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To: Ways and Means

HOUSE BILL NO. 1

1 AN ACT TO CREATE THE ADVANTAGE MISSISSIPPI INITIATIVE; TO
2 AMEND SECTIONS 57-1-2 AND 57-1-54, MISSISSIPPI CODE OF 1972, TO
3 CHANGE THE NAME OF THE MISSISSIPPI DEPARTMENT OF ECONOMIC AND
4 COMMUNITY DEVELOPMENT TO THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO
5 CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE
6 "ACE" FUND WHICH SHALL CONSIST OF MONEY FROM ANY PUBLIC OR PRIVATE
7 SOURCE DESIGNATED FOR DEPOSIT INTO SUCH FUND; TO PROVIDE THAT
8 MONEY FROM SUCH FUND SHALL BE UTILIZED TO ASSIST IN THE MAXIMIZING
9 OF EXTRAORDINARY ECONOMIC DEVELOPMENT OPPORTUNITIES; TO PROVIDE
10 THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL HAVE SOLE
11 DISCRETION IN THE AWARDING OF ACE FUNDS; TO CREATE THE "REGIONAL
12 ECONOMIC DEVELOPMENT ACT" TO PROMOTE THE ISSUING OF BONDS FOR
13 CERTAIN PROJECTS BY LOCAL GOVERNMENT UNITS ACTING JOINTLY OR
14 SEVERALLY WITH OTHER GOVERNMENT UNITS INCLUDING GOVERNMENT UNITS
15 IN AN ADJOINING STATE, THROUGH THE CREATION OF REGIONAL ECONOMIC
16 DEVELOPMENT ALLIANCES; TO PROVIDE THAT A LOCAL GOVERNMENT UNIT
17 MUST APPLY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR A
18 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE FORMATION
19 OF SUCH A REGIONAL ECONOMIC DEVELOPMENT ALLIANCE; TO AUTHORIZE THE
20 MISSISSIPPI DEVELOPMENT AUTHORITY TO REFUSE TO ISSUE SUCH
21 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; TO GIVE THE
22 MISSISSIPPI DEVELOPMENT AUTHORITY THE POWER TO PLACE CERTAIN
23 REQUIREMENTS ON THE EXERCISE OF CERTAIN DUTIES BY SUCH REGIONAL
24 ECONOMIC DEVELOPMENT ALLIANCES INCLUDING THE SPECIFYING OF THE
25 EXTENT AND AMOUNT TO WHICH THE LOCAL GOVERNMENT UNIT MAY ISSUE
26 BONDS; TO SPECIFY THE AUTHORITY OF LOCAL GOVERNMENT UNITS TO ISSUE
27 BONDS UNDER THIS ACT; TO PROVIDE FOR THE JOINT EXERCISE OF
28 AUTHORITY BY LOCAL GOVERNMENT UNITS OF THIS STATE AND GOVERNMENTAL
29 UNITS IN ADJOINING STATE; TO PROVIDE THAT JOINT UNDERTAKINGS UNDER
30 THE ACT SHALL BE EVIDENCED BY WRITTEN CONTRACTUAL AGREEMENTS FOR
31 JOINT OR COOPERATIVE ACTION TO PROVIDE SERVICES AND FACILITIES; TO
32 PROVIDE THAT REGIONAL ECONOMIC DEVELOPMENT ALLIANCES MAY TAKE ANY
33 ACTION THAT ANY LOCAL GOVERNMENT UNIT MEMBER MAY TAKE; TO GRANT
34 REGIONAL ECONOMIC DEVELOPMENT ALLIANCES CERTAIN POWERS WITH REGARD
35 TO THE ISSUANCE OF BONDS; TO REQUIRE THE AGREEMENTS MADE UNDER THE
36 ACT TO INCLUDE CERTAIN PROVISIONS; TO REQUIRE SUCH AGREEMENTS TO
37 BE APPROVED BY CERTAIN OFFICERS; TO REQUIRE THE FILING OF SUCH
38 AGREEMENTS; TO AMEND SECTIONS 21-41-3, 21-41-5, 21-45-3, 21-45-9
39 AND 21-45-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
40 CREATE THE "MISSISSIPPI ADVANTAGE JOBS ACT" TO PROVIDE INCENTIVES
41 FOR THE SUPPORT OF THE ESTABLISHMENT OF QUALITY BUSINESS AND
42 INDUSTRY THAT HOLD THE PROMISE OF SIGNIFICANT DEVELOPMENT OF THE
43 ECONOMY OF THE STATE OF MISSISSIPPI THROUGH THE CREATION OF
44 QUALITY JOBS; TO PROVIDE FOR QUARTERLY INCENTIVE PAYMENTS TO
45 QUALIFIED BUSINESSES FOR A PERIOD OF NOT TO EXCEED TEN YEARS; TO
46 PROVIDE FOR THE AMOUNT OF THE INCENTIVE PAYMENT; TO PROVIDE THAT
47 THE PAYMENT SHALL BE BASED ON THE NUMBER OF JOBS CREATED; TO
48 PROVIDE THAT IN ORDER TO QUALIFY FOR SUCH PAYMENTS THE AVERAGE
49 ANNUAL SALARY OF THE EMPLOYEES OF THE RECIPIENT MUST BE AT LEAST
50 125% OF THE AVERAGE ANNUAL WAGE OF THE STATE OR THE AVERAGE ANNUAL

51 WAGE OF THE COUNTY IN WHICH THE QUALIFIED BUSINESS IS LOCATED,
52 WHICHEVER IS THE LESSER; TO PROVIDE THAT A CERTAIN NUMBER OF JOBS
53 MUST BE CREATED OR MAINTAINED; TO PROVIDE THAT THE MISSISSIPPI
54 DEVELOPMENT AUTHORITY SHALL DETERMINE THE ELIGIBILITY OF THE
55 BUSINESS; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE
56 KNOWN AS THE "MISSISSIPPI ADVANTAGE JOBS INCENTIVE PAYMENT FUND"
57 INTO WHICH SHALL BE DEPOSITED A CERTAIN PORTION OF THE WITHHOLDING
58 TAXES PAID BY THE QUALIFIED BUSINESS; TO PROVIDE THAT MONEY IN THE
59 FUND SHALL BE UTILIZED TO MAKE THE REQUIRED INCENTIVE PAYMENTS; TO
60 PROVIDE THAT THE LIABILITY OF THE STATE TO MAKE INCENTIVE PAYMENTS
61 SHALL BE LIMITED TO THE BALANCE IN THE FUND; TO PROVIDE THAT
62 CLAIMS FOR QUARTERLY INCENTIVE PAYMENTS SHALL BE FILED WITH THE
63 STATE TAX COMMISSION; TO PROVIDE THAT THE STATE TAX COMMISSION
64 SHALL VERIFY THE ELIGIBILITY OF THE BUSINESS FOR THE INCENTIVE
65 PAYMENTS PRIOR TO EACH PAYMENT; TO PROVIDE THAT THE DEPARTMENT OF
66 FINANCE AND ADMINISTRATION SHALL ISSUE WARRANTS UPON REQUISITION
67 OF THE STATE TAX COMMISSION FOR THE PAYMENT OF INCENTIVE PAYMENTS
68 UPON VERIFICATION THAT THE RECIPIENT IS ELIGIBLE; TO CREATE A NEW
69 CODE SECTION TO BE CODIFIED AS SECTION 27-7-312, MISSISSIPPI CODE
70 OF 1972, TO PROVIDE THAT AN AMOUNT OF THE WITHHOLDING TAX
71 COLLECTED FROM AN EMPLOYER WHO IS ELIGIBLE TO RECEIVE QUARTERLY
72 INCENTIVE PAYMENTS UNDER THE MISSISSIPPI ADVANTAGE JOBS ACT THAT
73 IS EQUAL TO THE ESTIMATED AMOUNT OF THE QUARTERLY INCENTIVE
74 PAYMENT FOR WHICH AN EMPLOYEE IS ELIGIBLE, SHALL BE DEPOSITED INTO
75 THE MISSISSIPPI ADVANTAGE JOBS INCENTIVE PAYMENT FUND FOLLOWING
76 THE CLOSE OF EACH CALENDAR QUARTER; TO CREATE THE "GROWTH AND
77 PROSPERITY ACT" TO ASSIST CERTAIN COUNTIES IN ENCOURAGING ECONOMIC
78 DEVELOPMENT; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO
79 DESIGNATE CERTAIN COUNTIES AS GROWTH AND PROSPERITY COUNTIES; TO
80 PROVIDE THAT CERTAIN COUNTIES MAY APPLY TO THE MISSISSIPPI
81 DEVELOPMENT AUTHORITY FOR DESIGNATION AS GROWTH AND PROSPERITY
82 COUNTIES; TO PROVIDE INCENTIVES IN THE FORM OF TEMPORARY
83 EXEMPTIONS FROM LOCAL AD VALOREM TAXES AND STATE FRANCHISE, INCOME
84 AND SALES TAXES FOR APPROVED BUSINESS ENTERPRISES THAT LOCATE OR
85 EXPAND IN GROWTH AND PROSPERITY COUNTIES; TO AMEND SECTION
86 57-73-21, MISSISSIPPI CODE OF 1972, TO RENAME THE CATEGORIES OF
87 COUNTIES UNDER THE LAW ESTABLISHING THE JOBS TAX CREDIT; TO
88 INCLUDE DATA OR INFORMATION PROCESSING ENTERPRISES OR COMPUTER
89 SOFTWARE DEVELOPMENT ENTERPRISES OR ANY TECHNOLOGY INTENSIVE
90 FACILITY OR ENTERPRISE AS ENTERPRISES WHICH QUALIFY FOR THE JOBS
91 TAX CREDIT; TO INCREASE THE CREDIT FOR JOBS RESULTING FROM THE
92 ESTABLISHMENT OR TRANSFER OF A COMPANY'S NATIONAL OR REGIONAL
93 HEADQUARTERS IN THE STATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND
94 SECTION 57-73-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM 25%
95 TO 50% THE AMOUNT OF THE INCOME TAX CREDIT GRANTED TO EMPLOYERS
96 SPONSORING BASIC SKILLS TRAINING; TO AUTHORIZE THE CREDIT TO APPLY
97 TO CERTAIN TRAINING APPROVED BY ANY COMMUNITY/JUNIOR COLLEGE
98 DISTRICT WITHIN WHICH THE EMPLOYER IS LOCATED; TO REVISE THE
99 DEFINITION OF EMPLOYERS WHO ARE ELIGIBLE FOR SUCH CREDIT; TO AMEND
100 SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE
101 DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR
102 ECONOMIC IMPACT ACT; TO AMEND SECTIONS 57-75-9 AND 57-75-11,
103 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MAJOR
104 ECONOMIC IMPACT AUTHORITY TO NEGOTIATE WITH THE OWNER OF A PROJECT
105 A FEE-IN-LIEU OF FRANCHISE TAXES THAT SHALL BE NOT LESS THAN
106 \$25,000.00 ANNUALLY; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE
107 OF 1972, TO REVISE THE USES FOR WHICH BOND PROCEEDS MAY BE
108 UTILIZED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND
109 SECTIONS 19-9-1, 21-33-301, 27-7-21, 27-13-5, 27-13-7 AND
110 27-65-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
111 PROVISIONS OF THIS ACT; TO REQUIRE THE MISSISSIPPI DEVELOPMENT
112 AUTHORITY TO DEVELOP A PROGRAM TO ENCOURAGE GROWTH IN THE
113 MISSISSIPPI AGRIBUSINESS INDUSTRY; TO PROVIDE FOR THE REQUIREMENTS
114 OF SUCH PROGRAM; TO CREATE THE "MISSISSIPPI LAND, WATER AND TIMBER
115 RESOURCES ACT" FOR THE PURPOSE OF ASSISTING MISSISSIPPI

116 AGRICULTURAL INDUSTRY IN THE DEVELOPMENT, MARKETING AND
117 DISTRIBUTION OF AGRICULTURAL PRODUCTS; TO CREATE THE MISSISSIPPI
118 LAND, WATER AND TIMBER RESOURCES BOARD; TO PROVIDE THE POWERS AND
119 DUTIES OF THE BOARD; TO CREATE THE MISSISSIPPI SMALL
120 MUNICIPALITIES AND LIMITED POPULATION COUNTIES FUND; TO PROVIDE
121 THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL ADMINISTER SUCH
122 FUND FOR THE PURPOSE OF MAKING GRANTS TO SMALL MUNICIPALITIES AND
123 LIMITED POPULATION COUNTIES TO ASSIST IN COMPLETING CERTAIN
124 PROJECTS; TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND
125 ADMINISTRATION, UPON LEGISLATIVE APPROPRIATION, SHALL CONDUCT A
126 STUDY TO DETERMINE IF A DISPARITY EXISTS IN THE TOTAL NUMBER OF
127 QUALIFIED MINORITY CONTRACTORS IN THE STATE AND THE ACTUAL NUMBER
128 OF QUALIFIED MINORITY CONTRACTORS DOING BUSINESS WITH THE STATE;
129 AND FOR RELATED PURPOSES.

130
131 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

132 SECTION 1. This act may be cited as the "Advantage
133 Mississippi Initiative."

134 SECTION 2. Section 57-1-2, Mississippi Code of 1972, is
135 amended as follows:[WAN1]

136 57-1-2. For the purposes of this chapter, the following
137 words shall have the meanings ascribed herein, unless the context
138 otherwise requires:

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

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

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

145 (d) "Agricultural and Industrial Board," "Department of
146 Economic Development," * * * "Board of Economic Development,"
147 "Department of Economic and Community Development" and
148 "Mississippi Department of Economic and Community Development"
149 wherever they appear in the laws of the State of Mississippi,
150 shall mean the "Mississippi Development Authority," operating
151 through its executive director.

152 SECTION 3. Section 57-1-54, Mississippi Code of 1972, is
153 amended as follows:[CR2]

154 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 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 4. (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 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) 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

188 into such fund. Unexpended amounts remaining in the fund at the
189 end of a fiscal year shall not lapse into the State General Fund,
190 and any interest earned on amounts in the fund shall be deposited
191 to the credit of the fund. The purpose of the fund shall be to
192 assist in maximizing extraordinary economic development
193 opportunities related to any new or expanded business or industry.

194 Such funds may be used to make grants to local economic
195 development entities to assist any new or expanding business or
196 industry that meets the criteria provided in this section when
197 such assistance aids the consummation of a project within the
198 State of Mississippi.

199 (3) The MDA shall establish a grant program to make grants
200 from the ACE Fund created under this section. Local economic
201 development entities may apply to the MDA for a grant under this
202 section in the manner provided for in subsection (4) of this
203 section.

204 (4) (a) Any business or industry desiring assistance from a
205 local economic development entity under this section shall submit
206 an application to the local economic development entity which
207 shall include, at a minimum, evidence that the business or
208 industry meets the definition of an extraordinary economic
209 development opportunity, a demonstration that the business or
210 industry is at an economic disadvantage by locating the new or
211 expanded project in the county and a description, including the
212 cost, of the requested assistance.

213 (b) Upon receipt of the application from a business or
214 industry, the local economic development entity may apply to the
215 MDA for assistance under this section. Such application must
216 contain evidence that the business or industry meets the
217 definition of an extraordinary economic development opportunity, a
218 demonstration that the business or industry is at an economic
219 disadvantage by locating the new or expanded project in the
220 county, a description, including the cost, of the requested

assistance, and a demonstration that all other local, state, federal and private funds or programs have been explored and exhausted.

(c) 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.

(5) The MDA shall promulgate rules and regulations for the implementation of this section.

SECTION 5. Sections 5 through 18 of this act may be cited as the "Regional Economic Development Act."

SECTION 6. 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 cities and counties acting jointly or severally, including any joint bond issuance with a county, parish or other foreign political subdivision in a state adjoining the State of Mississippi.

(b) That the bonds to be issued pursuant to Sections 5 through 18 of this act shall be of any type permissible to be issued by any city or county without limitation.

(c) That the purposes of the bonds issued under Sections 5 through 18 of this act 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 multi-jurisdictional benefit.

(d) That the projects contemplated under Sections 5 through 18 of this act 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 Sections 5 through 18 of this act.

(f) That the authority granted under Sections 5 through 18 of this act 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 Sections 5 through 18 of this act be liberally construed and applied in order to advance the public purposes.

SECTION 7. It is the purpose of Sections 5 through 18 of this act 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 adjoining states, 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 8. For the purposes of Sections 5 through 18 of this act, the following words shall be defined as herein provided unless the context requires otherwise:

(a) "Alliance" means a regional economic development alliance created under Sections 5 through 18 of this act.

(b) "Bond" or "bonds" means bonds, notes or other evidence of indebtedness of the local government unit issued pursuant to Sections 5 through 18 of this act.

(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, 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 Sections 5 through 18 of this act. 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 Sections 5 through 18 of this act 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,

320 any community college, any institution of higher learning, any
321 municipal airport authority, regional airport authority, port
322 authority or any other political subdivision of an adjoining
323 state.

324 (f) "Governing body" means the board of supervisors of
325 any county or the governing board of any city, town or village.
326 As to the state, the term governing body means the State Bond
327 Commission.

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

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

333 (i) "Local government unit" means any county or
334 incorporated city, town or village in the state acting jointly or
335 severally.

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

337 (k) "Municipality" means any incorporated municipality
338 in the state.

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

341 (m) "Project" means and includes any of the following
342 which promotes economic development or which assists in the
343 creation of jobs:

344 (i) Acquisition, construction, repair,
345 renovation, demolition or removal of:

346 1. Buildings and site improvements
347 (including fixtures);

348 2. Potable and nonpotable water supply
349 systems;

350 3. Sewage and waste disposal systems;

351 4. Storm water drainage and other
352 drainage systems;

353 5. Airport facilities;
354 6. Rail lines and rail spurs;
355 7. Port facilities;
356 8. Highways, streets and other roadways;
357 9. Fire suppression and prevention
358 systems;
359 10. Utility distribution systems, including,
360 but not limited to, water, electricity, natural gas, telephone and
361 other information and telecommunications facilities, whether by
362 wire, fiber or wireless means;
363 11. Business, industrial and technology parks
364 and the acquisition of land and acquisition or construction of
365 improvements to land connected with any of the preceding purposes;
366 (ii) County purposes authorized by or defined
367 in Sections 17-5-3 and 19-9-1, (except Section 19-9-1(f));
368 (iii) Municipal purposes authorized by or
369 defined in Sections 17-5-3, 17-17-301 et seq., 21-27-23,
370 21-33-301; and
371 (iv) Refunding of bonds as authorized in
372 Section 21-27-1 et seq.
373 (n) "Resolution" means a resolution, ordinance, act,
374 record of minutes or other appropriate enactment of a governing
375 body.
376 (o) "Revenue Code" means the Internal Revenue Code of
377 1986, as amended.
378 (p) "Revenues" mean any and all taxes, fees, rates,
379 rentals, profits and receipts collected by, payable to, or
380 otherwise derived by, the local government units and foreign
381 governmental units, and all other monies and income of whatsoever
382 kind or character collected by, payable to, or otherwise derived
383 by, the local government unit and foreign governmental units in
384 connection with the economic development projects provided through
385 Sections 5 through 18 of this act.

(q) "Security" means a bond, note or other evidence of indebtedness issued by a local government unit pursuant to the provisions of Sections 5 through 18 of this act.

(r) "State" means the State of Mississippi.

SECTION 9. (1) Prior to issuing bonds to finance any proposed project under Sections 5 through 18 of this act, 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. If and when such certificate is issued, it shall authorize the particular local government unit to create and operate the alliance but the certificate shall expire twelve (12) months from its date unless within that time such alliance shall have been created.

(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

419 issued to finance the project;

420 (d) What property may be acquired therefor;

421 (e) The terms upon which such acquisition may be
422 had;

423 (f) What expenditures may be made; and

424 (g) The construction of buildings and of equipment with
425 its installation.

426 If the governing body of the local government unit fails or
427 refuses to follow the requirements made by the MDA in the
428 certificate, then the members of the governing body of the local
429 government unit voting for such failure or refusal shall be
430 individually and personally liable, and liable upon their official
431 bonds for any loss that the local government unit may sustain by
432 reason of such failure or refusal to follow the requirements, and
433 in addition may be compelled by injunction to comply with such
434 requirements.

435 SECTION 10. (1) After receiving a certificate of public
436 convenience and necessity from the MDA, the local government unit
437 is empowered and authorized, from time to time, to issue bonds up
438 to the maximum principal amount authorized in the certificate.

439 (2) After receiving a certificate of public convenience and
440 necessity from the MDA, the governing body of any local government
441 unit entering into an agreement pursuant to Sections 5 through 18
442 of this act may issue bonds as authorized herein and may
443 appropriate funds for the purposes and in the manner prescribed by
444 law without regard to whether the activities and improvements
445 authorized by Sections 5 through 18 of this act to be financed by
446 such debt or appropriation are within or without the boundaries of
447 the local government unit. Revenues derived from any project
448 financed with bonds issued pursuant to Sections 5 through 18 of
449 this act may be pledged in whole or in part to secure payment of
450 the bonded indebtedness incurred to finance the project. Such
451 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 11. (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 an adjoining 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 Sections 5 through 18 of this act which will have the effect of abolishing any office which is held by a person elected by the citizenry.

(3) No agreement made under Sections 5 through 18 of this act 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 Sections 5 through 18 of this act shall be evidenced by written contractual agreements for joint or cooperative action to provide services and facilities pursuant to the provisions of Sections 5 through 18 of this act 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 Sections 5 through 18 of this act may take any action 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, 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 12. (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

518 agreements with the holders of bonds as may then exist.

519 (f) Covenant as to the custody, collection, securing,
520 investment and payment of any revenue assets, monies, funds or
521 property with respect to which the compact may have any rights or
522 interest.

523 (g) Covenant as to the purpose to which the proceeds
524 from the sale of any bonds then or thereafter to be issued may be
525 applied, and the pledge of such proceeds to secure the payment of
526 the bonds.

527 (h) Covenant as to the limitations on the issuance of
528 any additional bonds, the terms upon which additional bonds may be
529 issued and secured, and the refunding of outstanding bonds.

530 (i) Covenant as to the rank or priority of any bonds
531 with respect to any lien or security.

532 (j) Covenant as to the procedure by which the terms of
533 any contract with or for the benefit of the holders of bonds may
534 be amended or abrogated, the amount of bonds the holders of which
535 must consent thereto, and the manner in which such consent may be
536 given.

537 (k) Covenant as to the custody of any of its properties
538 or investments, the safekeeping thereof, the insurance to be
539 carried thereon, and the use and disposition of insurance
540 proceeds.

541 (l) Covenant as to the vesting in a trustee or
542 trustees, within or outside the state, of such properties, rights,
543 powers and duties in trust as the local government unit may
544 determine.

545 (m) Covenant as to the appointing and providing for the
546 duties and obligations of a paying agent or paying agents or other
547 fiduciaries within or outside the state.

548 (n) Make all other covenants and to do any and all such
549 acts and things as may be necessary or convenient or desirable in
550 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 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.

SECTION 13. The MDA is hereby authorized and empowered to promulgate and put into effect all reasonable rules and regulations that it may deem necessary to carry out the provisions of the Regional Economic Development Act.

SECTION 14. 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, for the purposes of securing economic development within the State of Mississippi and its adjoining states, and to accomplish this purpose.

SECTION 15. Any agreement made under Sections 5 through 18 of this act 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

584 agreement.

585 (d) The manner of financing, staffing and supplying the
586 joint or cooperative undertaking and of establishing and
587 maintaining a budget therefor; provided that the treasurer and/or
588 disbursing officer of one (1) of the local government units shall
589 be designated in the agreement to receive, disburse and account
590 for all funds of the joint undertaking as a part of the duties of
591 the officer or officers.

592 (e) The permissible method or methods to be employed in
593 operating the alliance and the project and accomplishing the
594 partial or complete termination or amendment of the agreement and
595 for disposing of property upon such partial or complete
596 termination or amendment.

597 (f) The provision for administration of issuance of any
598 bonds under Sections 5 through 18 of this act by a local
599 government unit exercising the power authorized by Sections 5
600 through 18 of this act.

601 (g) The manner of acquiring, holding and disposing of
602 real and personal property used in the joint or cooperative
603 undertaking in the event that the agreement does not or may not
604 establish a separate legal entity to conduct the joint or
605 cooperative undertaking.

606 (h) A provision specifying the terms and conditions
607 that would cause the alliance to be terminated.

608 (i) The manner in which the costs of the project shall
609 be shared between the local government units.

610 (j) The manner in which the revenues from the project
611 shall be shared by the local government units.

612 (k) Any other necessary and proper matters.

613 SECTION 16. (1) In the event that an agreement made
614 pursuant to Sections 5 through 18 of this act shall deal in whole
615 or in part with the provision of services or facilities with
616 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 Sections 5 through 18 of this act 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 Sections 5 through 18 of this act 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.

(4) A copy of any agreement made pursuant to Sections 5 through 18 of this act shall be filed with the State Auditor for audit purposes no later than sixty (60) days after the agreement shall be in force.

SECTION 17. 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 Sections 5 through 18 of this act.

SECTION 18. The powers and authority granted and set forth in Sections 5 through 18 of this act 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.

SECTION 19. Section 21-41-3, Mississippi Code of 1972, is amended as follows:[CR3]

21-41-3. The following local improvements may be constructed hereunder, to wit:

(a) Streets, highways, boulevards, avenues, squares, lanes, alleys and parks, or any part thereof may be opened, reopened, widened, graded, regraded, paved, repaved, surfaced, resurfaced, and curbs and gutters may be constructed or reconstructed therein.

(b) Sidewalks may be graded, regraded and leveled, laid, relaid, paved, repaved, surfaced or resurfaced.

(c) Water mains, water connections, sanitary disposal systems, sanitary sewers, storm covers, and other surface drains or drainage systems may be laid, relaid, and constructed or reconstructed.

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

SECTION 20. Section 21-41-5, Mississippi Code of 1972, is amended as follows:[LH4]

21-41-5. When the governing authorities of any municipality shall determine to make any local or special improvement, the cost of which or any part thereof is to be assessed against the property benefited, they shall adopt a resolution declaring

necessary the proposed improvement describing the nature and extent of the work, the general character of the material to be used, and the location and terminal points of the streets, highways, boulevards, avenues, squares, alleys or parks, or parts thereof, or clearly define the boundary of areas in which said improvements are to be made. In publishing said resolution declaring the work necessary, the plans and specifications of said work need not be published but may be referred to as being on file in the office of the city clerk or city engineer. The publication of the resolution may be made as provided in Section 21-17-19. Said resolution shall fix a date when the governing authorities of said municipality shall meet, which shall be not less than fifteen (15) days after the date of the first publication of the notice herein provided for, to hear any objections or remonstrances that may be made to said improvements. The notice herein provided for shall be published once each week for three (3) successive publications in a public newspaper having a general circulation in the municipality, and if no newspaper is published therein it shall be sufficient to post said notice in three (3) public places of the municipality for not less than fifteen (15) days before said meeting, one which shall be posted at the town or city hall of said municipality. Moreover, the clerk of the municipality shall send a copy of the notice, by certified mail, postage prepaid, within five (5) days after the first publication of the notice herein provided for, to the last-known address of owners of property affected by the resolution. However, failure of the clerk to mail such notice or failure of the owner to receive such notice shall not invalidate any proceeding in this chapter, where such notice has been published as provided herein. Notice declaring the work necessary shall be notice to the property owners that the work has been declared necessary.

If the governing authorities of a municipality desire to make any special or local improvement under the Regional Economic

Development Act, the governing authorities also shall comply with
any requirements provided therein.

SECTION 21. Section 21-45-3, Mississippi Code of 1972, is
amended as follows:[CR5]

21-45-3. For the purposes of this chapter, the following
terms shall have the meanings given them in this section unless a
different meaning is clearly indicated by the context:

(a) "Project area" includes:

(i) Areas in which there is a significant amount
of buildings or improvements which, by reason of dilapidation,
deterioration, age, obsolescence, inadequate provision for
ventilation, light, air, sanitation or open spaces, high density
of population and overcrowding or the existence of conditions
which endanger life or property by fire and other causes, or any
combination of such factors, are conducive to ill health,
transmission of disease, infant mortality, juvenile delinquency or
crime and are detrimental to the public health, safety, morals or
welfare;

(ii) Areas in which are located a building or
buildings that are of important value for purposes of historical
preservation, as designated by the Department of Archives and
History;

(iii) Areas which by reason of a significant
amount of defective or inadequate street layout, faulty lot layout
in relation to size, adequacy, accessibility or usefulness,
unsanitary or unsafe conditions, deterioration of site
improvements, diversity of ownership, tax delinquency, defective
or unusual conditions of title, improper subdivision or obsolete
platting or the existence of conditions which endanger life or
property by fire or other causes, or any combination of such
factors, substantially impair or arrest the sound growth of the
community, retard the provision of housing accommodations or
constitute an economic or social liability and are a menace to the

749 public health, safety, morals or welfare in their present
750 condition and use; * * *

751 (iv) Areas in which the construction, renovation,
752 repair or rehabilitation of property for residential, commercial
753 or other uses is in the public interest; or

754 (v) A project for which a certificate of public
755 convenience and necessity has been obtained by the municipality
756 pursuant to the Regional Economic Development Act.

757 (b) A "redevelopment project" may include any work or
758 undertaking by a municipality:

759 (i) To acquire project areas or portions thereof,
760 including lands, structures or improvements the acquisition of
761 which is necessary or incidental to the proper clearance,
762 development or redevelopment of such areas or to the prevention of
763 the spread or recurrence of slum conditions or conditions of
764 blight;

765 (ii) To clear any project areas by demolition or
766 removal of existing buildings, structures, streets, utilities or
767 other improvements thereon and to install, construct or
768 reconstruct streets, utilities, bulkheads, boat docks and site
769 improvements essential to the preparation of sites for uses in
770 accordance with the redevelopment plan and public improvements to
771 encourage private redevelopment in accordance with the
772 redevelopment plan; or

773 (iii) To sell or lease property acquired by a
774 municipality as part of a redevelopment project for not less than
775 its fair value for uses in accordance with such redevelopment plan
776 to retain property or public improvements for public use in
777 accordance with the redevelopment plan.

778 "Redevelopment project" may also include the preparation of a
779 redevelopment plan, the planning, survey and other work incident
780 to a redevelopment project and the preparation of all plans and
781 arrangements for carrying out a redevelopment project, relocation

of businesses and families required under applicable law, and upon a determination, by resolution of the governing body of the municipality in which such land is located, that the acquisition and development of additional real property not within a project area is essential to the proper clearance or redevelopment of a project area or a necessary part of the general slum clearance program of the municipality, the acquisition, planning, preparation for development or disposal of such land shall constitute a redevelopment project.

(c) "Redevelopment plan" means a plan for the acquisition, clearance, reconstruction, rehabilitation or future use of a redevelopment project area which shall be sufficiently complete:

(i) To indicate its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational, residential, commercial and community facilities and other public improvements; and

(ii) To indicate proposed land uses, waterfront uses, if any, and building requirements in the area.

A redevelopment plan may include interlocal cooperation agreements between a municipality and a county whereby both agree to pledge revenues payable to them to fund the debt of service of any indebtedness incurred pursuant to this chapter.

(d) "Governing body" means the governing body of any municipality or the board of supervisors of any county.

(e) "Developer" means any person, firm, corporation, partnership or other entity which enters into an agreement with a municipality whereby the developer agrees to construct, operate and maintain or procure the construction, operation and maintenance of buildings or other facilities or improvements upon land or waterfront being a part of a redevelopment project.

(f) "Municipality" means any city or town incorporated

under the laws of the State of Mississippi or any county.

(g) "Clerk" means the municipal clerk or chancery clerk, as the case may be.

SECTION 22. Section 21-45-9, Mississippi Code of 1972, is amended as follows:[LH6]

21-45-9. Any governing body may issue tax increment bonds, the final maturity of which shall not extend beyond thirty (30) years, for the purpose of financing all or a portion of the cost of a redevelopment project within the boundaries of the municipality, funding any reserve which the governing body may deem advisable in connection with the retirement of the proposed indebtedness and funding any other incidental expenses involved in incurring such indebtedness. The debt service of indebtedness incurred pursuant to this section shall be provided from the added increments of municipal and county ad valorem tax revenues or any portion of the sales taxes, or both, to result from any such redevelopment project and 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.

Said bonds may be authorized by resolution or resolutions of the governing body, and may be issued in one or more series, may bear such date or dates, mature at such time or times, bear interest at such rate or rates, payable at such times, be in such denominations, be in such form, be registered, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, with or without premium, carry such conversion or registration privileges and be declared or become due before the maturity date thereof, as such resolution or resolutions may provide; however, such bonds shall not bear a greater interest rate to maturity than that allowed under Section 75-17-101. Said bonds shall be sold for not less

848 than par value plus accrued interest at public sale in the manner
849 provided by Section 31-19-25 or at private sale, in the discretion
850 of the governing body. The lowest interest rate specified for any
851 bonds issued shall not be less than seventy percent (70%) of the
852 highest interest rate specified for the same bond issue. Said
853 bonds may be repurchased by the municipality out of any available
854 funds at a price not to exceed the principal amount thereof and
855 accrued interest, and all bonds so repurchased shall be cancelled.

856 In connection with the issuance of said bonds, the municipality
857 shall have the power to enter into contracts for rating of the
858 bonds by national rating agencies; obtaining bond insurance or
859 guarantees for such bonds and complying with the terms and
860 conditions of such insurance or guarantees; make provision for
861 payment in advance of maturity at the option of the owner or
862 holder of the bonds; covenant for the security and better
863 marketability of the bonds, including without limitation the
864 establishment of a debt service reserve fund and sinking funds to
865 secure or pay such bonds; and make any other provisions deemed
866 desirable by the municipality in connection with the issuance of
867 said bonds.

868 If a governing body desires to issue tax increment financing
869 bonds under the Regional Economic Development Act, the governing
870 body also shall comply with any requirements provided therein.

871 In connection with the issuance of said bonds, the
872 municipality may arrange for lines of credit with any bank, firm
873 or person for the purpose of providing an additional source of
874 repayment for such bonds and amounts drawn on such lines of credit
875 may be evidenced by bonds, notes or other evidences of
876 indebtedness containing such terms and conditions as the
877 municipality may determine; provided, however, that such bonds,
878 notes or evidences of indebtedness shall be secured by and payable
879 from the same sources as are pledged to the payment of said bonds
880 which are additionally secured by such line of credit, and that

881 said bonds, notes or other evidences of indebtedness shall be
882 deemed to be bonds for all purposes of this chapter. Pending the
883 preparation or execution of definitive bonds, interim receipts or
884 certificates, or temporary bonds may be delivered to the purchaser
885 or purchasers of said bonds. Any provision of law to the contrary
886 notwithstanding, any bonds, if any, issued pursuant to this
887 chapter shall possess all of the qualities of negotiable
888 instruments.

889 The municipality may also issue refunding bonds for the
890 purpose of paying any of its bonds at or prior to maturity or upon
891 acceleration or redemption. Refunding bonds may be issued at such
892 time prior to the maturity or redemption of the refunded bonds as
893 the municipality may determine. The refunding bonds may be issued
894 in sufficient amounts to pay or provide the principal of the bonds
895 being refunded, together with any redemption premium thereon, any
896 interest accrued or to accrue to the date of payment of such
897 bonds, the expenses of issuing the refunding bonds, the expenses
898 of redeeming the bonds being refunded, and such reserves for debt
899 service or other capital or current expenses from the proceeds of
900 such refunding bonds as may be required by any of the
901 municipality's resolutions, trust indenture or other security
902 instruments. The issuance of refunding bonds, the maturities and
903 other details thereof, the security therefor, the rights of the
904 holders and the rights, duties and obligations of the municipality
905 in respect of the same shall be governed by the provisions of this
906 chapter relating to the issuance of bonds other than refunding
907 bonds, insofar as the same may be applicable.

908 Before incurring any debt pertaining to a redevelopment
909 project incorporating a tax increment financing plan the governing
910 body may, but shall not be required to, secure an agreement from
911 one or more developers obligating such developer or developers:

912 (a) To effect the completion of all or any portion of
913 the buildings or other facilities or improvements, as described in

the redevelopment project, at no cost to the municipality;

(b) To pay all or any portion of the real property taxes due on the project in a timely manner; and

(c) To maintain and operate all or any portion of the buildings or other facilities or improvements of the project in such a manner as to preserve property values.

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.

Additionally, the municipality may enter into an agreement with the developer under which the developer may construct all or any part of the redevelopment project with private funds in advance of issuance of the bonds and may be reimbursed by the municipality for actual costs incurred by the developer upon issuance and delivery of the bonds and receipt of the proceeds, conditioned upon dedication of redevelopment project by the developer to the municipality to assure public use and access.

SECTION 23. Section 21-45-13, Mississippi Code of 1972, is amended as follows:[LH7]

21-45-13. The principal, interest and premium, if any, on any tax increment bond shall be secured by a pledge of the revenues payable to the municipality pursuant to the tax increment financing plan and may also be secured, in the discretion of the municipality, by a lien on all or any part of the redevelopment project and any security by any developer pursuant to and secured by a security agreement. The proceedings under which any indebtedness is authorized or any security agreement may contain any agreement or provisions customarily contained in instruments securing such obligations, without limiting the generality of the foregoing provisions respecting the construction, maintenance and operation of buildings or other facilities or improvements of the project, the creation and maintenance of special funds, the rights and remedies available in the event of default to the debt holders

or to the trustee, all as the governing body shall deem advisable; provided, however, that in making any such agreements or provisions, no municipality shall have the power to obligate itself except with respect to:

(a) The proceeds of the bonds and any property purchased with the proceeds of the bonds;

(b) Any security pledged, mortgaged or otherwise made available by a developer for the securing of bonds or other indebtedness; and

(c) No municipality shall have the power to obligate itself except with respect to the application of the revenues from the tax increments; nor shall any municipality have the power to incur a pecuniary liability or charge upon its general credit or against its taxing powers.

Tax increment financing bonds issued under the Regional Economic Development Act also may be secured as provided therein.

The proceedings authorizing any bonds and any security agreement securing bonds may provide that in the event of default in payment of the principal of or interest on such bonds, or in the performance of any agreement contained in such proceedings or security agreement, such payment and performance may be enforced by mandamus or by appointment of a receiver in equity with such powers as may be necessary to enforce the obligations thereof. No breach of any such agreement shall impose any pecuniary liability upon any municipality or any charge upon its general credit or against its taxing powers.

The trustee under any security agreement or any depository specified by such security agreement may be such persons or corporation as the governing body shall designate; provided, that they may be residents of Mississippi or nonresidents of Mississippi or incorporated under the laws of the United States or the laws of other states of the United States.

SECTION 24. Sections 24 through 33 of this act shall be

known and may be cited as the "Mississippi Advantage Jobs Act."

SECTION 25. 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 Sections 24 through 33 of this act in connection with a particular establishment shall:

(i) Be directly related to the jobs created as a result of the establishment locating in the State of Mississippi; and

(ii) Not exceed the estimated net direct state benefits that will accrue to the state as a result of the establishment locating in the State of Mississippi;

(c) The Mississippi Development Authority and the State Tax Commission shall implement the provisions of Sections 24 through 33 of this act and exercise all powers as authorized in Sections 24 through 33 of this act; however, the application of Sections 24 through 33 of this act 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. The exercise of powers conferred by Sections 24 through 33 of this act shall be deemed and held to be the performance of essential public purposes; and

(d) Nothing in Sections 24 through 33 of this act 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 Sections 24 through 33 of this act 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 Sections 24 through 33 of this act.

SECTION 26. As used in Sections 24 through 33 of this act, 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 recent state average annual wage or the most recent average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Employment Security Commission, 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 Sections 24 through 33 of this act, 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 Sections 24 through 33 of this act, 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 24 through 33 of this act. "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 or otherwise provided 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.

SECTION 27. 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 28. (1) Except as otherwise provided in this section, a qualified business or industry that meets the qualifications specified in the Mississippi Advantage Jobs Act may

1079 receive quarterly incentive payments for a period not to exceed
1080 ten (10) years from the State Tax Commission pursuant to the
1081 provisions of the Mississippi Advantage Jobs Act in an amount
1082 which shall be equal to the net benefit rate multiplied by the
1083 actual gross payroll of new direct jobs for a calendar quarter as
1084 verified by the Mississippi Employment Security Commission.

1085 (2) In order to receive incentive payments, an establishment
1086 shall apply to the MDA. The application shall be on a form
1087 prescribed by the MDA and shall contain such information as may be
1088 required by the MDA to determine if the applicant is qualified.

1089 (3) In order to qualify to receive such payments, the
1090 establishment applying shall be required to:

1091 (a) Be engaged in a qualified business or industry;

1092 (b) Provide an average salary, excluding benefits which
1093 are not subject to Mississippi income taxes, of at least one
1094 hundred twenty-five percent (125%) of the most recent state
1095 average annual wage or the most recent average annual wage of the
1096 county in which the qualified business or industry is located as
1097 determined by the Mississippi Employment Security Commission,
1098 whichever is the lesser. The criteria for this requirement shall
1099 be based upon the average annual wage of the county at the time of
1100 application, and the threshold established upon application will
1101 remain constant for the duration of the project;

1102 (c) The business or industry must create and maintain a
1103 minimum of ten (10) full-time jobs in counties that have an
1104 average unemployment rate over the previous twelve-month period
1105 which is at least one hundred fifty percent (150%) of the state
1106 unemployment rate, as determined by the Mississippi Employment
1107 Security Commission or in Tier Three counties as determined under
1108 Section 57-73-21. In all other counties, the business or industry
1109 must create and maintain a minimum of twenty-five (25) full-time
1110 jobs. The criteria for this requirement shall be based on the
1111 designation of the county at the time of the application. The

1112 threshold established upon the application will remain constant
1113 for the duration of the project. The business or industry must
1114 meet its job creation commitment within twenty-four (24) months of
1115 the application approval.

1116 (4) The MDA shall determine if the applicant is qualified to
1117 receive incentive payments. If the applicant is determined to be
1118 qualified by the MDA, the MDA shall conduct a cost/benefit
1119 analysis to determine the estimated net direct state benefits and
1120 the net benefit rate applicable for a period not to exceed ten
1121 (10) years and to estimate the amount of gross payroll for the
1122 period. In conducting such cost/benefit analysis, the MDA shall
1123 consider quantitative factors, such as the anticipated level of
1124 new tax revenues to the state along with the cost to the state of
1125 the qualified business or industry, and such other criteria as
1126 deemed appropriate by the MDA. In no event shall incentive
1127 payments, cumulatively, exceed the estimated net direct state
1128 benefits. Once the qualified business or industry is approved by
1129 the MDA, an agreement shall be deemed to exist between the
1130 qualified business or industry and the State of Mississippi,
1131 requiring the continued incentive payment to be made as long as
1132 the qualified business or industry retains its eligibility.

1133 (5) Upon approval of such an application, the MDA shall
1134 notify the State Tax Commission and shall provide it with a copy
1135 of the approved application and the estimated net direct state
1136 benefits. The State Tax Commission may require the qualified
1137 business or industry to submit such additional information as may
1138 be necessary to administer the provisions of Sections 24 through
1139 33 of this act. The qualified business or industry shall report
1140 to the State Tax Commission periodically to show its continued
1141 eligibility for incentive payments. The qualified business or
1142 industry may be audited by the State Tax Commission to verify such
1143 eligibility.

1144 SECTION 29. (1) There is created in the State Treasury a

1145 special fund to be known as the Mississippi Advantage Jobs
1146 Incentive Payment Fund, into which shall be deposited withholding
1147 tax revenue required to be deposited into such fund pursuant to
1148 Section 27-7-312. The money in the fund shall be used for the
1149 purpose of making the incentive payments authorized under Sections
1150 24 through 33 of this act.

1151 (2) The Mississippi Advantage Jobs Incentive Payment Fund
1152 shall be administered by the State Tax Commission, and monies in
1153 the fund, less three percent (3%) to be retained by the State Tax
1154 Commission to pay the reasonable and necessary expenses of the
1155 State Tax Commission in administering its duties under Sections 24
1156 through 33 of this act, shall be expended pursuant to the approved
1157 application. Amounts in the fund at the end of any fiscal year
1158 that are not necessary to make future incentive payments shall be
1159 paid into the General Fund.

1160 (3) The liability of the State of Mississippi to make the
1161 incentive payments authorized under Sections 24 through 33 of this
1162 act shall be limited to the balance contained in the fund.

1163 SECTION 30. (1) As soon as practicable after the end of a
1164 calendar quarter for which a qualified business or industry has
1165 qualified to receive an incentive payment, the qualified business
1166 or industry shall file a claim for the payment with the State Tax
1167 Commission and shall specify the actual number of full-time jobs
1168 created and maintained by the business or industry for the
1169 calendar quarter and the gross payroll thereof. The State Tax
1170 Commission shall verify the actual number of full-time jobs
1171 created and maintained by the business or industry and compliance
1172 with the average annual wage requirements for such business or
1173 industry under Section 28(3) of this act. If the State Tax
1174 Commission is not able to provide such verification utilizing all
1175 available resources, the State Tax Commission may request such
1176 additional information from the business or industry as may be
1177 necessary.

1178 (2) If the actual verified number of full-time jobs created
1179 and maintained by the business or industry for four (4)
1180 consecutive calendar quarters does not equal or exceed the
1181 applicable total required by Sections 24 through 33 of this act
1182 within two (2) years of the date of the first incentive payment,
1183 or does not equal or exceed the applicable total required by
1184 Sections 24 through 33 of this act at any other time during the
1185 ten-year period after the date the first payment was made, the
1186 incentive payments shall not be made and shall not be resumed
1187 until such time as the actual verified number of full-time jobs
1188 created and maintained by the business or industry equals or
1189 exceeds the amounts specified in Sections 24 through 33 of this
1190 act.

1191 (3) An establishment that has qualified pursuant to Sections
1192 24 through 33 of this act may receive payments only in accordance
1193 with the provision under which it initially applied and was
1194 approved. If an establishment that is receiving incentive
1195 payments expands, it may apply for additional incentive payments
1196 based on the new gross payroll for new direct jobs anticipated
1197 from the expansion only, pursuant to Sections 24 through 33 of
1198 this act.

1199 (4) As soon as practicable after verification of the
1200 qualified business or industry meeting the requirements of
1201 Sections 24 through 33 of this act and all rules and regulations,
1202 the Department of Finance and Administration, upon requisition of
1203 the State Tax Commission, shall issue a warrant drawn on the
1204 Mississippi Advantage Jobs Incentive Payment Fund to the
1205 establishment in the amount of the net benefit rate multiplied by
1206 the actual gross payroll as determined pursuant to subsection (1)
1207 of this section for the calendar quarter.

1208 SECTION 31. The MDA and the State Tax Commission shall
1209 promulgate rules and regulations and all application forms and
1210 other forms necessary to implement their respective duties and

responsibilities under the provisions of Sections 24 through 33 of this act.

SECTION 32. The MDA shall prepare a report on the program, which shall be included each year in the MDA's annual report to the Legislature.

SECTION 33. The following provision shall be codified as Section 27-7-312, Mississippi Code of 1972:

27-7-312. Of the revenue collected under the provisions of this article from an employer who is eligible to receive incentive payments under the Mississippi Advantage Jobs Act, an amount equal to the estimated amount of the quarterly incentive payment for which such employer is eligible shall be deposited into the Mississippi Advantage Jobs Incentive Payment Fund created pursuant to Sections 24 through 33 of House Bill No. _____, 2000 Second Extraordinary Session, on or before the twentieth day of the month following the close of each calendar quarter.

SECTION 34. Sections 34 through 39 of this act shall be known and may be cited as the "Growth and Prosperity Act."

SECTION 35. 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 Sections 34 through 39 of this act 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 Sections 34 through 39 of this act be liberally construed and applied in order to advance the public purposes.

SECTION 36. As used in Sections 34 through 39 of this act, 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 Sections 34 through 39 of this act 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) "Growth and prosperity counties" means those counties which meet the requirements of Sections 34 through 39 of this act and which have by resolution or order given its consent to participate in the Growth and Prosperity Program.

(d) "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.

(e) "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.

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

(g) "State tax" means 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, 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, and 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.

SECTION 37. From and after December 31, 2000, and until December 31, 2005, 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 from 2000 through 2005, as determined by the Mississippi Employment Security Commission;

(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; or

(c) Any county of this state having a supervisors district in which thirty percent (30%) or more of the district's population is at or below the federal poverty level and which county is adjacent to a county in which thirty percent (30%) or more of the population of such county is at or below the federal poverty level, for any year from 2000 through 2005.

The application, at a minimum, must contain (a) Mississippi Employment Security Commission 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 that reflects the poverty level of the applying county or supervisors

1310 district, as the case may be, and (b) an order or resolution of
1311 the county consenting to the designation of the county as a growth
1312 and prosperity county.

1313 Any municipality of a designated growth and prosperity county
1314 may by order or resolution of the municipality consent to
1315 participation in the Growth and Prosperity Program.

1316 No incentive or tax exemption shall be given under Sections
1317 34 through 39 of this act without the consent of the affected
1318 county or municipality.

1319 SECTION 38. Upon the issuance by the MDA of its certificate
1320 of public convenience and necessity, designating certain counties
1321 as growth and prosperity counties, any approved business
1322 enterprise in any such a growth and prosperity county or
1323 supervisors district shall be exempt from all local taxes levied
1324 by the county, except school taxes, and all state taxes for a
1325 period of ten (10) years or until December 31, 2015, whichever
1326 occurs first, and upon consent of any municipality within such
1327 county or supervisors district, shall be exempt from all local
1328 taxes levied by such municipality, except school taxes, for a
1329 period of ten (10) years or until December 31, 2015, whichever
1330 occurs first.

1331 The following conditions, along with any other conditions the
1332 MDA shall promulgate from time to time by rule or regulation,
1333 shall apply to such exemptions: (a) any exemption provided under
1334 Sections 34 through 39 of this act is nontransferable and cannot
1335 be applied, used or assigned to any other person or business or
1336 tax account; (b) no approved business enterprise may claim or use
1337 the exemption granted under Sections 34 through 39 of this act
1338 unless that enterprise is in full compliance with all state and
1339 local tax laws, and related ordinances and resolutions; and (c)
1340 the approved business enterprise must enter into an agreement with
1341 the MDA which sets out, at a minimum the performance requirements
1342 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.

Upon entering into such an agreement, the MDA shall forward such agreement to the State Tax Commission and the affected local taxing authorities so that the exemption can be implemented. The State Tax Commission shall promulgate rules and regulations for the implementation of both local and state exemptions granted under Sections 34 through 39 of this act.

Any business enterprise that relocates its present operation and jobs to a growth and prosperity county from another county in the state shall not receive any of the exemptions granted in Sections 34 through 39 of this act.

SECTION 39. The MDA shall promulgate rules and regulations for the implementation and administration of Sections 34 through 39 of this act.

SECTION 40. Section 57-73-21, Mississippi Code of 1972, is amended as follows:[CR8]

57-73-21. (1) Annually by December 31, using the most current data available from the University Research Center, Mississippi State Employment Security Commission 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. 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. 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

1442 designated by rule and regulation of the Mississippi Development
1443 Authority as air transportation and maintenance facilities, final
1444 destination or resort hotels having a minimum of one hundred fifty
1445 (150) guest rooms, recreational facilities that impact tourism,
1446 movie industry studios, * * * telecommunications enterprises, data
1447 or information processing enterprises or computer software
1448 development enterprises or any technology intensive facility or
1449 enterprise, in counties designated by the Tax Commission as Tier
1450 One areas are allowed a job tax credit for taxes imposed by
1451 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually
1452 for each net new full-time employee job for five (5) years
1453 beginning with years two (2) through six (6) after the creation of
1454 the job. The number of new full-time jobs must be determined by
1455 comparing the monthly average number of full-time employees
1456 subject to Mississippi income tax withholding for the taxable year
1457 with the corresponding period of the prior taxable year. Only
1458 those permanent businesses that increase employment by twenty (20)
1459 or more in Tier One areas are eligible for the credit. The credit
1460 is not allowed during any of the five (5) years if the net
1461 employment increase falls below twenty (20). The Tax Commission
1462 shall adjust the credit allowed each year for the net new
1463 employment fluctuations above the minimum level of twenty (20).

1464 (5) In addition to the credits authorized in subsections
1465 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)
1466 credit for each net new full-time employee or an additional One
1467 Thousand Dollars (\$1,000.00) credit for each net new full-time
1468 employee who is paid a salary, excluding benefits which are not
1469 subject to Mississippi income taxation, of at least one hundred
1470 twenty-five percent (125%) of the average annual wage of the state
1471 or an additional Two Thousand Dollars (\$2,000.00) credit for each
1472 net new full-time employee who is paid a salary, excluding
1473 benefits which are not subject to Mississippi income taxation, of
1474 at least two hundred percent (200%) of the average annual wage of

1475 the state, shall be allowed for any company establishing or
1476 transferring its national or regional headquarters from within or
1477 outside the State of Mississippi. A minimum of thirty-five (35)
1478 jobs must be created to qualify for the additional credit. The
1479 State Tax Commission shall establish criteria and prescribe
1480 procedures to determine if a company qualifies as a national or
1481 regional headquarters for purposes of receiving the credit awarded
1482 in this subsection. As used in this subsection, the average
1483 annual wage of the state is the average annual wage as determined
1484 by the Mississippi Employment Security Commission.

1485 (6) In addition to the credits authorized in subsections
1486 (2), (3), (4) and (5), any job requiring research and development
1487 skills (chemist, engineer, etc.) shall qualify for an additional
1488 One Thousand Dollars (\$1,000.00) credit for each net new full-time
1489 employee.

1490 (7) Tax credits for five (5) years for the taxes imposed by
1491 Section 27-7-5 shall be awarded for additional net new full-time
1492 jobs created by business enterprises qualified under subsections
1493 (2), (3), (4), (5) and (6) of this section. The Tax Commission
1494 shall adjust the credit allowed in the event of employment
1495 fluctuations during the additional five (5) years of credit.

1496 (8) The sale, merger, acquisition, reorganization,
1497 bankruptcy or relocation from one county to another county within
1498 the state of any business enterprise may not create new
1499 eligibility in any succeeding business entity, but any unused job
1500 tax credit may be transferred and continued by any transferee of
1501 the business enterprise. The Tax Commission shall determine
1502 whether or not qualifying net increases or decreases have occurred
1503 or proper transfers of credit have been made and may require
1504 reports, promulgate regulations, and hold hearings as needed for
1505 substantiation and qualification.

1506 (9) Any tax credit claimed under this section but not used
1507 in any taxable year may be carried forward for five (5) years from

1508 the close of the tax year in which the qualified jobs were
1509 established but the credit established by this section taken in
1510 any one (1) tax year must be limited to an amount not greater than
1511 fifty percent (50%) of the taxpayer's state income tax liability
1512 which is attributable to income derived from operations in the
1513 state for that year.

1514 (10) No business enterprise for the transportation,
1515 handling, storage, processing or disposal of hazardous waste is
1516 eligible to receive the tax credits provided in this section.

1517 (11) The credits allowed under this section shall not be
1518 used by any business enterprise or corporation other than the
1519 business enterprise actually qualifying for the credits.

1520 (12) The tax credits provided for in this section shall be
1521 in addition to any tax credits described in Sections 57-51-13(b),
1522 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official
1523 action by the Department of Economic Development prior to July 1,
1524 1989, to any business enterprise determined prior to July 1, 1989,
1525 by the Department of Economic Development to be a qualified
1526 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or
1527 a qualified company as described in Section 57-53-1, as the case
1528 may be; however, from and after July 1, 1989, tax credits shall be
1529 allowed only under either this section or Sections 57-51-13(b),
1530 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time
1531 employee.

1532 (13) As used in this section, the term "telecommunications
1533 enterprises" means entities engaged in the creation, display,
1534 management, storage, processing, transmission or distribution for
1535 compensation of images, text, voice, video or data by wire or by
1536 wireless means, or entities engaged in the construction, design,
1537 development, manufacture, maintenance or distribution for
1538 compensation of devices, products, software or structures used in
1539 the above activities. Companies organized to do business as
1540 commercial broadcast radio stations, television stations or news

1541 organizations primarily serving in-state markets shall not be
1542 included within the definition of the term "telecommunications
1543 enterprises."

1544 SECTION 41. Section 57-73-25, Mississippi Code of 1972, is
1545 amended as follows:[RDD9]

1546 57-73-25. (1) A fifty percent (50%) income tax credit shall
1547 be granted to any employer (as defined in subsection (4) of this
1548 section) sponsoring basic skills training. The fifty percent
1549 (50%) credit shall be granted to employers that participate in
1550 employer-sponsored retraining programs through any
1551 community/junior college in the district within which the employer
1552 is located or training approved by such community/junior college.

1553 The retraining must be designed to increase opportunities for
1554 employee advancement or retention with the employer. The credit
1555 is applied to qualified training or retraining expenses, which are
1556 expenses related to instructors, instructional materials and
1557 equipment, and the construction and maintenance of facilities by
1558 such employer designated for training purposes which is
1559 attributable to training or retraining provided through such
1560 community/junior college or training approved by such
1561 community/junior college. The credits allowed under this section
1562 shall only be used by the actual employer qualifying for the
1563 credits. The credit shall not exceed fifty percent (50%) of the
1564 income tax liability in a tax year and may be carried forward for
1565 the five (5) successive years if the amount allowable as credit
1566 exceeds the income tax liability in a tax year; however,
1567 thereafter, if the amount allowable as a credit exceeds the tax
1568 liability, the amount of excess shall not be refundable or carried
1569 forward to any other taxable year. Nothing in this section shall
1570 be interpreted in any manner as to prevent the continuing
1571 operation of state-supported university programs.

1572 (2) Employer-sponsored training shall include an evaluation
1573 by the State Board for Community and Junior Colleges to ensure

that the training provided is job related and conforms to the definitions of "basic skills training" and "retraining programs" as hereinafter defined.

(3) Employers shall be certified as eligible for the tax credit by the State Board for Community and Junior Colleges and the State Tax Commission.

(4) For the purposes of this section:

(a) "Basic skills training" means any employer-sponsored training by an appropriate community/junior college or training approved by such community/junior college that enhances reading, writing or math skills, up to the twelfth grade level, of employees who are unable to function effectively on the job due to deficiencies in these areas or who would be displaced because such skill deficiencies will inhibit their training for new technology.

(b) "Retraining programs" means employer-sponsored training by an appropriate community/junior college or training approved by such community/junior college for hourly paid employees of an employer that, upon successful completion, increases the employee's opportunity for consideration for promotion or retention with the employer.

(c) "Employer-sponsored training" means training purchased by the employer from an appropriate community/junior college in the district within which the employer is located or training approved by such community/junior college.

(d) "Employer" means those permanent business enterprises as defined and set out in Section 57-73-21 (2), (3), (4) and (5).

(5) The tax credits provided for in this section shall be in addition to all other tax credits heretofore granted by the laws of the state.

(6) A community/junior college may commit to provide employer-sponsored basic skills training or retraining programs

1607 for an employer for a multiple number of years, not to exceed five
1608 (5) years.

1609 (7) The State Board for Community and Junior Colleges shall
1610 make a report to the Legislature by January 30 of each year
1611 summarizing the number of participants, the junior or community
1612 college through which said training was offered and the type
1613 training offered.

1614 * * *

1615 SECTION 42. Section 57-75-5, Mississippi Code of 1972, is
1616 amended as follows:[CR10]

1617 57-75-5. Words and phrases used in this chapter shall have
1618 meanings as follows, unless the context clearly indicates a
1619 different meaning:

1620 (a) "Act" means the Mississippi Major Economic Impact
1621 Act as originally enacted or as hereafter amended.

1622 (b) "Authority" means the Mississippi Major Economic
1623 Impact Authority created pursuant to the act.

1624 (c) "Bonds" means general obligation bonds, interim
1625 notes and other evidences of debt of the State of Mississippi
1626 issued pursuant to this chapter.

1627 (d) "Facility related to the project" means and
1628 includes any of the following, as the same may pertain to the
1629 project within the project area: (i) facilities to provide
1630 potable and industrial water supply systems, sewage and waste
1631 disposal systems and water, natural gas and electric transmission
1632 systems to the site of the project; (ii) airports, airfields and
1633 air terminals; (iii) rail lines; (iv) port facilities; (v)
1634 highways, streets and other roadways; (vi) public school
1635 buildings, classrooms and instructional facilities, including any
1636 functionally related facilities; (vii) parks, outdoor recreation
1637 facilities and athletic facilities; (viii) auditoriums, pavilions,
1638 campgrounds, art centers, cultural centers, folklore centers and
1639 other public facilities; and (ix) health care facilities, public

1640 or private.

1641 (e) "Person" means any natural person, corporation,
1642 association, partnership, receiver, trustee, guardian, executor,
1643 administrator, fiduciary, governmental unit, public agency,
1644 political subdivision, or any other group acting as a unit, and
1645 the plural as well as the singular.

1646 (f) "Project" means:

1647 (i) Any industrial, commercial, research and
1648 development, warehousing, distribution, transportation,
1649 processing, mining, United States government or tourism enterprise
1650 together with all real property required for construction,
1651 maintenance and operation of the enterprise with an initial
1652 capital investment of not less than Three Hundred Million Dollars
1653 (\$300,000,000.00) from private or United States government sources
1654 together with all buildings, and other supporting land and
1655 facilities, structures or improvements of whatever kind required
1656 or useful for construction, maintenance and operation of the
1657 enterprise; or with an initial capital investment of not less than
1658 One Hundred Fifty Million Dollars (\$150,000,000.00) from private
1659 or United States government sources together with all buildings
1660 and other supporting land and facilities, structures or
1661 improvements of whatever kind required or useful for construction,
1662 maintenance and operation of the enterprise and which creates at
1663 least one thousand (1,000) net new full-time jobs; or which
1664 creates at least one thousand (1,000) net new full-time jobs which
1665 provides an average salary, excluding benefits which are not
1666 subject to Mississippi income taxation, of at least one hundred
1667 twenty-five percent (125%) of the average annual wage of the state
1668 as determined by the Mississippi Employment Security Commission.
1669 "Project" shall * * * include any addition to or expansion of an
1670 existing enterprise if such addition or expansion has an initial
1671 capital investment of not less than Three Hundred Million Dollars
1672 (\$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 average annual wage of the state as
determined by the Mississippi Employment Security Commission.
"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) Any enterprise that directly will employ and maintain a minimum of three thousand five hundred (3,500) people within a three-year period with an initial capital investment from any source of not less than Fifty Million Dollars (\$50,000,000.00). The provisions of this subparagraph (ii) shall be repealed from and after July 1, 1996.

(iii) Any major capital project designed to improve, expand or otherwise enhance any active duty United States Air Force or Navy training bases or naval stations, 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; or any major development project determined by the authority to be necessary to acquire base properties and to provide employment opportunities through construction of projects as defined in Section 57-3-5, which shall

1706 be located on or provide direct support service or access to such
1707 military installation property as such property exists on July 1,
1708 1993, in the event of closure or reduction of military operations
1709 at the installation. From and after July 1, 1997, projects
1710 described in this subparagraph (iii) shall not be considered to be
1711 within the meaning of the term "project" for purposes of this
1712 section, unless such projects are commenced before July 1, 1997,
1713 and shall not be eligible for any funding provided under the
1714 Mississippi Major Economic Impact Act.

1715 (iv) Any enterprise to be maintained, improved or
1716 constructed in Tishomingo County by or for a National Aeronautics
1717 and Space Administration facility in such county.

1718 (v) Any major capital project designed to improve,
1719 expand or enhance any state-owned port facility located on the
1720 Gulf of Mexico, which project will support and attract a two
1721 million (2,000,000) ton increase in cargo and three hundred fifty
1722 (350) direct port-related jobs and which is in keeping with a
1723 developed and approved master plan, or any major capital project
1724 developed under the name "Project Greystone" and/or any major
1725 capital project designed to build, construct or develop an
1726 automobile or truck assembly facility within the State of
1727 Mississippi, which project or facility will create, directly or
1728 indirectly, two thousand (2,000) jobs with an initial capital
1729 investment from any source of not less than Three Hundred Fifty
1730 Million Dollars (\$350,000,000.00). The architectural and
1731 engineering fees on any such project shall not exceed four and
1732 one-half percent (4-1/2%) of the total construction cost of such
1733 project. "Project" shall also include any ancillary development
1734 or business resulting from the enterprise, of which the authority
1735 is notified, within three (3) years from the date that the
1736 enterprise entered into commercial production, that the project
1737 area has been selected as the site for the ancillary development
1738 or business.

1739 (vi) Any major capital project designed to
1740 construct the corporate headquarters and initial factory, to be
1741 located in the Golden Triangle Region of the state, for any
1742 Mississippi corporation that develops, constructs and operates
1743 automated robotic systems to improve the quality of, and reduce
1744 the costs of, manufacturing wire harness assemblies for certain
1745 industries, or manufactures thin film polymer lithium-ion
1746 rechargeable batteries which project has a ten-year strategic plan
1747 of supporting one thousand (1,000) direct project-related jobs for
1748 each group of wire harness contracts amounting to Thirty-five
1749 Million Dollars (\$35,000,000.00), or which has a ten-year
1750 strategic plan of supporting one thousand five hundred (1,500)
1751 direct project-related jobs for each group of polymer lithium-ion
1752 rechargeable battery contracts amounting to Forty Million Dollars
1753 (\$40,000,000.00).

1754 (vii) Any real property owned or controlled by the
1755 National Aeronautics and Space Administration, the United States
1756 Government, or any agency thereof, which is legally conveyed to
1757 the State of Mississippi or to the State of Mississippi for the
1758 benefit of the Mississippi Major Economic Impact Authority, its
1759 successors and assigns pursuant to Section 212 of Public Law
1760 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

1761 (viii) Any major capital project designed to
1762 manufacture, produce and transmit electrical power using natural
1763 gas as its primary raw material to be constructed and maintained
1764 in Panola County, Mississippi, with an initial capital investment
1765 of not less than Two Hundred Fifty Million Dollars
1766 (\$250,000,000.00).

1767 (g) "Project area" means the project site, together
1768 with any area or territory within the state lying within
1769 sixty-five (65) miles of any portion of the project site whether
1770 or not such area or territory be contiguous. The project area
1771 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.

(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;

(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.

SECTION 43. Section 57-75-9, Mississippi Code of 1972, is amended as follows:[CR11]

57-75-9. 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

1805 facility related to the project, with the concurrence of the
1806 affected public agency. The authority may take affirmative steps
1807 to coordinate fully all aspects of the submission of a siting
1808 proposal for the project and, if the state is selected as the
1809 preferred site, to coordinate fully, with the concurrence of the
1810 affected public agency, the development of the project or any
1811 facility related to the project with private business, the United
1812 States government and other public agencies. All public agencies
1813 are encouraged to cooperate to the fullest extent possible to
1814 effectuate the duties of the authority; however, the development
1815 of the project or any facility related to the project by the
1816 authority may be done only with the concurrence of the affected
1817 public agency.

1818 SECTION 44. Section 57-75-11, Mississippi Code of 1972, is
1819 amended as follows:[CR12]

1820 **[Through June 30, 2001, this section shall read as follows:]**

1821 57-75-11. The authority, in addition to any and all powers
1822 now or hereafter granted to it, is empowered and shall exercise
1823 discretion and the use of these powers depending on the
1824 circumstances of the project or projects:

1825 (a) To maintain an office at a place or places within
1826 the state.

1827 (b) To employ or contract with architects, engineers,
1828 attorneys, accountants, construction and financial experts and
1829 such other advisors, consultants and agents as may be necessary in
1830 its judgment and to fix and pay their compensation.

1831 (c) To make such applications and enter into such
1832 contracts for financial assistance as may be appropriate under
1833 applicable federal or state law.

1834 (d) To apply for, accept and utilize grants, gifts and
1835 other funds or aid from any source for any purpose contemplated by
1836 the act, and to comply, subject to the provisions of this act,
1837 with the terms and conditions thereof.

1838 (e) To acquire by purchase, lease, gift, or in other
1839 manner, including quick-take eminent domain, or obtain options to
1840 acquire, and to own, maintain, use, operate and convey any and all
1841 property of any kind, real, personal, or mixed, or any interest or
1842 estate therein, within the project area, necessary for the project
1843 or any facility related to the project. The provisions of this
1844 paragraph that allow the acquisition of property by quick-take
1845 eminent domain shall be repealed by operation of law on July 1,
1846 1994.

1847 (f) To acquire by purchase or lease any public lands
1848 and public property, including sixteenth section lands and lieu
1849 lands, within the project area, which are necessary for the
1850 project. Sixteenth section lands or lieu lands acquired under
1851 this act shall be deemed to be acquired for the purposes of
1852 industrial development thereon and such acquisition will serve a
1853 higher public interest in accordance with the purposes of this
1854 act.

1855 (g) If the authority identifies any land owned by the
1856 state as being necessary, for the location or use of the project,
1857 or any facility related to the project, to recommend to the
1858 Legislature the conveyance of such land or any interest therein,
1859 as the Legislature deems appropriate.

1860 (h) To make or cause to be made such examinations and
1861 surveys as may be necessary to the planning, design, construction
1862 and operation of the project.

1863 (i) From and after the date of notification to the
1864 authority by the enterprise that the state has been finally
1865 selected as the site of the project, to acquire by condemnation
1866 and to own, maintain, use, operate and convey or otherwise dispose
1867 of any and all property of any kind, real, personal or mixed, or
1868 any interest or estate therein, within the project area, necessary
1869 for the project or any facility related to the project, with the
1870 concurrence of the affected public agency, and the exercise of the

1871 powers granted by this act, according to the procedures provided
1872 by Chapter 27, Title 11, Mississippi Code of 1972, except as
1873 modified by this act.

1874 (i) In acquiring lands by condemnation, the
1875 authority shall not acquire minerals or royalties in minerals
1876 unless a competent registered professional engineer shall have
1877 certified that the acquisition of such minerals and royalties in
1878 minerals is necessary for purposes of the project; provided that
1879 limestone, clay, chalk, sand and gravel shall not be considered as
1880 minerals within the meaning of this section; and

1881 (ii) Unless minerals or royalties in minerals have
1882 been acquired by condemnation or otherwise, no person or persons
1883 owning the drilling rights or the right to share in production of
1884 minerals shall be prevented from exploring, developing, or
1885 producing oil or gas with necessary rights-of-way for ingress and
1886 egress, pipelines and other means of transporting interests on any
1887 land or interest therein of the authority held or used for the
1888 purposes of this act; but any such activities shall be under such
1889 reasonable regulation by the authority as will adequately protect
1890 the project contemplated by this act as provided in subparagraph
1891 (t) of this section.

1892 (j) To negotiate the necessary relocation or rerouting
1893 of roads and highways, railroad, telephone and telegraph lines and
1894 properties, electric power lines, pipelines and related
1895 facilities, or to require the anchoring or other protection of any
1896 of these, provided due compensation is paid to the owners thereof
1897 or agreement is had with such owners regarding the payment of the
1898 cost of such relocation, and to acquire by condemnation or
1899 otherwise easements or rights-of-way for such relocation or
1900 rerouting and to convey the same to the owners of the facilities
1901 being relocated or rerouted in connection with the purposes of
1902 this act.

1903 (k) To negotiate the necessary relocation of cemeteries

1904 and to pay all reasonable costs thereof.

1905 (1) To perform or have performed any and all acts and
1906 make all payments necessary to comply with all applicable federal
1907 laws, rules or regulations including but not limited to the
1908 Uniform Relocation Assistance and Real Property Acquisition
1909 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
1910 to 4655) and relocation rules and regulations promulgated by any
1911 agency or department of the federal government.

1912 (m) To construct, extend, improve, maintain, and
1913 reconstruct, to cause to be constructed, extended, improved,
1914 maintained, and reconstructed, and to use and operate any and all
1915 components of the project or any facility related to the project,
1916 with the concurrence of the affected public agency, within the
1917 project area, necessary to the project and to the exercise of such
1918 powers, rights, and privileges granted the authority.

1919 (n) To incur or defray any designated portion of the
1920 cost of any component of the project or any facility related to
1921 the project acquired or constructed by any public agency.

1922 (o) To lease, sell or convey any or all property
1923 acquired by the authority under the provisions of this act to the
1924 enterprise, its successors or assigns, and in connection therewith
1925 to pay the costs of title search, perfection of title, title
1926 insurance and recording fees as may be required. The authority
1927 may provide in the instrument conveying such property a provision
1928 that such property shall revert to the authority if, as and when
1929 the property is declared by the enterprise to be no longer needed.

1930 (p) To enter into contracts with any person or public
1931 agency including, but not limited to, contracts authorized by
1932 Section 75-57-17, in furtherance of any of the purposes authorized
1933 by this act upon such consideration as the authority and such
1934 person or public agency may agree. Any such contract may extend
1935 over any period of time, notwithstanding any rule of law to the
1936 contrary, may be upon such terms as the parties thereto shall

1937 agree, and may provide that it shall continue in effect until
1938 bonds specified therein, refunding bonds issued in lieu of such
1939 bonds, and all other obligations specified therein are paid or
1940 terminated. Any such contract shall be binding upon the parties
1941 thereto according to its terms. Such contracts may include an
1942 agreement to reimburse the enterprise, its successors and assigns
1943 for any assistance provided by the enterprise in the acquisition
1944 of real property for the project or any facility related to the
1945 project.

1946 (q) To establish and maintain reasonable rates and
1947 charges for the use of any facility within the project area owned
1948 or operated by the authority, and from time to time to adjust such
1949 rates and to impose penalties for failure to pay such rates and
1950 charges when due.

1951 (r) To adopt and enforce with the concurrence of the
1952 affected public agency all necessary and reasonable rules and
1953 regulations to carry out and effectuate the implementation of the
1954 project and any land use plan or zoning classification adopted for
1955 the project area, including but not limited to rules, regulations,
1956 and restrictions concerning mining, construction, excavation or
1957 any other activity the occurrence of which may endanger the
1958 structure or operation of the project. Such rules may be enforced
1959 within the project area and without the project area as necessary
1960 to protect the structure and operation of the project. The
1961 authority is authorized to plan or replan, zone or rezone, and
1962 make exceptions to any regulations, whether local or state, with
1963 the concurrence of the affected public agency which are
1964 inconsistent with the design, planning, construction or operation
1965 of the project and facilities related to the project.

1966 (s) To plan, design, coordinate and implement measures
1967 and programs to mitigate impacts on the natural environment caused
1968 by the project or any facility related to the project.

1969 (t) To develop plans for technology transfer activities

1970 to ensure private sector conduits for exchange of information,
1971 technology and expertise related to the project to generate
1972 opportunities for commercial development within the state.

1973 (u) To consult with the State Department of Education
1974 and other public agencies for the purpose of improving public
1975 schools and curricula within the project area.

1976 (v) To consult with the State Board of Health and other
1977 public agencies for the purpose of improving medical centers,
1978 hospitals and public health centers in order to provide
1979 appropriate health care facilities within the project area.

1980 (w) To consult with the Office of Minority Business
1981 Enterprise Development and other public agencies for the purpose
1982 of developing plans for technical assistance and loan programs to
1983 maximize the economic impact related to the project for minority
1984 business enterprises within the State of Mississippi.

1985 (x) To deposit into the "Yellow Creek Project Area
1986 Fund" created pursuant to Section 57-75-31:

1987 (i) Any funds or aid received as authorized in
1988 this section for the project described in Section 57-75-5(f)(vii),
1989 and

1990 (ii) Any funds received from the sale or lease of
1991 property from the project described in Section 57-75-5(f)(vii)
1992 pursuant to the powers exercised under this section.

1993 (y) To manage and develop the project described in
1994 Section 57-75-5(f)(vii) subject to the provisions of Section
1995 57-75-29.

1996 (z) To promulgate rules and regulations necessary to
1997 effectuate the purposes of this act.

1998 (aa) To negotiate a fee-in-lieu with the owners of the
1999 project.

2000 **[From and after July 1, 2001, this section shall read as**
2001 **follows:]**

2002 57-75-11. The authority, in addition to any and all powers

2003 now or hereafter granted to it, is empowered and shall exercise
2004 discretion and the use of these powers depending on the
2005 circumstances of the project or projects:

2006 (a) To maintain an office at a place or places within
2007 the state.

2008 (b) To employ or contract with architects, engineers,
2009 attorneys, accountants, construction and financial experts and
2010 such other advisors, consultants and agents as may be necessary in
2011 its judgment and to fix and pay their compensation.

2012 (c) To make such applications and enter into such
2013 contracts for financial assistance as may be appropriate under
2014 applicable federal or state law.

2015 (d) To apply for, accept and utilize grants, gifts and
2016 other funds or aid from any source for any purpose contemplated by
2017 the act, and to comply, subject to the provisions of this act,
2018 with the terms and conditions thereof.

2019 (e) To acquire by purchase, lease, gift, or in other
2020 manner, including quick-take eminent domain, or obtain options to
2021 acquire, and to own, maintain, use, operate and convey any and all
2022 property of any kind, real, personal, or mixed, or any interest or
2023 estate therein, within the project area, necessary for the project
2024 or any facility related to the project. The provisions of this
2025 paragraph that allow the acquisition of property by quick-take
2026 eminent domain shall be repealed by operation of law on July 1,
2027 1994.

2028 (f) To acquire by purchase or lease any public lands
2029 and public property, including sixteenth section lands and lieu
2030 lands, within the project area, which are necessary for the
2031 project. Sixteenth section lands or lieu lands acquired under
2032 this act shall be deemed to be acquired for the purposes of
2033 industrial development thereon and such acquisition will serve a
2034 higher public interest in accordance with the purposes of this
2035 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) 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

2069 purposes of this act; but any such activities shall be under such
2070 reasonable regulation by the authority as will adequately protect
2071 the project contemplated by this act as provided in subparagraph
2072 (t) of this section.

2073 (j) To negotiate the necessary relocation or rerouting
2074 of roads and highways, railroad, telephone and telegraph lines and
2075 properties, electric power lines, pipelines and related
2076 facilities, or to require the anchoring or other protection of any
2077 of these, provided due compensation is paid to the owners thereof
2078 or agreement is had with such owners regarding the payment of the
2079 cost of such relocation, and to acquire by condemnation or
2080 otherwise easements or rights-of-way for such relocation or
2081 rerouting and to convey the same to the owners of the facilities
2082 being relocated or rerouted in connection with the purposes of
2083 this act.

2084 (k) To negotiate the necessary relocation of cemeteries
2085 and to pay all reasonable costs thereof.

2086 (l) To perform or have performed any and all acts and
2087 make all payments necessary to comply with all applicable federal
2088 laws, rules or regulations including but not limited to the
2089 Uniform Relocation Assistance and Real Property Acquisition
2090 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
2091 to 4655) and relocation rules and regulations promulgated by any
2092 agency or department of the federal government.

2093 (m) To construct, extend, improve, maintain, and
2094 reconstruct, to cause to be constructed, extended, improved,
2095 maintained, and reconstructed, and to use and operate any and all
2096 components of the project or any facility related to the project,
2097 with the concurrence of the affected public agency, within the
2098 project area, necessary to the project and to the exercise of such
2099 powers, rights, and privileges granted the authority.

2100 (n) To incur or defray any designated portion of the
2101 cost of any component of the project or any facility related to

2102 the project acquired or constructed by any public agency.

2103 (o) To lease, sell or convey any or all property
2104 acquired by the authority under the provisions of this act to the
2105 enterprise, its successors or assigns, and in connection therewith
2106 to pay the costs of title search, perfection of title, title
2107 insurance and recording fees as may be required. The authority
2108 may provide in the instrument conveying such property a provision
2109 that such property shall revert to the authority if, as and when
2110 the property is declared by the enterprise to be no longer needed.

2111 (p) To enter into contracts with any person or public
2112 agency including, but not limited to, contracts authorized by
2113 Section 75-57-17, in furtherance of any of the purposes authorized
2114 by this act upon such consideration as the authority and such
2115 person or public agency may agree. Any such contract may extend
2116 over any period of time, notwithstanding any rule of law to the
2117 contrary, may be upon such terms as the parties thereto shall
2118 agree, and may provide that it shall continue in effect until
2119 bonds specified therein, refunding bonds issued in lieu of such
2120 bonds, and all other obligations specified therein are paid or
2121 terminated. Any such contract shall be binding upon the parties
2122 thereto according to its terms. Such contracts may include an
2123 agreement to reimburse the enterprise, its successors and assigns
2124 for any assistance provided by the enterprise in the acquisition
2125 of real property for the project or any facility related to the
2126 project.

2127 (q) To establish and maintain reasonable rates and
2128 charges for the use of any facility within the project area owned
2129 or operated by the authority, and from time to time to adjust such
2130 rates and to impose penalties for failure to pay such rates and
2131 charges when due.

2132 (r) To adopt and enforce with the concurrence of the
2133 affected public agency all necessary and reasonable rules and
2134 regulations to carry out and effectuate the implementation of the

2135 project and any land use plan or zoning classification adopted for
2136 the project area, including but not limited to rules, regulations,
2137 and restrictions concerning mining, construction, excavation or
2138 any other activity the occurrence of which may endanger the
2139 structure or operation of the project. Such rules may be enforced
2140 within the project area and without the project area as necessary
2141 to protect the structure and operation of the project. The
2142 authority is authorized to plan or replan, zone or rezone, and
2143 make exceptions to any regulations, whether local or state, with
2144 the concurrence of the affected public agency which are
2145 inconsistent with the design, planning, construction or operation
2146 of the project and facilities related to the project.

2147 (s) To plan, design, coordinate and implement measures
2148 and programs to mitigate impacts on the natural environment caused
2149 by the project or any facility related to the project.

2150 (t) To develop plans for technology transfer activities
2151 to ensure private sector conduits for exchange of information,
2152 technology and expertise related to the project to generate
2153 opportunities for commercial development within the state.

2154 (u) To consult with the State Department of Education
2155 and other public agencies for the purpose of improving public
2156 schools and curricula within the project area.

2157 (v) To consult with the State Board of Health and other
2158 public agencies for the purpose of improving medical centers,
2159 hospitals and public health centers in order to provide
2160 appropriate health care facilities within the project area.

2161 (w) To consult with the Office of Minority Business
2162 Enterprise Development and other public agencies for the purpose
2163 of developing plans for technical assistance and loan programs to
2164 maximize the economic impact related to the project for minority
2165 business enterprises within the State of Mississippi.

2166 (x) To deposit into the "Yellow Creek Project Area
2167 Fund" created pursuant to Section 57-75-31:

2168 (i) Any funds or aid received as authorized in
2169 this section for the project described in Section 57-75-5(f)(vii),
2170 and

2171 (ii) Any funds received from the sale or lease of
2172 property from the project described in Section 57-75-5(f)(vii)
2173 pursuant to the powers exercised under this section.

2174 (y) To manage and develop the project described in
2175 Section 57-75-5(f)(vii).

2176 (z) To promulgate rules and regulations necessary to
2177 effectuate the purposes of this act.

2178 (aa) To negotiate a fee-in-lieu with the owners of the
2179 project.

2180 SECTION 45. Section 57-75-15, Mississippi Code of 1972, is
2181 amended as follows:[CR13]

2182 57-75-15. (1) Upon notification to the authority by the
2183 enterprise that the state has been finally selected as the site
2184 for the project, the State Bond Commission shall have the power
2185 and is hereby authorized and directed, upon receipt of a
2186 declaration from the authority as hereinafter provided, to borrow
2187 money and issue general obligation bonds of the state in one or
2188 more series for the purposes herein set out. Upon such
2189 notification, the authority may thereafter from time to time
2190 declare the necessity for the issuance of general obligation bonds
2191 as authorized by this section and forward such declaration to the
2192 State Bond Commission, provided that before such notification, the
2193 authority may enter into agreements with the United States
2194 Government, private companies and others that will commit the
2195 authority to direct the State Bond Commission to issue bonds for
2196 eligible undertakings set out in subsection (4) of this section,
2197 conditioned on the siting of the project in the state.

2198 (2) Upon receipt of any such declaration from the authority,
2199 the State Bond Commission shall verify that the state has been
2200 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-four Million Two Hundred Fifty Thousand Dollars (\$64,250,000.00).

(b) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(ii) shall not exceed Ninety Million Dollars (\$90,000,000.00). The provisions of this paragraph (b) shall be repealed from and after July 1, 1996.

(c) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(iii) shall not exceed Fifty Million Dollars (\$50,000,000.00), nor shall the bonds issued for projects related to any single military installation exceed Sixteen Million Six Hundred Sixty-seven Thousand Dollars (\$16,667,000.00). If any proceeds of bonds issued for projects related to the Meridian Naval Auxiliary Air Station ("NAAS") are used for the development of a water and sewer service system by the City of Meridian, Mississippi, to serve the NAAS and if the City of Meridian annexes any of the territory served by the water and sewer service system, the city shall repay the State of Mississippi the amount of all bond proceeds expended on any portion of the water and sewer service system project; and if there are any monetary proceeds derived from the disposition of any improvements located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS and if there are any monetary proceeds derived from the disposition of any timber located on real property in Kemper County purchased pursuant to this act for projects related to the NAAS, all of such proceeds (both from the disposition of improvements and the disposition of timber) commencing July 1, 1996, through June 30, 2010, shall be paid to the Board of Education of Kemper County, Mississippi, for expenditure by such

2234 board of education to benefit the public schools of Kemper County.

2235 No bonds shall be issued under this paragraph (c) until the State
2236 Bond Commission by resolution adopts a finding that the issuance
2237 of such bonds will improve, expand or otherwise enhance the
2238 military installation, its support areas or military operations,
2239 or will provide employment opportunities to replace those lost by
2240 closure or reductions in operations at the military installation.

2241 From and after July 1, 1997, bonds shall not be issued for any
2242 projects, as defined in Section 57-75-5(f)(iii), which are not
2243 commenced before July 1, 1997. The proceeds of any bonds issued
2244 for projects commenced before July 1, 1997, shall be used for the
2245 purposes for which the bonds were issued until completion of the
2246 projects.

2247 (d) Bonds issued under the authority of this section
2248 for projects as defined in Section 57-75-5(f)(iv) shall not exceed
2249 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
2250 under this paragraph after December 31, 1996.

2251 (e) Bonds issued under the authority of this section
2252 for projects defined in Section 57-75-5(f)(v) shall not exceed One
2253 Hundred Ten Million Dollars (\$110,000,000.00). No bonds shall be
2254 issued under this paragraph after June 30, 2001.

2255 (f) Bonds issued under the authority of this section
2256 for the project defined in Section 57-75-5(f)(vi) shall not exceed
2257 Twenty Million Three Hundred Seventy Thousand Dollars
2258 (\$20,370,000.00). No bonds shall be issued under this paragraph
2259 (f) until the State Bond Commission by resolution adopts a finding
2260 that the project has secured wire harness contracts or contracts
2261 to manufacture thin film polymer lithium-ion rechargeable
2262 batteries, or any combination of such contracts, in the aggregate
2263 amount of Twenty Million Dollars (\$20,000,000.00), either from the
2264 United States Government or the private sector. No bonds shall be
2265 issued under this paragraph after June 30, 2001.

2266 (g) Bonds issued under the authority of this section

2267 for projects defined in Section 57-75-5(f)(viii) shall not exceed
2268 Twenty-six Million Dollars (\$26,000,000.00). No bonds shall be
2269 issued after June 30, 2001.

2270 (4) The proceeds from the sale of the bonds issued under
2271 this section may be applied for the purposes of: (a) defraying
2272 all or any designated portion of the costs incurred with respect
2273 to acquisition, planning, design, construction, installation,
2274 rehabilitation, improvement, relocation and with respect to
2275 state-owned property, operation and maintenance of the project and
2276 any facility related to the project located within the project
2277 area, including costs of design and engineering, all costs
2278 incurred to provide land, easements and rights-of-way, relocation
2279 costs with respect to the project and with respect to any facility
2280 related to the project located within the project area, and costs
2281 associated with mitigation of environmental impacts; (b) defraying
2282 the cost of providing for the recruitment, screening, selection,
2283 training or retraining of employees, candidates for employment or
2284 replacement employees of the project and any related activity; (c)
2285 providing for the payment of interest on the bonds; (d) providing
2286 debt service reserves; and (e) paying underwriters' discount,
2287 original issue discount, accountants' fees, engineers' fees,
2288 attorneys' fees, rating agency fees and other fees and expenses in
2289 connection with the issuance of the bonds. Such bonds shall be
2290 issued from time to time and in such principal amounts as shall be
2291 designated by the authority, not to exceed in aggregate principal
2292 amounts the amount authorized in subsection (3) of this section.
2293 Proceeds from the sale of the bonds issued under this section may
2294 be invested, subject to federal limitations, pending their use, in
2295 such securities as may be specified in the resolution authorizing
2296 the issuance of the bonds or the trust indenture securing them,
2297 and the earning on such investment applied as provided in such
2298 resolution or trust indenture.

2299 (5) The principal of and the interest on the bonds shall be

2300 payable in the manner hereinafter set forth. The bonds shall bear
2301 date or dates; be in such denomination or denominations; bear
2302 interest at such rate or rates; be payable at such place or places
2303 within or without the state; mature absolutely at such time or
2304 times; be redeemable before maturity at such time or times and
2305 upon such terms, with or without premium; bear such registration
2306 privileges; and be substantially in such form; all as shall be
2307 determined by resolution of the State Bond Commission except that
2308 such bonds shall mature or otherwise be retired in annual
2309 installments beginning not more than five (5) years from the date
2310 thereof and extending not more than twenty-five (25) years from
2311 the date thereof. The bonds shall be signed by the Chairman of
2312 the State Bond Commission, or by his facsimile signature, and the
2313 official seal of the State Bond Commission shall be imprinted on
2314 or affixed thereto, attested by the manual or facsimile signature
2315 of the Secretary of the State Bond Commission. Whenever any such
2316 bonds have been signed by the officials herein designated to sign
2317 the bonds, who were in office at the time of such signing but who
2318 may have ceased to be such officers before the sale and delivery
2319 of such bonds, or who may not have been in office on the date such
2320 bonds may bear, the signatures of such officers upon such bonds
2321 shall nevertheless be valid and sufficient for all purposes and
2322 have the same effect as if the person so officially signing such
2323 bonds had remained in office until the delivery of the same to the
2324 purchaser, or had been in office on the date such bonds may bear.

2325 (6) All bonds issued under the provisions of this section
2326 shall be and are hereby declared to have all the qualities and
2327 incidents of negotiable instruments under the provisions of the
2328 Uniform Commercial Code and in exercising the powers granted by
2329 this chapter, the State Bond Commission shall not be required to
2330 and need not comply with the provisions of the Uniform Commercial
2331 Code.

2332 (7) The State Bond Commission shall sell the bonds on sealed

2333 bids at public sale, and for such price as it may determine to be
2334 for the best interest of the State of Mississippi, but no such
2335 sale shall be made at a price less than par plus accrued interest
2336 to date of delivery of the bonds to the purchaser. The bonds
2337 shall bear interest at such rate or rates not exceeding the limits
2338 set forth in Section 75-17-101 as shall be fixed by the State Bond
2339 Commission. All interest accruing on such bonds so issued shall
2340 be payable semiannually or annually; provided that the first
2341 interest payment may be for any period of not more than one (1)
2342 year.

2343 Notice of the sale of any bonds shall be published at least
2344 one (1) time, the first of which shall be made not less than ten
2345 (10) days prior to the date of sale, and shall be so published in
2346 one or more newspapers having a general circulation in the City of
2347 Jackson and in one or more other newspapers or financial journals
2348 with a large national circulation, to be selected by the State
2349 Bond Commission.

2350 The State Bond Commission, when issuing any bonds under the
2351 authority of this section, may provide that the bonds, at the
2352 option of the state, may be called in for payment and redemption
2353 at the call price named therein and accrued interest on such date
2354 or dates named therein.

2355 (8) State bonds issued under the provisions of this section
2356 shall be the general obligations of the state and backed by the
2357 full faith and credit of the state. The Legislature shall
2358 appropriate annually an amount sufficient to pay the principal of
2359 and the interest on such bonds as they become due. All bonds
2360 shall contain recitals on their faces substantially covering the
2361 foregoing provisions of this section.

2362 (9) The State Treasurer is authorized to certify to the
2363 Department of Finance and Administration the necessity for
2364 warrants, and the Department of Finance and Administration is
2365 authorized and directed to issue such warrants payable out of any

2366 funds appropriated by the Legislature under this section for such
2367 purpose, in such amounts as may be necessary to pay when due the
2368 principal of and interest on all bonds issued under the provisions
2369 of this section. The State Treasurer shall forward the necessary
2370 amount to the designated place or places of payment of such bonds
2371 in ample time to discharge such bonds, or the interest thereon, on
2372 the due dates thereof.

2373 (10) The bonds may be issued without any other proceedings
2374 or the happening of any other conditions or things other than
2375 those proceedings, conditions and things which are specified or
2376 required by this chapter. Any resolution providing for the
2377 issuance of general obligation bonds under the provisions of this
2378 section shall become effective immediately upon its adoption by
2379 the State Bond Commission, and any such resolution may be adopted
2380 at any regular or special meeting of the State Bond Commission by
2381 a majority of its members.

2382 (11) In anticipation of the issuance of bonds hereunder, the
2383 State Bond Commission is authorized to negotiate and enter into
2384 any purchase, loan, credit or other agreement with any bank, trust
2385 company or other lending institution or to issue and sell interim
2386 notes for the purpose of making any payments authorized under this
2387 section. All borrowings made under this provision shall be
2388 evidenced by notes of the state which shall be issued from time to
2389 time, for such amounts not exceeding the amount of bonds
2390 authorized herein, in such form and in such denomination and
2391 subject to such terms and conditions of sale and issuance,
2392 prepayment or redemption and maturity, rate or rates of interest
2393 not to exceed the maximum rate authorized herein for bonds, and
2394 time of payment of interest as the State Bond Commission shall
2395 agree to in such agreement. Such notes shall constitute general
2396 obligations of the state and shall be backed by the full faith and
2397 credit of the state. Such notes may also be issued for the
2398 purpose of refunding previously issued notes; except that no notes

2399 shall mature more than three (3) years following the date of
2400 issuance of the first note hereunder and provided further, that
2401 all outstanding notes shall be retired from the proceeds of the
2402 first issuance of bonds hereunder. The State Bond Commission is
2403 authorized to provide for the compensation of any purchaser of the
2404 notes by payment of a fixed fee or commission and for all other
2405 costs and expenses of issuance and service, including paying agent
2406 costs. Such costs and expenses may be paid from the proceeds of
2407 the notes.

2408 (12) The bonds and interim notes authorized under the
2409 authority of this section may be validated in the First Judicial
2410 District of the Chancery Court of Hinds County, Mississippi, in
2411 the manner and with the force and effect provided now or hereafter
2412 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2413 validation of county, municipal, school district and other bonds.
2414 The necessary papers for such validation proceedings shall be
2415 transmitted to the state bond attorney, and the required notice
2416 shall be published in a newspaper published in the City of
2417 Jackson, Mississippi.

2418 (13) Any bonds or interim notes issued under the provisions
2419 of this chapter, a transaction relating to the sale or securing of
2420 such bonds or interim notes, their transfer and the income
2421 therefrom shall at all times be free from taxation by the state or
2422 any local unit or political subdivision or other instrumentality
2423 of the state, excepting inheritance and gift taxes.

2424 (14) All bonds issued under this chapter shall be legal
2425 investments for trustees, other fiduciaries, savings banks, trust
2426 companies and insurance companies organized under the laws of the
2427 State of Mississippi; and such bonds shall be legal securities
2428 which may be deposited with and shall be received by all public
2429 officers and bodies of the state and all municipalities and other
2430 political subdivisions thereof for the purpose of securing the
2431 deposit of public funds.

2432 (15) The Attorney General of the State of Mississippi shall
2433 represent the State Bond Commission in issuing, selling and
2434 validating bonds herein provided for, and the bond commission is
2435 hereby authorized and empowered to expend from the proceeds
2436 derived from the sale of the bonds authorized hereunder all
2437 necessary administrative, legal and other expenses incidental and
2438 related to the issuance of bonds authorized under this chapter.

2439 (16) There is hereby created a special fund in the State
2440 Treasury to be known as the Mississippi Major Economic Impact
2441 Authority Fund wherein shall be deposited the proceeds of the
2442 bonds issued under this chapter and all monies received by the
2443 authority to carry out the purposes of this chapter. Expenditures
2444 authorized herein shall be paid by the State Treasurer upon
2445 warrants drawn from the fund, and the Department of Finance and
2446 Administration shall issue warrants upon requisitions signed by
2447 the director of the authority.

2448 (17) (a) There is hereby created the Mississippi Economic
2449 Impact Authority Sinking Fund from which the principal of and
2450 interest on such bonds shall be paid by appropriation. All monies
2451 paid into the sinking fund not appropriated to pay accruing bonds
2452 and interest shall be invested by the State Treasurer in such
2453 securities as are provided by law for the investment of the
2454 sinking funds of the state.

2455 (b) In the event that all or any part of the bonds and
2456 notes are purchased, they shall be canceled and returned to the
2457 loan and transfer agent as canceled and paid bonds and notes and
2458 thereafter all payments of interest thereon shall cease and the
2459 canceled bonds, notes and coupons, together with any other
2460 canceled bonds, notes and coupons, shall be destroyed as promptly
2461 as possible after cancellation but not later than two (2) years
2462 after cancellation. A certificate evidencing the destruction of
2463 the canceled bonds, notes and coupons shall be provided by the
2464 loan and transfer agent to the seller.

2465 (c) The State Treasurer shall determine and report to
2466 the Department of Finance and Administration and Legislative
2467 Budget Office by September 1 of each year the amount of money
2468 necessary for the payment of the principal of and interest on
2469 outstanding obligations for the following fiscal year and the
2470 times and amounts of the payments. It shall be the duty of the
2471 Governor to include in every executive budget submitted to the
2472 Legislature full information relating to the issuance of bonds and
2473 notes under the provisions of this chapter and the status of the
2474 sinking fund for the payment of the principal of and interest on
2475 the bonds and notes.

2476 SECTION 46. Section 19-9-1, Mississippi Code of 1972, is
2477 amended as follows:[CR14]

2478 19-9-1. The board of supervisors of any county is authorized
2479 to issue negotiable bonds of the county to raise money for the
2480 following purposes:

2481 (a) Purchasing or erecting, equipping, repairing,
2482 reconstructing, remodeling and enlarging county buildings,
2483 courthouses, office buildings, jails, hospitals, nurses' homes,
2484 health centers, clinics, and related facilities, and the purchase
2485 of land therefor;

2486 (b) Erecting, equipping, repairing, reconstructing,
2487 remodeling, or acquiring county homes for indigents, and
2488 purchasing land therefor;

2489 (c) Purchasing or constructing, repairing, improving
2490 and equipping buildings for public libraries and for purchasing
2491 land, equipment and books therefor, whether the title to same be
2492 vested in the county issuing such bonds or in some subdivision of
2493 the state government other than the county, or jointly in such
2494 county and other such subdivision;

2495 (d) Establishing county farms for convicts, purchasing
2496 land therefor, and erecting, remodeling, and equipping necessary
2497 buildings therefor;

2498 (e) Constructing, reconstructing, and repairing roads,
2499 highways and bridges, and acquiring the necessary land, including
2500 land for road-building materials, acquiring rights-of-way
2501 therefor; and the purchase of heavy construction equipment and
2502 accessories thereto reasonably required to construct, repair and
2503 renovate roads, highways and bridges and approaches thereto within
2504 the county;

2505 (f) Erecting, repairing, equipping, remodeling or
2506 enlarging or assisting or cooperating with another county or other
2507 counties in erecting, repairing, equipping, remodeling, or
2508 enlarging buildings, and related facilities for an agricultural
2509 high school, or agricultural high school-junior college, including
2510 gymnasiums, auditoriums, lunchrooms, vocational training
2511 buildings, libraries, teachers' homes, school barns, garages for
2512 transportation vehicles, and purchasing land therefor;

2513 (g) Purchasing or renting voting machines and any other
2514 election equipment to be used in elections held within the county;

2515 (h) Constructing, reconstructing or repairing boat
2516 landing ramps and wharves fronting on the Mississippi Sound or the
2517 Gulf of Mexico and on the banks or shores of the inland waters,
2518 levees, bays and bayous of any county bordering on the Gulf of
2519 Mexico or fronting on the Mississippi Sound, having two (2)
2520 municipalities located therein, each with a population in excess
2521 of twenty thousand (20,000) in accordance with the then last
2522 preceding federal census;

2523 (i) Assisting the Board of Trustees of State
2524 Institutions of Higher Learning, the Office of General Services or
2525 any other state agency in acquiring a site for constructing
2526 suitable buildings and runways and equipping an airport for any
2527 state university or other state-supported four-year college now or
2528 hereafter in existence in such county;

2529 (j) Aiding and cooperating in the planning,
2530 undertaking, construction or operation of airports and air

2531 navigation facilities, including lending or donating money,
2532 pursuant to the provisions of the airport authorities law, being
2533 Sections 61-3-1 through Section 61-3-83, Mississippi Code of 1972,
2534 regardless of whether such airports or air navigation facilities
2535 are located in the county or counties issuing such bonds;

2536 (k) Establishing rubbish and garbage disposal systems
2537 in accordance with the provisions of Sections 19-5-17 through
2538 19-5-27;

2539 (l) Defraying the expenses of projects of the county
2540 cooperative service district in which it is a participating
2541 county, regardless of whether the project is located in the county
2542 issuing such bonds;

2543 (m) Purchasing machinery and equipment which have an
2544 expected useful life in excess of ten (10) years. The life of
2545 such bonds shall not exceed the expected useful life of such
2546 machinery and equipment. Machinery and equipment shall not
2547 include any motor vehicle weighing less than twelve thousand
2548 (12,000) pounds;

2549 (n) Purchasing fire fighting equipment and apparatus,
2550 and providing housing for the same and purchasing land necessary
2551 therefor;

2552 (o) A project for which a certificate of public
2553 convenience and necessity has been obtained by the county pursuant
2554 to the Regional Economic Development Act.

2555 SECTION 47. Section 21-33-301, Mississippi Code of 1972, is
2556 amended as follows:[CR15]

2557 21-33-301. The governing authorities of any municipality are
2558 authorized to issue negotiable bonds of the municipality to raise
2559 money for the following purposes:

2560 (a) Erecting municipal buildings, armories,
2561 auditoriums, community centers, gymnasiums and athletic stadiums,
2562 preparing and equipping athletic fields, and purchasing buildings
2563 or land therefor, and for repairing, improving, adorning and

2564 equipping the same, and for erecting, equipping and furnishing of
2565 buildings to be used as a municipal or civic arts center;

2566 (b) Erecting or purchasing waterworks, gas, electric
2567 and other public utility plants or distribution systems or
2568 franchises, and repairing, improving and extending the same;

2569 (c) Purchasing or constructing, repairing, improving
2570 and equipping buildings for public libraries and for purchasing
2571 land, equipment and books therefor, whether the title to same be
2572 vested in the municipality issuing such bonds or in some
2573 subdivision of the state government other than the municipality,
2574 or jointly in such municipality and other such subdivision;

2575 (d) Establishing sanitary, storm, drainage or sewerage
2576 systems, and repairing, improving and extending the same;

2577 (e) Protecting a municipality, its streets and
2578 sidewalks from overflow, caving banks and other like dangers;

2579 (f) Constructing, improving or paving streets,
2580 sidewalks, driveways, parkways, walkways or public parking
2581 facilities, and purchasing land therefor;

2582 (g) Purchasing land for parks, cemeteries and public
2583 playgrounds, and improving, equipping and adorning the same,
2584 including the constructing, repairing and equipping of swimming
2585 pools and other recreational facilities;

2586 (h) Constructing bridges and culverts;

2587 (i) Constructing, repairing and improving wharves,
2588 docks, harbors and appurtenant facilities, and purchasing land
2589 therefor;

2590 (j) Constructing, repairing and improving public
2591 slaughterhouses, markets, pest houses, workhouses, hospitals,
2592 houses of correction, reformatories and jails in the corporate
2593 limits, or within three (3) miles of the corporate limits, and
2594 purchasing land therefor;

2595 (k) Altering or changing the channels of streams and
2596 water courses to control, deflect or guide the current thereof;

2597 (1) Purchasing fire-fighting equipment and apparatus,
2598 and providing housing for same, and purchasing land therefor;
2599 (m) Purchasing or renting voting machines and any other
2600 election equipment needed in elections held in the municipality;
2601 (n) Assisting the Board of Trustees of State
2602 Institutions of Higher Learning, the Bureau of Building, Grounds
2603 and Real Property Management of the Governor's Office of General
2604 Services, or any other state agency in acquiring a site for,
2605 constructing suitable buildings and runways and equipping an
2606 airport for the university or other state-supported four-year
2607 college, now or hereafter in existence, in or near which the
2608 municipality is located, within not more than ten (10) miles of
2609 the municipality;
2610 (o) Acquiring and improving existing mass transit
2611 system; however, no municipal governing authorities shall
2612 authorize any bonds to be issued for the acquiring and improving
2613 of an existing mass transit system unless an election be conducted
2614 in said municipality in the same manner provided for general and
2615 special elections, and a majority of the qualified electors of the
2616 municipality participating in said election approve the bond
2617 issuance for the acquiring and improving of an existing mass
2618 transit system;
2619 (p) Purchasing machinery and equipment which have an
2620 expected useful life in excess of ten (10) years. The life of
2621 such bonds shall not exceed the expected useful life of such
2622 machinery and equipment. Machinery and equipment shall not
2623 include any motor vehicle weighing less than twelve thousand
2624 (12,000) pounds;
2625 (q) A project for which a certificate of public
2626 convenience and necessity has been obtained by the municipality
2627 pursuant to the Regional Economic Development Act.

2628 SECTION 48. Section 27-7-21, Mississippi Code of 1972, is
2629 amended as follows:[LH16]

2630 27-7-21. (a) **Allowance of deductions.** In the case of a
2631 resident individual, the exemptions provided by this section, as
2632 applicable to individuals, shall be allowed as deductions in
2633 computing taxable income.

2634 (b) **Single individuals.** In the case of a single individual,
2635 a personal exemption of Five Thousand Two Hundred Fifty Dollars
2636 (\$5,250.00) for the 1979 and 1980 calendar years and Six Thousand
2637 Dollars (\$6,000.00) for each calendar year thereafter.

2638 (c) **Married individuals.** In the case of married individuals
2639 living together, a joint personal exemption of Eight Thousand
2640 Dollars (\$8,000.00) for the 1979 and 1980 calendar years and Nine
2641 Thousand Five Hundred Dollars (\$9,500.00) for the 1981 through
2642 1997 calendar years, Ten Thousand Dollars (\$10,000.00) for the
2643 calendar year 1998, Eleven Thousand Dollars (\$11,000.00) for the
2644 calendar year 1999, and Twelve Thousand Dollars (\$12,000.00) for
2645 each calendar year thereafter. A husband and wife living together
2646 shall receive but one (1) personal exemption in the amounts
2647 provided for in this subsection for each calendar year against
2648 their aggregate income.

2649 (d) **Head of family individuals.** In the case of a head of
2650 family individual, a personal exemption of Eight Thousand Dollars
2651 (\$8,000.00) for the 1979 and 1980 calendar years and Nine Thousand
2652 Five Hundred Dollars (\$9,500.00) for each calendar year
2653 thereafter. The term "head of family" means an individual who is
2654 single, or married but not living with his spouse for the entire
2655 taxable year, who maintains a household which constitutes the
2656 principal place of abode of himself and one or more individuals
2657 who are dependents under the provisions of Section 152(a) of the
2658 Internal Revenue Code of 1954, as amended. The head of family
2659 individual shall be entitled to the additional dependent exemption
2660 as provided in subsection (e) of this section only to the extent
2661 of dependents in excess of the one (1) dependent needed to qualify
2662 as head of family.

2663 (e) **Additional exemption for dependents.** In the case of any
2664 individual having a dependent, other than husband or wife, an
2665 additional personal exemption of One Thousand Five Hundred Dollars
2666 (\$1,500.00) for each such dependent, except as otherwise provided
2667 in subsection (d) of this section. The term "dependent" as used
2668 in this subsection shall mean any person or individual who
2669 qualifies as a dependent under the provisions of Section 152,
2670 Internal Revenue Code of 1954, as amended.

2671 (f) **Additional exemption for taxpayer or spouse aged**
2672 **sixty-five (65) or more.** In the case of any taxpayer or the
2673 spouse of the taxpayer who has attained the age of sixty-five (65)
2674 before the close of his taxable year, an additional exemption of
2675 One Thousand Five Hundred Dollars (\$1,500.00).

2676 (g) **Additional exemption for blindness of taxpayer or**
2677 **spouse.** In the case of any taxpayer or the spouse of the taxpayer
2678 who is blind at the close of the taxable year, an additional
2679 exemption of One Thousand Five Hundred Dollars (\$1,500.00). For
2680 the purpose of this subsection, an individual is blind only if his
2681 central visual acuity does not exceed 20/200 in the better eye
2682 with correcting lenses, or if his visual acuity is greater than
2683 20/200 but is accompanied by a limitation in the fields of vision
2684 such that the widest diameter of the visual field subtends an
2685 angle no greater than twenty (20) degrees.

2686 (h) **Husband and wife--claiming exemptions.** In the case of
2687 husband and wife living together and filing combined returns, the
2688 personal and additional exemptions authorized and allowed by this
2689 section may be taken by either, or divided between them in any
2690 manner they may choose. If the husband and wife fail to choose,
2691 the commissioner shall divide the exemptions between husband and
2692 wife in an equitable manner. In the case of a husband and wife
2693 filing separate returns, the personal and additional exemptions
2694 authorized and allowed by this section shall be divided equally
2695 between the spouses.

2696 (i) **Nonresidents.** A nonresident individual shall be allowed
2697 the same personal and additional exemptions as are authorized for
2698 resident individuals in subsection (a) of this section; however,
2699 the nonresident individual is entitled only to that proportion of
2700 the personal and additional exemptions as his net income from
2701 sources within the State of Mississippi bears to his total or
2702 entire net income from all sources.

2703 A nonresident individual who is married and whose spouse has
2704 income from independent sources must declare the joint income of
2705 himself and his spouse from sources within and without Mississippi
2706 and claim as a personal exemption that proportion of the
2707 authorized personal and additional exemptions which the total net
2708 income from Mississippi sources bears to the total net income of
2709 both spouses from all sources. If both spouses have income from
2710 sources within Mississippi and wish to file separate returns,
2711 their combined personal and additional exemptions shall be that
2712 proration of the exemption which their combined net income from
2713 Mississippi sources is of their total combined net income from all
2714 sources. The amount of the personal and additional exemptions so
2715 computed may be divided between them in any manner they choose.

2716 In the case of married individuals where one (1) spouse is a
2717 resident and the other is a nonresident, the personal exemption of
2718 the resident individual shall be prorated on the same basis as if
2719 both were nonresidents having net income from within and without
2720 the State of Mississippi.

2721 For the purpose of this subsection, the term "net income"
2722 means gross income less business expenses incurred in the
2723 taxpayer's regular trade or business and computed in accordance
2724 with the provisions of the Mississippi Income Tax Law.

2725 (j) **Part-year residents.** An individual who is a resident of
2726 Mississippi for only a part of his taxable year by reason of
2727 either moving into the state or moving from the state shall be
2728 allowed the same personal and additional exemptions as authorized

2729 for resident individuals in subsection (a) of this section; the
2730 part-year resident shall prorate his exemption on the same basis
2731 as nonresidents having net income from within and without the
2732 state.

2733 (k) **Estates.** In the case of an estate, a specific exemption
2734 of Six Hundred Dollars (\$600.00).

2735 (l) **Trusts.** In the case of a trust which, under its
2736 governing instrument, is required to distribute all of its income
2737 currently, a specific exemption of Three Hundred Dollars
2738 (\$300.00). In the case of all other trusts, a specific exemption
2739 of One Hundred Dollars (\$100.00).

2740 (m) **Corporations, foundations, joint ventures, associations.**
2741 In the case of a corporation, foundation, joint venture or
2742 association taxable herein, there shall be allowed no specific
2743 exemption, except as provided under the Growth and Prosperity Act.

2744 (n) **Status.** The status on the last day of the taxable year,
2745 except in the case of the head of family as provided in subsection
2746 (d) of this section, shall determine the right to the exemptions
2747 provided in this section; provided, that a taxpayer shall be
2748 entitled to such exemptions, otherwise allowable, if the husband
2749 or wife or dependent has died during the taxable year.

2750 (o) **Fiscal-year taxpayers.** Individual taxpayers reporting
2751 on a fiscal year basis shall prorate their exemptions in a manner
2752 established by regulations promulgated by the commissioner.

2753 SECTION 49. Section 27-13-5, Mississippi Code of 1972, is
2754 amended as follows:[CR17]

2755 27-13-5. (1) Franchise tax levy. Except as otherwise
2756 provided in subsections (3) and (4) of this section, there is
2757 hereby imposed, to be paid and collected as hereinafter provided,
2758 a franchise or excise tax upon every corporation, association or
2759 joint stock company or partnership treated as a corporation under
2760 the income tax laws or regulations, organized or created for
2761 pecuniary gain, having privileges not possessed by individuals,

2762 and having authorized capital stock now existing in this state, or
2763 hereafter organized, created or established, under and by virtue
2764 of the laws of the State of Mississippi, equal to Two Dollars and
2765 Fifty Cents (\$2.50) for each One Thousand Dollars (\$1,000.00), or
2766 fraction thereof, of the value of the capital used, invested or
2767 employed in the exercise of any power, privilege or right enjoyed
2768 by such organization within this state, except as hereinafter
2769 provided. In no case shall the franchise tax due for the
2770 accounting period be less than Twenty-five Dollars (\$25.00). It
2771 is the purpose of this section to require the payment to the State
2772 of Mississippi of this tax for the right granted by the laws of
2773 this state to exist as such organization, and to enjoy, under the
2774 protection of the laws of this state, the powers, rights,
2775 privileges and immunities derived from the state by the form of
2776 such existence.

2777 (2) Annual report of domestic corporations. Each domestic
2778 corporation shall file, within the time prescribed by Section
2779 79-3-251, an annual report as required by the provisions of
2780 Section 79-3-249.

2781 (3) A corporation that has negotiated a fee-in-lieu as
2782 defined in Section 57-75-5 shall not be subject to the tax levied
2783 by this section; provided, however, that the fee-in-lieu payment
2784 shall be otherwise treated in the same manner as the payment of
2785 franchise taxes.

2786 (4) An approved business enterprise as defined in the Growth
2787 and prosperity Act shall not be subject to the tax levied by this
2788 section on the value of capital used, invested or employed by the
2789 approved business enterprise in a growth and prosperity county or
2790 supervisors district as provided in the Growth and Prosperity Act.

2791 SECTION 50. Section 27-13-7, Mississippi Code of 1972, is
2792 amended as follows:[CR18]

2793 27-13-7. (1) Franchise tax levy. Except as otherwise
2794 provided in subsections (3) and (4) of this section, there is

2795 hereby imposed, levied and assessed upon every corporation,
2796 association or joint stock company, or partnership treated as a
2797 corporation under the Income Tax Laws or regulations as
2798 hereinbefore defined, organized and existing under and by virtue
2799 of the laws of some other state, territory or country, or
2800 organized and existing without any specific statutory authority,
2801 now or hereafter doing business or exercising any power, privilege
2802 or right within this state, as hereinbefore defined, a franchise
2803 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each
2804 One Thousand Dollars (\$1,000.00), or fraction thereof, of the
2805 value of capital used, invested or employed within this state,
2806 except as hereinafter provided. In no case shall the franchise
2807 tax due for the accounting period be less than Twenty-five Dollars
2808 (\$25.00). It is the purpose of this section to require the
2809 payment of a tax by all organizations not organized under the laws
2810 of this state, measured by the amount of capital or its
2811 equivalent, for which such organization receives the benefit and
2812 protection of the government and laws of the state.

2813 (2) Annual report of foreign corporations. Each foreign
2814 corporation authorized to transact business in this state shall
2815 file, within the time prescribed by Section 79-3-251, an annual
2816 report as required by the provisions of Section 79-3-249.

2817 (3) A corporation that has negotiated a fee-in-lieu as
2818 defined in Section 57-75-5 shall not be subject to the tax levied
2819 by this section; provided, however, that the fee-in-lieu payment
2820 shall be otherwise treated in the same manner as the payment of
2821 franchise taxes.

2822 (4) An approved business enterprise as defined in the Growth
2823 and Prosperity Act shall not be subject to the tax levied by this
2824 section on the value of capital used, invested or employed by the
2825 approved business enterprise in a growth and prosperity county or
2826 supervisors district as provided in the Growth and Prosperity Act.

2827 SECTION 51. Section 27-65-101, Mississippi Code of 1972, is

2828 amended as follows:[CR19]

2829 27-65-101. (1) The exemptions from the provisions of this
2830 chapter which are of an industrial nature or which are more
2831 properly classified as industrial exemptions than any other
2832 exemption classification of this chapter shall be confined to
2833 those persons or property exempted by this section or by the
2834 provisions of the Constitution of the United States or the State
2835 of Mississippi. No industrial exemption as now provided by any
2836 other section except Section 57-3-33 shall be valid as against the
2837 tax herein levied. Any subsequent industrial exemption from the
2838 tax levied hereunder shall be provided by amendment to this
2839 section. No exemption provided in this section shall apply to
2840 taxes levied by Section 27-65-15 or 27-65-21.

2841 The tax levied by this chapter shall not apply to the
2842 following:

2843 (a) Sales of boxes, crates, cartons, cans, bottles and
2844 other packaging materials to manufacturers and wholesalers for use
2845 as containers or shipping materials to accompany goods sold by
2846 said manufacturers or wholesalers where possession thereof will
2847 pass to the customer at the time of sale of the goods contained
2848 therein and sales to anyone of containers or shipping materials
2849 for use in ships engaged in international commerce.

2850 (b) Sales of raw materials, catalysts, processing
2851 chemicals, welding gases or other industrial processing gases
2852 (except natural gas) to a manufacturer for use directly in
2853 manufacturing or processing a product for sale or rental or
2854 repairing or reconditioning vessels or barges of fifty (50) tons
2855 load displacement and over. This exemption shall not apply to any
2856 property used as fuel except to the extent that such fuel
2857 comprises by-products which have no market value.

2858 (c) The gross proceeds of sales of dry docks, offshore
2859 drilling equipment for use in oil exploitation or production,
2860 vessels or barges of fifty (50) tons load displacement and over,

2861 when sold by the manufacturer or builder thereof.

2862 (d) Sales to commercial fishermen of commercial fishing
2863 boats of over five (5) tons load displacement and not more than
2864 fifty (50) tons load displacement as registered with the United
2865 States Coast Guard and licensed by the Mississippi Commission on
2866 Marine Resources.

2867 (e) The gross income from repairs to vessels and barges
2868 engaged in foreign trade or interstate transportation.

2869 (f) Sales of petroleum products to vessels or barges
2870 for consumption in marine international commerce or interstate
2871 transportation businesses.

2872 (g) Sales and rentals of rail rolling stock (and
2873 component parts thereof) for ultimate use in interstate commerce
2874 and gross income from services with respect to manufacturing,
2875 repairing, cleaning, altering, reconditioning or improving such
2876 rail rolling stock (and component parts thereof).

2877 (h) Sales of raw materials, catalysts, processing
2878 chemicals, welding gases or other industrial processing gases
2879 (except natural gas) used or consumed directly in manufacturing,
2880 repairing, cleaning, altering, reconditioning or improving such
2881 rail rolling stock (and component parts thereof). This exemption
2882 shall not apply to any property used as fuel.

2883 (i) Machinery or tools or repair parts therefor or
2884 replacements thereof, fuel or supplies used directly in
2885 manufacturing, converting or repairing ships of three thousand
2886 (3,000) tons load displacement and over, but not to include office
2887 and plant supplies or other equipment not directly used on the
2888 ship being built, converted or repaired.

2889 (j) Sales of tangible personal property to persons
2890 operating ships in international commerce for use or consumption
2891 on board such ships. This exemption shall be limited to cases in
2892 which procedures satisfactory to the commissioner, ensuring
2893 against use in this state other than on such ships, are

2894 established.

2895 (k) Sales of materials used in the construction of a
2896 building, or any addition or improvement thereon, and sales of any
2897 machinery and equipment not later than three (3) months after the
2898 completion of construction of the building, or any addition
2899 thereon, to be used therein, to qualified businesses, as defined
2900 in Section 57-51-5, which are located in a county or portion
2901 thereof designated as an enterprise zone pursuant to Sections
2902 57-51-1 through 57-51-15.

2903 (l) Sales of materials used in the construction of a
2904 building, or any addition or improvement thereon, and sales of any
2905 machinery and equipment not later than three (3) months after the
2906 completion of construction of the building, or any addition
2907 thereon, to be used therein, to qualified businesses, as defined
2908 in Section 57-54-5.

2909 (m) Income from storage and handling of perishable
2910 goods by a public storage warehouse.

2911 (n) The value of natural gas lawfully injected into the
2912 earth for cycling, repressuring or lifting of oil, or lawfully
2913 vented or flared in connection with the production of oil;
2914 however, if any gas so injected into the earth is sold for such
2915 purposes, then the gas so sold shall not be exempt.

2916 (o) The gross collections from self-service commercial
2917 laundering, drying, cleaning and pressing equipment.

2918 (p) Sales of materials used in the construction of a
2919 building, or any addition or improvement thereon, and sales of any
2920 machinery and equipment not later than three (3) months after the
2921 completion of construction of the building, or any addition
2922 thereon, to be used therein, to qualified companies, certified as
2923 such by the Mississippi Development Authority under Section
2924 57-53-1.

2925 (q) Sales of component materials used in the
2926 construction of a building, or any addition or improvement

thereon, sales of machinery and equipment to be used therein, and sales of manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, not later than three (3) months after the initial start-up date, to permanent business enterprises engaging in manufacturing or processing in Tier Three areas (as such term is defined in Section 57-73-21), which businesses are certified by the State Tax Commission as being eligible for the exemption granted in this paragraph (q).

(r) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales of any machinery and equipment not later than three (3) months after the completion of the building, addition or improvement thereon, to be used therein, for any company establishing or transferring its national or regional headquarters from within or outside the State of Mississippi and creating a minimum of thirty-five (35) jobs at the new headquarters in this state. The Tax Commission shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this paragraph.

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

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization: (i) is tax-exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as

amended; (ii) assists in the implementation of the national contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, P.L. 101-380; and (iii) engages primarily in programs to contain, clean up and otherwise mitigate spills of oil or other substances occurring in the United States coastal and tidal waters. For purposes of this exemption, "machinery and equipment" means any ocean-going vessels, barges, booms, skimmers and other capital equipment used primarily in the operations of nonprofit organizations referred to herein.

(v) Sales of component materials and equipment to approved business enterprises as provided under the Growth and Prosperity Act.

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

SECTION 52. (1) For the purposes of this section, the following words shall have the meanings ascribed in this section unless the context otherwise requires:

(a) "Agribusiness" means any agricultural, aquacultural, horticultural, manufacturing, research and development or processing enterprise or enterprises.

2993 (b) "Farmer" means a resident of Mississippi who
2994 engages or wishes to engage in the commercial production of crops
2995 on land in Mississippi. The term shall include individuals,
2996 partnerships and corporations.

2997 (2) The Mississippi Development Authority shall develop and
2998 implement a program to stimulate growth in the agricultural
2999 industry for agribusiness concerns and farmers.

3000 (3) The program developed and implemented by the Mississippi
3001 Development Authority under this section shall:

3002 (a) Increase the availability of financial assistance
3003 available to agribusiness concerns and farmers;

3004 (b) Provide incentives for agribusiness concerns and
3005 farmers which will encourage growth in the Mississippi
3006 agricultural industry;

3007 (c) Assist new agribusiness concerns and farmers in
3008 developing and implementing business plans;

3009 (d) Develop methods for increasing markets for the
3010 goods and services of agribusiness concerns and farmers;

3011 (e) Work with public and private entities in
3012 disseminating information about public and private programs that
3013 benefit agribusiness concerns and farmers;

3014 (f) Identify sources of financial assistance available
3015 to agribusiness concerns and farmers and assist agribusiness
3016 concerns and farmers with the preparation of applications for
3017 assistance from public and private sources; and

3018 (g) Assist new agribusiness concerns and farmers in
3019 developing and implementing business plans.

3020 (3) (a) The Mississippi Development Authority shall file an
3021 annual report with the Governor, the Secretary of the Senate and
3022 the Clerk of the House of Representatives not later than December
3023 1 of each year, regarding the impact of the program created under
3024 this section on the agribusiness industry in Mississippi.

3025 (b) The Mississippi Development Authority 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, with recommendations for any legislation necessary to accomplish the purposes of this section.

SECTION 53. Sections 53 through 55 of this act shall be known and may be cited as the "Mississippi Land, Water and Timber Resources Act."

SECTION 54. (1) There is created the Mississippi Land, Water and Timber Resources Board, hereinafter referred to as "the board," for the purpose of assisting Mississippi agricultural industry in the development, marketing and distribution of agricultural products.

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

(a) The Chairman of the Senate Agriculture Committee, or a member of the Senate Agriculture Committee designated by the chairman, as a nonvoting member;

(b) The Chairman of the House of Representatives Agriculture Committee or a member of the House of Representatives Agriculture Committee designated by the chairman, as a nonvoting member;

(c) The Executive Director of the Mississippi Development Authority, or his designee;

(d) The Commissioner of the Mississippi Department of Agriculture and Commerce, or his designee;

(e) The President of the Mississippi Farm Bureau Federation, or his designee;

(f) The Director of the Cooperative Extension Service at Mississippi State University, or his designee;

(g) The Executive Director of the Agribusiness and Natural Resource Development Center at Alcorn State University, or his designee;

(h) The Director of the Agricultural Finance Division of the Mississippi Development Authority, or his designee;

3059 (i) The Director of the Agriculture Marketing Division
3060 of the Mississippi Department of Agriculture and Commerce, or his
3061 designee; and

3062 (j) Three (3) individuals appointed by the Governor who
3063 are active producers of Mississippi land, water or timber
3064 commodities. The Governor shall appoint one (1) such person from
3065 each Supreme Court district.

3066 (3) The Executive Director of the Mississippi Development
3067 Authority and the Commissioner of the Mississippi Department of
3068 Agriculture and Commerce shall serve as co-chairmen of the board.

3069
3070 (4) The board shall meet at least once each calendar quarter
3071 at the call of the co-chairmen. A majority of the members of the
3072 board shall constitute a quorum at all meetings. An affirmative
3073 vote of a majority of the members present and voting is required
3074 in the adoption of any actions taken by the board. All members
3075 must be notified, in writing, of all regular and special meetings
3076 of the board, which notices must be mailed at least ten (10) days
3077 before the dates of the meetings. All meetings shall take place
3078 at the State Capitol in Jackson, Mississippi. The board shall
3079 provide a copy of the minutes of each of its meeting to the
3080 Chairman of the Senate Agriculture Committee and the Chairman of
3081 the House of Representatives Agriculture Committee.

3082 (5) Members of the board shall not receive compensation.
3083 However, each member may be paid travel expenses and meals and
3084 lodging expenses as provided in Section 25-3-41, for such expenses
3085 incurred in furtherance of their duties. Travel expenses and
3086 meals and lodging expenses and other necessary expenses incurred
3087 by the board shall be paid out of funds appropriated to the
3088 Governor's Office.

3089 (6) In carrying out the provisions of the Mississippi Land,
3090 Water and Timber Resources Act, the board may utilize the
3091 services, facilities and personnel of all departments, agencies,

3092 offices and institutions of the state, and all such departments,
3093 agencies, offices and institutions shall cooperate with the board
3094 in carrying out the provisions of such act.

3095 SECTION 55. The board shall have the following powers and
3096 duties:

3097 (a) To develop marketing plans and opportunities for
3098 independent farmers in Mississippi;

3099 (b) To encourage the commercialization of new
3100 agricultural technology businesses;

3101 (c) To initiate the development of processing
3102 facilities for Mississippi agricultural commodities;

3103 (d) To initiate the development of Mississippi
3104 wholesale distribution businesses for agricultural inputs and
3105 products;

3106 (e) To promote the development of institutional and
3107 specialty markets for Mississippi agriculture products;

3108 (f) To encourage additional research for new
3109 agricultural product development;

3110 (g) To develop a working relationship with the state
3111 offices of the United States Department of Agriculture as may be
3112 appropriate for the promotion and development of agriculture in
3113 Mississippi;

3114 (h) To promote the rural quality of life in Mississippi
3115 through such programs as 4-H, Future Farmers of America and
3116 agricultural education;

3117 (i) To file an annual report with the Governor,
3118 Secretary of the Senate and the Clerk of the House of
3119 Representatives not later than December 1 of each year, with
3120 recommendations for any legislation necessary to accomplish the
3121 purposes of the Mississippi Land, Water and Timber Resources Act;

3122
3123 (j) The board may promulgate and enforce rules and
3124 regulations as may be necessary to carry out the provisions of the

3125 Mississippi Land, Water and Timber Resources Act;

3126 (k) To expend funds out of the Mississippi Land, Water
3127 and Timber Resources Fund, upon legislative appropriation, to
3128 carry out its powers and duties under the Mississippi Land, Water
3129 and Timber Resources Act.

3130 SECTION 56. The Mississippi Land, Water and Timber Resources
3131 Board may accept and expend funds appropriated or otherwise made
3132 available by the Legislature and funds from any other source in
3133 order to carry out the provisions of the Mississippi Land, Water
3134 and Timber Resources Act. Such funds shall be deposited into a
3135 special fund hereby established in the State Treasury, to be known
3136 as the "Mississippi Land, Water and Timber Resources Fund."
3137 Unexpended amounts remaining in the fund at the end of a fiscal
3138 year shall not lapse into the State General Fund, and any
3139 investment earnings or interest earned on amounts in the fund
3140 shall be deposited to the credit of the fund.

3141 SECTION 57. (1) For the purposes of this section the
3142 following terms shall have the meanings ascribed in this section
3143 unless the context clearly indicates otherwise:

3144 (a) "Limited population county" means a county in the
3145 State of Mississippi with a population of thirty thousand (30,000)
3146 or less according to the most recent federal decennial census.

3147 (b) "MDA" means the Mississippi Development Authority.

3148 (c) "Project" means highways, streets and other
3149 roadways, bridges, sidewalks, utilities, airfields, airports,
3150 acquisition of equipment, acquisition of real property,
3151 development of real property, improvements to real property, and
3152 any other project approved by the MDA.

3153 (d) "Small municipality" means a municipality in the
3154 State of Mississippi with a population of ten thousand (10,000) or
3155 less according to the most recent federal decennial census.

3156 (2) There is hereby created in the State Treasury a special
3157 fund to be designated as the "Small Municipalities and Limited

3158 Population Counties Fund," which shall consist of funds
3159 appropriated or otherwise made available by the Legislature in any
3160 manner and funds from any other source designated for deposit into
3161 such fund. Unexpended amounts remaining in the fund at the end of
3162 a fiscal year shall not lapse into the State General Fund, and any
3163 investment earnings or interest earned on amounts in the fund
3164 shall be deposited to the credit of the fund. Monies in the fund
3165 shall be used to make grants to small municipalities and limited
3166 population counties or natural gas districts created by law and
3167 contained therein to assist in completing projects under this
3168 section.

3169 (3) The MDA shall establish a grant program to make grants
3170 to small municipalities and limited population counties from the
3171 Small Municipalities and Limited Population Counties Fund. A
3172 small municipality or limited population county may apply to the
3173 MDA for a grant under this section in the manner provided for in
3174 this section.

3175 (4) A small municipality or limited population county
3176 desiring assistance under this section must submit an application
3177 to the MDA. The application must include a description of the
3178 project for which assistance is requested, the cost of the project
3179 for which assistance is requested, the amount of assistance
3180 requested and any other information required by the MDA.

3181 (5) The MDA shall have all powers necessary to implement and
3182 administer the program established under this section, and the
3183 department shall promulgate rules and regulations necessary for
3184 the implementation of this section.

3185 (6) The MDA shall file an annual report with the Governor,
3186 Secretary of the Senate and the Clerk of the House of
3187 Representatives not than December 1 of each year, describing all
3188 assistance provided under this section.

3189 SECTION 58. The Department of Finance and Administration,
3190 subject to such monies as the Legislature may appropriate

3191 therefor, shall conduct and prepare a study to determine if there
3192 is a significant statistical disparity in the total number of
3193 qualified minority contractors of goods and services doing
3194 business in the State of Mississippi and the actual number of such
3195 minority contractors with whom the State of Mississippi, or with
3196 whom a prime contractor with the State of Mississippi, has
3197 contracted to provide goods and services.

3198 SECTION 59. Sections 24 through 39, 40, 41 and 48 through 51
3199 of this act shall take effect and be in force from and after
3200 January 1, 2001. The remainder of this act shall take effect and
3201 be in force from and after its passage.