can claim credits in future years without regard to whether or not a particular county is removed from the list of Tier Three or Tier Two areas.

(2) Permanent business enterprises in counties designated by the Department of Revenue as Tier Three areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to ten percent (10%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by ten (10) or more in a Tier Three area are eligible for the credit. Credit is not allowed during any of the five (5) years if the net employment increase falls below ten (10). The Department of
Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of ten (10).

(3) Permanent business enterprises in counties that have been designated by the Department of Revenue as Tier Two areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to five percent (5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by fifteen (15) or more in Tier Two areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below fifteen (15). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of fifteen (15).
(4) Permanent business enterprises in counties designated by the Department of Revenue as Tier One areas are allowed a job tax credit for taxes imposed by Section 27-7-5 equal to two and one-half percent (2.5%) of the payroll of the enterprise for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the minimum number of jobs required by this subsection; however, if the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the permanent business enterprise is unable to maintain the required number of jobs, the Commissioner of Revenue may extend this time period for not more than two (2) years. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. Only those permanent business enterprises that increase employment by twenty (20) or more in Tier One areas are eligible for the credit. The credit is not allowed during any of the five (5) years if the net employment increase falls below twenty (20). The Department of Revenue shall adjust the credit allowed each year for the net new employment fluctuations above the minimum level of twenty (20).

(5) (a) In addition to the other credits authorized in this section, an additional Five Hundred Dollars ($500.00) credit for
each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi. A minimum of twenty (20) jobs must be created to qualify for the additional credit. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this paragraph (a). As used in this paragraph (a), the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(b) In addition to the other credits authorized in this section, an additional Five Hundred Dollars ($500.00) credit for each net new full-time employee or an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to
Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the average annual wage of the state or an additional Two Thousand Dollars ($2,000.00) credit for each net new full-time employee who is paid a salary, excluding benefits which are not subject to Mississippi income taxation, of at least two hundred percent (200%) of the average annual wage of the state, shall be allowed for any company expanding or making additions after January 1, 2013, to its national or regional headquarters within the State of Mississippi. A minimum of twenty (20) new jobs must be created to qualify for the additional credit. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for purposes of receiving the credit awarded in this paragraph (b). As used in this paragraph (b), the average annual wage of the state is the most recently published average annual wage as determined by the Mississippi Department of Employment Security.

(6) In addition to the other credits authorized in this section, any job requiring research and development skills (chemist, engineer, etc.) shall qualify for an additional One Thousand Dollars ($1,000.00) credit for each net new full-time employee.

(7) (a) In addition to the other credits authorized in this section, any company that transfers or relocates its national or regional headquarters to the State of Mississippi from outside the

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State of Mississippi may receive a tax credit in an amount equal
to the actual relocation costs paid by the company. A minimum of
twenty (20) jobs must be created in order to qualify for the
additional credit authorized under this subsection. Relocation
costs for which a credit may be awarded shall be determined by the
Department of Revenue and shall include those nondepreciable
expenses that are necessary to relocate headquarters employees to
the national or regional headquarters, including, but not limited
to, costs such as travel expenses for employees and members of
their households to and from Mississippi in search of homes and
moving expenses to relocate furnishings, household goods and
personal property of the employees and members of their
households.

(b) The tax credit authorized under this subsection
shall be applied for the taxable year in which the relocation
costs are paid. The maximum cumulative amount of tax credits that
may be claimed by all taxpayers claiming a credit under this
subsection in any one (1) state fiscal year shall not exceed One
Million Dollars ($1,000,000.00), exclusive of credits that might
be carried forward from previous taxable years. A company may not
receive a credit for the relocation of an employee more than one
(1) time in a twelve-month period for that employee.

(c) The Department of Revenue shall establish criteria
and prescribe procedures to determine if a company creates the
required number of jobs and qualifies as a national or regional
headquarters for purposes of receiving the credit awarded in this subsection. A company desiring to claim a credit under this subsection must submit an application for such credit with the Department of Revenue in a manner prescribed by the department.

(d) In order to participate in the provisions of this section, a company must certify to the Mississippi Department of Revenue that it complies with the equal pay provisions of the federal Equal Pay Act of 1963, the Americans with Disabilities Act of 1990 and the fair pay provisions of the Civil Rights Act of 1964.

(e) This subsection shall stand repealed on July 1, 2022.

(8) In lieu of the other tax credits provided in this section, any commercial or industrial property owner which remediates contaminated property in accordance with Sections 49-35-1 through 49-35-25, is allowed a job tax credit for taxes imposed by Section 27-7-5 equal to the percentage of payroll provided in subsection (2), (3) or (4) of this section for net new full-time employee jobs for five (5) years beginning with years two (2) through six (6) after the creation of the jobs. The number of new full-time jobs must be determined by comparing the monthly average number of full-time employees subject to Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. This subsection shall be administered in the same manner as subsections (2), (3)
and (4), except the landowner shall not be required to increase employment by the levels provided in subsections (2), (3) and (4) to be eligible for the tax credit.

(9) (a) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for increases in the annual payroll for net new full-time jobs created by business enterprises qualified under this section. The Department of Revenue shall adjust the credit allowed in the event of payroll fluctuations during the additional five (5) years of credit.

(b) Tax credits for five (5) years for the taxes imposed by Section 27-7-5 shall be awarded for additional net new full-time jobs created by business enterprises qualified under subsections (5) and (6) of this section and for additional relocation costs paid by companies qualified under subsection (7) of this section. The Department of Revenue shall adjust the credit allowed in the event of employment fluctuations during the additional five (5) years of credit.

(10) (a) The sale, merger, acquisition, reorganization, bankruptcy or relocation from one (1) county to another county within the state of any business enterprise may not create new eligibility in any succeeding business entity, but any unused job tax credit may be transferred and continued by any transferee of the business enterprise. The Department of Revenue shall determine whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may
require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(b) This subsection shall not apply in cases in which a business enterprise has ceased operation, laid off all its employees and is subsequently acquired by another unrelated business entity that continues operation of the enterprise in the same or a similar type of business. In such a case the succeeding business entity shall be eligible for the credit authorized by this section unless the cessation of operation of the business enterprise was for the purpose of obtaining new eligibility for the credit.

(11) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established and/or headquarters relocation costs paid, as applicable, but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year. If the permanent business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to use the existing carryforward, the Commissioner of Revenue may extend the period that the credit may
be carried forward for a period of time not to exceed two (2) years.

(12) No business enterprise for the transportation, handling, storage, processing or disposal of hazardous waste is eligible to receive the tax credits provided in this section.

(13) The credits allowed under this section shall not be used by any business enterprise or corporation other than the business enterprise actually qualifying for the credits.

(14) As used in this section:

(a) "Business enterprises" means entities primarily engaged in:

(i) Manufacturing, processing, warehousing, warehousing activities, distribution, wholesaling and research and development, or

(ii) Permanent business enterprises designated by rule and regulation of the Mississippi Development Authority as air transportation and maintenance facilities, final destination or resort hotels having a minimum of one hundred fifty (150) guest rooms, recreational facilities that impact tourism, movie industry studios, telecommunications enterprises, data or information processing enterprises or computer software development enterprises or any technology intensive facility or enterprise.

(b) "Telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text,
voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

(c) "Warehousing activities" means entities that establish or expand facilities that service and support multiple retail or wholesale locations within and outside the state. Warehousing activities may be performed solely to support the primary activities of the entity, and credits generated shall offset the income of the entity based on an apportioned ratio of payroll for warehouse employees of the entity to total Mississippi payroll of the entity that includes the payroll of retail employees of the entity.

(15) The tax credits provided for in this section shall be in addition to any tax credits described in Sections 57-51-13(b), 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official action by the Mississippi Development Authority prior to July 1, 1989, to any business enterprise determined prior to July 1, 1989, by the Mississippi Development Authority to be a qualified business as defined in Section 57-51-5(f) or Section 57-54-5(d) or a qualified company as described in Section 57-53-1, as the case

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may be; however, from and after July 1, 1989, tax credits shall be
allowed only under either this section or Sections 57-51-13(b),
57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time
employee.

(16) A business enterprise that chooses to receive job
training assistance pursuant to Section 57-1-451 shall not be
eligible for the tax credits provided for in this section.

SECTION 487. Section 57-73-23, Mississippi Code of 1972, is
amended as follows:

57-73-23. A fifty percent (50%) income tax credit shall be
granted to any employer providing dependent care for employees
during the employee's work hours. Credit is applied to the net
cost of any contract executed by the employer for another entity
to provide dependent care; or, if the employer elects to provide
dependent care itself, to expenses of dependent care staff,
learning and recreational materials and equipment, and the
construction and maintenance of a facility. Additional eligible
expenses include net costs assumed by the employer which increase
the quality, availability and affordability of dependent care in
the community used by employees during the employee's work hours.
This cost is net of any reimbursement. A deduction shall not be
allowed for any expenses which serve as the basis for an income
tax credit. The credits allowed under this section shall not be
used by any business enterprise or corporation other than the
business enterprise actually qualifying for the credits.
Credit may be carried forward for the five (5) successive years if the amount allowable as credit exceeds income tax liability in a tax year; however, thereafter, if the amount allowable as a credit exceeds the tax liability, the amount of excess shall not be refundable or carried forward to any other taxable year.

The facility must have an average daily enrollment for the taxable year of no less than six (6) children who are twelve (12) years of age or less and be licensed according to the regulations governing licensure of child care facilities in Mississippi; or must serve five (5) or fewer children and/or elderly adults in a family child care/elder care home approved by the Department of Health for participation in the United States Department of Agriculture child and adult nutrition program; or must serve children over twelve (12) years of age but less than eighteen (18) years of age in either a community-based facility or a facility at the employment site; or must serve adult relatives of employees in either a community-based elder care facility or a facility at the employment site; or must serve children or adult dependents having physical, emotional or mental disabilities in either a community-based facility or a facility at the employment site.

Employers will be certified as eligible for the tax credit by the **State** Department of Health for programs serving children twelve (12) years of age or younger and for programs serving
elderly adults and by the State Tax Commission for programs serving other dependents older than twelve (12) years of age.

**SECTION 488.** Section 57-73-27, Mississippi Code of 1972, is brought forward as follows:

57-73-27. The State Tax Commission is authorized to promulgate reasonable rules and regulations necessary to accomplish its duties under Chapter 524, Laws, 1989.

**SECTION 489.** Section 57-73-29, Mississippi Code of 1972, is amended as follows:

57-73-29. The * * * Mississippi Development Authority is authorized to promulgate reasonable rules and regulations necessary to accomplish its duties under Chapter 524, Laws, 1989.

**SECTION 490.** Section 57-75-1, Mississippi Code of 1972, is brought forward as follows:

57-75-1. This chapter shall be known and may be cited as the "Mississippi Major Economic Impact Act."

**SECTION 491.** Section 57-75-3, Mississippi Code of 1972, is brought forward as follows:

57-75-3. The Legislature hereby finds and declares that:

(a) There exists in the State of Mississippi a continuing need for gainful employment for the citizens of this state.

(b) To help provide employment opportunities, a division within the Mississippi Development Authority should be created with power to secure the location and expansion within
this state of major economic impact projects by providing
assistance and incentives in connection with such projects.

(c) In accomplishing this purpose, such division will
be acting in all respects for the benefit of the people of the
state in the performance of essential public functions and is
serving a valid public purpose in improving and otherwise
promoting their health, welfare and prosperity, and the enactment
of the provisions hereinafter set forth is for a valid public
purpose.

(d) Public agencies of the state, as herein defined,
must be authorized and empowered to contract with and cooperate
with the authority for the purposes herein set out.

(e) The borrowing of money and the issuance of bonds
for the purposes hereinafter set out serves valid public purposes
in that the project will significantly contribute to the
employment base and scientific and educational growth of the
state.

(f) The Mississippi Major Economic Impact Authority
created pursuant to this chapter shall implement the provisions of
this chapter and exercise all power as authorized in this chapter;
however, the application of this chapter or the offering of any
assistance and incentives as to any particular project or person
shall be in the sole discretion of the Mississippi Major Economic
Impact Authority, and nothing in this chapter shall be deemed to
vest in any person any right to any assistance or incentive
SECTION 492. Section 57-75-5, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project within the project area: (i) facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water, natural gas and electric transmission systems to the site of the project; (ii) airports, airfields and air terminals; (iii) rail lines; (iv) port facilities; (v) highways, streets and other roadways; (vi) public school
buildings, classrooms and instructional facilities, training facilities and equipment, including any functionally related facilities; (vii) parks, outdoor recreation facilities and athletic facilities; (viii) auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities; (ix) health care facilities, public or private; and (x) fire protection facilities, equipment and elevated water tanks.

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

(f) "Project" means:

(i) Any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise with an initial capital investment of not less than Three Hundred Million Dollars ($300,000,000.00) from private or United States government sources together with all buildings, and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise; or with an initial capital investment of not less than
One Hundred Fifty Million Dollars ($150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of at least one hundred twenty-five percent (125%) of the most recently published average annual wage of the state as determined by the Mississippi Department of Employment Security. "Project" shall include any addition to or expansion of an existing enterprise if such addition or expansion has an initial capital investment of not less than Three Hundred Million Dollars ($300,000,000.00) from private or United States government sources, or has an initial capital investment of not less than One Hundred Fifty Million Dollars ($150,000,000.00) from private or United States government sources together with all buildings and other supporting land and facilities, structures or improvements of whatever kind required or useful for construction, maintenance and operation of the enterprise and which creates at least one thousand (1,000) net new full-time jobs; or which creates at least one thousand (1,000) net new full-time jobs which provides an average salary, excluding benefits which are not subject to Mississippi income taxation, of
at least one hundred twenty-five percent (125%) of the most
recently published average annual wage of the state as determined
by the Mississippi Department of Employment Security. "Project"
shall also include any ancillary development or business resulting
from the enterprise, of which the authority is notified, within
three (3) years from the date that the enterprise entered into
commercial production, that the project area has been selected as
the site for the ancillary development or business.

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

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

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

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

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

2. "Project" shall also include any ancillary development or business resulting from an enterprise operating a project as defined in item 1 of this paragraph (f)(iv), of which the authority is notified, within three (3) years from the date that the enterprise entered into commercial production, that the state has been selected as the site for the ancillary development or business.
(v) Any manufacturing, processing or industrial project determined by the authority, in its sole discretion, to contribute uniquely and significantly to the economic growth and development of the state, and which meets the following criteria:

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

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

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

(vii) Any major capital project related to the establishment, improvement, expansion and/or other enhancement of any active duty military installation and having a minimum capital
investment from any source or combination of sources other than the State of Mississippi of at least Forty Million Dollars ($40,000,000.00), and which will create at least four hundred (400) military installation related full-time jobs, which jobs may be military jobs, civilian jobs or a combination of military and civilian jobs. The authority shall require that binding commitments be entered into requiring that the minimum requirements for the project provided for in this subparagraph shall be met not later than July 1, 2008.

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

1. The minimum requirements for the project provided for in this subparagraph shall be met; and
2. That if such commitments are not met, all
or a portion of the funds provided by the state for the project as
determined by the authority shall be repaid.

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

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

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

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

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

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

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

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

(xiii) Any major capital project with an initial capital investment from any source or combination of sources of not less than Ten Million Dollars ($10,000,000.00) which will create at least two hundred fifty (250) full-time jobs. The authority shall require that binding commitments be entered into requiring that:
1. The minimum requirements for the project provided for in this subparagraph shall be met; and

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

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

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

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

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

1. The minimum requirements for the project provided for in this subparagraph shall be met; and
2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

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

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

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

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

1. The minimum requirements for the project provided for in this subparagraph shall be met; and
2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

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

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

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

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

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

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

(xx) Any planned mixed use development located on not less than four thousand (4,000) acres of land that will consist of commercial, recreational, resort, tourism and residential development with a capital investment from private sources of not less than Four Hundred Seventy-five Million Dollars ($475,000,000.00) in the aggregate in any one (1) or any combination of tourism projects that will create at least three thousand five hundred (3,500) jobs in the aggregate. For the purposes of this paragraph (f)(xx), the term "tourism project" means and has the same definition as that term has in Section 57-28-1. In order to meet the minimum capital investment required under this paragraph (f)(xx), at least Two Hundred Thirty-seven Million Five Hundred Thousand Dollars ($237,500,000.00) of such investment must be made not later than June 1, 2015, and the remainder of the minimum capital investment must be made not later than June 1, 2017. In order to meet the minimum number of jobs required to be created under this paragraph (f)(xx), at least one thousand seven hundred fifty (1,750) of such jobs must be created...
not later than June 1, 2015, and the remainder of the jobs must be
created not later than June 1, 2017. The authority shall require
that binding commitments be entered into requiring that:

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

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

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

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

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

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

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

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

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

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

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

(xxv) Any enterprise owning or operating a facility for the manufacture of composite components for the aerospace industry which will have an investment from private
sources of not less than One Hundred Seventy-five Million Dollars ($175,000,000.00) by not later than December 31, 2015, and which will result in the full-time employment at the project site of not less than two hundred seventy-five (275) persons by December 31, 2011, and not less than four hundred twenty-five (425) persons by December 31, 2013, and not less than eight hundred (800) persons by December 31, 2017, all with an average annual compensation, excluding benefits which are not subject to Mississippi income taxes, of at least Fifty-three Thousand Dollars ($53,000.00). The authority shall require that binding commitments be entered into requiring that:

1. The minimum requirements for the project provided for in this subparagraph shall be met; and
2. That if such commitments are not met, all or a portion of the funds provided by the state for the project as determined by the authority shall be repaid.

(xxvi) Any enterprise owning or operating a facility for the manufacture of pipe which will have an investment from any source other than the State of Mississippi and its subdivisions of not less than Three Hundred Million Dollars ($300,000,000.00) by not later than December 31, 2015, and which will create at least five hundred (500) new full-time jobs within five (5) years after the start of commercial production and maintain such jobs for at least ten (10) years, all with an average annual compensation, excluding benefits which are not
subject to Mississippi income taxes, of at least Thirty-two Thousand Dollars ($32,000.00). The authority shall require that binding commitments be entered into requiring that:

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

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

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

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

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

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

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

2. It is anticipated that the project defined in this subparagraph (xxviii) will expand in three (3) additional phases, will create an additional five hundred (500) full-time
jobs meeting the above criteria in each phase, and will invest an additional Three Hundred Million Dollars ($300,000,000.00) per phase.

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

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

2. If such requirements are not met, all or a portion of the funds provided by the state for the project may, as determined by the authority, be subject to repayment by such
enterprise and/or its affiliates, together with any penalties or
damages required by the authority in connection therewith.

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

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

2. If such commitments are not met, all or a
portion of the funds provided by the state for the project may, as
determined by the authority, be subject to repayment by such
enterprise, together with any penalties or damages required by the
authority in connection therewith.
(g) (i) "Project area" means the project site, together with any area or territory within the state lying within sixty-five (65) miles of any portion of the project site whether or not such area or territory be contiguous; however, for the project defined in paragraph (f)(iv) of this section the term "project area" means any area or territory within the state. The project area shall also include all territory within a county if any portion of such county lies within sixty-five (65) miles of any portion of the project site. "Project site" means the real property on which the principal facilities of the enterprise will operate. The provisions of this subparagraph (i) shall not apply to a project as defined in paragraph (f)(xxi) of this section.

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

(h) "Public agency" means:

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

(ii) Any city, town, county, political subdivision, school district or other district created or existing under the laws of the state or any public agency of any such city, town, county, political subdivision or district or any other
public entity created or existing under local and private
legislation;

(iii) Any department, commission, agency or
instrumentality of the United States of America; and
(iv) Any other state of the United States of
America which may be cooperating with respect to location of the
project within the state, or any agency thereof.

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

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

(l) "Tier One supplier" means a supplier of a project
as defined in paragraph (f)(xxi) of this section that is certified
by the enterprise owning the project and creates a minimum of
fifty (50) new full-time jobs.

SECTION 493. Section 57-75-7, Mississippi Code of 1972, is
amended as follows:

57-75-7. (1) There is created within the Mississippi
Development Authority a division to be known as the "Mississippi
Major Economic Impact Authority" for the performance of essential
public functions. The Executive Director of the Mississippi
Development Authority or his designee shall be the director of the
authority.

(2) The director shall administer, manage and direct the
affairs and business of the authority.

SECTION 494. Section 57-75-9, Mississippi Code of 1972, is
brought forward as follows:

57-75-9. (1) The authority is hereby designated and
empowered to act on behalf of the state in submitting a siting
proposal for any project eligible for assistance under this act.
The authority is empowered to take all steps appropriate or
necessary to effect the siting, development, and operation of the
project within the state, including the negotiation of a
fee-in-lieu. If the state is selected as the preferred site for
the project, the authority is hereby designated and empowered to
act on behalf of the state and to represent the state in the
planning, financing, development, construction and operation of
the project or any facility related to the project, with the
concurrence of the affected public agency. The authority may take affirmative steps to coordinate fully all aspects of the submission of a siting proposal for the project and, if the state is selected as the preferred site, to coordinate fully, with the concurrence of the affected public agency, the development of the project or any facility related to the project with private business, the United States government and other public agencies. All public agencies are encouraged to cooperate to the fullest extent possible to effectuate the duties of the authority; however, the development of the project or any facility related to the project by the authority may be done only with the concurrence of the affected public agency.

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

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

(ii) The enterprise that is involved in the project concurs in such finding.
(b) When the requirements of paragraph (a) of this subsection are met:

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

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

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

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

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

(i) The authority shall advertise for a period of time to be set by the authority, but in no event less than one (1) business day, the date, time and place of a meeting with the authority to receive specifications on a request for proposals on excavation, fill dirt and compaction for the preparation of the site of the project defined in Section 57-75-5(f)(iv)1.
(ii) The authority shall set the minimum qualifications necessary to be considered for award of the contract and the advertisement shall set forth such minimum qualifications.

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

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

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

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

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

(c) Contracts by a public agency for site preparation, utilities, real estate improvements, infrastructure, roads or for public works for a project defined in Section 57-75-5(f)(xxiii), Section 57-75-5(f)(xxix) or Section 57-75-5(f)(xxx) may be exempt from the provisions of Section 31-7-13 and the following procedure shall be followed in the award of contracts:

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

(ii) The public agency shall set the minimum qualifications necessary to be considered for award of the contract and the advertisement shall set forth such minimum qualifications.
(iii) Following the meeting the public agency shall, in its discretion, which discretion may include participation by an enterprise involved in the project, select one or more of the qualified contractors with whom to negotiate or award the contract. The decision of the public agency concerning selection of the contractor shall be final.

(4) (a) Contracts, by the authority or a public agency, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project defined in Section 57-75-5(f)(xxvi), Section 57-75-5(f)(xxvii), Section 57-75-5(f)(xxviii), Section 57-75-5(f)(xxix) or Section 57-75-5(f)(xxx) shall be exempt from the provisions of Section 31-7-13 if:

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

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

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

(i) The requirements of Section 31-7-13 shall not apply to such contracts; and
(ii) The contracts may be entered into on the basis of negotiation with the authority or such public agency, and the authority or such public agency may, as part of such negotiations, further negotiate and require the level of participation by the enterprise involved in the project in the negotiation of such contracts.

(c) The company shall make commercially reasonable efforts to place out for bid, such that Mississippi Contractors and Mississippi Disadvantaged Business Enterprises ("DBEs") shall have an equal opportunity to respond to such bid, any contract by the company which (i) is subject to tax pursuant to Mississippi Code Section 27-65-21 (i.e., contracts for constructing, building, erecting, grading, excavating, etc.), and (ii) will be paid, or payment thereunder by the company will be reimbursed, using any portion of the grant proceeds or funds provided by the authority to the company in accordance with this agreement. In carrying out such efforts, in order to increase the pool of qualified DBE bidders, the company will request that successful prime contract bidders include in their response a commitment to (a) participate in and/or host forums that highlight subcontract bidding opportunities for DBEs; and (b) work with various trade associations and the Mississippi Development Authority to promote increased participation from DBEs. With respect to awarding any contract placed out for bid, the company shall be allowed to award such contract in the company's sole discretion (e.g., based upon...
optimization of quality, cost and efficiency or on any other basis as the company may see fit). MDA agrees that it will offer to eligible contractor DBEs that have an opportunity to work on the project assistance through its Minority Surety Bond Guaranty Program.

**SECTION 495.** Section 57-75-11, Mississippi Code of 1972, is brought forward as follows:

57-75-11. The authority, in addition to any and all powers now or hereafter granted to it, is empowered and shall exercise discretion and the use of these powers depending on the circumstances of the project or projects:

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

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

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

(d) To apply for, accept and utilize grants, gifts and other funds or aid from any source for any purpose contemplated by the act, and to comply, subject to the provisions of this act, with the terms and conditions thereof.
ST: Mississippi Development Authority; bring forward various sections of law relating to.

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

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

(f) To acquire by purchase or lease any public lands and public property, including sixteenth section lands and lieu lands, within the project area, which are necessary for the project. Sixteenth section lands or lieu lands acquired under this act shall be deemed to be acquired for the purposes of industrial development thereon and such acquisition will serve a higher public interest in accordance with the purposes of this act.
(g) If the authority identifies any land owned by the state as being necessary, for the location or use of the project, or any facility related to the project, to recommend to the Legislature the conveyance of such land or any interest therein, as the Legislature deems appropriate.

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

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

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

(ii) Unless minerals or royalties in minerals have been acquired by condemnation or otherwise, no person or persons owning the drilling rights or the right to share in production of minerals shall be prevented from exploring, developing, or producing oil or gas with necessary rights-of-way for ingress and egress, pipelines and other means of transporting interests on any land or interest therein of the authority held or used for the purposes of this act; but any such activities shall be under such reasonable regulation by the authority as will adequately protect the project contemplated by this act as provided in paragraph (r) of this section; and

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

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

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

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

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

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

(o) (i) To lease, sell or convey any or all property acquired by the authority under the provisions of this act to the Mississippi Development Authority; bring forward various sections of law relating to...
enterprise, its successors or assigns, and/or any entity for purposes in furtherance of economic development as determined by the authority, and in connection therewith to pay the costs of title search, perfection of title, title insurance and recording fees as may be required. The authority may provide in the instrument conveying such property a provision that such property shall revert to the authority if, as and when the property is declared by the transferee to be no longer needed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cc) To provide grant funds to an enterprise operating
a project defined in Section 57-75-5(f)(iv)1 in an amount not to
exceed Thirty-nine Million Dollars ($39,000,000.00).
(dd) (i) To own surface water transmission lines constructed with the proceeds of bonds issued pursuant to this act and in connection therewith to purchase and provide water to any project defined in Section 57-75-5(f)(iv) and to certificated water providers; and

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

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

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

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

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

(i) To provide grant funds or loans to a public agency or an enterprise owning, leasing or operating a project
defined in Section 57-75-5(f)(ii) in amounts not to exceed the
amount authorized in Section 57-75-15(3)(b);
(ii) To supervise the use of all such grant funds
or loans; and
(iii) To requisition money in the Mississippi
Major Economic Impact Authority Revolving Loan Fund in connection
with such loans.
(ii) In connection with projects defined under Section
57-75-5(f)(xiv):
(i) To provide grant funds or loans to an
enterprise owning, leasing or operating a project defined in
Section 57-75-5(f)(xiv); however, the aggregate amount of any such
loans under this paragraph (ii) shall not exceed Eighteen Million
Dollars ($18,000,000.00) and the aggregate amount of any such
grants under this paragraph (ii) shall not exceed Six Million
Dollars ($6,000,000.00);
(ii) To supervise the use of all such grant funds
or loans; and
(iii) Notwithstanding any provision of this act to
the contrary, such loans shall be for a term not to exceed twenty
years as may be determined by the authority, shall bear
interest at such rates as may be determined by the authority,
shall, in the sole discretion of the authority, be secured in an
amount and a manner as may be determined by the authority.
(jj) In connection with projects defined under Section 57-75-5(f)(xviii):

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

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

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

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

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

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

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

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

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

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

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

(i) To provide grant funds to reimburse public agencies, public or private nonprofits and Tier One suppliers for site preparation, real estate improvements, utilities, railroads, roads, infrastructure, job training, recruiting and any other expenses approved by the authority in amounts not to exceed the amount authorized in Section 57-75-15(3)(t);

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

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

(i) To provide grant funds to reimburse public agencies or an enterprise owning or operating a project as defined in Section 57-75-5(f)(xxii) for site preparation, real estate improvements, utilities, fire protection, wastewater, railroads, roads, infrastructure, job training, recruiting and any other expenses approved by the authority in amounts not to exceed the amount authorized in Section 57-75-15(3)(u); and
(ii) To supervise the use of all such grant funds so reimbursed.

(nn) It is the policy of the authority and the authority is authorized to accommodate and support any enterprise owning or operating a project defined in Section 57-75-5(f)(xvii), 57-75-5(f)(xxi), 57-75-5(f)(xxii), 57-75-5(f)(xxvi), 57-75-5(f)(xxvii), 57-75-5(f)(xxviii), 57-75-5(f)(xxix) or 57-75-5(f)(xxx) or an enterprise developing or owning a project defined in Section 57-75-5(f)(xx), that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USC 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this paragraph.

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

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

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

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

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

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

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ST: Mississippi Development Authority; bring forward various sections of law relating to.
(iii) Notwithstanding any provision of this act to the contrary, such loans shall be for a term not to exceed ten (10) years as may be determined by the authority, shall bear a rate of interest to be determined by the authority, and shall be secured in an amount and a manner as may be determined by the authority.

(rr) (i) To provide grant funds to an enterprise owning or operating a project defined in Section 57-75-5(f)(xxv) for reimbursement of costs incurred by the enterprise in reconfiguring the manufacturing plant and for the purchase of equipment, or for any other purpose related to the project as approved by the authority;

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

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

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

(ii) To provide loan guarantees in an amount not to exceed the total cost of the project for which financing is sought or Twenty Million Dollars ($20,000,000.00), whichever is less, for the purpose of encouraging the extension of conventional financing and the issuance of letters of credit to the enterprise owning or operating the project;
(iii) In connection with any loan guarantee made
pursuant to this paragraph, to make payments to lenders providing
financing to the enterprise owning or operating the project and
the enterprise shall be obligated to repay the amount of the
payment plus any expenses incurred by the state as a result of the
issuance of bonds pursuant to Section 57-75-15(3)(y);
(iv) To supervise the use of all such grant funds,
loan funds or payments; and
(v) To require the enterprise owning or operating
the project to provide security for the repayment obligation for
any loan guarantee authorized under this paragraph in an amount
and in a manner as may be determined by the authority.
(tt) In connection with projects defined under Section
57-75-5(f)(xxvii):
(i) To provide loans to a public agency in an
amount not to exceed Fifty Million Dollars ($50,000,000.00) for
the construction of a publicly owned building and acquisition of
equipment to be leased by the enterprise owning or operating the
project; and
(ii) To supervise the use of all such loan funds.
(uu) In connection with projects defined under Section
57-75-5(f)(xxviii):
(i) To provide grant funds to reimburse public
agencies or an enterprise operating a project for site
preparation, utilities, real estate purchase and improvements,
infrastructure, roads, rail improvements, public works, job
training and any other expenses approved by the authority in
amounts not to exceed the amount authorized in Section
57-75-15(3)(aa);
(ii) To supervise the use of all such grant funds
so reimbursed.
(vv) In connection with projects defined under Section
57-75-5(f)(xxix):
(i) To provide grant funds to reimburse or
otherwise defray the costs incurred by public agencies or an
enterprise operating a project for site preparation, utilities,
real estate purchases, purchase options and improvements,
infrastructure, roads, rail improvements, public works, buildings
and fixtures, job recruitment and training, as well as planning,
design, environmental mitigation and environmental impact studies
with respect to a project, and any other purposes approved by the
authority in amounts not to exceed the amount authorized in
Section 57-75-15(3(bb);
(ii) To provide loans to public agencies for site
preparation, utilities, real estate purchases, purchase options
and improvements, infrastructure, roads, rail improvements, public
works, buildings and fixtures, job recruiting and training, as
well as planning, design, environmental mitigation and
environmental impact studies with respect to a project, and any
other purposes approved by the authority in amounts not to exceed
the amount authorized in Section 57-75-15(3)(bb);

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

(iv) To the extent that the authority enters into
any construction or similar contract for site preparation work or
for the construction of any improvements on a project site, to
assign or otherwise transfer to an enterprise or affiliate thereof
that owns or operates such a project on such project site any and
all contractual, express or implied warranties of any kind arising
from such contract or work performed or materials purchased in
connection therewith, and cause any such contract to contain terms
and provisions designating such enterprise as a third-party
beneficiary under the contract.

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

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

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

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

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

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

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

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

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

6. Any other information required by the authority.
(ii) The authority shall require that binding commitments be entered into requiring that:

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

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

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

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

SECTION 496. Section 57-75-13, Mississippi Code of 1972, is brought forward as follows:

57-75-13. The Board of Trustees of State Institutions of Higher Learning is hereby authorized to support the project by creating institutes and developing curricula of direct benefit to the enterprise. Upon notification to the authority by the enterprise that the state has been selected as the site of the project, the Board of Trustees of State Institutions of Higher Learning may establish and create programs to enhance the project's success.

SECTION 497. Section 57-75-15, Mississippi Code of 1972, is brought forward as follows:
[Through June 30, 2022, this section shall read as follows:]  
57-75-15. (1) Upon notification to the authority by the enterprise that the state has been finally selected as the site for the project, the State Bond Commission shall have the power and is hereby authorized and directed, upon receipt of a declaration from the authority as hereinafter provided, to borrow money and issue general obligation bonds of the state in one or more series for the purposes herein set out. Upon such notification, the authority may thereafter, from time to time, declare the necessity for the issuance of general obligation bonds as authorized by this section and forward such declaration to the State Bond Commission, provided that before such notification, the authority may enter into agreements with the United States government, private companies and others that will commit the authority to direct the State Bond Commission to issue bonds for eligible undertakings set out in subsection (4) of this section, conditioned on the siting of the project in the state.  
(2) Upon receipt of any such declaration from the authority, the State Bond Commission shall verify that the state has been selected as the site of the project and shall act as the issuing agent for the series of bonds directed to be issued in such declaration pursuant to authority granted in this section.  
(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed
an aggregate principal amount in the sum of Sixty-seven Million Three Hundred Fifty Thousand Dollars ($67,350,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Seventy-seven Million Dollars ($77,000,000.00). The authority, with the express direction of the State Bond Commission, is authorized to expend any remaining proceeds of bonds issued under the authority of this act prior to January 1, 1998, for the purpose of financing projects as then defined in Section 57-75-5(f)(ii) or for any other projects as defined in Section 57-75-5(f)(ii), as it may be amended from time to time. No bonds shall be issued under this paragraph (b) until the State Bond Commission by resolution adopts a finding that the issuance of such bonds will improve, expand or otherwise enhance the military installation, its support areas or military operations, or will provide employment opportunities to replace those lost by closure or reductions in operations at the military installation or will support critical studies or investigations authorized by Section 57-75-5(f)(ii).

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

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

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

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

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

(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.
(i) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(x) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after April 1, 2005.

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

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

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

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

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

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

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

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

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

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

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

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

(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars ($88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.
(w) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiv) shall not exceed Thirteen Million Dollars ($13,000,000.00). No bonds shall be issued under this paragraph after July 1, 2020.

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

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

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

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

(bb) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxix) shall not exceed Two Hundred Sixty-three Million Dollars ($263,000,000.00). No bonds shall be issued under this paragraph after July 1, 2034.
Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxx) shall not exceed Eleven Million Dollars ($11,000,000.00). No bonds shall be issued under this paragraph after July 1, 2025.

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

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

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

(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of
expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;
(iv) Providing grants to enterprises operating projects defined in Section 57-75-5(f)(iv)1;
(v) Paying any warranty made by the authority regarding site work for a project defined in Section 57-75-5(f)(iv)1;
(vi) Defraying the cost of marketing and promotion of a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall submit an itemized list of costs incurred for marketing and promotion of such project to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;
(vii) Providing for the payment of interest on the bonds;
(viii) Providing debt service reserves;
(ix) Paying underwriters' discount, original issue discount, accountants' fees, engineers' fees, attorneys' fees, rating agency fees and other fees and expenses in connection with the issuance of the bonds;
(x) For purposes authorized in paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this subsection (4);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Except as otherwise provided in this subsection, the proceeds of bonds issued under this section for a project described in Section 57-75-5(f) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to the project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought. The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department.
of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars ($25,000.00) for each project. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

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

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

(7) The State Bond Commission shall act as issuing agent for the bonds, prescribe the form of the bonds, determine the appropriate method for sale of the bonds, advertise for and accept bids or negotiate the sale of the bonds, issue and sell the bonds, pay all fees and costs incurred in such issuance and sale, and do any and all other things necessary and advisable in connection with the issuance and sale of the bonds. The State Bond Commission may sell such bonds on sealed bids at public sale or may negotiate the sale of the bonds for such price as it may determine to be for the best interest of the State of Mississippi. The bonds shall bear interest at such rate or rates not exceeding the limits set forth in Section 75-17-101 as shall be fixed by the
State Bond Commission. All interest accruing on such bonds so issued shall be payable semiannually or annually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The authority shall request an appropriation or additional authority to issue general obligation bonds to repay the borrowed funds and establish a date for the repayment of the funds so borrowed.
(d) Borrowings made under the provisions of this subsection shall not exceed Five Hundred Thousand Dollars ($500,000.00) at any one time.

[From and after July 1, 2022, this section shall read as follows:]

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

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

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

(b) Bonds issued under the authority of this section
for projects as defined in Section 57-75-5(f)(ii) shall not exceed
Seventy-seven Million Dollars ($77,000,000.00). The authority,
with the express direction of the State Bond Commission, is
authorized to expend any remaining proceeds of bonds issued under
the authority of this act prior to January 1, 1998, for the
purpose of financing projects as then defined in Section
57-75-5(f)(ii) or for any other projects as defined in Section
57-75-5(f)(ii), as it may be amended from time to time. No bonds
shall be issued under this paragraph (b) until the State Bond
Commission by resolution adopts a finding that the issuance of
such bonds will improve, expand or otherwise enhance the military
installation, its support areas or military operations, or will
provide employment opportunities to replace those lost by closure
or reductions in operations at the military installation or will
support critical studies or investigations authorized by Section
57-75-5(f)(ii).

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

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

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

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

(g) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(viii) shall not exceed Four Million Five Hundred Thousand Dollars ($4,500,000.00). No bonds shall be issued under this paragraph after June 30, 2008.
(h) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(ix) shall not exceed Five Million Dollars ($5,000,000.00). No bonds shall be issued under this paragraph after June 30, 2007.

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

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

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

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

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

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

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

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

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

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

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

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

(u) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxii) shall not exceed Forty-eight Million Four Hundred Thousand Dollars ($48,400,000.00). No bonds shall be issued under this paragraph after July 1, 2020.
(v) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxiii) shall not exceed Eighty-eight Million Two Hundred Fifty Thousand Dollars ($88,250,000.00). No bonds shall be issued under this paragraph after July 1, 2009.

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

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

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

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

(aa) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxviii) shall not exceed One Hundred Thirty Million Dollars ($130,000,000.00). No bonds shall be issued under this paragraph after July 1, 2023.
(bb) Bonds issued under the authority of this section for projects defined in Section 57-75-5(f)(xxix) shall not exceed Two Hundred Sixty-three Million Dollars ($263,000,000.00). No bonds shall be issued under this paragraph after July 1, 2034.

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

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

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

   (ii) Defraying the cost of providing for the recruitment, screening, selection, training or retraining of employees, candidates for employment or replacement employees of the project and any related activity;
(iii) Reimbursing the Mississippi Development Authority for expenses it incurred in regard to projects defined in Section 57-75-5(f)(iv) prior to November 6, 2000. The Mississippi Development Authority shall submit an itemized list of expenses it incurred in regard to such projects to the Chairmen of the Finance and Appropriations Committees of the Senate and the Chairmen of the Ways and Means and Appropriations Committees of the House of Representatives;

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

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

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

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

(viii) Providing debt service reserves;
(ix) Paying underwriters' discount, original issue
discount, accountants' fees, engineers' fees, attorneys' fees,
rating agency fees and other fees and expenses in connection with
the issuance of the bonds;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The proceeds of bonds issued after June 21, 2002, under this section for projects described in Section
57-75-5(f)(iv) may be used to reimburse reasonable actual and
necessary costs incurred by the Department of Audit in providing
services related to a project for which funding is provided from
the use of proceeds of such bonds. The Department of Audit shall
maintain an accounting of actual costs incurred for each project
for which reimbursements are sought. The Department of Audit may
escalate its budget and expend such funds in accordance with rules
and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

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

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

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

(ii)  Except as otherwise provided in this subsection, the proceeds of bonds issued under this section for a project described in Section 57-75-5(f) may be used to reimburse reasonable actual and necessary costs incurred by the Department of Audit in providing services related to the project for which funding is provided from the use of proceeds of such bonds. The Department of Audit shall maintain an accounting of actual costs incurred for each project for which reimbursements are sought.
The Department of Audit may escalate its budget and expend such funds in accordance with rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds. Reimbursements under this paragraph shall not exceed Twenty-five Thousand Dollars ($25,000.00) for each project. Reimbursements under this paragraph shall satisfy any applicable federal tax law requirements.

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

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

(7) The State Bond Commission shall act as issuing agent for
the bonds, prescribe the form of the bonds, advertise for and
accept bids, issue and sell the bonds on sealed bids at public
sale, pay all fees and costs incurred in such issuance and sale,
and do any and all other things necessary and advisable in
connection with the issuance and sale of the bonds. The State
Bond Commission may sell such bonds on sealed bids at public sale
for such price as it may determine to be for the best interest of
the State of Mississippi, but no such sale shall be made at a
price less than par plus accrued interest to date of delivery of

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the bonds to the purchaser. The bonds shall bear interest at such
rate or rates not exceeding the limits set forth in Section
75-17-101 as shall be fixed by the State Bond Commission. All
interest accruing on such bonds so issued shall be payable
semiannually or annually; provided that the first interest payment
may be for any period of not more than one (1) year.

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

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

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

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

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

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

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

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

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

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

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

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

(b) In the event that all or any part of the bonds and notes are purchased, they shall be cancelled and returned to the loan and transfer agent as cancelled and paid bonds and notes and thereafter all payments of interest thereon shall cease and the cancelled bonds, notes and coupons, together with any other cancelled bonds, notes and coupons, shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the cancelled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.
(c) The State Treasurer shall determine and report to the Department of Finance and Administration and Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the sinking fund for the payment of the principal of and interest on the bonds and notes.

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

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

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

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

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

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

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

SECTION 498. Section 57-75-17, Mississippi Code of 1972, is brought forward as follows:

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

(a) To enter into agreements, which may extend over any period, with the authority respecting action to be taken by such public agency with respect to the acquisition, planning, construction, improvement, operation, maintenance or funding of the project or any such facility, and which agreements may include:

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

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

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

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

(b) To dedicate, sell, donate, convey or lease any property or interest in property to the authority or grant easements, licenses or other rights or privileges therein to the authority;

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

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

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

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

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

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

(i) To loan to the owner, lessee or operator of any project defined in Section 57-75-5(f)(ii) the proceeds of any loan from the authority to the public entity under the provisions of this act.

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

(3) Notwithstanding any provisions of this act to the contrary, any contract entered into between the authority and any public agency for the appropriation or payment of funds to the authority under item (a)(ii) or (a)(iv) of this section shall contain a provision therein requiring periodic payments by the public agency as required by the authority to pay its indebtedness and, if the public agency is not a county or municipality, such contract shall include as an additional party to the contract the county or municipality (referred to in this paragraph as "levying authority") that levies and collects taxes for the contracting public agency. If the public agency fails to pay its indebtedness for any month, the authority shall certify to the Department of Revenue, or other appropriate agency, the amount of the
delinquency, and the Department of Revenue shall deduct such amount from the public agency's or levying authority's, as the case may be, next allocation of sales taxes, petroleum taxes, highway privilege taxes, severance taxes, Tennessee Valley Authority payments in lieu of taxes and homestead exemption reimbursements in that order of priority. The Department of Revenue, or other appropriate agency, shall pay the sums so deducted to the authority to be applied to the discharge of the contractual obligation.

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

(5) (a) Before authorizing any loan to a public agency defined in Section 57-75-5(h)(ii), a local governmental unit, the governing authority of such local governmental unit in connection with a project defined in Section 57-75-5(f)(ii), shall adopt a resolution declaring its intention so to do, stating the amount of the loan proposed to be authorized and the purpose for which the loan is to be authorized, and the date upon which the loan will be authorized. Such resolution shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper.
published in such local governmental unit. The first publication
of such resolution shall be made not less than twenty-one (21)
days before the date fixed in such resolution for the
authorization of the loan and the last publication shall be made
not more than seven (7) days before such date. If no newspaper is
published in such local governmental unit, then such notice shall
be given by publishing the resolution for the required time in
some newspaper having a general circulation in such local
governmental unit and, in addition, by posting a copy of such
resolution for at least twenty-one (21) days next preceding the
date fixed therein at three (3) public places in such local
governmental unit. If fifteen percent (15%) of the qualified
electors of the local governmental unit or fifteen hundred (1500),
whichever is the lesser, file a written protest against the
authorization of such loan on or before the date specified in such
resolution, then an election on the question of the authorization
of such loan shall be called and held as otherwise provided for in
connection with the issuance of general obligation indebtedness of
such local governmental unit. Notice of such election shall be
given as otherwise required in connection with the issuance of
general obligation indebtedness of such local governmental unit.
If three-fifths (3/5) of the qualified electors voting in the
election vote in favor of authorizing the loan, then the governing
authority of the local governmental unit shall proceed with the
loan; however, if less than three-fifths (3/5) of the qualified
electors voting in the election vote in favor of authorizing the 
loan, then the loan shall not be incurred. If no protest be 
filed, then such loan may be entered into by the local 
governmental unit without an election on the question of the 
authorization of such loan, at any time within a period of two (2) 
years after the date specified in the resolution. However, the 
governing authority of any local governmental unit, in its 
discretion, may nevertheless call an election on such question, in 
which event it shall not be necessary to publish the resolution 
declaring its intention to authorize such loan as provided in this 
subsection.

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

(c) Upon the making of any such loan by the authority 
to any local governmental unit, such local governmental unit shall 
be held and be deemed to have agreed that if such governmental 
unit fails to pay the principal of, premium, if any, and interest 
on any such loan as when due and payable, such governmental unit 
shall have waived any and all defenses to such nonpayment, and the 
authority, upon such nonpayment, shall thereupon avail itself of 
all remedies, rights and provisions of law applicable in such 
circumstance, including without limitation any remedies or rights
theretofore agreed to by the local governmental unit, and that such loan shall for all of the purposes of this section, be held and be deemed to have become due and payable and to be unpaid. The authority may carry out the provisions of this section and exercise all of the rights and other applicable laws of this state.

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

(6) Any public agency providing any utility service or services, to any project defined in Section 57-75-5(f)(iv)1 may enter into leases or subleases for any period of time not to exceed thirty (30) years, in the capacity as lessor or lessee or sublessor or sublessee of lands alone, or lands and facilities located thereon, whether the facilities are owned by the owner of the land, a lessee, sublessee or a third party, and whether the public agency is a lessor, lessee or owner of the land. Any such
public agency may also enter into operating agreements and/or
lease-purchase agreements with respect to land or utility
facilities as owner, operator, lessor or lessee for any period of
time not to exceed thirty (30) years. Any such public agency may
also enter into contracts for the provision of utilities for any
period of time not to exceed thirty (30) years and may set a
special rate structure for such utilities.

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

(b) No mining activities on or under land which is part
of a project as defined in Section 57-75-5(f)(xxix) shall be
permitted by any public agency responsible for mining in the state
without the consent of the enterprise owning or operating such
project.

SECTION 499. Section 57-75-19, Mississippi Code of 1972, is
brought forward as follows:

57-75-19. The authority shall not undertake to develop any
project or facility related to the project within a county,
municipality and/or school district without the concurrence of the
affected county, municipality and/or school district.

SECTION 500. Section 57-75-21, Mississippi Code of 1972, is
brought forward as follows:

57-75-21. (1) (a) The authority shall set a goal to expend
not less than ten percent (10%) of the total amounts expended by
the authority on planning, construction, training, research,
development, testing, evaluation, personal services, procurement,
and for the operation and maintenance of any facilities or
activities controlled by such authority, with minority small
business concerns owned and controlled by socially and
economically disadvantaged individuals. For the purpose of
determining the total amounts expended with such minority small
business concerns, credit shall be given for that portion of any
prime contract entered into with the authority which inures to the
benefit of such minority small business concern as a subcontractor
thereunder.

(b) For the purposes of this section, the term
"socially and economically disadvantaged individuals" shall have
the meaning ascribed to such term under Section 8(d) of the Small
Business Act (15 USCS, Section 637(d)) and relevant subcontracting
regulations promulgated pursuant thereto.

(c) For the purposes of this section, the term
"minority small business concern" means any small business
concern:
(i) Which is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned businesses, at least fifty-one percent (51%) of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) Whose management and daily business operations are controlled by one or more of such individuals.

(d) For the purpose of this section, the term "small business concern" shall mean "small business" as the latter term is defined in Section 57-10-155, Mississippi Code of 1972.

(2) In order to comply in a timely manner with its minority small business participation mandate, the authority shall set an annual goal to expend not less than ten percent (10%) of its aggregate yearly expenditures with minority small business concerns.

(3) The authority shall:

(a) Monitor the minority small business concerns assistance programs prescribed in this section.

(b) Review and determine the business capabilities of minority small business concerns.

(c) Establish standards for a certification procedure for minority small business concerns seeking to do business with the authority.
(d) Provide technical assistance services to minority small business concerns. Such technical assistance shall include but not be limited to:

(i) Research;
(ii) Assistance in obtaining bonds;
(iii) Bid preparation;
(iv) Certification of business concerns;
(v) Marketing assistance; and
(vi) Joint venture and capital development.
(e) Develop alternative bidding and contracting procedures for minority small business concerns in conjunction with the State Fiscal Management Board and the Governor's Office of General Services.
(f) Utilize such alternative bidding and contracting procedures in lieu of those prescribed in Title 31, Chapters 5 and 7, Mississippi Code of 1972, when contracting with minority small business concerns that have qualified to bid for contracts and have satisfied any other disclosure provisions required by the authority.
(g) Be authorized to accept in lieu of any bond otherwise required from minority small business concerns or small business concerns contracting with the authority, in an amount equal to one hundred percent (100%) of the total cost of the contracted project, any combination of the following:

(i) Cash;
(ii) Certificates of deposit from any bank or banking corporation insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(iii) Federal treasury bills;

(iv) Letters of credit issued by a bank as that term is defined in Section 81-3-1, Mississippi Code of 1972; or

(v) Surety bonds issued by an insurance company licensed and qualified to do business in the State of Mississippi.

(h) Be authorized, in its discretion, to waive any bond required on any project which does not exceed a total dollar value of One Hundred Thousand Dollars ($100,000.00). A retainage shall be held by the authority in an amount not to exceed fifteen percent (15%) from each draw according to American Institute of Architects (AIA) standards. Upon satisfactory completion of such project, ten percent (10%) of the total cost of the contract shall be held in an interest-bearing escrow account for one (1) year. Funds deposited in such escrow account shall stand as a surety for any defects in workmanship or materials detected within twelve (12) months of completion. The balance of all monies so escrowed including accrued interest shall be paid to the contractor at the end of such twelve-month period.

(i) Be empowered to provide an incentive of bimonthly payments to any prime contractors utilizing minority small business concerns as subcontractors on twenty-five percent (25%)
or more of the total dollar value of any single project or contract.

(j) Submit an annual report on its progress concerning minority small business contracts to the Legislature by January 30 of each year.

(k) Take all steps necessary to implement the provisions of this section.

**SECTION 501.** Section 57-75-22, Mississippi Code of 1972, is brought forward as follows:

57-75-22. Any highways or highway segments constructed or improved by the Mississippi Department of Transportation under the provisions of this chapter for a project as defined in Section 57-75-5(f)(iv) shall become a state highway and shall be placed under the jurisdiction of the Mississippi Transportation Commission for construction and maintenance.

**SECTION 502.** Section 57-75-23, Mississippi Code of 1972, is brought forward as follows:

57-75-23. The provisions of this act are cumulative of other statutes now or hereafter enacted relating to the authority, and the authority may exercise all presently held powers in the furtherance of this act. If any section, paragraph, sentence, clause, phrase or any part of the provisions of this act is declared to be unconstitutional or void, or for any reason is declared to be invalid or of no effect, the remaining sections,
paragraphs, sentences, clauses and phrases shall in no manner be affected thereby but shall remain in full force and effect.

**SECTION 503.** Section 57-75-25, Mississippi Code of 1972, is brought forward as follows:

57-75-25. No member of the Legislature, elected official or appointed official, or any partner or associate of any member of the Legislature, elected official or appointed official, shall derive any income from the issuance of any bonds under this act contrary to the provisions of Section 109, Mississippi Constitution of 1890, or Article 3, Chapter 4, Title 25, Mississippi Code of 1972.

**SECTION 504.** Section 57-75-27, Mississippi Code of 1972, is amended as follows:

57-75-27. Notwithstanding any provision of Chapter 61, Title 57, Mississippi Code of 1972, to the contrary, the Mississippi Major Economic Impact Authority shall certify to the * * * Mississippi Development Authority the amount of money necessary for the Major Economic Impact Authority to purchase land in fee simple to provide a buffer zone for the National Aeronautics and Space Administration facility to be constructed in Tishomingo County, which amount shall not be more than Seven Million Dollars ($7,000,000.00); and the department shall, if funds have not otherwise been made available, provide a grant to the authority for such amount out of the proceeds of bonds issued under the Mississippi Business Investment Act. Any funds remaining
unexpended after the purchase of land hereunder shall be deposited in the Mississippi Business Investment Sinking Fund. No funds in excess of the amount authorized in this section shall be expended pursuant to the Mississippi Business Investment Act for or in connection with the National Aeronautics and Space Administration facility to be constructed in Tishomingo County.

SECTION 505. Section 57-75-33, Mississippi Code of 1972, is brought forward as follows:

57-75-33. The board of supervisors of a county or the governing authorities of a municipality may each enter into an agreement with an enterprise operating a project as defined in Section 57-75-5(f)(iv), Section 57-75-5(f)(xxi), Section 57-75-5(f)(xxii), Section 57-75-5(f)(xxviii) or Section 57-75-5(f)(xxix), providing that the county or municipality will not levy any taxes, fees or assessments upon the enterprise other than taxes, fees or assessments that are generally levied upon all taxpayers, or all other taxpayers in the taxing districts in which such project is located, and the board of supervisors or the governing authorities also may each enter into a fee-in-lieu agreement as provided in Section 27-31-104 and/or Section 27-31-105(2). Such agreements may be for a period not to exceed thirty (30) years, except that any fee-in-lieu agreement entered into under this section and Section 27-31-104 and/or Section 27-31-105(2) shall become effective upon its execution by the enterprise and the county board of supervisors and/or municipal
governing authorities, as the case may be, in accordance with Section 27-31-104, and continue in effect until all fee-in-lieu periods granted thereunder have expired; however, the period during which any fee-in-lieu may be granted under this section shall not exceed thirty (30) years, and no particular parcel of land, real property improvement or item of personal property shall be subject to a fee-in-lieu for a duration of more than ten (10) years.

**SECTION 506.** Section 57-75-35, Mississippi Code of 1972, is brought forward as follows:

57-75-35. The board of supervisors of a county or the governing authorities of a municipality may enter into an agreement with an enterprise operating a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or 57-75-5(f)(xxii), providing that the board of supervisors or governing authorities will agree in advance to approve any request for exemption from ad valorem taxes submitted by a supplier of such enterprise in the manner provided by law and that any such exemption shall be for a period of ten (10) years. Such an agreement on the part of the board of supervisors or governing authorities may be for a period not to exceed twenty (20) years.

**SECTION 507.** Section 57-75-37, Mississippi Code of 1972, is brought forward as follows:

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

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

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

(ii) In order to provide the amounts set forth in paragraph (a)(i) of this subsection (1), any such county may appropriate monies from the county's general funds or provide such amounts from the proceeds of general obligation bonds, or any combination of the foregoing. Any such county may issue the bonds for such purpose pursuant to the procedures for the issuance of bonds under Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

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

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

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

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

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

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

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

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

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

(c) In order to provide the amounts set forth in
paragraph (b) of this subsection, any such county may appropriate
monies from the county's general funds or provide such amounts
from the proceeds of general obligation bonds, or any combination
of the foregoing. Any such county may issue the bonds for such
purpose pursuant to the procedures for the issuance of bonds under
Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.
(d) In any county in which there is to be located a project, the governing authorities of any public agency may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   (iv) Make one or more periodic grants or other contributions of funds to an enterprise or affiliate thereof owning and/or operating a project in such amount or amounts approved by such governing authority, and enter into an agreement with such enterprise to make such periodic grants or other contributions of funds; however, the duration of any such obligation of the public agency to make such grants or other contributions shall not exceed thirty (30) years.

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

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

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

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

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

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

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

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

SECTION 508. Section 57-77-1, Mississippi Code of 1972, is
brought forward as follows:

57-77-1. This chapter shall be known, and may be cited, as

SECTION 509. Section 57-77-2, Mississippi Code of 1972, is
brought forward as follows:
57-77-2. The Legislature finds that the Venture Capital Act of 1994, Sections 57-77-1 through 57-77-39, Mississippi Code of 1972, has not been implemented in accordance with the legislative intent. The Legislature finds that the Venture Capital Act of 1994 needs to be amended for the purpose of clarifying the legislative intent and for the further purpose of ensuring public trust in the venture capital loan program by providing safeguards in the operation of the program and over the proper administration of the use of public funds. The Legislature finds that persons are purporting to serve on the Magnolia Capital Corporation Board of Directors and the Magnolia Venture Capital Corporation Board of Directors in violation of the legislative intent of the Venture Capital Act of 1994. Pursuant to Section 178 of the Mississippi Constitution of 1890, the Legislature finds that it is in the public interest to amend the charters of incorporation of the Magnolia Capital Corporation and the Magnolia Venture Capital Corporation which were authorized to be formed under the provisions of the Venture Capital Act of 1994, and the amendments made to Sections 57-77-9 and 57-77-11 by Chapter 563, Laws of 1998, shall be amendments to the charters of incorporation of the Magnolia Capital Corporation and the Magnolia Venture Capital Corporation.

SECTION 510. Section 57-77-3, Mississippi Code of 1972, is brought forward as follows:
57-77-3. It is the purpose of this chapter to establish the Magnolia Capital Corporation, the Magnolia Venture Capital Corporation and the Magnolia Venture Capital Fund Limited Partnership for the purposes of increasing the rate of capital formation; stimulating new growth-oriented business formations; creating new jobs for Mississippi; developing new technology; enhancing tax revenue for the state; and supplementing conventional business financing. The Magnolia Capital Corporation, the Magnolia Venture Capital Corporation, and the Magnolia Venture Capital Fund Limited Partnership shall be instrumentalities of the State of Mississippi and their operations and activities shall be subject to review by the State Auditor of Public Accounts, the Attorney General of Mississippi, the Mississippi Ethics Commission, the Joint Legislative Committee on Performance Evaluation and Expenditure Review, and any other state officer or agency as provided by law. Funds obtained from the special fund in the State Treasury known as the Venture Capital Fund and any earnings on such amounts, which are held and disbursed by the Magnolia Capital Corporation, the Magnolia Venture Capital Corporation and/or the Magnolia Venture Capital Fund Limited Partnership, except funds invested by private limited partners, shall remain, and shall be considered to be, public funds. Funds loaned by the department pursuant to Section 57-77-17, and all earnings on such funds shall remain, and shall be considered to be, public funds. Except as provided in Section
57-77-33(7), it is, and has always been, the intent of the Legislature that nothing in this chapter shall be construed to waive the sovereign immunity of the State of Mississippi or the department pursuant to either state law or the Eleventh Amendment to the United States Constitution. It is, and has always been, the intent of the Legislature that no action by the State of Mississippi or by the department, or by any officer or agent of the State of Mississippi or of the department, shall be considered a waiver of the sovereign immunity of the State of Mississippi or the department pursuant to either state law or the Eleventh Amendment to the United States Constitution. It is, and has always been, the intent of the Legislature that the entering into of any contract, loan agreement, pledge agreement, or other instrument by the State of Mississippi or the department shall not be considered a waiver of the sovereign immunity of the State of Mississippi pursuant to either state law or the Eleventh Amendment to the United States Constitution. It is, and has always been, the intent of the Legislature that the sovereign immunity of the State of Mississippi pursuant to either state law or the Eleventh Amendment to the United States Constitution may only be waived by express authorization set forth in an enactment of the Mississippi Legislature.

SECTION 511. Section 57-77-5, Mississippi Code of 1972, is amended as follows:
57-77-5. The following words shall have the meaning ascribed
derin unless the context clearly requires otherwise:

(a) "Fund" means the Magnolia Venture Capital Fund

(b) "Corporation" means the Magnolia Capital

(c) "Qualified investment" means a qualified interest,

which interest is purchased solely for cash in an amount not less

than Ten Thousand Dollars ($10,000.00) for individuals; and not

less than Fifty Thousand Dollars ($50,000.00) for corporations.

(d) "General partner" means the Magnolia Venture

Capital Corporation.

(e) "Qualified interest" means, in the case of the

Magnolia Venture Capital Corporation, a general partnership

interest in the fund and, in the case of all other persons, a

limited partnership interest in the fund.

(f) "State tax liability" means a taxpayer's total

income tax liability that is incurred under the Mississippi Income

Tax Law before applying the credits provided by Section

27-7-22.11.

(g) "Taxpayer" means any individual, corporation,

partnership, trust or other entity that has any state tax

liability and has made a qualified investment.
(h) "Venture capital" means investments in either common stock, preferred stock, or bonds convertible to either common or preferred stock, or options, warrants or rights to receive any of the foregoing, or any other similar investment in or loan to a Mississippi business.

(i) "Mississippi business" means a corporation, general partnership, limited partnership, joint venture, trust, proprietorship or any other similar entity or organization which is either established and operating, or will be established to operate, in Mississippi.

(j) "Start-up business" means a Mississippi business which is in the first thirty-six (36) months of providing goods or services in the ordinary course of business or a Mississippi business which qualified as a start-up business under this definition at the time it entered the venture capital fund portfolio.

(k) "Program" means the venture capital loan program established in this chapter.

(l) "Seller" means the State Bond Commission.

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

(n) "General Fund" means the General Fund of the State of Mississippi.

(o) "Loan" means a loan by the department to Magnolia Capital Corporation in accordance with this chapter.
"Appointing authority" means the Governor or the Lieutenant Governor, as appropriate, in appointing members to the Board of Directors of the Magnolia Venture Capital Corporation.

SECTION 512. Section 57-77-7, Mississippi Code of 1972, is brought forward as follows:

57-77-7. A taxpayer is entitled to a credit, determined in accordance with Section 27-7-22.11, which must be applied against the state tax liability which may be imposed on the taxpayer.

SECTION 513. Section 57-77-9, Mississippi Code of 1972, is amended as follows:

57-77-9. (1) The Magnolia Capital Corporation shall be formed and operated pursuant to the laws of this state. The articles of incorporation, bylaws and any other agreement relating to the organization or operation of the corporation must comply with the provisions set forth in this section. The corporation will be a not-for-profit corporation.

(2) The executive director of the department shall cause the corporation to be formed, and he shall designate the incorporators. The initial board of directors shall consist of thirteen (13) members, all of whom will be appointed by the executive director of the department. Except as otherwise provided in this subsection (2), members of the initial board of directors shall serve staggered terms as follows: four (4) for terms of five (5) years each, three (3) for terms of four (4) years each, three (3) for terms of three (3) years each and three
(3) for terms of two (2) years each. The terms of the members of the board of directors in place (including any initial directors and successors) before April 17, 1998, shall expire on April 17, 1998, and such persons shall cease to serve on the board of directors and shall relinquish all powers and control of the corporation and assets of the corporation. From and after April 17, 1998, the board of directors shall consist of three (3) members who shall be the State Treasurer, the Attorney General and Secretary of State. If the position on the board of directors held by the State Treasurer, Attorney General or Secretary of State, becomes vacant through death, resignation or otherwise, the position will be filled by the person acting as State Treasurer, Attorney General or Secretary of State, as appropriate, until the Office of State Treasurer, Attorney General or Secretary of State, as appropriate, is filled in the manner provided by law. The directors may not receive per diem.

(3) The articles of incorporation shall provide that the name of the corporation is the "Magnolia Capital Corporation," and the registered agent shall be designated by the executive director of the department. The corporation's existence begins upon filing of the articles of incorporation. The corporation's existence is perpetual, unless dissolved as provided herein. The general nature of the business of the corporation is to serve as the sole stockholder of the Magnolia Venture Capital Corporation.

Consistent with the provisions of this chapter, the bylaws, the
organizational minutes, the election of officers, and any other actions appropriate or necessary for the organization and operation of the corporation shall be of that form and content as determined by the board of directors. Nothing contained in this chapter may prohibit the board of directors of the corporation from altering, amending or otherwise modifying the articles of incorporation, bylaws or any other agreement governing the corporation as otherwise permitted under the laws of this state, except that the method of electing directors may not be amended, altered or otherwise modified or restricted; except that the general nature of the business of the corporation may not be amended, altered or otherwise modified or restricted; and except that the corporation may be dissolved, merged or otherwise cease to exist pursuant to the appropriate vote of the board of directors. The executive director of the department may expend any discretionary funds he has available and considers appropriate for the purpose of organizing the corporation.

(4) In addition to other powers and duties, the corporation may take all actions it deems necessary to carry out the provisions of this chapter, and the board of directors shall meet at least one (1) time on a quarterly basis to assess the venture capital loan program and whether or not the provisions of this chapter are being complied with. In addition to any other powers and duties, if the corporation determines, as evidenced by a majority vote of the board of directors, that any member of the
Magnolia Venture Capital Corporation's Board of Directors is not performing the duties of such member in a manner consistent with the provisions of this chapter, the corporation may recommend to the appropriate appointing authority that such member of the Magnolia Venture Capital Corporation's Board of Directors be replaced.

(5) As soon as legally permissible after April 17, 1998, the corporation shall direct the Board of Directors of the Magnolia Venture Capital Corporation to dissolve the Magnolia Venture Capital Corporation and the fund.

SECTION 514. Section 57-77-11, Mississippi Code of 1972, is brought forward as follows:

57-77-11. (1) The Magnolia Venture Capital Corporation shall be formed and operated pursuant to the laws of this state. The articles of incorporation, bylaws and any other agreement relating to the organization or operation of the Magnolia Venture Capital Corporation must comply with the provisions set forth in this section. The Magnolia Venture Capital Corporation will be a for-profit corporation.

(2) The executive director of the department shall cause the Magnolia Venture Capital Corporation to be formed, and he shall designate the incorporators. The initial board of directors shall consist of five (5) members, all of whom will be appointed by the executive director of the department. Except as otherwise provided in this subsection (2), members of the initial board of
directors shall serve staggered terms as follows: three (3) for
terms of five (5) years each and two (2) for terms of three (3)
years each. The terms of the members of the board of directors in
place (including any initial directors and successors) before
April 17, 1998, shall expire on April 17, 1998, and such persons
shall cease to serve on the board of directors and shall
relinquish all powers and control of the corporation and assets of
the corporation. From and after April 17, 1998, the board of
directors shall be composed of five (5) members, three (3) of whom
shall be appointed by the Governor and two (2) of whom shall be
appointed by the Lieutenant Governor. Members of the initial
board, appointed from and after April 17, 1998, shall serve
staggered terms as follows: one (1) member appointed by the
Governor for a term of one (1) year, one (1) member appointed by
the Governor for a term of two (2) years, one (1) member appointed
by the Governor for a term of three (3) years, one (1) member
appointed by the Lieutenant Governor for a term of four (4) years,
and one (1) member appointed by the Lieutenant Governor for a term
of five (5) years. If the position of an initial director,
appointed from and after April 17, 1998, becomes vacant through
death, resignation or otherwise, the appropriate appointing
authority shall appoint another person to complete the unexpired
term. If the position of a successor director becomes vacant
through death, resignation or otherwise, the appropriate
appointing authority shall appoint another person to complete the
unexpired term. After the terms of the initial directors, appointed from and after April 17, 1998, expire, successors shall be chosen by the appropriate appointing authority and shall serve for terms of five (5) years. The appropriate appointing authority may remove a member of the board of directors if, in the opinion of the appointing authority, the board member is not performing his or her duties in a manner consistent with the provisions of this chapter. Members of the initial board, appointed from and after April 17, 1998, and successor directors are eligible to succeed themselves if reappointed by the appropriate appointing authority. The Speaker of the House of Representatives shall appoint two (2) nonvoting advisory members to the board. Such nonvoting advisory members shall serve for terms concurrent with the term of the Speaker of the House of Representatives. If the position of an advisory member becomes vacant through death, resignation or otherwise, the Speaker shall appoint another person to complete the unexpired term. Members of the board shall receive a per diem as provided in Section 25-3-69, for each day or fraction thereof in performance of their duties, and shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in Section 25-3-41. Members of the board shall receive no compensation other than that provided in this subsection (2). If a director is a full-time state employee, he may not receive per diem.
(3) The articles of incorporation shall provide that the name of the entity is the "Magnolia Venture Capital Corporation," and the registered agent shall be designated by the executive director of the department. The Magnolia Venture Capital Corporation's existence begins upon filing of the articles of incorporation. The Magnolia Venture Capital Corporation's existence is perpetual, unless dissolved as provided herein. The Magnolia Venture Capital Corporation is authorized to issue shares of a number, class and par or no-par value as provided in its articles of incorporation. The general nature of the business of the Magnolia Venture Capital Corporation is to serve as general partner of the Magnolia Venture Capital Fund Limited Partnership, to provide venture capital to Mississippi businesses, to provide financing to high-growth oriented businesses, and to undertake any acts appropriate or necessary to carry out the foregoing. Consistent with the provisions of this chapter, the bylaws, the organizational minutes, the election of officers, the issuance of any stock of the Magnolia Venture Capital Corporation, and any other actions appropriate or necessary for the organization and operation of the Magnolia Venture Capital Corporation shall be of that form and content as determined by the board of directors. Nothing contained in this chapter may prohibit the shareholders or board of directors of the corporation from altering, amending or otherwise modifying the articles of incorporation, bylaws or any other agreement governing the Magnolia Venture Capital Corporation.
as otherwise permitted under the laws of this state, except that
the method of electing directors shall not be amended, altered or
otherwise modified; except that the general nature of the business
of the Magnolia Venture Capital Corporation may not be amended,
altered or otherwise modified or restricted; and except that the
Magnolia Venture Capital Corporation may be dissolved, merged or
otherwise cease to exist pursuant to the appropriate vote of the
board of directors and shareholders. The executive director of
the department may expend any discretionary funds he has available
and considers appropriate for the purpose of organizing the
Magnoila Venture Capital Corporation and promoting the sale of the
qualified investments.

(4) The Magnolia Venture Capital Corporation shall cause the
fund to be formed as a limited partnership. The partnership
agreement relating to the organization and operation of the fund
must be of that form and content as determined by the Board of
Directors of the Magnolia Venture Capital Corporation. The
Magnolia Venture Capital Corporation shall be the sole general
partner of the fund, and the initial limited partner shall be a
person or entity designated by the Magnolia Venture Capital
Corporation's Board of Directors. Additional limited partners may
be admitted to the fund in accordance with the terms of the
partnership agreement.

(5) Except as otherwise provided in subsection (8), the fund
shall raise funds to provide financing to high-growth oriented
businesses. A "high-growth oriented business" is a corporation, general partnership, limited partnership, joint venture, trust, proprietorship, or other similar entity or organization which is expected to experience significant sales growth over the subsequent five-year period. All investments made from investment monies raised by the fund, for which the tax credit provided by this chapter is allowed and for which the tax credit is made available by the fund in the prospectus or offering, must be made to provide venture capital to Mississippi businesses, this venture capital to be used primarily for the purpose of enhancing the production capacity of these businesses or their ability to do business in Mississippi. Seventy percent (70%) of these investment monies acquired by the fund for which the tax credit is allowed and available must be invested to provide venture capital financing of start-up businesses. The remaining thirty percent (30%) may be invested as the general partner of the fund determines to provide capital to Mississippi businesses.

(6) (a) No business may be transacted or indebtedness incurred (not including indebtedness authorized to be incurred in Sections 57-77-15 and 57-77-17) except that as is incidental to the organization of the Magnolia Venture Capital Corporation or of the fund or to obtaining subscriptions to or payment for qualified interests, until consideration of Four Million Five Hundred Thousand Dollars ($4,500,000.00) has been paid as a capital investment by a private investor or private investors to Magnolia.
Venture Capital Corporation or to the fund. It is the intent of the Legislature that the Magnolia Venture Capital Corporation and/or the fund shall always maintain a capital investment from a private investor or private investors of at least Four Million Five Hundred Thousand Dollars ($4,500,000.00). If the Magnolia Venture Capital Corporation and/or the fund fail to obtain a capital investment from a private investor or private investors of at least Four Million Five Hundred Thousand Dollars ($4,500,000.00), or if after having obtained such investment, the total of the private capital investments ever falls below Four Million Five Hundred Thousand Dollars ($4,500,000.00), Magnolia Venture Capital Corporation and the fund shall suspend making investments and incurring indebtedness, and, if so directed by Magnolia Capital Corporation, the Board of Directors of Magnolia Venture Capital Corporation shall dissolve Magnolia Venture Capital Corporation and the fund in the manner provided by law and direct that all sums, causes of action and other assets held by the Magnolia Venture Capital Corporation and the fund be paid and/or assigned to the State Treasurer who shall administer such sums and other assets as provided by law.

(b) If directed by Magnolia Capital Corporation pursuant to Section 57-77-9(5), the Board of Directors of Magnolia Venture Capital Corporation shall dissolve Magnolia Venture Capital Corporation and the fund in the manner provided by law and direct that all sums, causes of action and other assets held by
the Magnolia Venture Capital Corporation and the fund be paid
and/or assigned to the State Treasurer who shall administer such
sums and other assets as provided by law.

(7) All securities issued by either the Mississippi Venture
Capital Corporation or the fund shall be exempt securities with
regard to the Mississippi Uniform Securities Act.

SECTION 515. Section 57-77-13, Mississippi Code of 1972, is
brought forward as follows:

57-77-13. Magnolia Venture Capital Corporation, but not the
shareholders thereof, is exempt from all state income taxes and
corporate license fees.

SECTION 516. Section 57-77-15, Mississippi Code of 1972, is
brought forward as follows:

57-77-15. The Magnolia Capital Corporation shall make
application for a loan to the department in a form satisfactory to
the department.

SECTION 517. Section 57-77-17, Mississippi Code of 1972, is
brought forward as follows:

57-77-17. The department shall lend funds under this chapter
to Magnolia Capital Corporation in accordance with the following
terms and conditions:

(a) Loan funds received by Magnolia Capital Corporation
in accordance with this chapter shall remain, and shall be
considered to be, public funds and shall be used for the purpose
of providing venture capital to Mississippi businesses through the
Mississippi Venture Capital Fund Limited Partnership;

(b) The loan agreement between the department and
Magnolia Capital Corporation shall contain language necessary to
effect the escrow of a portion of the loan in an account for the
benefit of the department which, when the monies are invested in
zero coupon bonds for a period not to exceed fifteen (15) years,
shall mature at a value equal to or greater than one hundred
percent (100%) of the total principal amount loaned to Magnolia
Venture Capital Corporation;

(c) The interest rate on the loan to Magnolia Capital
Corporation shall be set by the executive director of the
department; and

(d) Funds received by the Magnolia Venture Capital
Corporation and/or the Magnolia Venture Capital Fund Limited
Partnership shall be subject to any loan agreement made between
the department and the Magnolia Capital Corporation pursuant to
this chapter; and, in the event of default on such loan agreement,
such funds shall, upon demand of the department, be returned to
the Venture Capital Fund in the State Treasury, regardless of
whether or not the Magnolia Venture Capital Corporation or the
Magnolia Venture Capital Fund Limited Partnership was a party to
any loan agreement evidencing any such loan.

SECTION 518. Section 57-77-19, Mississippi Code of 1972, is
brought forward as follows:

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57-77-19. The department shall assist the Magnolia Capital Corporation with such corporation's compliance with the program provided for in this chapter.

**SECTION 519.** Section 57-77-21, Mississippi Code of 1972, is brought forward as follows:

57-77-21. Magnolia Capital Corporation shall submit the following reports to the department:

(a) An annual audit of loan funds received in connection with the program;

(b) Quarterly reports describing all venture capital assistance provided to businesses by Magnolia Venture Capital Corporation and the fund, such reports to include at least the following: a description of the business receiving assistance, the project to be assisted and the purpose of such assistance; a description of each loan and equity investment, including the terms and conditions thereof and use of the venture fund's assistance by the business; history of the assistance pool, including amounts expended for administration and management, principal amount of equity investments, losses, loans and other relevant data.

**SECTION 520.** Section 57-77-23, Mississippi Code of 1972, is brought forward as follows:

57-77-23. Subject to the provisions of this section, Magnolia Capital Corporation and Magnolia Venture Capital Corporation are hereby authorized to engage legal counsel,
accountants, financial advisors, appraisers, consultants and
others as needed in connection with providing venture capital to
businesses pursuant to this chapter, and to charge the costs of
these services to the businesses receiving such assistance or
charge the proceeds of such assistance therefor. However, no such
professional services may be engaged unless done so through action
taken by a validly appointed board of directors having the legal
authority to engage such services. To the extent required by the
department, such professional services shall be engaged on a
statewide program basis.

SECTION 521. Section 57-77-25, Mississippi Code of 1972, is
brought forward as follows:

57-77-25. (1) The department shall adopt and publish the
eligibility criteria for Magnolia Capital Corporation to
participate in the program as set forth in this chapter, a
timetable and process for review of applications from Magnolia
Capital Corporation, and program report forms, all in accordance
with this chapter; provided, however, that Magnolia Venture
Capital Corporation shall recommend to Magnolia Capital
Corporation the approval of assistance under this chapter, and
Magnolia Capital Corporation shall have sole authority over the
approval of assistance provided under this chapter, and Magnolia
Venture Capital Corporation shall have sole authority over the
management of the assistance provided under this chapter.
(2) Magnolia Venture Capital Corporation shall prepare and adopt such uniform applications, forms, procedures and requirements for use in connection with the program as it deems necessary and appropriate.

SECTION 522. Section 57-77-27, Mississippi Code of 1972, is brought forward as follows:

57-77-27. No assistance shall be provided to a business under this chapter unless the business certifies to the Magnolia Venture Capital Corporation, in a form satisfactory to the department, that it will not discriminate against any employee or against any applicant for employment because of race, religion, color, national origin, sex or age.

SECTION 523. Section 57-77-29, Mississippi Code of 1972, is brought forward as follows:

57-77-29. (1) There is hereby created a special fund in the State Treasury, to be known as the Venture Capital Fund, out of which loans to Magnolia Capital Corporation authorized in connection with the program shall be disbursed. All monies received by issuance of bonds to carry out the purposes of this chapter shall be deposited into the Venture Capital Fund. No funds in the Venture Capital Fund, no funds transferred from the Venture Capital Fund to the department for subsequent transfer to the Magnolia Capital Corporation, no funds transferred to the Magnolia Capital Corporation, and no funds transferred by the Magnolia Capital Corporation to the Magnolia Venture Capital
Corporation and/or the Magnolia Venture Capital Fund Limited Partnership may be used to provide financing for, or to contract for goods or services with, any business in which a director, employee, or limited partner of the Magnolia Capital Corporation, the Magnolia Venture Capital Corporation or the Magnolia Venture Capital Fund Limited Partnership, or the spouse of any such director, employee or limited partner has a direct or indirect interest. No funds in the Venture Capital Fund, no funds transferred from the Venture Capital Fund to the department for subsequent transfer to the Magnolia Capital Corporation, no funds transferred to the Magnolia Capital Corporation, and no funds transferred by the Magnolia Capital Corporation to the Magnolia Venture Capital Fund Limited Partnership may be used to provide financing for, or to contract for goods or services with, any business in which a person who has been engaged pursuant to Section 57-77-23 or the spouse of such person has a direct or indirect interest.

(2) All funds repaid to the State Treasury under this chapter or designated hereunder for repayment of any bonds issued under this chapter shall be delivered to the State Treasurer for deposit in the State General Fund. Any monetary assets received pursuant to Section 57-77-11(6)(a) shall be applied to pay the debt service on the bonds issued under the Venture Capital Act of 1994, in accordance with the proceedings authorizing the issuance of such bonds and as directed by the State Bond Commission. Any
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nonmonetary assets shall be administered in the manner provided by law. Any monies remaining in the fund after it is utilized as provided for in this subsection (2) shall be deposited into the State General Fund.

(3) Any monetary assets received pursuant to Section 57-77-11(6)(b) shall be applied to pay valid monetary obligations of the Magnolia Capital Corporation and the Magnolia Venture Capital Corporation. Any nonmonetary assets shall be administered in the manner provided by law. Any monies remaining in the fund after it is utilized as provided in this subsection (3) shall be deposited as follows: (a) Six Million Four Hundred Thousand Dollars ($6,400,000.00) of such monies shall be deposited into the State General Fund and (b) the remainder of such monies shall be deposited into the Budget Contingency Fund created in Section 27-103-301.

(4) Valid monetary obligations of the Magnolia Capital Corporation and the Magnolia Venture Capital Corporation shall not be impaired and shall be satisfied from the special fund created in this section.

SECTION 524. Section 57-77-31, Mississippi Code of 1972, is brought forward as follows:

57-77-31. (1) All bonds issued under the authority of this chapter shall be redeemed at maturity, together with all interest due, from time to time, on the bonds, and these principal and interest payments shall be paid from the General Fund.
(2) In the event that all or any part of the bonds and notes are purchased, they shall be canceled and returned to the loan and transfer agent as canceled and paid bonds and notes; and, thereafter, all payments of interest thereon shall cease and the canceled bonds, notes and coupons shall be destroyed as promptly as possible after cancellation but not later than two (2) years after cancellation. A certificate evidencing the destruction of the canceled bonds, notes and coupons shall be provided by the loan and transfer agent to the seller.

(3) The State Treasurer shall determine and report to the Department of Finance and Administration and Joint Legislative Budget Office by September 1 of each year the amount of money necessary for the payment of the principal of and interest on outstanding obligations for the following fiscal year and the times and amounts of the payments. It shall be the duty of the Governor to include in every executive budget submitted to the Legislature full information relating to the issuance of bonds and notes under the provisions of this chapter and the status of the General Fund for the payment of the principal of and interest on the bonds and notes.

(4) Except as otherwise provided by law, the rate of interest on any loans made using funds from the Venture Capital Fund shall be in accordance with Section 57-77-17. Notwithstanding the provisions of any other law to the contrary, the interest rate charged shall not be set such that the aggregate

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of the interest, penalties and other payments in connection with such assistance made using funds from the Venture Capital Fund will cause the bonds issued pursuant to this chapter to be deemed arbitrage bonds pursuant to Section 148 of the Internal Revenue Code of 1986 and the regulations promulgated thereunder. In the case of assistance initially funded from the proceeds of notes and subsequently funded from renewal bonds and notes, the interest rate to be charged on the assistance shall be established in accordance with Section 57-77-17 upon the sale of bonds or notes, as the case may be, for such assistance.

SECTION 525. Section 57-77-33, Mississippi Code of 1972, is brought forward as follows:

57-77-33. (1) The seller is authorized to borrow, on the credit of the state, money not exceeding the aggregate sum of Twenty Million Dollars ($20,000,000.00). Such borrowing may be evidenced by the issuance of bonds or notes, and the rate of interest on any such bonds or notes which are not subject to taxation shall not exceed the rates set forth in Section 75-17-101, Mississippi Code of 1972, for general obligation bonds. (2) As evidence of indebtedness authorized in this chapter, general or limited obligation bonds or notes of the state shall be issued from time to time to provide monies necessary to carry out the purposes of this chapter for such total amount, in such form, in such denominations, payable in such currencies (either domestic or foreign or both), and subject to such terms and conditions of...
issue, redemption and maturity, rate of interest and time of payment of interest as the seller directs, except that such bonds shall mature or otherwise be retired in annual installments beginning not more than five (5) years from date thereof and extending not more than twenty (20) years from the date thereof.

(3) All bonds and notes issued under authority of this chapter shall be signed by the chairman of the seller, or by his facsimile signature, and the official seal of the seller shall be affixed thereto, attested by the secretary of the seller.

(4) All bonds and notes issued under authority of this chapter may be general or limited obligations of the state, and the full faith and credit of the State of Mississippi as to general obligation bonds, or the revenue derived from projects assisted as to limited obligation bonds, are hereby pledged for the payment of the principal of and interest on such bonds and notes.

(5) Such bonds and notes and the income therefrom shall be exempt from all taxation in the State of Mississippi.

(6) Bonds may be issued as coupon bonds or registered as to both principal and interest as the seller may determine. If interest coupons are attached, they shall contain the facsimile signature of the chairman and the secretary of the seller.

(7) As to bonds issued hereunder and designated as taxable bonds by the seller, any immunity of the state to taxation by the
United States government of interest on bonds or notes issued by the state is hereby waived.

SECTION 526. Section 57-77-35, Mississippi Code of 1972, is brought forward as follows:

57-77-35. (1) Whenever bonds are issued, they shall be offered for sale at not less than par value and accrued interest and shall be sold by the seller at public or private sale, from time to time, in such manner and at such price as may be determined by the seller to be most advantageous.

(2) Any portion of any bond issue so offered and not sold or subscribed for at public sale may be disposed of by private sale by the seller in such manner and at such prices not less than par and accrued interest, as the seller shall direct.

(3) When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the seller or may be combined for sale as one (1) series with other general obligation bonds of the State of Mississippi.

(4) Until permanent bonds can be prepared, the seller may, in its discretion, issue in lieu of permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the seller.

(5) Pending their application to the purposes authorized, bond proceeds held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings
received from the investment or deposit of such funds shall be
paid into the State Treasury to the credit of the Venture Capital
Fund.

(6) The State Treasurer shall prepare the necessary registry
book to be kept in the office of the duly authorized loan and
transfer agent of the state for the registration of any bonds, at
the request of the owners thereof, according to the terms and
conditions of issue directed by the seller.

(7) All costs and expenses in connection with the issue of
and sale and registration of the bonds and notes in connection
with this chapter, and all costs and expenses, validly incurred
pursuant to this chapter, in connection with implementation of the
program and development of application forms, procedures and
requirements for use in connection with the program, may be paid
from the proceeds of bonds and notes issued under this chapter.

(8) The seller may provide, in the resolution authorizing
the issuance of such bonds, for the employment of one or more
persons or firms to assist in the sale of the bonds; to enter into
contracts with financial institutions located either within or
without the State of Mississippi to act as registrar, paying
agents, transfer agents, or otherwise; for rating of the bonds;
and to purchase insurance.

SECTION 527. Section 57-77-37, Mississippi Code of 1972, is
brought forward as follows:
57-77-37. (1) The proceeds realized from the sale of bonds and notes under this chapter shall be paid to the State Treasurer and deposited into the Venture Capital Fund and specifically dedicated to the purposes enumerated in this chapter.

(2) All nonfederal funds which may become available for the purposes of this chapter shall be deposited in the Venture Capital Fund and shall be allocated for the purposes of this chapter.

SECTION 528. Section 57-77-39, Mississippi Code of 1972, is brought forward as follows:

57-77-39. Except as otherwise authorized in Section 7-5-39, the Attorney General of the State of Mississippi shall represent the seller in issuing, selling and validating bonds or notes herein provided for, and the seller is hereby authorized and empowered to expend from the proceeds derived from the sale of the bonds or notes authorized hereunder all necessary administrative, legal and other expenses incidental and related to the issuance of bonds or notes authorized under this chapter.

SECTION 529. Section 57-79-1, Mississippi Code of 1972, is brought forward as follows:

57-79-1. This chapter shall be known and may be cited as the "Mississippi Small Town Development Act."

SECTION 530. Section 57-79-3, Mississippi Code of 1972, is brought forward as follows:

57-79-3. The Legislature finds that:
(a) Many small towns and cities will benefit from professional and financial assistance;
(b) The improvement of small towns and cities benefit the economic and general welfare of the people of the State of Mississippi;
(c) Establishment of the Mississippi Small Town Development Program is an effective means to restore and strengthen Mississippi's small towns; and
(d) It is the intent of the Legislature to establish the Mississippi Small Town Development Program.

SECTION 531. Section 57-79-5, Mississippi Code of 1972, is amended as follows:

57-79-5. For the purposes of this chapter, the following terms shall have the meanings ascribed herein unless the context shall otherwise require:

(a) "Small town" shall mean any city, town or village with a population of five thousand (5,000) or fewer persons according to the most recent federal decennial census.
(b) "Mississippi Small Town Development Fund" shall mean that fund administered by the Mississippi Development Authority to assist small towns for purposes authorized under this chapter.
(c) "Grant application development expenses" shall mean any preliminary study, survey, investigation, or report including engineering analysis or cost estimates, or other professional
services required to submit a grant or loan application to any
state or federal agency or department.

(d) "Grant application matching requirement" means any
state or federal grant or loan requirement for the contribution of
cash or other in-kind services as a part of any such grant or loan
application.

(e) "Mississippi Small Town Technical Assistance
Network" shall be that program administered by the
Mississippi Development Authority organized to provide both
direct, individual technical assistance to small towns, and to
maximize the efforts of other state and federal departments and
agencies, as well as private not-for-profit organizations.

SECTION 532. Section 57-79-7, Mississippi Code of 1972, is
brought forward as follows:

57-79-7. There is hereby authorized the creation of the
Mississippi Small Town Development Program.

SECTION 533. Section 57-79-9, Mississippi Code of 1972, is
amended as follows:

57-79-9. The Mississippi Small Town Development Program
shall consist of the following:

(a) The Mississippi Small Town Development Fund,
administered by the Mississippi Development Authority. Such
fund shall be used to further the purposes of this chapter,
specifically to provide grant application development expenses,
grant application matching requirements and for related purposes.
(b) Mississippi Small Town Technical Assistance Network, administered by the Mississippi Development Authority, which shall consist of the following elements:

(i) Provide direct technical assistance to individual small towns to improve their effectiveness and efficiency.

(ii) Shall be organized geographically using Mississippi Planning and Development District lines.

(iii) Shall not duplicate the efforts of the myriad public agencies, departments, and private not-for-profit corporations, but will seek to maximize the effectiveness of existing efforts to improve small town government in Mississippi.

(iv) Shall be authorized to enter into mutually beneficial agreements with these and other local, state and federal agencies and departments, as well as private not-for-profit organizations, to receive donations, grants, real or personal property, and to further the purposes of this chapter.

(v) May use interns from Mississippi's public universities through the existing Mississippi Public Service Internship Program.

(c) Other programs of the Mississippi Development Authority, as well as other state agencies, that currently target the small towns of the state shall work with the Mississippi Small Town Technical Assistance Network to improve their publicity and effectiveness.
SECTION 534. Section 57-79-11, Mississippi Code of 1972, is amended as follows:

57-79-11. The Mississippi Development Authority is authorized to contract with other public agencies, as well as private not-for-profit corporations, to further the purposes of this chapter.

SECTION 535. Section 57-80-1, Mississippi Code of 1972, is brought forward as follows:

57-80-1. This chapter shall be known and may be cited as the "Growth and Prosperity Act."

SECTION 536. Section 57-80-3, Mississippi Code of 1972, is brought forward as follows:

57-80-3. The Legislature finds and determines that there exists in this state a continuing need for programs to assist certain counties in encouraging economic development, the consequent job creation and retention, additional private investment and increased local and state revenue which together insures the further development of a balanced economy. To achieve these purposes, it is necessary to assist and encourage the creation of growth and prosperity by providing temporary relief from certain taxes within certain counties and within specific supervisors districts in certain other counties to certain business enterprises.

Further, the Legislature finds and determines that the authority granted under this chapter and the purposes to be
accomplished hereby are proper governmental and public purposes and that the resulting economic benefits to the state are of paramount importance, mandating that the provisions of this chapter be liberally construed and applied in order to advance the public purposes.

SECTION 537. Section 57-80-5, Mississippi Code of 1972, is brought forward as follows:

57-80-5. As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Approved business enterprise" means any business enterprise seeking to locate or expand in a growth and prosperity county, which business enterprise is approved by the MDA.

(b) "Business enterprise" means any new or expanded (i) industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing or selling of any products or goods, including products of agriculture; (ii) enterprises for research and development, including, but not limited to, scientific laboratories; or (iii) such other businesses or industry as will be in furtherance of the public purposes of this chapter as determined by the MDA and which creates a minimum of ten (10) jobs. "Business enterprise" does not include retail or gaming businesses or electrical generation facilities.

(c) "Eligible supervisors district" means:

(i) A supervisors district:
1. As such district exists on January 1, 2001, in which thirty percent (30%) or more of such district's population as of June 30, 2000, is at or below the federal poverty level according to the official data compiled by the United States Census Bureau as of June 30, 2000, or the official 1990 census poverty rate data (the official 1990 census poverty rate data shall not be used to make any such determination after December 31, 2002); or

2. In which thirty percent (30%) or more of such district's population is at or below the federal poverty level according to the latest official data compiled by the United States Census Bureau;

   (ii) Which is contiguous to a county that meets the criteria of Section 57-80-7(1)(b); and

   (iii) Which is located in a county which has been issued a certificate of public convenience and necessity under this chapter.

(d) "Growth and prosperity counties" means those counties which meet the requirements of this chapter and which have by resolution or order given its consent to participate in the Growth and Prosperity Program.

(e) "Local tax" means any county or municipal ad valorem tax imposed on the approved business enterprise pursuant to law, except the school portion of the tax and any portion of
the tax imposed to pay the cost of providing fire and police protection.

(f) "Local taxing authority" means any county or municipality which by resolution or order has given its consent to participate in the Growth and Prosperity Program acting through its respective board of supervisors or the municipal governing board, council, commission or other legal authority.

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

(h) "State tax" means:

(i) Any sales and use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities in a growth and prosperity county or supervisors districts, as the case may be;

(ii) All income tax imposed pursuant to law on income earned by the business enterprise in a growth and prosperity county, or supervisors district, as the case may be;

(iii) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise in a growth and prosperity county, or supervisors district, as the case may be; and

(iv) Any sales and use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion, including, but not limited to, leases in existence prior to January 1, 2001, as
certified by the MDA, in a growth and prosperity county, or supervisors district, as the case may be.

SECTION 538. Section 57-80-7, Mississippi Code of 1972, is brought forward as follows:

57-80-7. (1) From and after December 31, 2000, the following counties may apply to the MDA for the issuance of a certificate of public convenience and necessity:

(a) Any county of this state which has an annualized unemployment rate that is at least two hundred percent (200%) of the state's unemployment rate as of December 31 of any year after December 31, 2000, as determined by the Mississippi Department of Employment Security's most recently published data;

(b) Any county of this state in which thirty percent (30%) or more of the population of the county is at or below the federal poverty level according to the official data compiled by the United States Census Bureau as of August 30, 2000, for counties that apply before December 31, 2002, or the most recent official data compiled by the United States Census Bureau for counties that apply from and after December 31, 2002; or

(c) Any county of this state having an eligible supervisors district.

(2) The application, at a minimum, must contain (a) the Mississippi Department of Employment Security's most recently published figures that reflect the annualized unemployment rate of the applying county as of December 31 or the most recent official...
data by the United States Census Bureau required by subsection (1)
of this section, as the case may be, and (b) an order or
resolution of the county consenting to the designation of the
county as a growth and prosperity county.

(3) Any municipality of a designated growth and prosperity
county or within an eligible supervisors district and not more
than eight (8) miles from the boundary of the county that meets
the criteria of subsection (1)(b) of this section may by order or
resolution of the municipality consent to participation in the
Growth and Prosperity Program.

(4) No incentive or tax exemption shall be given under this
chapter without the consent of the affected county or
municipality.

SECTION 539. Section 57-80-9, Mississippi Code of 1972, is
brought forward as follows:

57-80-9. (1) Upon the issuance by the MDA of its
certificate of public convenience and necessity, designating
certain counties as growth and prosperity counties, any approved
business enterprise in any such a growth and prosperity county or
any approved business enterprise located within an eligible
supervisors district within eight (8) miles of the boundary of the
county that meets the criteria of Section 57-80-7(1)(b) shall be
exempt from all local taxes levied by the county and all state
taxes for a period of ten (10) years or until December 31, 2029,
whichever occurs first, and upon consent of any municipality
within such county or within such supervisors district and not more than eight (8) miles from the boundary of the county that meets the criteria of Section 57-80-7(1)(b), shall be exempt from all local taxes levied by such municipality for a period of ten (10) years or until December 31, 2033, whichever occurs first; however, if the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to utilize the exemption from state taxes, the MDA may extend the duration of the exemption from state taxes for not more than two (2) years or until December 31, 2033, whichever occurs first. Any business enterprise that has property or equipment purchased utilizing the state tax exemption that is damaged or destroyed as a result of the disaster may purchase replacement equipment and component building materials exempt from sales and use tax.

(2) The following conditions, along with any other conditions the MDA shall promulgate from time to time by rule or regulation, shall apply to such exemptions: (a) any exemption provided under this chapter is nontransferable and cannot be applied, used or assigned to any other person or business or tax account; (b) no approved business enterprise may claim or use the exemption granted under this chapter unless that enterprise is in full compliance with all state and local tax laws, and related ordinances and resolutions; and (c) the approved business enterprise must enter into an agreement with the MDA which sets
out, at a minimum the performance requirements of the approved business enterprise during the term of the exemption and provisions for the recapture of all or a portion of the taxes exempted if the performance requirements of the approved business enterprise are not met.

(3) Upon entering into such an agreement, the MDA shall forward such agreement to the Department of Revenue and the affected local taxing authorities so that the exemption can be implemented. The Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of both local and state exemptions granted under this chapter.

(4) Any business enterprise that relocates its present operation and jobs to a growth and prosperity county or an eligible supervisors district and not more than eight (8) miles from the boundary of the county that meets the criteria of Section 57-80-7(1)(b) from another county in the state shall not receive any of the exemptions granted in this chapter.

(5) If the annualized unemployment rate in a growth and prosperity county falls below one hundred fifty percent (150%) of the state's annualized unemployment rate for three (3) consecutive calendar years and less than thirty percent (30%) of the population of the county is at or below the federal poverty level according to the most recent official data compiled by the United States Census Bureau as of December 31 of the third of such
consecutive calendar years, the tax exemptions authorized under this chapter may not be granted to additional business enterprises.

**SECTION 540.** Section 57-80-11, Mississippi Code of 1972, is brought forward as follows:

57-80-11. The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation and administration of this chapter.

**SECTION 541.** Section 57-85-1, Mississippi Code of 1972, is brought forward as follows:

57-85-1. This chapter shall be known and may be cited as the "Mississippi Rural Impact Act."

**SECTION 542.** Section 57-85-3, Mississippi Code of 1972, is brought forward as follows:

57-85-3. The Legislature finds and determines that:

(a) There exists in the State of Mississippi a continuing need for gainful employment for the citizens of the rural areas of the state.

(b) To help provide employment opportunities and to impact the quality of life in these rural areas, a division within the Mississippi Development Authority should be created with power to promote business and economic development through job producing programs and by providing financial assistance to communities and businesses.
(c) In accomplishing this purpose, such division will
be acting in all respects for the benefit of the people of the
state in the performance of essential public functions and serving
a valid purpose in improving or otherwise promoting their health,
welfare and prosperity, and the enactment of the provisions
hereinafter set forth is for a valid public purpose.

(d) The borrowing of money and the issuance of bonds
for the purposes hereinafter set forth serves valid public
purposes that will contribute to the employment base of the state.

SECTION 543. Section 57-85-5, Mississippi Code of 1972, is
brought forward as follows:

57-85-5. (1) For the purposes of this section, the
following words and phrases shall have the meanings ascribed in
this section unless the context clearly indicates otherwise:

(a) "MDA" means the Mississippi Development Authority.
(b) "Project" means construction, rehabilitation or
repair of buildings; sewer systems and transportation directly
affecting the site of the proposed rural business; sewer
facilities, acquisition of real property, development of real
property, improvements to real property, and any other project
approved by the Mississippi Development Authority.
(c) "Rural business" means a new or existing business
located or to be located in a rural community or a business or
industry located or to be located within five (5) miles of a rural
community. "Rural business" does not include gaming businesses or
utility businesses.

(d) "Rural community" means a county in the State of
Mississippi that meets the population criteria for the term
"limited population county" as provided in Section 57-1-18.
"Rural community" also means a municipality in the State of
Mississippi that meets the population criteria for the term "small
municipality" as provided in Section 57-1-18.
(2) (a) There is created in the State Treasury a special
fund to be designated as the "Mississippi Rural Impact Fund,"
which shall consist of funds appropriated or otherwise made
available by the Legislature in any manner and funds from any
other source designated for deposit into such fund. Unexpended
amounts remaining in the fund at the end of a fiscal year shall
not lapse into the State General Fund, and any investment earnings
or interest earned on amounts in the fund shall be deposited to
the credit of the fund. Monies in the fund shall be used to make
grants and loans to rural communities and loan guaranties on
behalf of rural businesses to assist in completing projects under
this section.
(b) Monies in the fund which are derived from proceeds
of bonds issued after April 15, 2003, may be used to reimburse
reasonable actual and necessary costs incurred by the MDA for the
administration of the various grant, loan and financial incentive
programs administered by the MDA. An accounting of actual costs
incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements under this paragraph (b) shall satisfy any applicable federal tax law requirements.

(c) The MDA may use monies in the fund to pay for the services of architects, engineers, attorneys and such other advisors, consultants and agents that the MDA determines are necessary to review loan and grant applications and to implement and administer the program established under this section.

(d) The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(3) The MDA shall establish a program to make grants and loans to rural communities and loan guaranties on behalf of rural businesses from the Mississippi Rural Impact Fund. A rural community may apply to the MDA for a grant or loan under this section in the manner provided for in this section. A rural business may apply to the MDA for a loan guaranty under this section in the manner provided in this section.

(4) A rural community desiring assistance under this section must submit an application to the MDA. The application must include a description of the project for which assistance is requested, the cost of the project for which assistance is requested and any other information required by the MDA. A rural
business desiring assistance under this section must submit an
application to the MDA. The application must include a
description of the purpose for which assistance is requested and
any other information required by the MDA. The MDA may waive any
requirements of the program established under this section in
order to expedite funding for unique projects.

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

SECTION 544. Section 57-89-1, Mississippi Code of 1972, is
brought forward as follows:

57-89-1. The provisions of this chapter shall be known and
may be cited as the "Mississippi Motion Picture Incentive Act."

SECTION 545. Section 57-89-3, Mississippi Code of 1972, is
brought forward as follows:

57-89-3. As used in this chapter, the following terms shall
have the meanings ascribed in this section unless the context
clearly indicates otherwise:

(a) "Base investment" means the actual investment made
and expended in Mississippi by a motion picture production company
in connection with the production of a state-certified production
in the state. The term "base investment" includes amounts
expended in Mississippi by a motion picture production company as

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PAGE 831 (BS\JAB) forward various sections of law relating to.
per diem and housing allowances in connection with the production of a state-certified production in the state. The term "base investment" shall not include payroll. However, in the case of a motion picture production company, or its owner, principal, member, production partner, independent contractor director or producer, or subsidiary company that (i) is designated and pre-qualified by the Mississippi Development Authority as Mississippi-based or a Mississippi resident; (ii) has filed income taxes in the State of Mississippi during each of the previous three (3) years; and (iii) has engaged in activities related to the production of at least two (2) motion pictures in Mississippi during the past ten (10) years, base investment may include payroll and fringes paid for any employee who is not a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968, if so requested by the motion picture production company. A motion picture production company must submit such a request to the Mississippi Development Authority at the time the company submits an application for approval as a state-certified production. In addition, if base investment includes payroll and fringes, and the payroll and fringes paid for an employee exceeds Five Million Dollars ($5,000,000.00), then only the first Five Million Dollars ($5,000,000.00) of such payroll and fringes may be included in base investment.
(b) "Employee" means an individual directly involved in the physical production and/or post-production of a motion picture produced in the state and who is employed by a:

(i) Motion picture production company that is directly involved in the physical production and/or post-production of a motion picture in the state;

(ii) Personal service corporation retained by a motion picture production company to provide persons used directly in the physical production and/or post-production of a motion picture in the state; or

(iii) Payroll service or loan-out company that is retained by a motion picture production company to provide employees who work directly in the physical production and/or post-production of a motion picture in the state.

(c) "Fringes" means costs paid by a motion picture production company on or after September 1, 2013, for employee benefits that are not subject to state income tax. Fringes may include, but are not limited to, payments by an employer for unemployment insurance, Federal Insurance Contribution Act (FICA), workers' compensation insurance, pension and welfare benefits and health insurance premiums.

(d) "Motion picture" means a nationally distributed feature-length film, video, DVD, television program or series, commercial, or computer or video game made in Mississippi, in whole or in part, for theatrical or DVD release or television
viewing or as a television pilot or viewing through streaming
video or internet delivery, or for playing on a video game
console, personal computer or handheld device. The term "motion
picture" shall not include the production of television coverage
of news and athletic events, or a film, video, DVD, television
program, series, or commercial that contains any material or
performance defined in Section 97-29-103.

(e) "Motion picture production company" means a company
engaged in the business of producing nationally distributed motion
pictures, videos, DVDs, television programs or series,
commercial, or computer or video games intended for a theatrical
release, for television viewing or for playing on a video game
console, personal computer or handheld device. The term "motion
picture production company" includes a company engaged in the
business of making such productions through the use of animation,
interactive media, preproduction and post-production 3D
applications, video game cinematics, virtual production, visual
effects, and motion capture within the fields of feature film,
television, commercials and games. The term "motion picture
production company" shall not mean or include any company owned,
affiliated, or controlled, in whole or in part, by any company or
person which is in default on a loan made by the state or a loan
guaranteed by the state, or any company or person who has ever
declared bankruptcy under which an obligation of the company or
person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

(f) "Payroll" means salary, wages or other compensation including related benefits paid to employees upon which Mississippi income tax is due and has been withheld.

(g) "Resident" or "resident of Mississippi" means a natural person, and for the purpose of determining eligibility for the rebate provided by Section 57-89-7, any person domiciled in the State of Mississippi and any other person who maintains a permanent place of abode within the state and spends in the aggregate more than six (6) months of each year within the state.

(h) "State" means the State of Mississippi.

(i) "State-certified production" means a motion picture approved by the Mississippi Development Authority produced by a motion picture production company in the state. An application for approval as a state-certified production must be submitted to the Mississippi Development Authority before production of the project begins.

SECTION 546. Section 57-89-7, Mississippi Code of 1972, is brought forward as follows:

57-89-7. (1) (a) A motion picture production company that expends at least Fifty Thousand Dollars ($50,000.00) in base investment, payroll and/or fringes, in the state shall be entitled to a rebate of a portion of the base investment made by the motion picture production company. Subject to the provisions of this
section, the amount of the rebate shall be equal to twenty-five percent (25%) of the base investment made by the motion picture production company.

(b) In addition to the rebates authorized under paragraphs (a), (c) and (d) of this subsection, a motion picture production company may receive a rebate equal to twenty-five percent (25%) of payroll and fringes paid for any employee who is not a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. However, if the payroll and fringes paid for an employee exceeds Five Million Dollars ($5,000,000.00), then the rebate is authorized only for the first Five Million Dollars ($5,000,000.00) of such payroll and fringes.

(c) In addition to the rebates authorized under paragraphs (a), (b) and (d) of this subsection, a motion picture production company may receive a rebate equal to thirty percent (30%) of payroll and fringes paid for any employee who is a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. However, if the payroll and fringes paid for an employee exceeds Five Million Dollars ($5,000,000.00), then the rebate is authorized only for the first Five Million Dollars ($5,000,000.00) of such payroll and fringes.

(d) In addition to the rebates authorized in paragraphs (a), (b) and (c) of this subsection, a motion picture production company may receive an additional rebate equal to five percent (5%) of the payroll and fringes paid for any employee who is an employee who is a resident and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968. However, if the payroll and fringes paid for an employee exceeds Five Million Dollars ($5,000,000.00), then the rebate is authorized only for the first Five Million Dollars ($5,000,000.00) of such payroll and fringes.
honorably discharged veteran of the United States Armed Forces and whose wages are subject to the Mississippi Income Tax Withholding Law of 1968.

(e) If a motion picture has physical production activities and/or post-production activities both inside and outside the state, then the motion picture production company shall be required to provide an itemized accounting for each employee regarding such activities inside and outside the state for the purposes of proration of eligible payroll based on the percentage of activities performed in the state.

(f) The total amount of rebates authorized for a motion picture project shall not exceed Ten Million Dollars ($10,000,000.00) in the aggregate.

(g) The total amount of rebates authorized in any fiscal year shall not exceed Twenty Million Dollars ($20,000,000.00) in the aggregate.

(2) A motion picture production company desiring a rebate under this section must submit a rebate request to the Department of Revenue upon completion of the project. The request must include a detailed accounting of the base investment made by the motion picture production company and any other information required by the Department of Revenue. Rebates made by the Department of Revenue under this section shall be made from current income tax collections. The Department of Revenue shall
not approve any application for a rebate under subsection (1)(b) of this section after July 1, 2017.

(3) The Department of Revenue shall have all powers necessary to implement and administer the provisions of this section, and the Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

(4) The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

SECTION 547. Section 57-91-1, Mississippi Code of 1972, is brought forward as follows:

57-91-1. This chapter shall be known and may be cited as the "Economic Redevelopment Act."

SECTION 548. Section 57-91-3, Mississippi Code of 1972, is brought forward as follows:

57-91-3. The Legislature finds and determines that there exists in this state a continuing need for programs to assist certain counties and municipalities in encouraging economic development, the consequent job creation and retention, additional private investment and increased local and state revenue which together insures the further development of a balanced economy.

The Legislature further finds that this need is particularly great in counties and municipalities where there are located certain environmentally contaminated sites that are not currently
condusive to such economic development. To achieve the combined purposes of encouraging economic development on and around environmentally contaminated sites, it is necessary to assist and encourage such economic development by providing temporary tax incentives within certain counties and municipalities to certain business enterprises.

Further, the Legislature finds and determines that the authority granted under this chapter and the purposes to be accomplished hereby are proper governmental and public purposes and that the resulting economic benefits to the state are of paramount importance, mandating that the provisions of this chapter be liberally construed and applied in order to advance the public purposes.

SECTION 549. Section 57-91-5, Mississippi Code of 1972, is brought forward as follows:

57-91-5. As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Business enterprise" means any permanent business enterprise locating or relocating within a redevelopment project area, including, without limitation:

(i) Industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing or selling of any products or goods, including products of agriculture;
(ii) Enterprises for research and development, including, but not limited to, scientific laboratories;

(iii) Industry for the retail sale of goods and services;

(iv) The industry for recreation and hospitality, including, but not limited to, restaurants, hotels and sports facilities; and

(v) Such other businesses or industry as will be in furtherance of the public purposes of this chapter as determined by the MDA.

The term "business enterprise" shall not include gaming businesses.

(b) "Contaminated site" means real property that is either (i) subject to a bankruptcy court order in which the property has been abandoned from the bankruptcy estate, or (ii) Brownfield property that is subject to a Brownfield agreement under Section 49-35-11, and the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

(c) "County" means any county of this state.

(d) "Developer" means any person who assumes certain environmental liability at a contaminated site and enters into an agreement with a redevelopment county or municipality whereby the developer agrees to undertake a redevelopment project. "Developer agreement" means said agreement.
(e) "Governing body" means the board of supervisors of any county or the governing board of a municipality.

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

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

(h) "MDEQ" means the Mississippi Department of Environmental Quality.

(i) "Municipality" means any incorporated municipality in the state.

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

(k) "Redevelopment counties and municipalities" means those counties or municipalities which meet the requirements of this chapter and which have by resolution or order designated a redevelopment project area and given its consent to participate in the program established under this chapter.

(l) "Redevelopment project" means a project that combines remediation of a contaminated site with the planned development of such site and surrounding land in a manner conducive to use by the public or business enterprises including the construction of recreational facilities.

(m) "Redevelopment project area" means the geographic area defined by resolution of the county or municipality within which the remediation and planned development will take place containing the contaminated site and additional surrounding and
adjacent land and waterfront, not exceeding six hundred fifty
(650) acres, suitable for development.

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

(o) "State taxes and fees" means any sales tax imposed
on the sales or certain purchases by a business enterprise
pursuant to law within a redevelopment project area, all income
tax imposed pursuant to law on income earned by the approved
business enterprise within a redevelopment project area and all
franchise tax imposed pursuant to law on the value of capital
used, invested or employed by the approved business enterprise in
a redevelopment project area.

SECTION 550. Section 57-91-7, Mississippi Code of 1972, is
brought forward as follows:

57-91-7. (1) From and after January 1, 2005, any counties
or municipalities meeting the following conditions may apply to
the MDA for the issuance of a certificate of public convenience
and necessity:

(a) There is located within such county or municipality
a contaminated site;

(b) There has been established by resolution of the
county or municipality a redevelopment project area;

(c) There is submitted to the MDA application for
designation as a redevelopment county or municipality which, at
minimum, contains (i) MDEQ concurrence of the existence of a
contaminated site and concurrence and involvement in the
assessment and remediation plan, (ii) a resolution of the county
or municipality setting forth the boundaries of the redevelopment
project area and consenting to the designation of the county or
municipality as a redevelopment county or municipality, and (iii)
a developer agreement.

(2) If a proposed redevelopment project area falls wholly
within the municipality, only the municipality must apply to the
MDA for designation as a redevelopment municipality. If a
proposed redevelopment project area falls wholly within the county
and outside the boundaries of a municipality, only the county may
apply to the MDA for designation as a redevelopment county. If a
proposed redevelopment project area falls partly within and partly
without a municipality, then both the county and municipality must
apply for designation as a redevelopment county and municipality;
however, the county and municipality may submit a single
application to the MDA, but the governing bodies of both the
county and the municipality must pass resolutions meeting the
requirements of paragraph (c)(ii) of subsection (1) of this
section.

SECTION 551. Section 57-91-9, Mississippi Code of 1972, is
brought forward as follows:

57-91-9. (1) There is created in the State Treasury a
special fund to be known as the "Redevelopment Project Incentive
Fund," into which shall be deposited certain state taxes and fees collected from business enterprises located within the redevelopment project area.

The monies in the fund shall be used for the purpose of making the incentive payments authorized in this section. The fund shall be administered by the MDA. Any interest earned on or investment earnings on the amounts in the fund shall be deposited to the credit of the fund. Unexpended amounts remaining in the fund at the end of a fiscal year that are not necessary for incentive payments shall lapse into the General Fund. The MDA may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program. The MDEQ may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for oversight costs of the assessment and remediation of the contaminated site.

(2) (a) Incentive payments may be made by the MDA to a developer in connection with a redevelopment project. Subject to the provisions of this subsection, the payments to a developer shall be for the amount of state taxes and fees collected from business enterprises located and operating within a redevelopment project area and deposited into the Redevelopment Project Incentive Fund. In the case of sales taxes, the amounts deposited in the Redevelopment Project Incentive Fund shall be reduced by the diversions required in Section 27-65-75. The MDA shall make
payments to an approved participant on a semiannual basis with payments being made in the months of January and July. The MDA shall make the calculations necessary to make the payments provided for in this section. The MDA shall cease making incentive payments to a developer fifteen (15) years from the date that is two (2) years after the date on which the redevelopment project is approved by the MDA.

(b) Except as otherwise provided in this subsection, payments made to a developer under this section shall be in the following amounts:

(i) For the first six (6) years in which such payments are made, the developer shall receive one hundred percent (100%) of the funds deposited into the Redevelopment Project Incentive Fund;

(ii) For the seventh year in which such payments are made, the developer shall receive eighty percent (80%) of the funds deposited into the Redevelopment Project Incentive Fund;

(iii) For the eighth year in which such payments are made, the developer shall receive seventy percent (70%) of the funds deposited into the Redevelopment Project Incentive Fund;

(iv) For the ninth year in which such payments are made, the developer shall receive sixty percent (60%) of the funds deposited into the Redevelopment Project Incentive Fund; and

(v) For the tenth year and any subsequent year in which such payments are made, the developer shall receive fifty
percent (50%) of the funds deposited into the Redevelopment Project Incentive Fund.

(c) In no event shall the total aggregate amount of incentive payments that may be made to a developer under this section exceed two and one-half (2-1/2) times the amount of the allowable cost of remediation of the contaminated site. The allowable cost of remediation of the contaminated site shall be jointly determined by the MDEQ and the MDA.

(d) Any monies in the Redevelopment Project Incentive Fund which are not used for the purpose of making incentive payments to a developer shall be deposited into the State General Fund. The developer shall not distribute the proceeds of any incentive payment to a business enterprise.

(3) At such time as payments are no longer required to be made to a developer, the MDA shall notify the Department of Revenue and the state taxes and fees collected from business enterprises located within the redevelopment project area shall no longer be deposited into the Redevelopment Project Incentive Fund.

SECTION 552. Section 57-91-11, Mississippi Code of 1972, is brought forward as follows:

57-91-11. The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation and administration of this chapter.

SECTION 553. Section 57-93-1, Mississippi Code of 1972, is brought forward as follows:
57-93-1. (1) As used in this section:

(a) "Existing industry" means a manufacturing enterprise that has been operating in this state for not less than two (2) consecutive years that meets minimum criteria established by the Mississippi Development Authority.

(b) "Long-term fixed assets" means assets that:

(i) Through new technology will improve an enterprise's productivity and competitiveness; and

(ii) Meet criteria established by the Mississippi Development Authority.

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

(2) (a) There is established the Mississippi Existing Industry Productivity Loan Program to be administered by the MDA for the purpose of providing loans to:

(i) Existing industries to deploy long-term fixed assets that through new technology will improve productivity and competitiveness;

(ii) Existing industries for the purchase or refinancing of land, buildings or equipment; and

(iii) Counties or incorporated municipalities to assist existing industries in deploying long-term fixed assets that through new technology will improve productivity and competitiveness and to assist existing industries through the purchase of land, buildings and equipment.
(b) (i) An existing industry that accepts a loan under this program shall not reduce employment by more than twenty percent (20%) through the use of the long-term fixed assets for which the loan is granted.

(ii) An existing industry that accepts assistance from a county or incorporated municipality through a loan made under this program shall not reduce employment by more than twenty percent (20%) through the use of the long-term fixed assets for which the assistance is granted.

(c) An existing industry desiring a loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested;

(iii) The estimated total cost of the project;

(iv) A two-year business plan for the project;

(v) Financial statements or tax returns for the existing industry for the two (2) years immediately prior to the application;

(vi) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the enterprise; and

(vii) Any other information required by the MDA.
(d) A county or incorporated municipality desiring a loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested;

(iii) The estimated total cost of the project;

(iv) A statement showing the sources of funding for the project;

(v) A two-year business plan for the project;

(vi) Financial statements or tax returns for the existing industry for the two (2) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the existing industry;

(viii) Any commitment by the existing industry to pay rental on, or to make loan repayments related to, the assistance; and

(ix) Any other information required by the MDA.

(e) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and
(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(f) The rate of interest on loans under this section shall be set by the MDA.

(g) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section. However, in making loans under this section, the MDA shall attempt to provide for an equitable distribution of such loans among each of the congressional districts of this state in order to promote economic development across the entire state.

(3) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Existing Industry Productivity Loan Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the MDA for the purposes described in this section.
(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds that are deposited into the fund. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(c) (i) There is hereby created the Mississippi Existing Industry Productivity Loan Program Bond Sinking Fund from which the principal and interest on bonds whose proceeds are deposited into the Mississippi Existing Industry Productivity Loan Fund and utilized to provide loans authorized under this section, shall be repaid. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund. At any time when the funds required to pay the principal and interest on bonds whose proceeds are deposited into the Mississippi Existing Industry Productivity Loan Fund and are utilized to provide loans under this section are more than the amount available in the bond sinking fund, the Legislature shall
appropriate the balance of the funds necessary to pay the
principal and interest on such bonds.

(ii) Money repaid on loans authorized under this
section that are derived from the proceeds of bonds deposited into
the Mississippi Existing Industry Productivity Loan Fund shall be
deposited into the Mississippi Existing Industry Productivity Loan
Program Bond Sinking Fund.

(4) (a) A county that receives a loan under this section
shall pledge for repayment of the loan any part of the homestead
exemption annual tax loss reimbursement to which it may be
entitled under Section 27-33-77. An incorporated municipality
that receives a loan under this section shall pledge for repayment
of the loan any part of the sales tax revenue distribution to
which it may be entitled under Section 27-65-75. Each loan
agreement shall provide for monthly payments, semiannual payments
or other periodic payments, the annual total of which shall not
exceed the annual total for any other year of the loan by more
than fifteen percent (15%). The loan agreement shall provide for
the repayment of all funds received within not more than twenty
years from the date of project completion.

(b) The State Auditor, upon request of the MDA, shall
audit the receipts and expenditures of a county or an incorporated
municipality whose loan payments appear to be in arrears, and if
he finds that the county or municipality is in arrears in such
payments, he shall immediately notify the Executive Director of
the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA. In addition, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(c) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 554. Section 57-95-1, Mississippi Code of 1972, is brought forward as follows:

57-95-1. (1) As used in this section:

(a) "At-risk industry" means any enterprise that has been operating in this state for not less than three (3) consecutive years that has lost jobs or is at risk to lose jobs because such jobs have been outsourced.

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

(c) "Outsource" means to send out work or jobs of a certain provider or manufacturer of the State of Mississippi to an overseas provider or manufacturer or a provider or manufacturer
located outside the boundaries of the United States or any

territory of the United States.

(2)  (a)  There is established the Mississippi Job Protection
Act to be administered by the MDA for the purpose of providing
grants and loans to:

(i)  At-risk industries to be used for job
retention and to improve productivity and competitiveness; and

(ii)  Counties and incorporated municipalities to
provide assistance to at-risk industries to be used for job
retention and to improve productivity and competitiveness.

(b)  (i)  An at-risk industry that accepts a grant or
loan under this program shall not reduce employment by more than
twenty percent (20%).

(ii)  An at-risk industry that accepts assistance
from a county or incorporated municipality through a loan or grant
made under this section shall not reduce employment by more than
twenty percent (20%).

(c)  An at-risk industry desiring a grant or loan under
this section must submit an application to the MDA. The
application shall include:

(i)  A description of the purpose for which the
grant or loan is requested;

(ii)  The amount of the grant or loan requested;

(iii)  The estimated total cost of the project;

(iv)  A two-year business plan for the project;
(v) Financial statements or tax returns for the at-risk industry for the two (2) years immediately prior to the application;

(vi) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the at-risk industry; and

(vii) Any other information required by the MDA.

(d) A county or incorporated municipality desiring a grant or loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the grant or loan requested;

(iii) The estimated total cost of the project;

(iv) A statement showing the sources of funding for the project;

(v) A two-year business plan for the project;

(vi) Financial statements or tax returns for the at-risk industry for the two (2) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the at-risk industry;
(viii) Any commitment by the at-risk industry to pay rental on, or to make loan repayments related to, the assistance; and

(ix) Any other information required by the MDA.

(e) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(f) The amount of a grant or loan under this section shall not exceed fifty percent (50%) of the total cost of the project.

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

(3) Grants under this section shall not exceed Two Hundred Thousand Dollars ($200,000.00).

(4) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Job Protection Act Fund," which shall consist of funds appropriated or otherwise made available.
available by the Legislature in any manner and funds from any
other source designated for deposit into such fund. Unexpended
amounts remaining in the fund at the end of a fiscal year shall
not lapse into the State General Fund, and any investment earnings
or interest earned on amounts in the fund shall be deposited to
the credit of the fund. Monies in the fund shall be used by the
MDA for the purposes described in this section.

(b) Monies in the fund which are derived from the
proceeds of general obligation bonds may be used to reimburse
reasonable actual and necessary costs incurred by the MDA for the
administration of the various grant, loan and financial incentive
programs administered by the MDA. An accounting of actual costs
incurred for which reimbursement is sought shall be maintained by
the MDA. Reimbursement of reasonable actual and necessary costs
shall not exceed three percent (3%) of the proceeds of bonds
issued under Sections 40 through 55 of Chapter 1, Laws of Third
Extraordinary Session of 2005. Reimbursements made under this
subsection shall satisfy any applicable federal tax law
requirements.

(c) (i) There is hereby created the Mississippi Job
Protection Act Bond Sinking Fund from which the principal and
interest on bonds whose proceeds are deposited into the
Mississippi Job Protection Act Fund and utilized to provide loans
authorized under this section, shall be repaid. Unexpended
amounts remaining in the bond sinking fund at the end of a fiscal
year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund. At any time when the funds required to pay the principal and interest on bonds whose proceeds are deposited into the Mississippi Job Protection Act Fund and are utilized to provide loans under this section are more than the amount available in the bond sinking fund, the Legislature shall appropriate the balance of the funds necessary to pay the principal and interest on such bonds.

(ii) Money repaid on loans authorized under this section that are derived from the proceeds of bonds deposited into the Mississippi Job Protection Act Fund shall be deposited into the Mississippi Job Protection Act Bond Sinking Fund.

(5) (a) A county that receives a loan under this section shall pledge for repayment of the loan any part of the homestead exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality that receives a loan under this section shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for monthly payments, semiannual payments or other periodic payments, the annual total of which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). The loan agreement shall provide for
the repayment of all funds received within not more than twenty (20) years from the date of project completion.

(b) The State Auditor, upon request of the MDA, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the county or municipality is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA. The State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(c) Evidences of indebtedness which are issued pursuant to this section shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 555. Section 57-99-1, Mississippi Code of 1972, is brought forward as follows:

57-99-1. As used in Sections 57-99-1 through 57-99-9, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:
(a) "Qualified business or industry" means any company and affiliates thereof, pursuant to rules and regulations of the MDA, which is:

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

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

   (iii) A project:

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

      2. Creates at least twenty-five (25) jobs within sixty (60) months of the beginning of the project; and

      3. In which the average annual wages and taxable benefits of the jobs created by such project are at least one hundred ten percent (110%) of the most recently published average annual wage of the state or the most recently published average annual wage of the county in which the project is located, as determined by the Mississippi Department of Employment Security, whichever is the lesser; or

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

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

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

(b) "Qualified job" means full-time employment in this state within the project site of a qualified business or industry that has qualified to receive an incentive payment pursuant to Sections 57-99-1 through 57-99-9, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of Sections 57-99-1 through 57-99-9. "Qualified job" also shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment such as employees who are leased to and managed by the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the
establishment; provided, however, that in order for a qualified
business or industry to receive incentive payments for such
employees, the actual employer of the employees must agree to such
payments being made to the qualified business or industry.

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

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

(i) Except as otherwise provided in this paragraph
(d), the rebate amount shall be three and one-half percent
(3-1/2%) of the wages and taxable benefits for qualified jobs; and
(ii) In no event shall incentive payments exceed
the actual Mississippi income taxes withheld from employees in
qualified jobs that are available for rebate to the qualified
business or industry.

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

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

SECTION 556. Section 57-99-3, Mississippi Code of 1972, is
brought forward as follows:

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

(a) The date the qualified business or industry applied for incentive payments; or
(b) The start of commercial production as defined in a definitive agreement between such qualified business or industry and the MDA.

(2) In order to receive incentive payments, an establishment shall apply to the MDA. The application shall be on a form

ST: Mississippi Development Authority; bring forward various sections of law relating to.
prescribed by the MDA and shall contain such information as may be
required by the MDA to determine if the applicant is qualified.

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

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

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

(4) Upon approval of such an application, the MDA shall
notify the Department of Revenue and shall provide it with a copy
of the approved application. The Department of Revenue may
require the qualified business or industry to submit such
additional information as may be necessary to administer the
provisions of Sections 57-99-1 through 57-99-9. The qualified
business or industry shall report to the Department of Revenue
periodically to show its continued eligibility for incentive
payments. The qualified business or industry may be audited by
the Department of Revenue to verify such eligibility.

SECTION 557. Section 57-99-5, Mississippi Code of 1972, is
brought forward as follows:

57-99-5. (1) There is created in the State Treasury a
special fund to be known as the "MMEIA Withholding Rebate Fund,"
into which shall be deposited withholding tax revenue required to
be deposited into such fund pursuant to Section 27-7-312. The money in the fund shall be used for the purpose of making the incentive payments authorized under Sections 57-99-1 through 57-99-9.

(2) The liability of the State of Mississippi to make the incentive payments authorized under Sections 57-99-1 through 57-99-9 shall be limited to the balance contained in the fund.

SECTION 558. Section 57-99-7, Mississippi Code of 1972, is brought forward as follows:

57-99-7. (1) As soon as practicable after the end of a calendar quarter for which a qualified business or industry has qualified to receive an incentive payment, the qualified business or industry shall file a claim for the payment with the State Tax Commission and shall specify the actual number of qualified jobs created and maintained by the business or industry for the calendar quarter and the wages and taxable benefits thereof. The State Tax Commission shall verify the actual number of qualified jobs created and maintained by the business or industry. If the State Tax Commission is not able to provide such verification utilizing all available resources, the State Tax Commission may request such additional information from the business or industry as may be necessary.

(2)(a) The business or industry must meet the job requirements of Sections 57-99-1 through 57-99-9 for four (4) consecutive calendar quarters prior to payment of the first
incentive payment. If the business or industry does not maintain
the job requirements of Sections 57-99-1 through 57-99-9 at any
other time during the twenty-five-year period after the date the
first payment was made, the incentive payments shall not be made
and shall not be resumed until such time as the actual verified
number of qualified jobs created and maintained by the business or
industry equals or exceeds the requirements of Sections 57-99-1
through 57-99-9 for one (1) calendar quarter.

(3) An establishment that has qualified pursuant to Sections
57-99-1 through 57-99-9 may receive payments only in accordance
with the provision under which it initially applied and was
approved. If an establishment that is receiving incentive
payments expands, it may apply for additional incentive payments
based on the wages and taxable benefits for qualified jobs
anticipated from the expansion only, pursuant to Sections 57-99-1
through 57-99-9.

(4) As soon as practicable after verification of the
qualified business or industry meeting the requirements of
Sections 57-99-1 through 57-99-9 and all rules and regulations,
the Department of Finance and Administration, upon requisition of
the State Tax Commission, shall issue a warrant drawn on the MMEIA
Withholding Rebate Fund to the establishment in the amount of the
rebate as determined pursuant to subsection (1) of this section
for the calendar quarter.
SECTION 559. Section 57-99-9, Mississippi Code of 1972, is brought forward as follows:

57-99-9. The MDA and the State Tax Commission shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, and all application forms and other forms necessary to implement their respective duties and responsibilities under the provisions of Sections 57-99-1 through 57-99-9.

SECTION 560. Section 57-99-21, Mississippi Code of 1972, is brought forward as follows:

57-99-21. As used in Sections 57-99-21 through 57-99-29, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any enterprise which is a project that has been certified by the Mississippi Major Economic Impact Authority (MMEIA) as a project defined in Section 57-75-5(f)(xxiv).

(b) "Qualified job" means full-time employment at the location of the manufacturing plant in this state of a qualified business or industry that has qualified to receive an incentive payment pursuant to Sections 57-99-21 through 57-99-29, which employment existed in this state at the location of the manufacturing plant on July 1, 2009.

(c) "Full-time employment" means a job of at least thirty-five (35) hours per week.
(d) "Rebate amount" means the amount of Mississippi income taxes withheld from employees in qualified jobs that is available for rebate to the qualified business or industry, provided that:

(i) Except as otherwise provided in this paragraph (d), the rebate amount shall be one percent (1%) of the wages and taxable benefits for qualified jobs;

(ii) In no event shall incentive payments exceed the actual Mississippi income taxes withheld from employees in qualified jobs that are available for rebate to the qualified business or industry; and

(iii) In no event shall the aggregate amount of incentive payments authorized under Sections 57-99-21 through 57-99-29 exceed Six Million Dollars ($6,000,000.00).

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

SECTION 561. Section 57-99-23, Mississippi Code of 1972, is brought forward as follows:

57-99-23. (1) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in Sections 57-99-21 through 57-99-29 may receive quarterly incentive payments for a period not to exceed ten (10) years from the State Tax Commission pursuant to the provisions of Sections 57-99-21 through 57-99-29 in an amount which shall be equal to the lesser of one percent (1%) of the wages and taxable
benefits for qualified jobs or the actual amount of Mississippi income tax withheld by the employer for the qualified jobs.

(2) In order to receive incentive payments, an establishment shall apply to the MDA by not later than July 1, 2010. The application shall be on a form prescribed by the MDA and shall contain such information as may be required by the MDA to determine if the applicant is qualified.

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

(a) Be engaged in a qualified business or industry; and
(b) The business or industry must maintain a minimum of one thousand two hundred (1,200) qualified jobs.

(4) Upon approval of such an application, the MDA shall notify the State Tax Commission and shall provide it with a copy of the approved application. The State Tax Commission may require the qualified business or industry to submit such additional information as may be necessary to administer the provisions of Sections 57-99-21 through 57-99-29. The qualified business or industry shall report to the State Tax Commission periodically to show its continued eligibility for incentive payments. The qualified business or industry may be audited by the State Tax Commission to verify such eligibility.

SECTION 562. Section 57-99-25, Mississippi Code of 1972, is brought forward as follows:
57-99-25. (1) There is created in the State Treasury a special fund to be known as the "MMEIA Rebate Fund" into which shall be deposited withholding tax revenue required to be deposited into such fund pursuant to Section 27-7-312. The money in the fund shall be used for the purpose of making the incentive payments authorized under Sections 57-99-21 through 57-99-29.

(2) The liability of the State of Mississippi to make the incentive payments authorized under Sections 57-99-21 through 57-99-29 shall be limited to the balance contained in the fund.

SECTION 563. Section 57-99-27, Mississippi Code of 1972, is brought forward as follows:

57-99-27. (1) As soon as practicable after the end of a calendar quarter for which a qualified business or industry has qualified to receive an incentive payment, the qualified business or industry shall file a claim for the payment with the State Tax Commission and shall specify the actual number of qualified jobs created and maintained by the business or industry for the calendar quarter and the wages and taxable benefits thereof. The State Tax Commission shall verify the actual number of qualified jobs maintained by the business or industry. If the State Tax Commission is not able to provide such verification utilizing all available resources, the State Tax Commission may request such additional information from the business or industry as may be necessary.
(2) If the business or industry does not maintain the job requirements of Sections 57-99-21 through 57-99-29 at any other time during the ten-year period after the date the first payment was made, the incentive payments shall not be made and shall not be resumed until such time as the actual verified number of qualified jobs created and maintained by the business or industry equals or exceeds the requirements of Sections 57-99-21 through 57-99-29 for one (1) calendar quarter.

(3) An establishment that has qualified pursuant to Sections 57-99-21 through 57-99-29 may receive payments only in accordance with the provision under which it initially applied and was approved.

(4) As soon as practicable after verification of the qualified business or industry meeting the requirements of Sections 57-99-21 through 57-99-29 and all rules and regulations, the Department of Finance and Administration, upon requisition of the State Tax Commission, shall issue a warrant drawn on the MMEIA Withholding Rebate Fund to the establishment in the amount of the rebate as determined pursuant to subsection (1) of this section for the calendar quarter.

SECTION 564. Section 57-99-29, Mississippi Code of 1972, is brought forward as follows:

57-99-29. The MDA and the State Tax Commission shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, and all application
forms and other forms necessary to implement their respective
duties and responsibilities under the provisions of Sections
57-99-21 through 57-99-29.

SECTION 565. Section 57-100-1, Mississippi Code of 1972, is
brought forward as follows:

57-100-1. As used in this chapter, the following words and
phrases shall have the meanings ascribed in this section unless
the context clearly indicates otherwise:

(a) "Qualified business or industry" means a
manufacturing enterprise that has been operating in this state for
not less than two (2) consecutive years that meets minimum
criteria established by the Mississippi Development Authority.

(b) "Qualified job" means a full-time job in this
state:

(i) At the location of a qualified business or
industry that has qualified to receive an incentive payment
pursuant to this chapter;

(ii) Which did not exist in this state before the
date of approval by the MDA of the application of the qualified
business or industry pursuant to the provisions of this chapter;
and

(iii) The average annual salary of which is at
least one hundred percent (100%) of the state or county average
annual wage, whichever is the lesser.
(c) "Full-time employment" means a job of at least thirty-five (35) hours per week.

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

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

(ii) In no event shall incentive payments exceed the actual Mississippi income taxes withheld from employees in qualified jobs that are available for rebate to the qualified business or industry.

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

SECTION 566. Section 57-100-3, Mississippi Code of 1972, is brought forward as follows:

57-100-3. (1) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in this chapter may receive quarterly incentive payments for a period not to exceed two (2) years from the State Tax Commission pursuant to the provisions of this chapter in an amount which shall be equal to the lesser of three and one-half percent (3-1/2%) of the wages and taxable benefits for qualified jobs or the actual amount of Mississippi income tax withheld by the employer for the qualified jobs. The two-year period shall begin
the quarter after the State Tax Commission verifies that the
required number of jobs have been created.

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

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

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

(b) The business or industry must create a minimum of
ten (10) qualified jobs within six (6) months after the date of
the application and maintain at least ten (10) qualified jobs.

(4) Upon approval of such an application, the MDA shall
notify the State Tax Commission and shall provide it with a copy
of the approved application. The State Tax Commission may require
the qualified business or industry to submit such additional
information as may be necessary to administer the provisions of
this chapter. The State Tax Commission shall verify that at least
ten (10) qualified jobs have been created within six (6) months
after the date of the application before incentive payments may
begin. The qualified business or industry shall report to the
State Tax Commission periodically to show its continued
eligibility for incentive payments. The qualified business or
industry may be audited by the State Tax Commission to verify such
eligibility.
(5) No applications shall be accepted by MDA from and after July 1, 2011.

SECTION 567. Section 57-100-5, Mississippi Code of 1972, is brought forward as follows:

57-100-5. (1) There is created in the State Treasury a special fund to be known as the "Existing Industry Withholding Rebate Fund," into which shall be deposited withholding tax revenue required to be deposited into such fund pursuant to Section 27-7-312. The money in the fund shall be used for the purpose of making the incentive payments authorized under this chapter.

(2) The liability of the State of Mississippi to make the incentive payments authorized under this chapter shall be limited to the balance contained in the fund.

SECTION 568. Section 57-100-7, Mississippi Code of 1972, is brought forward as follows:

57-100-7. (1) As soon as practicable after the end of a calendar quarter for which a qualified business or industry has qualified to receive an incentive payment, the qualified business or industry shall file a claim for the payment with the State Tax Commission and shall specify the actual number of qualified jobs created and maintained by the business or industry for the calendar quarter and the wages and taxable benefits thereof. The State Tax Commission shall verify the actual number of qualified jobs created and maintained by the business or industry. If the
State Tax Commission is not able to provide such verification utilizing all available resources, the State Tax Commission may request such additional information from the business or industry as may be necessary.

(2) If the business or industry does not maintain the job requirements of this chapter at any other time during the two-year period after the date the first payment was made, the incentive payments shall not be made and shall not be resumed until such time as the actual verified number of qualified jobs created and maintained by the business or industry equals or exceeds the requirements of this chapter for one (1) calendar quarter.

(3) A qualified business or industry that has qualified pursuant to this chapter may receive payments only in accordance with the provision under which it initially applied and was approved. If an establishment that is receiving incentive payments expands, it may apply for additional incentive payments based on the wages and taxable benefits for qualified jobs anticipated from the expansion only, pursuant to this chapter.

(4) As soon as practicable after verification of the qualified business or industry meeting the requirements of this chapter and all rules and regulations, the Department of Finance and Administration, upon requisition of the State Tax Commission, shall issue a warrant drawn on the Existing Industry Withholding Rebate Fund to the establishment in the amount of the rebate as
determined pursuant to subsection (1) of this section for the
calendar quarter.

SECTION 569. Section 57-100-9, Mississippi Code of 1972, is
brought forward as follows:

57-100-9. The MDA and the State Tax Commission shall
promulgate rules and regulations, in accordance with the
Mississippi Administrative Procedures Law, and all application
forms and other forms necessary to implement their respective
duties and responsibilities under the provisions of this chapter.

SECTION 570. Section 57-105-1, Mississippi Code of 1972, is
brought forward as follows:

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

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

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

(b) "Applicable percentage" means:

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

(ii) For any equity investment issued from and after July 1, 2008, eight percent (8%) for each of the first through third credit allowance dates for purposes of the taxes imposed by Section 27-7-5 or the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.
(c) "Credit allowance date" means, with respect to any qualified equity investment:

(i) The later of:

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

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

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

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

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

(e) "Qualified active low-income community business" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended.
(f) "Qualified equity investment" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended. The investment does not have to be designated as a qualified equity investment by the Community Development Financial Institutions Fund of the United States Treasury to be considered a qualified equity investment under this section but otherwise must meet the definition under the Internal Revenue Code. In addition to meeting the definition in Section 45D of the Internal Revenue Code such investment must also:

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

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

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

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

(2) A taxpayer that holds a qualified equity investment on the credit allowance date shall be entitled to a credit applicable against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 during the taxable year that includes the credit allowance date. The amount of the credit shall be equal to the applicable percentage of the adjusted purchase price paid to the qualified community development entity for the qualified equity investment. The amount of the credit that may be utilized in any one (1) tax year shall be limited to an amount not greater than the total tax liability of the taxpayer for the taxes imposed by the above-referenced sections. The credit shall not be refundable or transferable. Any unused portion of the credit may be carried forward for seven (7) taxable years beyond the credit allowance date on which the credit was earned. The maximum aggregate amount of qualified equity investments that may be allocated by the Mississippi Development Authority may not exceed an amount that would result in taxpayers claiming in any one (1) state fiscal year credits in excess of Fifteen Million Dollars ($15,000,000.00), exclusive of credits that might be carried forward from previous taxable years; however, a maximum of one-third (1/3) of this amount may be allocated as credits for
taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any taxpayer claiming a credit under this section against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 shall not be required to pay any additional tax under Section 27-15-123 as a result of claiming such credit. The Mississippi Development Authority shall allocate credits within this limit as provided for in subsection (4) of this section.

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

(4) The qualified community development entity shall apply for credits with the Mississippi Development Authority on forms prescribed by the Mississippi Development Authority. The qualified community development entity must pay an application fee of One Thousand Dollars ($1,000.00) to the Mississippi Development Authority at the time the application is submitted. In the application the qualified community development entity shall certify to the Mississippi Development Authority the dollar amount of the qualified equity investments made or to be made in this...
state, including in any federal Indian reservation located within
the state's geographical boundary, during the first twelve-month
period following the initial credit allowance date. The
Mississippi Development Authority shall allocate credits based on
the dollar amount of qualified equity investments as certified in
the application. Once the Mississippi Development Authority has
allocated credits to a qualified community development entity, if
the corresponding qualified equity investment has not been issued
as of the date of such allocation, then the corresponding
qualified equity investment must be issued not later than one
hundred twenty (120) days from the date of such allocation. If
the qualified equity investment is not issued within such time
period, the allocation shall be cancelled and returned to the
Mississippi Development Authority for reallocation. Upon final
documentation of the qualified low-income community investments,
if the actual dollar amount of the investments is lower than the
amount estimated, the Mississippi Development Authority shall
adjust the tax credit allowed under this section. The Department
of Revenue may recapture all of the credit allowed under this
section if:

(a) Any amount of federal tax credits available with
respect to a qualified equity investment that is eligible for a
tax credit under this section is recaptured under Section 45D of
the Internal Revenue Code of 1986, as amended; or
(b) The qualified community development entity redeems or makes any principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of the qualified equity investment; or

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

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

The Mississippi Development Authority shall not allocate any credits under this section after July 1, 2021.

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

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

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

(b) As used in this subsection:

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

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

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

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

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

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

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

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

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

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

SECTION 571. Section 57-111-1, Mississippi Code of 1972, is
brought forward as follows:
57-111-1. (1) As used in this section:

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

(b) "Program" means the Mississippi Small Business and Existing Forestry Industry Enterprise Participating Loan Program established in this section.

(c) "Small business" means any commercial enterprise with less than one hundred (100) full-time employees, less than Seven Million Dollars ($7,000,000.00) in gross revenues or less than Seven Hundred Fifty Thousand Dollars ($750,000.00) in net annual profit after taxes.

(d) "Existing forestry industry enterprise" means a manufacturing enterprise that:

(i) Has its principal place of business in this state;

(ii) Has been operating in this state for not less than three (3) consecutive years preceding the date of submitting an application for assistance under this section;

(iii) Performs the initial processing of pine logs and/or hardwood logs in the production of lumber products or is engaged in the production of poles and/or timbers; and

(iv) Has employed an average of not less than fifteen (15) employees based on the most recent thirty-six-month period preceding the date that the enterprise submits an application for assistance under this section.
The term "existing forestry industry enterprise" does not include any (a) enterprise with the primary business of producing chips or (b) pulp manufacturer and/or paper manufacturer.

(2) The MDA shall establish a program of loans to be made to small businesses and existing forestry industry enterprises for the purpose of encouraging the extension of conventional financing and the issuance of letters of credit to small businesses and existing forestry industry enterprises by private institutions. Money to make the loans under the program shall be drawn by the MDA from the Small Business Participating Loan Program Revolving Fund. The amount of a loan to any single small business or existing forestry industry enterprise under the program shall not exceed fifty percent (50%) of the total cost of the project for which financing is sought. Interest shall be charged on the loans at a rate equal to one percent (1%) above the current published prime rate. The term of any loan made under this section shall not exceed five (5) years. Repayments of loans made by the MDA under the program shall be deposited to the credit of the Small Business and Existing Forestry Industry Enterprise Participating Loan Program Revolving Fund. Small businesses may utilize loan proceeds for buildings, equipment and working capital. An existing forestry industry enterprise that receives a loan under this section may use the loan proceeds for the purpose of providing working capital, acquiring machinery and equipment, making upgrades and improvements to machinery and equipment,
acquiring raw materials and any other purposes approved by the MDA.

(3) There is created a special fund in the State Treasury to be known as the Small Business and Existing Forestry Industry Enterprise Participating Loan Program Revolving Fund which shall consist of money from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Money in the fund shall be disbursed by the Mississippi Development Authority for the purposes authorized in subsection (2) of this section.

(4) Money in the fund that is derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

SECTION 572. Section 57-113-1, Mississippi Code of 1972, is brought forward as follows:

57-113-1. As used in this article:
(a) "Business enterprise" means:

(i) Any enterprise owning or operating a facility for the manufacture or assembly of systems or components used in the generation of clean energy that locates or expands in this state which will have a minimum capital investment in this state of Fifty Million Dollars ($50,000,000.00) and will create a minimum of two hundred fifty (250) new, full-time jobs.

(ii) Any enterprise owning or operating a facility that manufactures, assembles or processes products, components or systems for the aerospace industry or provides research and development or training services in the aerospace industry that locates or expands in this state, which will have a minimum capital investment in this state of Twenty-five Million Dollars ($25,000,000.00) in land, building and equipment and will create a minimum of twenty-five (25) new, full-time jobs which provide an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is less.

(b) "Aerospace industry" means the industry that researches, designs, manufactures, repairs, operates and/or
maintains products, components and systems which enable vehicles
to move through the air and space.

(c) "Biomass" means and includes any of the following:

(i) Forest-related mill residues, pulping

(ii) Solid wood waste materials, including

(d) "Clean energy" means energy that is generated from

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

(f) "State tax" means:

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PAGE 893 (BS\JAB)  forward various sections of law relating to.
(i) Any sales or use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities that are certified by the Mississippi Development Authority;

(ii) All income tax imposed pursuant to law on income earned by the business enterprise certified by the Mississippi Development Authority;

(iii) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the Mississippi Development Authority; and

(iv) Any sales or use tax imposed on the lease of machinery and equipment acquired in the initial construction to establish the facility or for an expansion certified by the Mississippi Development Authority.

SECTION 573. Section 57-113-3, Mississippi Code of 1972, is brought forward as follows:

57-113-3. Business enterprises wishing to apply for the tax exemptions authorized by this article shall make application to the MDA prior to construction or acquisition of the buildings for the location or expansion of the business enterprise in this state. The application shall, at a minimum, contain:

(a) An overview of the project that includes the selected site, the number of jobs proposed, the length of time
necessary for the company to meet its investment and employment requirements;

(b) A two-year business plan, which shall include pro forma financial statements for the project;

(c) Data supporting the expertise of the project's principals;

(d) An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and

(e) Such information as may be requested by the MDA.

SECTION 574. Section 57-113-5, Mississippi Code of 1972, is brought forward as follows:

57-113-5. (1) Upon approval of the application, the MDA shall issue certification designating the business enterprise as eligible for the tax exemptions authorized by this article. This certification shall document the date by which all commitments must be met.

(2) Upon the issuance of the certification, the business enterprise shall be exempt from state taxes for a period of ten (10) years subject to the performance requirements set out in the agreement required by subsection (3)(c) of this section. If the business enterprise is located in an area that has been declared by the Governor to be a disaster area and as a direct result of the disaster the business enterprise is unable to utilize the exemption from state taxes, the MDA may extend the period of time...
by which the minimum requirements must be met and duration of the exemption from state taxes for not more than two (2) years. Any business enterprise that has property or equipment purchased utilizing the state tax exemption that is damaged or destroyed as a result of the disaster may purchase replacement equipment and component building materials exempt from sales and use tax.

(3) The following conditions, along with any other conditions the MDA shall promulgate from time to time by rule or regulation, shall apply to such exemptions:

(a) Any exemption provided under this article is nontransferable and cannot be applied, used or assigned to any other person or business or tax account without prior approval by the MDA;

(b) No approved business enterprise may claim or use the exemption granted under this article unless that enterprise is in full compliance with all state and local tax laws, and related ordinances and resolutions; and

(c) The business enterprise must enter into an agreement with the MDA which sets out, at a minimum, the performance requirements of the approved business enterprise during the term of the exemption and provisions for the recapture of all or a portion of the taxes exempted if the performance requirements of the business enterprise are not met.

(4) Upon certifying a business enterprise as eligible for the exemptions under this article, the MDA shall forward the
certification along with any other necessary information to the Department of Revenue so that the exemptions can be implemented. The Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of the state tax exemptions granted under this article.

**SECTION 575.** Section 57-113-7, Mississippi Code of 1972, is brought forward as follows:

57-113-7. The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation and administration of this article.

**SECTION 576.** Section 57-113-21, Mississippi Code of 1972, is brought forward as follows:

57-113-21. As used in this article:

(a) "Business enterprise" means any business enterprise owning or operating a data center with a minimum capital investment in this state of Twenty Million Dollars ($20,000,000.00) which will create a minimum of twenty (20) new, full-time jobs with a minimum average annual salary of not less than one hundred twenty-five percent (125%) of the average annual state wage.

(b) "Data center" means a business enterprise that utilizes hardware, software, technology, infrastructure and/or workforce, to store, manage or manipulate digital data.

(c) "MDA" means the Mississippi Development Authority.
(d) "State tax" means:

(i) Any sales and use tax imposed on the business enterprise pursuant to law related to the purchase or lease of component building materials and equipment for initial construction of facilities or expansion of facilities that are certified by the Mississippi Development Authority;

(ii) Any sales and use tax imposed by law on the business enterprise pursuant to law related to the purchase of replacement hardware, software or other necessary technology to operate a data center;

(iii) All income tax imposed pursuant to law on income earned by the business enterprise certified by the Mississippi Development Authority; and

(iv) Franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise certified by the Mississippi Development Authority.

SECTION 577. Section 57-113-23, Mississippi Code of 1972, is brought forward as follows:

57-113-23. Business enterprises wishing to apply for the tax exemptions authorized by this article shall make application to the MDA prior to construction or acquisition of the buildings for the location or expansion of the business enterprise in this state. The application, at a minimum, shall contain:

(a) An overview of the project that includes the selected site, the number of jobs proposed, the length of time
necessary for the company to meet its investment and employment requirements;

(b) A two-year business plan, which shall include pro forma financial statements for the project and any service contracts to be performed at the Mississippi facility;

(c) Data supporting the expertise of the project's principals;

(d) An acknowledgment that the business entity will be required to provide annual documentation to demonstrate that the minimum job requirement is being maintained; and

(e) Such information as may be requested by the MDA.

SECTION 578. Section 57-113-25, Mississippi Code of 1972, is brought forward as follows:

57-113-25. (1) Upon approval of the application, the MDA shall issue a certification designating the business enterprise as eligible for the tax exemptions authorized by this article. This certification shall document the date by which all commitments must be met.

(2) Upon the issuance of the certification, the business enterprise shall be exempt from state taxes for a period of ten (10) years subject to the performance requirements set out in the agreement required by subsection (3)(c) of this section.

(3) The following conditions, along with any other conditions the MDA shall promulgate from time to time by rule or regulation, shall apply to such exemptions:
(a) Any exemption provided under this article is nontransferable and cannot be applied, used or assigned to any other person or business or tax account without prior approval by the MDA;

(b) No approved business enterprise may claim or use the exemption granted under this article unless that enterprise is in full compliance with all state and local tax laws, and related ordinances and resolutions; and

(c) The business enterprise must enter into an agreement with the MDA which sets out, at a minimum, the performance requirements of the approved business enterprise during the term of the exemption and provisions for the recapture of all or a portion of the taxes exempted if the performance requirements of the business enterprise are not met.

(4) Upon certifying a business enterprise as eligible for the exemptions under this article, the MDA shall forward the certification along with any other necessary information to the Department of Revenue so that the exemptions can be implemented. The Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of the state tax exemptions granted under this article.

SECTION 579. Section 57-113-27, Mississippi Code of 1972, is brought forward as follows:
57-113-27. The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation and administration of this article.

**SECTION 580.** Section 57-115-1, Mississippi Code of 1972, is brought forward as follows:

57-115-1. This chapter shall be known and may be cited as the Mississippi Small Business Investment Company Act.

**SECTION 581.** Section 57-115-3, Mississippi Code of 1972, is brought forward as follows:

57-115-3. As used in this chapter, the following terms and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Affiliate" means:

(i) Any person who, directly or indirectly, beneficially owns, controls, or holds power to vote fifteen percent (15%) or more of the outstanding voting securities or other voting ownership interest of a Mississippi small business investment company or insurance company; and

(ii) Any person, fifteen percent (15%) or more of whose outstanding voting securities or other voting ownership interests are directly or indirectly beneficially owned, controlled, or held, with power to vote by a Mississippi small business investment company or insurance company. Notwithstanding this paragraph (a), an investment by a participating investor in a Mississippi small business investment company pursuant to an
allocation of tax credits under this chapter does not cause that Mississippi small business investment company to become an affiliate of that participating investor.

(b) "Allocation date" means the date on which credits are allocated to the participating investors of a Mississippi small business investment company under this chapter.

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

(d) "Department" means the Mississippi Department of Banking and Consumer Finance.

(e) "Designated capital" means an amount of money that:

(i) Is invested by a participating investor in a Mississippi small business investment company; and

(ii) Fully funds the purchase price of a participating investor's equity interest in a Mississippi small business investment company or a qualified debt instrument issued by a Mississippi small business investment company, or both.

(f) "Mississippi small business investment company" means a partnership, corporation, trust, or limited liability company, organized on a for-profit basis, that:

(i) Has its principal office located in Mississippi or is headquartered in Mississippi;

(ii) Has as its primary business activity the investment of cash in qualified businesses; and
(iii) Is certified by the MDA as meeting the criteria described in this section to qualify as either a primary or secondary Mississippi small business investment company.

(g) "Participating investor" means any insurer that contributes designated capital pursuant to this chapter.

(h) "Person" means any natural person or entity, including, but not limited to, a corporation, general or limited partnership, trust, or limited liability company.

(i) "Qualified business" means a business that is independently owned and operated and meets all of the following requirements:

   (i) It is headquartered in Mississippi, its principal business operations are located in Mississippi and at least eighty percent (80%) of its employees are located in Mississippi;

   (ii) It has not more than one hundred (100) employees at the time of the first qualified investment in the business;

   (iii) It is not more than ten percent (10%) engaged in:

      1. Professional services provided by accountants, doctors, or lawyers;

      2. Banking or lending;

      3. Real estate development;

      4. Retail;
5. Insurance; or
6. Making loans to or investments in a Mississippi small business investment company or an affiliate; and
   (iv) It is not a franchise of and has no financial relationship with a Mississippi small business investment company or any affiliate of a Mississippi small business investment company prior to a Mississippi small business investment company's first qualified investment in the business.
A business classified as a qualified business at the time of the first qualified investment in the business will remain classified as a qualified business and may receive continuing qualified investments from any Mississippi small business investment company. Continuing investments will constitute qualified investments even though the business may not meet the definition of a qualified business at the time of such continuing investments; however, the business cannot fail to satisfy subparagraph (iii) and (iv) of this paragraph (i).
(j) "Qualified debt instrument" means a debt instrument issued by a Mississippi small business investment company that meets all of the following criteria:
   (i) It is issued at par value or a premium;
   (ii) It has an original maturity date of at least four (4) years from the date of issuance and a repayment schedule that is not faster than a level principal amortization over four (4) years; and
(iii) Has no interest or payment features that allow for the prepayment of interest or are tied to the profitability of the Mississippi small business investment company or the success of its investments.

(k) "Qualified distribution" means any distribution or payment by a Mississippi small business investment company in connection with the following:

   (i) Reasonable costs and expenses of forming, syndicating and organizing the Mississippi small business investment company, including fees paid for professional services and the costs of financing and insuring the obligations of a Mississippi small business investment company, provided no such payment is made to more than one (1) participating investor or an affiliate or related party of a participating investor;

   (ii) An annual management fee not to exceed two percent (2%) of designated capital on an annual basis to offset the costs and expenses of managing and operating a Mississippi small business investment company;

   (iii) Any projected increase in federal or state taxes, including penalties and interest related to state and federal income taxes, or to the equity owners of the company resulting from the earnings or other tax liability of the company to the extent that the increase is related to the ownership, management, or operation of the company;
(iv) Reasonable and necessary fees in accordance with industry custom for ongoing professional services, including, but not limited to, legal and accounting services related to the operation of a Mississippi small business investment company, not including lobbying or governmental relations; and

(v) Payments of principal and interest to holders of qualified debt instruments issued by a Mississippi small business investment company which may be made without restriction.

1. "Qualified investment" means the investment of money by a Mississippi small business investment company in a qualified business for the purchase of any debt, debt participation, equity, or hybrid security of any nature and description, including a debt instrument or security that has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants; provided that any debt, debt participation or other debt instrument or security shall have a maturity of at least three (3) years. Any repayment of a qualified investment prior to one (1) year from the date of issuance shall result in the amount of the qualified investment being reduced by fifty percent (50%) for purposes of the cumulative investment requirement set forth in Section 57-115-9(1)(c).

2. "State premium tax liability" means any liability incurred by an insurance company under the provisions of Section 27-15-103, 27-15-109 or 27-15-123 or in the case of a repeal or a
22412 reduction by the state of the liability imposed by Section

22414 SECTION 582. Section 57-115-5, Mississippi Code of 1972, is
22415 brought forward as follows:

22416 57-115-5. (1) (a) The MDA must provide a standardized
22417 format for applying for the Mississippi small business investment
22418 credit authorized under this chapter, and for certification as a
22419 Mississippi small business investment company.

22420 (b) An applicant for certification as a primary
22421 Mississippi small business investment company must:

22422 (i) File an application with the MDA which shall
22423 include a business plan detailing:

22424 1. The approximate percentage of designated
22425 capital the applicant will invest in qualified businesses by the
22426 second, fourth and sixth anniversaries of its allocation date;

22427 2. The industry segments listed by the North
22428 American Industrial Classification System code and percentage of
22429 designated capital in which the applicant will invest; and

22430 3. The number of jobs that will be created or
22431 retained as a result of the applicant's investments once all
22432 designated capital has been invested. A job shall be considered
22433 created or retained if the job pays one hundred twenty-five
22434 percent (125%) of the state average annual wage and is maintained
22435 for at least three (3) years. The application shall project, at a
22436 minimum, that one (1) job shall be created or maintained for each
One Hundred Fifty Thousand Dollars ($150,000.00) in credits awarded to the participating investors of the Mississippi small business investment company;

(ii) Pay a nonrefundable application fee of Seven Thousand Five Hundred Dollars ($7,500.00) at the time of filing the application;

(iii) Submit as part of its application an audited balance sheet that contains an unqualified opinion of an independent certified public accountant issued not more than thirty-five (35) days before the application date that states that the applicant has an equity capitalization of Five Hundred Thousand Dollars ($500,000.00) or more in the form of unencumbered cash, marketable securities or other liquid assets; and

(iv) Have at least two (2) principals or persons, at least one (1) of which is primarily located in Mississippi, employed or engaged to manage the funds who each have a minimum of five (5) years of money management experience in the venture capital or private equity or lending industry.

(c) An applicant for certification as a secondary Mississippi small business investment company must:

(i) File an application with the MDA which shall include a business plan detailing:

1. The approximate percentage of designated capital the applicant will invest in qualified businesses by the second, fourth and sixth anniversaries of its allocation date;
2. The industry segments listed by the North American Industrial Classification System code and percentage of designated capital in which the applicant will invest; and

3. The number of jobs that will be created or retained as a result of the applicant's investments once all designated capital has been invested. A job shall be considered created or retained if the job pays one hundred twenty-five percent (125%) of the state average annual wage and is maintained for at least three (3) years. The application shall project, at a minimum, that one (1) job shall be created or maintained for each One Hundred Fifty Thousand Dollars ($150,000.00) in credits awarded to the participating investors of the Mississippi small business investment company;

   (ii) Pay a nonrefundable application fee of Three Thousand Seven Hundred Fifty Dollars ($3,750.00) at the time of filing the application;

   (iii) Submit as part of its application an audited balance sheet that contains an unqualified opinion of an independent certified public accountant issued not more than thirty-five (35) days before the application date that states that the applicant has an equity capitalization of One Hundred Fifty Thousand Dollars ($150,000.00) or more in the form of unencumbered cash, marketable securities or other liquid assets;

   (iv) Demonstrate that fifty percent (50%) of all secondary investment company investments have been in Mississippi,
and all of the applicant's employees have lived in Mississippi for at least two (2) years prior to the application being filed, and that those who are employed or engaged to manage the funds have a minimum of three (3) years of money management experience in the venture capital or private equity or lending industry;

(v) Submit as part of its application a signed and notarized partnership agreement letter with a certified primary Mississippi small business investment company; and

(vi) Any participating partner or individual in a certified secondary small business investment company that successfully participated in the initial authorization and allocation of credits in 2012, and which is a partner in a submitted application for credits allocated in subsection (4)(b) of this section, while partnered with the same primary small business investment company from the previous 2012 allocation, shall have the requirements in subparagraphs (iii) and (iv) of this paragraph (c) waived as having been completed through the previous allocation.

(d) The MDA may certify partnerships, corporations, trusts, or limited liability companies, organized on a for-profit basis, which submit an application to be designated as a Mississippi small business investment company if the applicant is located, headquartered, and licensed or registered to conduct business in Mississippi, has as its primary business activity the
investment of cash in qualified businesses, and meets all of the
criteria of this section.

(e) The MDA must:

(i) Review the organizational documents of each
applicant for certification and the business history of each
applicant;

(ii) Determine whether the applicant has satisfied
all of the requirements of this section; and

(iii) Determine whether the officers and the board
of directors, general partners, trustees, managers or members are
trustworthy and are thoroughly acquainted with the requirements of
this chapter.

(f) Within forty-five (45) days after the receipt of an
application, the MDA may issue the certification or refuse the
certification and may communicate in detail to the applicant the
grounds for refusal, including suggestions for the removal of the
grounds.

(g) The MDA must begin accepting applications to become
a Mississippi small business investment company not later than
August 1, 2012, for credits allocated in subsection (4)(a) of this
section, and not later than August 1, 2018, for credits allocated
in subsection (4)(b) of this section.

(h) Certification by the MDA and operation of a primary
Mississippi small business investment company is not subject to
completion of any relationship or agreement with a secondary
Mississippi small business investment company, and it is not the intent of this chapter to compel any such agreement.

(2) (a) An insurance company or affiliate of an insurance company must not, directly or indirectly:

(i) Beneficially own, whether through rights, options, convertible interest, or otherwise, fifteen percent (15%) or more of the voting securities or other voting ownership interest of a Mississippi small business investment company;

(ii) Manage a Mississippi small business investment company; or

(iii) Control the direction of investments for a Mississippi small business investment company.

(b) A Mississippi small business investment company may obtain one or more guaranties, indemnities, bonds, insurance policies, or other payment undertakings for the benefit of its participating investors from any entity, except that in no case can more than one (1) participating investor of a Mississippi small business investment company on an aggregate basis with all affiliates of the participating investor, be entitled to provide guaranties, indemnities, bonds, insurance policies, or other payment undertakings in favor of the participating investors of a Mississippi small business investment company and its affiliates in this state.

(c) This subsection (2) does not preclude a participating investor, insurance company or other party from
exercising its legal rights and remedies, including, without limitation, interim management of a Mississippi small business investment company, in the event that a Mississippi small business investment company is in default of its statutory obligations or its contractual obligations to a participating investor, insurance company, or other party, or from monitoring a Mississippi small business investment company to ensure its compliance with this chapter or disallowing any investments that have not been approved by the MDA.

(d) The MDA may contract with an independent third party to review, investigate, and certify that the applications comply with the provisions of this chapter.

(3) (a) At the time of its investment of designated capital a participating investor shall earn a vested credit against the participating investor's state premium tax liability in an amount equal to one hundred percent (100%) of the participating investor's investment of designated capital in a Mississippi small business investment company, subject to the limits imposed by this section.

(b) From and after January 1, 2015, a participating investor may claim the credit allocated in subsection (4)(a) of this section as follows:

   (i) For the 2015 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital;
(ii) For the 2016 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital;

(iii) For the 2017 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital;

(iv) For the 2018 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital; and

(v) For the 2019 taxable year, an amount equal to twenty percent (20%) of the participating investor's investment of designated capital.

(c) From and after January 1, 2021, a participating investor may claim the credit allocated in subsection (4)(b) of this section as follows:

(i) For the 2021 taxable year, an amount equal to sixteen and sixty-six one-hundredths percent (16.66%) of the participating investor's investment of designated capital;

(ii) For the 2022 taxable year, an amount equal to sixteen and sixty-six one-hundredths percent (16.66%) of the participating investor's investment of designated capital;

(iii) For the 2023 taxable year, an amount equal to sixteen and sixty-six one-hundredths percent (16.66%) of the participating investor's investment of designated capital;
(iv) For the 2024 taxable year, an amount equal to sixteen and sixty-six one-hundredths percent (16.66%) of the participating investor's investment of designated capital;

(v) For the 2025 taxable year, an amount equal to sixteen and sixty-six one-hundredths percent (16.66%) of the participating investor's investment of designated capital; and

(vi) For the 2026 taxable year, an amount equal to sixteen and seven-tenths percent (16.7%) of the participating investor's investment of designated capital.

(d) The credit for any taxable year cannot exceed the state premium tax liability of the participating investor for the taxable year. If the amount of the credit exceeds the state premium tax liability of the participating investor for the taxable year, the excess is an investment tax credit carryover for five (5) years from the date the credit is first able to be utilized in accordance with paragraph (a) of this subsection (3).

(e) Notwithstanding any provision of this chapter to the contrary, the granting of any credits against the insurance premium tax shall not affect the insurance premium tax receipts distributed pursuant to Sections 83-1-37, 83-1-39, 83-34-39, 45-11-5 and 21-29-233, which shall take priority over all other distributions of premium tax receipts and shall be calculated based upon gross insurance premium tax liability before the application of the tax credits.
(f) A participating investor claiming a credit under this chapter is not required to pay any additional retaliatory tax under Section 27-15-123 levied as a result of claiming the credit.

(g) A participating investor is not required to reduce the amount of tax pursuant to the state premium tax liability included by the participating investor in connection with ratemaking for any insurance contract written in this state because of a reduction in the participating investor's tax liability based on the tax credit allowed under this chapter.

(h) If the taxes paid by a participating investor with respect to its state premium tax liability constitute a credit against any other tax that is imposed by this state, the participating investor's credit against the other tax shall not be reduced by virtue of the reduction in the participating investor's tax liability based on the tax credit allowed under this chapter.

(i) Final decertification of a Mississippi small business investment company under this chapter prior to such Mississippi small business investment company meeting the requirements of Section 57-115-7(1)(a)(ii), shall result in the disallowance and the recapture of all of the credits allocated to its participating investors under this chapter. Once a Mississippi small business investment company has satisfied the requirements of Section 57-115-7(1)(a)(ii), any subsequent decertification shall not cause the disallowance or recapture of
any credits allocated to its participating investors under this chapter.

(j) The credits allowed under this chapter are not transferable; however, a participating investor may transfer credits to an affiliated insurance company provided it gives prior written notice of such transfer to the MDA and the Department of Revenue.

(4) (a) (i) Through January 1, 2018, the aggregate amount of investment tax credits that may be allocated to all participating investors of Mississippi small business investment companies under this section shall not exceed Fifty Million Dollars ($50,000,000.00), and no Mississippi small business investment company, on an aggregate basis with its affiliates, may file credit allocation claims that exceed Fifty Million Dollars ($50,000,000.00).

(ii) The Fifty Million Dollars ($50,000,000.00) aggregate amount of investment tax credits allocated in this paragraph (a) shall be divided into a primary tax credit pool which may be applied for by certified primary Mississippi small business investment companies and a secondary tax credit pool which may be applied for by certified secondary Mississippi small business investment companies. The secondary tax credit pool shall be Three Million Five Hundred Thousand Dollars ($3,500,000.00) of the total Fifty Million Dollars ($50,000,000.00) aggregate amount of investment tax credits.
Secondary Mississippi small business investment companies may not apply for more than One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) worth of credits on a single application. A certified secondary Mississippi small business investment company may apply for additional tax credit allocation from the secondary tax credit pool, if the credits are available, after fifty percent (50%) of its previously allocated credits are used in qualified investments.

(iii) If there are any tax credits remaining available for allocation in the secondary tax credit pool on August 1, 2013, those available tax credits shall revert to the primary tax credit pool and be made available to primary Mississippi small business investment companies according to rules and regulations promulgated by the MDA. Prior to August 1, 2013, primary Mississippi small business investment companies, including any wholly owned subsidiary company, shall be prohibited from making application to the MDA to be additionally certified as a secondary Mississippi small business investment company for purposes of the tax credits allocated in this paragraph (a) and prohibited from applying for any tax credit allocation from the secondary tax credit pool. A certified primary Mississippi small business investment company may have ownership equity in a certified secondary Mississippi small business investment company, but the equity interest owned by the certified primary Mississippi
small business investment company shall not exceed forty percent (40%).

(b) (i) From and after July 1, 2018, an additional aggregate amount of investment tax credits may be allocated to all participating investors of Mississippi small business investment companies under this section. The amount so allocated shall not exceed Forty-five Million Dollars ($45,000,000.00), and no Mississippi small business investment company, on an aggregate basis with its affiliates, may file credit allocation claims on the additional aggregate amount of tax credits that exceed Forty-five Million Dollars ($45,000,000.00).

(ii) The Forty-five Million Dollars ($45,000,000.00) aggregate amount of investment tax credits allocated in this paragraph (b) shall be divided into a primary tax credit pool which may be applied for by certified primary Mississippi small business investment companies and a secondary tax credit pool which may be applied for by certified secondary Mississippi small business investment companies. The secondary tax credit pool shall be Three Million Five Hundred Thousand Dollars ($3,500,000.00) of the total Forty-five Million Dollars ($45,000,000.00) aggregate amount of investment tax credits. Secondary Mississippi small business investment companies may not apply for more than One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) worth of credits on a single application.

A certified secondary Mississippi small business investment
company may apply for additional tax credit allocation from the secondary tax credit pool, if the credits are available, after fifty percent (50%) of its previously allocated credits are used in qualified investments.

(iii) If there are any tax credits remaining available for allocation in the secondary tax credit pool on August 1, 2019, those available tax credits shall revert to the primary tax credit pool and be made available to primary Mississippi small business investment companies according to rules and regulations promulgated by the MDA. Prior to August 1, 2022, primary Mississippi small business investment companies, including any wholly owned subsidiary company, shall be prohibited from making application to the MDA to be additionally certified as a secondary Mississippi small business investment company for purposes of the tax credits allocated in this paragraph (b) and prohibited from applying for any tax credit allocation from the secondary tax credit pool. A certified primary Mississippi small business investment company may have ownership equity in a certified secondary Mississippi small business investment company, but the equity interest owned by the certified primary Mississippi small business investment company shall not exceed forty percent (40%).

(c) Credits must be allocated to investors in the order that the credit allocation claims are filed with the MDA.
(d) Any credit allocation claims filed with the MDA before the initial credit allocation claim filing date will be deemed to have been filed on the initial credit allocation claim filing date. The MDA will set the initial credit allocation claim filing date to be not less than one hundred twenty (120) days and not more than one hundred fifty (150) days after the date the MDA begins accepting applications for certification. Credit allocation claims filed on the same day with the MDA must be treated as having been filed contemporaneously.

(e) If two (2) or more Mississippi small business investment companies file credit allocation claims with the MDA on behalf of their respective participating investors on the same day and the aggregate amount of credit allocation claims exceeds the aggregate limit of credits authorized under this subsection (4) or the lesser amount of credits that remain unallocated on that day, then the credits shall be allocated among the participating investors who filed on that day on a pro rata basis with respect to the amounts claimed. The pro rata allocation for any one (1) participating investor is the product obtained by multiplying a fraction, the numerator of which is the amount of the credit allocation claim filed on behalf of a participating investor and the denominator of which is the total of all credit allocation claims filed on behalf of all participating investors on that day, by the aggregate limit of credits authorized under this subsection.
or the lesser amount of credits that remain unallocated on that day.

(f) Within ten (10) business days after the MDA receives a credit allocation claim filed by a Mississippi small business investment company on behalf of one or more of its participating investors, the MDA may notify the Mississippi small business investment company of the amount of credits allocated to each of the participating investors of that Mississippi small business investment company. In the event a Mississippi small business investment company does not receive an investment of designated capital from each participating investor required to earn the amount of credits allocated to the participating investor within ten (10) business days of the Mississippi small business investment company's receipt of notice of allocation, then it shall notify the MDA on or before the next business day, and the credits allocated to the participating investor of the Mississippi small business investment company will be forfeited. The MDA may then reallocate those forfeited credits among the participating investors of the other Mississippi small business investment companies on a pro rata basis with respect to the credit allocation claims filed on behalf of the participating investors.

The MDA may levy a fine of not more than Fifty Thousand Dollars ($50,000.00) on any participating investor that does not invest the full amount of designated capital required to fund the credits...
allocated to it by the MDA in accordance with the credit allocation claim filed on its behalf.

(g) No participating investor, on an aggregate basis with its affiliates, may file an allocation claim for more than twenty-five percent (25%) of the maximum amount of investment tax credits authorized under this subsection (4), regardless of whether the claim is made in connection with one or more Mississippi small business investment companies.

SECTION 583. Section 57-115-7, Mississippi Code of 1972, is brought forward as follows:

57-115-7. (1) (a) To maintain its certification, a Mississippi small business investment company must make qualified investments as follows:

(i) Within two (2) years after the allocation date, a Mississippi small business investment company must invest an amount equal to at least thirty-five percent (35%) of its designated capital in qualified investments; and

(ii) Within four (4) years after the allocation date, a Mississippi small business investment company must invest an amount equal to at least fifty percent (50%) of its designated capital in qualified investments.

(b) Before making a proposed qualified investment in a specific business, a Mississippi small business investment company must request from the MDA a written determination that the proposed investment will qualify as a qualified investment in a
qualified business and comply with the Mississippi small business investment company's business plan previously approved by the MDA.

The MDA must notify a Mississippi small business investment company within ten (10) business days from the receipt of a request of its determination and an explanation thereof. If the MDA determines that the proposed investment does not meet the definition of a qualified investment, qualified business or comply with the Mississippi small business investment company's business plan, the MDA may nevertheless consider the proposed investment a qualified investment or a qualified business if the MDA determines that the proposed investment will further economic development. A Mississippi small business investment company may at any time apply to the MDA to amend its business plan, which the MDA may approve if it determines that the proposed amendment will further economic development in the state.

(c) All designated capital not invested in qualified investments by a Mississippi small business investment company shall be held or invested in the manner the Mississippi small business investment company deems appropriate within the limits of this chapter. Designated capital and proceeds of designated capital returned to a Mississippi small business investment company after being originally invested in qualified investments may be invested in additional qualified investments and the investment shall count toward the requirements of paragraph (a) of this subsection (1) and of Section 57-115-9(1)(c) with respect to
making investments of designated capital in qualified investments,
provided that the qualified business returning the initial
qualified investment of the designated capital:

(i) Returns the capital pursuant to regularly
scheduled amortization payments;

(ii) Returns the capital after a change in control
or sale of the company or substantially all of its assets;

(iii) Returns the capital to the Mississippi small
business investment company after defaulting on the terms of the
qualified investment; or

(iv) Has attracted follow-on investment equal to
the amount returned to the Mississippi small business investment
company from a source other than a Mississippi small business
investment company.

(d) (i) If, within five (5) years after its allocation
date, a Mississippi small business investment company has not
invested at least eighty-five percent (85%) of its designated
capital in qualified investments, the Mississippi small business
investment company shall not be permitted to pay management fees
until it has invested such amount of designated capital in
qualified investments.

(ii) If within seven (7) years after its
allocation date, a Mississippi small business investment company
has no longer invested at least one hundred percent (100%) of its
designated capital in qualified investments, the Mississippi small
business investment company shall not be permitted to pay management fees.

(2) (a) Each Mississippi small business investment company must report the following to the MDA and the Department of Revenue:

   (i) As soon as practicable after the receipt of designated capital:

       1. The name of each participating investor from which the designated capital was received, and each participating investor's affiliates that may claim credits, including the insurance tax identification number of the participating investor and its affiliates, if any;

       2. The amount of each participating investor's investment of designated capital; and

       3. The date on which the designated capital was received;

   (ii) On an annual basis, on or before January 31 of each year:

       1. The amount of the Mississippi small business investment company's designated capital that remains to be invested in qualified investments at the end of the immediately preceding taxable year;

       2. Whether or not the Mississippi small business investment company has invested more than fifteen percent
(15%) of its total designated capital in any one (1) qualified business;

3. All qualified investments that the Mississippi small business investment company has made in the previous taxable year, including the number of employees of each qualified business in which it has made investments at the time of the investment and as of December 1 of the preceding taxable year;

4. For any qualified business where the Mississippi small business investment company no longer has an investment, the Mississippi small business investment company must provide employment figures for that business as of the last day before the investment was terminated;

(iii) Other information that the MDA and/or the Department of Revenue may reasonably request that will help the MDA ascertain the impact of the Mississippi small business investment company program both directly and indirectly on the economy of the State of Mississippi including, but not limited to, the number of jobs created by qualified businesses that have received qualified investments; and

(iv) Within ninety (90) days after the close of its fiscal year, annual audited financial statements of the Mississippi small business investment company, which must include the opinion of an independent certified public accountant.

(b) A Mississippi small business investment company must pay to the MDA an annual, nonrefundable certification fee of
Two Thousand Five Hundred Dollars ($2,500.00) on or before April 1, or Five Thousand Dollars ($5,000.00) if later. However, no annual certification fee is required if the payment date for the fee is within six (6) months of the date a Mississippi small business investment company is first certified by the MDA.

(c) Upon satisfying the requirements of subsection (1)(a)(ii) of this section, a Mississippi small business investment company shall provide notice of the satisfaction to the MDA, and the MDA shall, within sixty (60) days of receipt of the notice, either confirm that the Mississippi small business investment company has satisfied the requirements of subsection (1)(a)(ii) of this section as of that date or provide notice of noncompliance and an explanation of any existing deficiencies.

(3) (a) A Mississippi small business investment company may make qualified distributions at any time. In order for a Mississippi small business investment company to make a distribution other than a qualified distribution to its equity holders:

(i) The qualified investments of the Mississippi small business investment company must equal or exceed one hundred percent (100%) of its designated capital; and

(ii) The Mississippi small business investment company must attract follow-on investment from sources other than itself or another Mississippi small business investment company in
the qualified businesses in which it made qualified investments equal to one hundred percent (100%) of its designated capital.

(b) For all distributions other than qualified distributions, if the Mississippi small business investment company has not met or exceeded the jobs creation and retention goal agreed to by the MDA and the Mississippi small business investment company in its application and the MDA has not waived this requirement as a result of project location and business sector, the Mississippi small business investment company shall pay all such distributions to the state as a fee until the Mississippi small business investment company has paid to the state an amount equal to the penalty amount. For purposes of this section, the penalty amount shall equal one percent (1%) of the cumulative management fees previously paid by the Mississippi small business investment company for every one percent (1%) by which a Mississippi small business investment company fails to meet the jobs creation goal agreed to by the MDA and the Mississippi small business investment company in its application.

SECTION 584. Section 57-115-9, Mississippi Code of 1972, is brought forward as follows:

57-115-9. (1) (a) The MDA, or at its discretion the department, shall conduct an annual review of each Mississippi small business investment company to determine if a Mississippi small business investment company is abiding by the requirements of certification and to ensure that no investment has been made in
violation this chapter. The cost of the annual review must be paid by each Mississippi small business investment company according to a reasonable fee schedule adopted by the MDA and/or the department. In the event the department conducts the annual review, the department shall provide copies of the review to the MDA. The MDA shall provide copies of each Mississippi small business investment company's annual review to the Mississippi small business investment company reviewed.

(b) Any material violation of this chapter, including any material misrepresentation made to the MDA in connection with the application process, may be grounds for decertification of a Mississippi small business investment company and the disallowance of credits under this chapter, provided that in all instances the MDA shall provide notice to the Mississippi small business investment company of the grounds of the proposed decertification. The Mississippi small business investment company shall have at least one hundred twenty (120) days from receipt of notice from the MDA to remedy any violation before the decertification becomes effective.

(c) After a Mississippi small business investment company has invested an amount cumulatively equal to one hundred percent (100%) of its designated capital in qualified investments, provided that the Mississippi small business investment company has met all other requirements under this chapter as of that date, the Mississippi small business investment company shall no longer
be subject to regulation by the MDA or the department or the 
reporting requirements under Section 57-115-7(2). Upon receiving 
certification by a Mississippi small business investment company 
that it has invested an amount equal to one hundred percent (100%) 
of its designated capital, the MDA must notify a Mississippi small 
business investment company within sixty (60) days that it has or 
has not met the requirements, with a reason for the determination 
if it has not met the requirements.

   (d) The MDA must send written notice of any 
decertification proceedings to the Department of Revenue, the 
department, and to the address of each participating investor 
whose tax credit may be subject to recapture or forfeiture, using 
the address shown on the last filing submitted to the MDA.

   (2) All investments by participating investors for which tax 
credits are awarded under this chapter must be registered or 
specifically exempt from registration.

   (3) After January 1, 2015, the MDA must make an annual 
report to the Governor, the Chairman of the House Ways and Means 
Committee and Chairman of the Senate Finance Committee. The 
report must include:

   (a) The number of Mississippi small business investment 
companies holding designated capital;

   (b) The amount of designated capital invested in each 
Mississippi small business investment company;
(c) The cumulative amount that each Mississippi small business investment company has invested as of January 1, 2015, and the cumulative total each year thereafter;

(d) The cumulative amount of follow-on capital that the investments of each Mississippi small business investment company have created in terms of capital invested in qualified businesses at the same time or subsequent to investments made by a Mississippi small business investment company in the businesses by sources other than a Mississippi small business investment company;

(e) The total amount of investment tax credits applied for and allocated under this chapter for each year;

(f) The performance of each Mississippi small business investment company with regard to the requirements for continued certification;

(g) The classification of the companies in which each Mississippi small business investment company has invested according to industrial sector and size of company;

(h) The gross number of jobs created by investments made by each Mississippi small business investment company and the number of jobs retained;

(i) The location of the companies in which each Mississippi small business investment company has invested;
(j) Those Mississippi small business investment companies that have been decertified, including the reasons for decertification; and

(k) Other related information necessary to evaluate the effect of this chapter on economic development.

SECTION 585. Section 57-115-11, Mississippi Code of 1972, is brought forward as follows:

57-115-11. The MDA and the department each may promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation and administration of this chapter.

SECTION 586. Section 57-117-1, Mississippi Code of 1972, is brought forward as follows:

57-117-1. This chapter shall be known and may be cited as the "Mississippi Health Care Industry Zone Act."

SECTION 587. Section 57-117-3, Mississippi Code of 1972, is amended as follows:

57-117-3. In this chapter:

(a) "Health care industry facility" means:

   (i) A business engaged in the research and development of pharmaceuticals, biologics, biotechnology, diagnostic imaging, medical supplies, medical equipment or medicine and related manufacturing or processing, medical service providers, medical product distribution, or laboratory testing that creates a minimum of twenty-five (25) new full-time jobs
and/or Ten Million Dollars ($10,000,000.00) of capital investment after July 1, 2012; or

(ii) A business that is located on land owned by or leased from an academic health science center with a medical school accredited by the Liaison Committee on Medical Education and a hospital accredited by the Joint Committee on Accreditation of Healthcare Organizations and creates a minimum of twenty-five (25) new jobs and/or Twenty Million Dollars ($20,000,000.00) of capital investment after July 1, 2012.

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

(c) "Health care industry zone" means a geographical area certified by the MDA as provided for in Section 57-117-5.

(d) "Local government unit" means any county or incorporated city, town or village in the State of Mississippi.

(e) "Person" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity.

(f) "Qualified business" means a business or health care industry facility that meets the requirements of Section 57-117-7 and any other requirements of this chapter.

**SECTION 588.** Section 57-117-5, Mississippi Code of 1972, is brought forward as follows:

57-117-5. (1) The MDA may certify an area as a health care industry zone if the following requirements are met:

(a) The area is located within:
(i) Three (3) contiguous counties which have certificates of need of more than three hundred seventy-five (375) acute care hospital beds; and/or

(ii) A county which has a hospital with a minimum capital investment of Two Hundred Fifty Million Dollars ($250,000,000.00) and for which construction is completed before July 1, 2017;

(b) The health care industry facility is located within a five-mile radius of:

(i) A facility with a certificate of need for hospital beds; and/or

(ii) A university or college that is:

1. Accredited by the Southern Association of Colleges and Schools and awards degrees and/or trains workers for jobs in health care or pharmaceutical fields of study and/or work, and

2. Located along or near Mississippi Highway 67 within a master planned community as defined in Section 19-5-10; and

(c) The zoning of the local government unit, if applicable, allows the construction or operation in the proposed health care industry zone of the health care industry facility.

(2) A health care industry facility that engages in an activity for which a certificate of need is required must comply
with the provisions of Section 41-7-191 in order to be certified
as a qualified business.

(3) The MDA may adopt and promulgate such rules and
regulations, in compliance with the Mississippi Administrative
Procedures Law, as are necessary for the efficient and effective
administration of this section in keeping with the purposes for
which it is enacted.

SECTION 589. Section 57-117-7, Mississippi Code of 1972, is
brought forward as follows:

57-117-7. (1) Businesses and health care industry
facilities shall apply to the MDA for certification as a qualified
business. If the health care industry facility or business is
located in a health care industry zone and meets the requirements
of this chapter, the MDA shall certify it as a qualified business.

(2) A health care industry facility or business certified by
the MDA as a qualified business within a health care industry zone
that constructs or renovates a health care industry facility
within a health care industry zone shall qualify for the
following:

(a) An accelerated state income tax depreciation
deduction. The accelerated depreciation deduction shall be
computed by accelerating depreciation period required by
Mississippi Administrative Code, to a ten-year depreciation
period.
(b) A sales tax exemption as authorized in Section 27-65-101 (pp).

(c) A fee-in-lieu of taxes as authorized in Section 27-31-104.

(d) An ad valorem tax exemption as authorized in Section 27-31-101.

SECTION 590. Section 57-117-9, Mississippi Code of 1972, is brought forward as follows:

57-117-9. If the qualified business has not created the requisite number of jobs required by this chapter, the health care industry zone certification may be revoked by MDA after five (5) years have elapsed from the effective date of certification. A revocation under this section shall not act retroactively to remove any incentives granted by this chapter.

SECTION 591. Section 57-117-11, Mississippi Code of 1972, is brought forward as follows:

57-117-11. Sections 57-117-1 through 57-117-11 of this act shall be repealed from and after July 1, 2022.

SECTION 592. Section 57-119-1, Mississippi Code of 1972, is brought forward as follows:

57-119-1. (1) There is created in the State Treasury a special fund to be designated as the "Gulf Coast Restoration Fund" (GCRF). The GCRF shall consist of funds required to be deposited into the GCRF by Section 27-103-302, funds appropriated or otherwise made available by the Legislature in any manner, and
funds from any other source designated for deposit into the GCRF.

Unexpended amounts remaining in the GCRF at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the GCRF shall be deposited to the credit of the GCRF.

(2) Monies in the GCRF shall be administered by the Mississippi Development Authority (MDA), and shall be used, upon appropriation by the Legislature, to provide assistance to applicants through programs or projects authorized by this chapter. Monies in the GCRF shall be used only for programs or projects that are located in the Gulf Coast region as defined in the federal RESTORE Act, or twenty-five (25) miles from the northern boundaries of the three (3) coastal counties of Harrison, Hancock and Jackson, but not to expand beyond the boundaries of Hancock, Harrison, Jackson, Pearl River, Stone, and George Counties. If a county is included in the coastal zone, then the county seat and the land lying to the east, west and south within that county would be considered a part of the coastal zone.

SECTION 593. Section 57-119-3, Mississippi Code of 1972, is brought forward as follows:

57-119-3. (1) Monies in the Gulf Coast Restoration Fund shall be used only for the purposes specified in this chapter, and no other expenditure, appropriation or transfer of monies in the GCRF shall be made except by an act of the Legislature making specific reference to the GCRF as the source of those monies.
If any monies in the GCRF are obligated or pledged as security for any debt incurred by MDA, and the monies in the GCRF that have been obligated or pledged are later expended, appropriated, transferred, obligated or pledged for any other purpose, the debt for which the monies were originally obligated or pledged shall be the obligation and indebtedness of the State of Mississippi secured by the full faith and credit of the state.

**SECTION 594.** Section 57-119-5, Mississippi Code of 1972, is brought forward as follows:

(1) There is created the Gulf Coast Restoration Fund Advisory Board for the purpose of providing guidance and expertise to MDA when reviewing applications for assistance under this chapter. The advisory board shall consist of the following seven (7) members:

(a) Three (3) appointments from the Governor;

(b) Two (2) appointments from the Lieutenant Governor; and

(c) Two (2) appointments from the Speaker of the House of Representatives.

(2) The Governor shall appoint the chairman of the board and the board shall elect such other officers as it considers necessary from among its members.

(3) A majority of the members of the board shall constitute a quorum for the conduct of meetings and all actions of the board shall be by a majority vote.
The Mississippi Development Authority shall provide any necessary administrative support to the board. No person nominated for, appointed to or serving as a member of the board may be an elected official.

Members of the board shall serve without compensation, per diem or mileage expense.

All expenses of the MDA in carrying out its duties and responsibilities under this section shall be paid from funds in the Gulf Coast Restoration Fund.

**SECTION 595.** Section 57-119-7, Mississippi Code of 1972, is brought forward as follows:

57-119-7. (1) MDA shall be the administrator of the Gulf Coast Restoration Fund. MDA is authorized to carry out any powers and duties authorized in this chapter and shall handle all of the day-to-day matters relating to the GCRF.

(2) The annual administration expenses of MDA in carrying out its duties under this chapter shall not exceed one percent (1%) of the amount of the funds deposited into the GCRF under Section 27-103-302 for that year. MDA may recover from applicants and recipients of funds under this chapter a portion of the costs associated with administering assistance provided under this chapter, which shall not be subject to the one percent (1%) limitation under this subsection.

**SECTION 596.** Section 57-119-9, Mississippi Code of 1972, is brought forward as follows:
57-119-9. (1) Applicants who are eligible for assistance under this section include, but are not limited to, local units of government, nongovernmental organizations, institutions of higher learning, community colleges, ports, airports, public-private partnerships, private for-profit entities, private nonprofit entities and local economic development entities. Projects that are eligible for assistance under this section are projects that have the potential to generate increased economic activity in the region, as described in Section 57-119-11(3).

(2) MDA shall establish criteria, rules, and procedures for accepting and reviewing applications for assistance under this section. MDA, with advice from the Gulf Coast Restoration Fund Advisory Board, shall review, compile and score all timely received applications, and shall present the applications and its recommendations for assistance to individual projects under this section to the Legislature no later than December 1 of the year. The Legislature shall determine individual projects that will be funded under this section by separate line items in an appropriation bill.

(3) Applications for assistance under this section will be received through web portals set up by MDA. MDA shall set criteria for the web portal which may include protection of the confidentiality of any or all of the application.

SECTION 597. Section 57-119-11, Mississippi Code of 1972, is brought forward as follows:
57-119-11. (1) MDA is further authorized, on such terms and conditions consistent with the criteria set forth in this section as it may determine, to establish programs for making loans, loan guarantees, grants and any other financial assistance from the GCRF to applicants whose projects are approved for assistance under this section. MDA shall establish criteria, rules and procedures for accepting, reviewing, granting or denying applications, and for terms and conditions of financial assistance under this section in accordance with state law. The Legislature shall appropriate monies from the GCRF to the MDA to fund the programs established under this section in an amount requested annually by MDA for such purpose.

(2) Applicants who are eligible for assistance under this section include, but are not limited to, local units of government, nongovernmental organizations, institutions of higher learning, community colleges, ports, airports, public-private partnerships, private for-profit entities, private nonprofit entities, and local economic development entities.

(3) MDA shall establish programs and an application process to provide assistance to applicants under this section that prioritize:

(a) Projects that will impact the long-term competitiveness of the region and may result in a significant positive impact on tax base, private sector job creation and private sector investment in the region;
(b) Projects that demonstrate the maximum long-term economic benefits and long-term growth potential of the region based on a financial analysis such as a cost-benefit analysis or a return-on-investment analysis;

(c) Projects that demonstrate long-term financial sustainability, including clear performance metrics, over the duration of the project;

(d) Projects that leverage or encourage leveraging of other private sector, local, state and federal funding sources with preference to projects that can demonstrate contributions from other sources than funds from the BP settlement;

(e) Projects that are supported by multiple government or private sector entities;

(f) Projects that can move quickly and efficiently to the design, engineering, and permitting phase;

(g) Projects that enhance the quality of life/place and business environment of the region, including tourism and recreational opportunities;

(h) Projects that expand the region's ability to attract high-growth industries or establish new high-growth industries in the region;

(i) Projects that leverage or further enhance key regional assets, including educational institutions, research facilities, ports, airports, rails and military bases;
(j) Projects that are transformational for the future of the region but create a wider regional impact;

(k) Projects that enhance the marketability of existing industrial properties;

(l) Projects that enhance a targeted industry cluster or create a Center of Excellence unique to the region;

(m) Infrastructure projects for business retention and development;

(n) Projects that enhance research and innovative technologies in the region; and

(o) Projects that provide outcome and return on investment measures, to be judged by clear performance metrics, over the duration of the project or program.

SECTION 598. Section 57-119-13, Mississippi Code of 1972, is brought forward as follows:

57-119-13. (1) Assistance provided under this chapter may not be used to finance one hundred percent (100%) of the cost of any project.

(2) Contracts executed by MDA with recipients of assistance under this chapter must include provisions requiring a performance report on the contracted activities, must account for the proper use of funds provided under the contract, and must include provisions for recovery of assistance if the assistance was based upon fraudulent information or the recipient of the assistance is not meeting the performance requirements established by MDA of the
assistance. Recipients of assistance under this chapter must regularly report to MDA the status of the project on a schedule determined by MDA.

SECTION 599. Section 57-119-15, Mississippi Code of 1972, is brought forward as follows:

57-119-15. (1) The scope of a financial audit of recipients of assistance under this chapter shall include funds related to any year in which the recipient receives assistance under this chapter. The scope of review for these funds shall include, but is not limited to, compliance with state and federal laws related to the receipt and expenditure of those funds and the criteria established by MDA.

(2) The State Auditor shall conduct performance audits of MDA's administration of the GCRF under this chapter. The scope of review shall include, but is not limited to, evaluating internal controls, internal audit functions, reporting and performance requirements required for use of the assistance, and compliance with state and federal law. The audit shall include any funds disbursed under this chapter and matching funds provided in the contract with MDA.

(3) In addition to the rules of the State Auditor, the State Auditor shall adopt rules for the form and conduct all financial audits performed by independent certified public accountants and for audits of recipients of assistance under this chapter.
(4) The State Auditor may report findings to the Secretary of the Treasury of the United States in addition to the reporting requirements under state law.

(5) The costs of the audits performed as provided in this section may be paid from the GCRF.

SECTION 600. Section 57-119-17, Mississippi Code of 1972, is brought forward as follows:

57-119-17. MDA shall file an annual report with the Speaker of the House, the Lieutenant Governor, the Chairs of the Appropriations Committees of the House and the Senate, and the Legislative Budget Office not later than December 1 of each year, including detailed information regarding at least the following specific areas:

(a) Receipts and expenditures of the funds received and provided as assistance under this chapter;

(b) Expenditures for all administration expenses of MDA in carrying out its duties under this chapter;

(c) Overview of applications reviewed and a detailed description of applications approved for assistance for the current year; and

(d) Schedule of all applications for which assistance was provided under this chapter detailing status of progress, start date, anticipated completion date, benchmark achievements, and any modifications to the original application after receipt of assistance.
SECTION 601. Section 25-3-39, Mississippi Code of 1972, is brought forward as follows:

25-3-39. (1) (a) Except as otherwise provided in this section, no public officer, public employee, administrator, or executive head of any arm or agency of the state, in the executive branch of government, shall be paid a salary or compensation, directly or indirectly, greater than one hundred fifty percent (150%) of the salary fixed in Section 25-3-31 for the Governor, nor shall the salary of any public officer, public employee, administrator, or executive head of any arm or agency of the state, in the executive branch of government, be supplemented with any funds from any source, including federal or private funds. Such salaries shall be completely paid by the state. All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the Mississippi Community College Board, and community and junior colleges, and licensed physicians who are public employees, shall be exempt from this subsection. All professional employees who hold a bachelor's degree or more advanced degree from an accredited four-year college or university or a certificate or license issued by a state licensing board, commission or agency and who are employed by the Department of Mental Health shall be exempt from this subsection if the State Personnel Board approves the exemption. The Commissioner of Child Protection Services is exempt from this subsection. From and after July 1, 2018, the Executive Director
of the Public Employees' Retirement System and the Chief
Investment Officer of the Public Employees' Retirement System
shall be exempt from this subsection.

(b) The Governor shall fix the annual salary of the
Executive Director of the Mississippi Development Authority, the
annual salary of the Commissioner of Child Protection Services, and the annual salary of the Chief of Staff of the Governor's Office. The salary of the Governor's Chief of Staff shall not be greater than one hundred fifty percent (150%) of the salary of the Governor and shall be completely paid by the state without supplementation from another source. The salary of the Executive Director of the Mississippi Development Authority may be greater than one hundred fifty percent (150%) of the salary of the Governor and may be supplemented with funds from any source, including federal or private funds; however, any state funds used to pay the salary of the Executive Director of the Mississippi Development Authority shall not exceed one hundred fifty percent (150%) of the salary of the Governor. If the executive director's salary is supplemented with private funds, the Mississippi Development Authority shall publish on its website the amount of the supplement and the name of the donor of the private funds.

(2) No public officer, employee or administrator shall be paid a salary or compensation, directly or indirectly, in excess of the salary authorized to be paid the executive head of the state agency or department in which he is employed. The State
Personnel Board, based upon its findings of fact, may exempt physicians and actuaries from this subsection when the acquisition of such professional services is precluded based on the prevailing wage in the relevant labor market.

(3) The executive head of any state agency or department appointed by the Governor, in such executive head's discretion, may waive all or any portion of the salary or compensation lawfully established for the position.

SECTION 602. This act shall take effect and be in force from and after July 1, 2021.