

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1

By Senator(s) Committee

135 Amend by striking all after the enacting clause and inserting
136 in lieu thereof the following:

137
138 SECTION 1. This act may be cited as the "Advantage
139 Mississippi Initiative."

140 SECTION 2. Section 57-1-2, Mississippi Code of 1972, is
141 amended as follows:

142 57-1-2. For the purposes of this chapter, the following
143 words shall have the meanings ascribed herein, unless the context
144 otherwise requires:

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

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

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

151 (d) "Agricultural and Industrial Board," "Department of
152 Economic Development," * * * "Board of Economic Development,"
153 "Department of Economic and Community Development" and
154 "Mississippi Department of Economic and Community Development"
155 wherever they appear in the laws of the State of Mississippi,
156 shall mean the "Mississippi Development Authority," operating
157 through its executive director.

SECTION 3. Section 57-1-54, Mississippi Code of 1972, is amended as follows:

57-1-54. The Mississippi Development Authority shall be the Department of Economic and Community Development and shall retain all powers and duties granted by law to the Mississippi Department of Economic and Community Development and wherever the term "Mississippi Department of Economic and Community Development," "Department of Economic and Community Development," "Mississippi Department of Economic Development" or "Department of Economic Development" appears in any law the same shall mean the Mississippi Development Authority. The 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 counties that have an annualized unemployment rate which is at least two hundred percent (200%) of the state's unemployment rate as determined by the Mississippi Employment Security Commission, or in which thirty percent (30%) or more of the population of the county is at or below the federal poverty level according to official data from the United States Census Bureau.

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

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

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

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

(b) Upon receipt of the application from a business or industry and a resolution from the county and/or municipality in which the business or industry is located approving the application, the local economic development entity may apply to

the MDA for assistance under this section. Such application must contain evidence that the business or industry meets the definition of an extraordinary economic development opportunity, a demonstration that the business or industry is at an economic disadvantage by locating the new or expanded project in the county, a description, including the cost, of the requested assistance, and a 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 except that if an award is made the business or industry and the local economic development entity must meet the statutory requirements of this section.

(5) By not later than December 31 of each year, the MDA shall file with the Secretary of the Senate and the Clerk of the House of Representatives a report on the ACE Fund detailing:

(a) The source and amount of the money deposited into the fund;

(b) The source and amount of each request for grants from the fund;

(c) The purposes for which each grant was requested;

(d) The status of each grant request; and

(e) The expenditures made from the fund.

(6) 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 any city, county, port authority, or other political subdivision, 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 state are 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 political subdivisions of the state to make the most efficient use of their powers and resources by enabling them to cooperate and to contract with other political subdivisions, including political subdivisions 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 political subdivision.

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, 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 bond issuance, credit enhancement and debt service reserve, a renewal and replacement reserve, 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, any community college, any institution of higher learning, any municipal airport authority, regional airport authority, port authority or any other political subdivision of an adjoining state.

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

(g) "Holder of bonds" or "bondholder" or any similar term means any person who shall be the registered owner of any such bond or bonds which shall at the time be registered other than to bearer.

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

(i) "Local government unit" means any county or any incorporated city, town or village, acting jointly or severally.

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

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

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

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

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

368 1. Buildings and site improvements
369 (including fixtures);
370 2. Potable and nonpotable water supply
371 systems;
372 3. Sewage and waste disposal systems;
373 4. Storm water drainage and other
374 drainage systems;
375 5. Airport facilities;
376 6. Rail lines and rail spurs;
377 7. Port facilities;
378 8. Highways, streets and other roadways;
379 9. Fire suppression and prevention
380 systems;
381 10. Utility distribution systems, including,
382 but not limited to, water, electricity, natural gas, telephone and
383 other information and telecommunications facilities, whether by
384 wire, fiber or wireless means; provided, however, that electrical,
385 natural gas, telephone and telecommunication systems shall be
386 constructed, repaired or renovated only for the purpose of
387 completing the project and connecting to existing utility systems;
388 11. Business, industrial and technology parks
389 and the acquisition of land and acquisition or construction of
390 improvements to land connected with any of the preceding purposes;
391 (ii) County purposes authorized by or defined
392 in Sections 17-5-3 and 19-9-1, (except Section 19-9-1(f));
393 (iii) Municipal purposes authorized by or
394 defined in Sections 17-5-3, 17-17-301 et seq., 21-27-23,
395 21-33-301; and
396 (iv) Refunding of bonds as authorized in
397 Section 21-27-1 et seq.
398 (n) "Resolution" means a resolution, ordinance, act,
399 record of minutes or other appropriate enactment of a governing
400 body.
401 (o) "Revenues" mean any and all taxes, fees, rates,
402 rentals, profits and receipts collected by, payable to, or

otherwise derived by, the local government units and foreign governmental units, and all other monies and income of whatsoever kind or character collected by, payable to, or otherwise derived by, the local government unit and foreign governmental units in connection with the economic development projects provided through Sections 5 through 18 of this act.

(p) "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.

(q) "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. The MDA shall issue or refuse to issue the certificate of public convenience and necessity within six (6) months after it receives such application. If and when such certificate is issued, it shall authorize the particular local government unit to create, and operate the alliance but 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 issued to finance the project;

(d) What property may be acquired therefor;

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

(f) What expenditures may be made; and

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

(4) If the governing board of the local government unit fails or refuses to follow the requirements made by the MDA in the certificate, then the members of the governing board of the local government unit voting for such failure or refusal shall be individually and personally liable until they have been out of office for one (1) year, and liable upon their official bonds for any loss that the local government unit may sustain by reason of such failure or refusal to follow the requirements, and in addition may be compelled by injunction to comply with such requirements.

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

(2) After receiving a certificate of public convenience and necessity from the MDA, the governing body of any local government unit entering into an agreement pursuant to Sections 5 through 18 of this act may incur bonded and floating indebtedness by issuing general obligation bonds as authorized by Sections 19-9-1 through 19-9-31 and Sections 21-33-301 through 21-33-329, or by issuing bonds pursuant to the Tax Increment Financing Act as authorized by Sections 21-45-3 through 21-45-21, by issuing revenue bonds as

authorized by any statute authorizing the issuance of revenue bonds, or by issuing special assessment bonds as authorized by Sections 21-41-1 through 21-41-47 and may appropriate funds for the purposes and in the manner prescribed by law without regard to whether the activities and improvements authorized by Sections 5 through 18 of this act to be financed by such debt or appropriation are within or without the boundaries of the local government unit. Revenues derived from any project financed with bonds issued pursuant to Sections 5 through 18 of this act may be pledged in whole or in part to secure payment of the bonded indebtedness incurred to finance the project. Such governing body may sell, lease, grant or otherwise supply goods and services to any other local government unit which is a party to the agreement or the administrative body or legal entity created to operate the joint or cooperative undertaking.

SECTION 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

508 this act. Such agreement must be approved by MDA. Appropriate
509 action by ordinance, resolution or otherwise pursuant to the law
510 controlling the participating local government units or agencies
511 shall be necessary before any such agreement shall be in force.

512 (5) An alliance created pursuant to Sections 5 through 18 of
513 this act may take any action that any local government unit member
514 may take. If one (1) member of the alliance shall have authority
515 to undertake a particular project or pursue a particular action,
516 then the alliance shall have identical authority so to do. No
517 local government unit shall be precluded from joining an alliance,
518 and it shall not be the basis for denying an application for a
519 certificate of convenience and necessity by the MDA, solely
520 because the alliance may have power to take actions that the local
521 government unit acting alone could not take.

522 SECTION 12. (1) The local government unit shall be the
523 issue of debt incurred by the alliance under Sections 5 through 18
524 of this act and the proceeds of such debt shall be made available
525 to the alliance in order to provide funds to defray the cost of
526 the project.

527 (2) The local government unit shall have power in the
528 issuance of its bonds to:

529 (a) Covenant as to the use of any or all of its
530 property, real or personal.

531 (b) Redeem the bonds, to covenant for their redemption
532 and to provide the terms and conditions thereof.

533 (c) Covenant to charge rates, fees and charges
534 sufficient to meet operating and maintenance expenses, renewals
535 and replacements, principal and debt service on bonds, creation
536 and maintenance of any reserves required by a bond resolution,
537 trust indenture or other security instrument and to provide for
538 any margins or coverages over and above debt service on the bonds
539 deemed desirable for the marketability of the bonds.

540 (d) Covenant and prescribe as to events of default and
541 terms and conditions upon which any or all of its bonds shall
542 become or may be declared due before maturity, as to the terms and

543 conditions upon which such declaration and its consequences may be
544 waived and as to the consequences of default and the remedies of
545 bondholders.

546 (e) Covenant as to the mortgage or pledge of or the
547 grant of a security interest in any real or personal property and
548 all or any part of the revenues from any facilities or any
549 revenue-producing contract or contracts made by the compact with
550 any person to secure the payment of bonds, subject to such
551 agreements with the holders of bonds as may then exist.

552 (f) Covenant as to the custody, collection, securing,
553 investment and payment of any revenue assets, monies, funds or
554 property with respect to which the compact may have any rights or
555 interest.

556 (g) Covenant as to the purpose to which the proceeds
557 from the sale of any bonds then or thereafter to be issued may be
558 applied, and the pledge of such proceeds to secure the payment of
559 the bonds.

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

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

565 (j) Covenant as to the procedure by which the terms of
566 any contract with or for the benefit of the holders of bonds may
567 be amended or abrogated, the amount of bonds the holders of which
568 must consent thereto, and the manner in which such consent may be
569 given.

570 (k) Covenant as to the custody of any of its properties
571 or investments, the safekeeping thereof, the insurance to be
572 carried thereon, and the use and disposition of insurance
573 proceeds.

574 (l) Covenant as to the vesting in a trustee or
575 trustees, within or outside the state, of such properties, rights,
576 powers and duties in trust as the alliance may determine.

577 (m) Covenant as to the appointing and providing for the

duties and obligations of a paying agent or paying agents or other fiduciaries within or outside the state.

(n) Make all other covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, including providing a debt service reserve fund, bond insurance and credit enhancement, or in the absolute discretion of the alliance tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the alliance 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 alliance 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

613 powers of any separate legal or administrative entity created
614 thereby and the specific citation of statutory authority vested in
615 each of the local government units which is to be a party to the
616 agreement.

617 (d) The manner of financing, staffing and supplying the
618 joint or cooperative undertaking and of establishing and
619 maintaining a budget therefor; provided that the treasurer and/or
620 disbursing officer of one (1) of the local government units shall
621 be designated in the agreement to receive, disburse and account
622 for all funds of the joint undertaking as a part of the duties of
623 the officer or officers.

624 (e) The permissible method or methods to be employed in
625 operating the alliance and the project and accomplishing the
626 partial or complete termination or amendment of the agreement and
627 for disposing of property upon such partial or complete
628 termination or amendment.

629 (f) The provision for administration of issuance of any
630 bonds under Sections 5 through 18 of this act by a local
631 government unit exercising the power authorized by Sections 5
632 through 18 of this act.

633 (g) The manner of acquiring, holding and disposing of
634 real and personal property used in the joint or cooperative
635 undertaking in the event that the agreement does not or may not
636 establish a separate legal entity to conduct the joint or
637 cooperative undertaking.

638 (h) The provision of the terms and conditions that
639 would cause the alliance to terminate.

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

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

644 (k) Any other necessary and proper matters.

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

648 regard to which an officer, unit or agency of the state government
649 has constitutional or statutory powers of control, the agreement
650 shall, as a condition precedent to its being in force, be
651 submitted to the state officer, unit or agency having such power
652 of control and shall be approved or disapproved by him or it as to
653 all matters within his or its jurisdiction in the same manner and
654 subject to the same requirements governing action of the Attorney
655 General pursuant to subsection (2) of this section.

656 (2) Every agreement made by a local government unit under
657 Sections 5 through 18 of this act shall, prior to and as a
658 condition precedent to its entry into force, be submitted to the
659 Attorney General of this state who shall determine whether the
660 agreement is in proper form and compatible with the laws of this
661 state. The Attorney General shall approve any such agreement
662 submitted to him hereunder unless he shall find that it does not
663 meet the conditions set forth herein and elsewhere in the laws of
664 this state and shall detail in writing addressed to the governing
665 bodies of the units concerned the specific respects in which the
666 proposed agreement fails to meet the requirements of law.

667 Failure to disapprove an agreement submitted hereunder within
668 sixty (60) days of its submission shall constitute approval
669 thereof.

670 (3) Prior to its being in force, an agreement made pursuant
671 to Sections 5 through 18 of this act shall be filed with the
672 chancery clerk of each of the counties wherein a participating
673 local government unit is located and with the Secretary of State.

674 The chancery clerk and the Secretary of State shall preserve such
675 agreements as public records and index and docket the same
676 separate and apart from all other records in his office.

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

681 SECTION 17. All laws in regard to purchases, auditing,
682 depositories and expenditures in general which limit the authority

683 of the agreeing local governing units shall also apply to any
684 joint body created by the agreement pursuant to the provisions of
685 Sections 5 through 18 of this act.

686 SECTION 18. (1) The power and authority granted in Sections
687 5 through 18 of this act shall be additional, alternative and
688 supplementary to existing law, and shall not supersede existing
689 law.

690 (2) Nothing in Section 5 through 18 of this act shall
691 authorize an alliance to provide utility services, other than
692 water and sewage, for compensation.

693 SECTION 19. Section 19-9-1, Mississippi Code of 1972, is
694 amended as follows:

695 19-9-1. The board of supervisors of any county is authorized
696 to issue negotiable bonds of the county to raise money for the
697 following purposes:

698 (a) Purchasing or erecting, equipping, repairing,
699 reconstructing, remodeling and enlarging county buildings,
700 courthouses, office buildings, jails, hospitals, nurses' homes,
701 health centers, clinics, and related facilities, and the purchase
702 of land therefor;

703 (b) Erecting, equipping, repairing, reconstructing,
704 remodeling, or acquiring county homes for indigents, and
705 purchasing land therefor;

706 (c) Purchasing or constructing, repairing, improving
707 and equipping buildings for public libraries and for purchasing
708 land, equipment and books therefor, whether the title to same be
709 vested in the county issuing such bonds or in some subdivision of
710 the state government other than the county, or jointly in such
711 county and other such subdivision;

712 (d) Establishing county farms for convicts, purchasing
713 land therefor, and erecting, remodeling, and equipping necessary
714 buildings therefor;

715 (e) Constructing, reconstructing, and repairing roads,
716 highways and bridges, and acquiring the necessary land, including
717 land for road-building materials, acquiring rights-of-way

therefor; and the purchase of heavy construction equipment and accessories thereto reasonably required to construct, repair and renovate roads, highways and bridges and approaches thereto within the county;

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

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

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

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

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

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

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

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

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

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

The word "bonds," as used in Sections 19-9-1 through 19-9-31, shall be deemed to mean and include bonds, notes, or certificates of indebtedness.

SECTION 20. Section 21-33-301, Mississippi Code of 1972, is amended as follows:

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

(a) Erecting municipal buildings, armories, auditoriums, community centers, gymnasiums and athletic stadiums, preparing and equipping athletic fields, and purchasing buildings or land therefor, and for repairing, improving, adorning and equipping the same, and for erecting, equipping and furnishing of buildings to be used as a municipal or civic arts center;

(b) Erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or

788 franchises, and repairing, improving and extending the same;

789 (c) Purchasing or constructing, repairing, improving
790 and equipping buildings for public libraries and for purchasing
791 land, equipment and books therefor, whether the title to same be
792 vested in the municipality issuing such bonds or in some
793 subdivision of the state government other than the municipality,
794 or jointly in such municipality and other such subdivision;

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

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

799 (f) Constructing, improving or paving streets,
800 sidewalks, driveways, parkways, walkways or public parking
801 facilities, and purchasing land therefor;

802 (g) Purchasing land for parks, cemeteries and public
803 playgrounds, and improving, equipping and adorning the same,
804 including the constructing, repairing and equipping of swimming
805 pools and other recreational facilities;

806 (h) Constructing bridges and culverts;

807 (i) Constructing, repairing and improving wharves,
808 docks, harbors and appurtenant facilities, and purchasing land
809 therefor;

810 (j) Constructing, repairing and improving public
811 slaughterhouses, markets, pest houses, workhouses, hospitals,
812 houses of correction, reformatories and jails in the corporate
813 limits, or within three (3) miles of the corporate limits, and
814 purchasing land therefor;

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

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

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

821 (n) Assisting the Board of Trustees of State
822 Institutions of Higher Learning, the Bureau of Building, Grounds

and Real Property Management of the Governor's Office of General Services, or any other state agency in acquiring a site for, constructing suitable buildings and runways and equipping an airport for the university or other state-supported four-year college, now or hereafter in existence, in or near which the municipality is located, within not more than ten (10) miles of the municipality;

(o) Acquiring and improving existing mass transit system; however, no municipal governing authorities shall authorize any bonds to be issued for the acquiring and improving of an existing mass transit system unless an election be conducted in said municipality in the same manner provided for general and special elections, and a majority of the qualified electors of the municipality participating in said election approve the bond issuance for the acquiring and improving of an existing mass transit system;

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

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

The word "bonds" as used in this article shall be deemed to mean and include bonds, notes or certificates of indebtedness.

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

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 22. Section 21-41-5, Mississippi Code of 1972, is amended as follows:

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 23. Section 21-45-3, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

963 redevelopment plan; or

964 (iii) To sell or lease property acquired by a
965 municipality as part of a redevelopment project for not less than
966 its fair value for uses in accordance with such redevelopment plan
967 to retain property or public improvements for public use in
968 accordance with the redevelopment plan.

969 "Redevelopment project" may also include the preparation of a
970 redevelopment plan, the planning, survey and other work incident
971 to a redevelopment project and the preparation of all plans and
972 arrangements for carrying out a redevelopment project, relocation
973 of businesses and families required under applicable law, and upon
974 a determination, by resolution of the governing body of the
975 municipality in which such land is located, that the acquisition
976 and development of additional real property not within a project
977 area is essential to the proper clearance or redevelopment of a
978 project area or a necessary part of the general slum clearance
979 program of the municipality, the acquisition, planning,
980 preparation for development or disposal of such land shall
981 constitute a redevelopment project.

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

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

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

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

997 (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 24. Section 21-45-9, Mississippi Code of 1972, is amended as follows:

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

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

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

In connection with the issuance of said bonds, the municipality may arrange for lines of credit with any bank, firm or person for the purpose of providing an additional source of repayment for such bonds and amounts drawn on such lines of credit may be evidenced by bonds, notes or other evidences of indebtedness containing such terms and conditions as the

1068 municipality may determine; provided, however, that such bonds,
1069 notes or evidences of indebtedness shall be secured by and payable
1070 from the same sources as are pledged to the payment of said bonds
1071 which are additionally secured by such line of credit, and that
1072 said bonds, notes or other evidences of indebtedness shall be
1073 deemed to be bonds for all purposes of this chapter. Pending the
1074 preparation or execution of definitive bonds, interim receipts or
1075 certificates, or temporary bonds may be delivered to the purchaser
1076 or purchasers of said bonds. Any provision of law to the contrary
1077 notwithstanding, any bonds, if any, issued pursuant to this
1078 chapter shall possess all of the qualities of negotiable
1079 instruments.

1080 The municipality may also issue refunding bonds for the
1081 purpose of paying any of its bonds at or prior to maturity or upon
1082 acceleration or redemption. Refunding bonds may be issued at such
1083 time prior to the maturity or redemption of the refunded bonds as
1084 the municipality may determine. The refunding bonds may be issued
1085 in sufficient amounts to pay or provide the principal of the bonds
1086 being refunded, together with any redemption premium thereon, any
1087 interest accrued or to accrue to the date of payment of such
1088 bonds, the expenses of issuing the refunding bonds, the expenses
1089 of redeeming the bonds being refunded, and such reserves for debt
1090 service or other capital or current expenses from the proceeds of
1091 such refunding bonds as may be required by any of the
1092 municipality's resolutions, trust indenture or other security
1093 instruments. The issuance of refunding bonds, the maturities and
1094 other details thereof, the security therefor, the rights of the
1095 holders and the rights, duties and obligations of the municipality
1096 in respect of the same shall be governed by the provisions of this
1097 chapter relating to the issuance of bonds other than refunding
1098 bonds, insofar as the same may be applicable.

1099 Before incurring any debt pertaining to a redevelopment
1100 project incorporating a tax increment financing plan the governing
1101 body may, but shall not be required to, secure an agreement from
1102 one or more developers obligating such developer or developers:

1103 (a) To effect the completion of all or any portion of
1104 the buildings or other facilities or improvements, as described in
1105 the redevelopment project, at no cost to the municipality;

1106 (b) To pay all or any portion of the real property
1107 taxes due on the project in a timely manner; and

1108 (c) To maintain and operate all or any portion of the
1109 buildings or other facilities or improvements of the project in
1110 such a manner as to preserve property values.

1111 No breach of any such agreement shall impose any pecuniary
1112 liability upon a municipality or any charge upon its general
1113 credit or against its taxing powers.

1114 Additionally, the municipality may enter into an agreement
1115 with the developer under which the developer may construct all or
1116 any part of the redevelopment project with private funds in
1117 advance of issuance of the bonds and may be reimbursed by the
1118 municipality for actual costs incurred by the developer upon
1119 issuance and delivery of the bonds and receipt of the proceeds,
1120 conditioned upon dedication of redevelopment project by the
1121 developer to the municipality to assure public use and access.

1122 SECTION 25. Section 21-45-13, Mississippi Code of 1972, is
1123 amended as follows:

1124 21-45-13. The principal, interest and premium, if any, on
1125 any tax increment bond shall be secured by a pledge of the
1126 revenues payable to the municipality pursuant to the tax increment
1127 financing plan and may also be secured, in the discretion of the
1128 municipality, by a lien on all or any part of the redevelopment
1129 project and any security by any developer pursuant to and secured
1130 by a security agreement. The proceedings under which any
1131 indebtedness is authorized or any security agreement may contain
1132 any agreement or provisions customarily contained in instruments
1133 securing such obligations, without limiting the generality of the
1134 foregoing provisions respecting the construction, maintenance and
1135 operation of buildings or other facilities or improvements of the
1136 project, the creation and maintenance of special funds, the rights
1137 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 26. Sections 26 through 31 of this act shall be known and may be cited as the "Growth and Prosperity Act."

SECTION 27. 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 to certain business enterprises.

Further, the Legislature finds and determines that the authority granted under Sections 26 through 31 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 26 through 31 of this act be liberally construed and applied in order to advance the public purposes.

SECTION 28. As used in Sections 26 through 31 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 (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 26 through 31 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 26 through 31 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 and any portion of the tax imposed to pay the cost of providing fire and police protection.

(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, all income tax imposed pursuant to law on income earned by the business enterprise in a growth and prosperity county, 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.

SECTION 29. (1) (a) From and after December 31, 2000, and until December 31, 2005, any county of this state which has an annualized unemployment rate which 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 may apply to the MDA for the issuance of a certificate of public convenience and necessity. The application, at a minimum, must contain (i) Mississippi Employment Security Commission figures that reflect the annualized unemployment rate of the applying county as of December 31, and (ii) an order or resolution of the county consenting to the designation of the county as a growth and prosperity county.

(b) From and after December 31, 2000, and until December 31, 2005, 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 for any year from 2000 through 2005, may apply to the MDA for the issuance of a certificate of public convenience and necessity. The application, at a minimum, must contain (i) the most recent official data by the United States Census Bureau that reflects the poverty level of the applying county and (ii) an order or resolution of the county consenting to the designation of the county as a growth and prosperity county.

(2) Any municipality of a designated growth and prosperity county may by order or resolution of the municipality consent to participation in the Growth and Prosperity Program.

(3) No incentive or tax exemption shall be given under Sections 26 through 31 of this act without the consent of the affected county or municipality.

SECTION 30. (1) Upon the issuance by the MDA of its certificate of public convenience and necessity, designating certain counties as growth and prosperity counties, any approved business enterprise in any such a growth and prosperity county shall be exempt from all local taxes levied by the county and all state taxes for a period of ten (10) years or until December 31, 2015, whichever occurs first, and upon consent of any municipality within such a county shall be exempt from all local taxes levied by such municipality for a period of ten (10) years or until December 31, 2015, whichever occurs first.

(2) The following conditions, along with any other conditions the MDA shall promulgate from time to time by rule or regulation, shall apply to such exemptions: (a) any exemption provided under Sections 26 through 31 of this act is nontransferable and cannot be applied, used or assigned to any other person or business or tax account; (b) no approved business enterprise may claim or use the exemption granted under Sections 26 through 31 of this act unless that enterprise is in full compliance with all state and local tax laws, and related ordinances and resolutions; and (c) the approved business

enterprise must enter into an agreement with the MDA which sets out, at a minimum the performance requirements of the approved business enterprise during the term of the exemption and provisions for the recapture of all or a portion of the taxes exempted if the performance requirements of the approved business enterprise are not met.

(3) Upon entering into such an agreement, the MDA shall forward such agreement to the 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 26 through 31 of this act.

(4) 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 26 through 31 of this act.

(5) If the annualized unemployment rate in a growth and prosperity county falls below one hundred fifty percent (150%) of the state's annualized unemployment rate for three (3) consecutive calendar years, the tax exemptions authorized under Sections 26 through 31 of this act may not be granted to additional business enterprises.

SECTION 31. The MDA shall promulgate rules and regulations for the implementation and administration of Sections 26 through 31 of this act.

SECTION 32. Section 57-61-36, Mississippi Code of 1972, is amended as follows:

57-61-36. (1) (a) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Ten Million Five Hundred Thousand Dollars (\$10,500,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants to municipalities through a development infrastructure grant fund to complete infrastructure related to new or expanded industry.

(b) The Mississippi Development Authority shall use not

more than One Million Dollars (\$1,000,000.00) of the funds
authorized in paragraph (a) of this subsection (1) for the purpose
of making grants to small municipalities and limited population
counties through a development infrastructure grant fund to be
administered by the Mississippi Development Authority to assist
such municipalities and counties in completing infrastructure
projects regardless of whether the infrastructure is related to
new or expanded industry. For the purposes of this paragraph (b),
the term "small municipality" means a municipality in the State of
Mississippi with a population of ten thousand (10,000) or less
according to the most recent federal decennial census, and the
term "limited population county" means a county in the State of
Mississippi with a population of thirty thousand (30,000) or less
according to the most recent federal decennial census; provided,
however, that through calendar year 2002 the population of a
municipality or a county may be determined for purposes of this
paragraph by utilizing either the 1990 federal decennial census or
the 2000 federal decennial census.

(2) Notwithstanding any provision of this chapter to the
contrary, the Mississippi Development Authority may utilize not
more than Seven Million Dollars (\$7,000,000.00) out of the
proceeds of bonds authorized to be issued in this chapter for the
purpose of making interest-bearing loans to any agency,
department, institution, instrumentality or political subdivision
of the state; or any agency, department, institution or
instrumentality of any political subdivision of the state; or any
business, organization, corporation, association or other legal
entity meeting criteria established by the department, through a
housing development revolving loan fund, to construct or repair
housing for low or moderate income earners; provided, however,
that the department may not utilize any bond proceeds authorized
under this chapter for the purpose of making any loans to the
Mississippi Home Corporation for any purpose whatsoever. No more
than forty percent (40%) of the additional bonds authorized by
this section in House Bill No. 1694, 1998 Regular Session [Laws,

1998, Chapter 559], may be used for multiple family housing activities. Funds authorized under this subsection may be deposited in the Mississippi Affordable Housing Development Fund authorized in Section 43-33-759 and used for purposes authorized by that section. This subsection (2) shall be repealed from and after July 1, 2001.

(3) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority shall utilize not more than Five Million Dollars (\$5,000,000.00) out of the proceeds of bonds authorized to be issued in this chapter for the purpose of making grants to municipalities through an equipment and public facilities grant fund to aid in infrastructure-related improvements as determined by the Mississippi Development Authority, the purchase of equipment and in the purchase, construction or repair and renovation of public facilities. Any bonds previously issued for the Development Infrastructure Revolving Loan Program which have not been loaned or applied for are eligible to be administered as grants.

The requirements of Section 57-61-9 shall not apply to any grant made under this subsection. The Mississippi Development Authority may establish criteria and guidelines to govern grants made pursuant to this subsection.

(4) Notwithstanding any provision of this chapter to the contrary, the Mississippi Development Authority may utilize not more than Seven Hundred Fifty Thousand Dollars (\$750,000.00) out of the proceeds of bonds authorized to be issued in this chapter in order to match federal funds available from the United States Department of Agriculture for the purpose of establishing an intermediary relending program to be administered by the Mississippi Development Authority. The Mississippi Development Authority may establish criteria and guidelines to govern loans made under such program.

SECTION 33. Section 57-73-21, Mississippi Code of 1972, is amended as follows:

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

1418 development enterprises or any technology intensive facility or
1419 enterprise, in counties designated by the Tax Commission as Tier
1420 Three areas are allowed a job tax credit for taxes imposed by
1421 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually
1422 for each net new full-time employee job for five (5) years
1423 beginning with years two (2) through six (6) after the creation of
1424 the job. The number of new full-time jobs must be determined by
1425 comparing the monthly average number of full-time employees
1426 subject to the Mississippi income tax withholding for the taxable
1427 year with the corresponding period of the prior taxable year.
1428 Only those permanent businesses that increase employment by ten
1429 (10) or more in a Tier Three area are eligible for the credit.
1430 Credit is not allowed during any of the five (5) years if the net
1431 employment increase falls below ten (10). The Tax Commission
1432 shall adjust the credit allowed each year for the net new
1433 employment fluctuations above the minimum level of ten (10).

1434 (3) Permanent business enterprises primarily engaged in
1435 manufacturing, processing, warehousing, distribution, wholesaling
1436 and research and development, or permanent business enterprises
1437 designated by rule and regulation of the Mississippi Development
1438 Authority as air transportation and maintenance facilities, final
1439 destination or resort hotels having a minimum of one hundred fifty
1440 (150) guest rooms, recreational facilities that impact tourism,
1441 movie industry studios, * * * telecommunications enterprises, data
1442 or information processing enterprises or computer software
1443 development enterprises or any technology intensive facility or
1444 enterprise, in counties that have been designated by the Tax
1445 Commission as Tier Two areas are allowed a job tax credit for
1446 taxes imposed by Section 27-7-5 equal to One Thousand Dollars
1447 (\$1,000.00) annually for each net new full-time employee job for
1448 five (5) years beginning with years two (2) through six (6) after
1449 the creation of the job. The number of new full-time jobs must be
1450 determined by comparing the monthly average number of full-time
1451 employees subject to Mississippi income tax withholding for the
1452 taxable year with the corresponding period of the prior taxable

1453 year. Only those permanent businesses that increase employment by
1454 fifteen (15) or more in Tier Two areas * * * are eligible for the
1455 credit. The credit is not allowed during any of the five (5)
1456 years if the net employment increase falls below fifteen (15).
1457 The Tax Commission shall adjust the credit allowed each year for
1458 the net new employment fluctuations above the minimum level of
1459 fifteen (15).

1460 (4) Permanent business enterprises primarily engaged in
1461 manufacturing, processing, warehousing, distribution, wholesaling
1462 and research and development, or permanent business enterprises
1463 designated by rule and regulation of the Mississippi Development
1464 Authority as air transportation and maintenance facilities, final
1465 destination or resort hotels having a minimum of one hundred fifty
1466 (150) guest rooms, recreational facilities that impact tourism,
1467 movie industry studios, * * * telecommunications enterprises, data
1468 or information processing enterprises or computer software
1469 development enterprises or any technology intensive facility or
1470 enterprise, in counties designated by the Tax Commission as Tier
1471 One areas are allowed a job tax credit for taxes imposed by
1472 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually
1473 for each net new full-time employee job for five (5) years
1474 beginning with years two (2) through six (6) after the creation of
1475 the job. The number of new full-time jobs must be determined by
1476 comparing the monthly average number of full-time employees
1477 subject to Mississippi income tax withholding for the taxable year
1478 with the corresponding period of the prior taxable year. Only
1479 those permanent businesses that increase employment by twenty (20)
1480 or more in Tier One areas are eligible for the credit. The credit
1481 is not allowed during any of the five (5) years if the net
1482 employment increase falls below twenty (20). The Tax Commission
1483 shall adjust the credit allowed each year for the net new
1484 employment fluctuations above the minimum level of twenty (20).

1485 (5) In addition to the credits authorized in subsections
1486 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)
1487 credit for each net new full-time employee or an additional One

1488 Thousand Dollars (\$1,000.00) credit for each net new full-time
1489 employee who is paid a salary, excluding benefits which are not
1490 subject to Mississippi income taxation, of at least one hundred
1491 twenty-five percent (125%) of the average annual wage of the state
1492 as determined by the Mississippi Unemployment Security Commission,
1493 or an additional Two Thousand Dollars (\$2,000.00) credit for each
1494 net new full-time employee who is paid a salary, excluding
1495 benefits which are not subject to Mississippi income taxation, of
1496 at least two hundred percent (200%) of the average annual wage of
1497 the state as determined by the Mississippi Unemployment Security
1498 Commission, shall be allowed for any company establishing or
1499 transferring its national or regional headquarters from within or
1500 outside the State of Mississippi. A minimum of thirty-five (35)
1501 jobs must be created to qualify for the additional credit. The
1502 State Tax Commission shall establish criteria and prescribe
1503 procedures to determine if a company qualifies as a national or
1504 regional headquarters for purposes of receiving the credit awarded
1505 in this subsection.

1506 (6) In addition to the credits authorized in subsections
1507 (2), (3), (4) and (5), any job requiring research and development
1508 skills (chemist, engineer, etc.) shall qualify for an additional
1509 One Thousand Dollars (\$1,000.00) credit for each net new full-time
1510 employee.

1511 (7) Tax credits for five (5) years for the taxes imposed by
1512 Section 27-7-5 shall be awarded for additional net new full-time
1513 jobs created by business enterprises qualified under subsections
1514 (2), (3), (4), (5) and (6) of this section. The Tax Commission
1515 shall adjust the credit allowed in the event of employment
1516 fluctuations during the additional five (5) years of credit.

1517 (8) The sale, merger, acquisition, reorganization,
1518 bankruptcy or relocation from one county to another county within
1519 the state of any business enterprise may not create new
1520 eligibility in any succeeding business entity, but any unused job
1521 tax credit may be transferred and continued by any transferee of
1522 the business enterprise. The Tax Commission shall determine

whether or not qualifying net increases or decreases have occurred or proper transfers of credit have been made and may require reports, promulgate regulations, and hold hearings as needed for substantiation and qualification.

(9) Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) years from the close of the tax year in which the qualified jobs were established but the credit established by this section taken in any one (1) tax year must be limited to an amount not greater than fifty percent (50%) of the taxpayer's state income tax liability which is attributable to income derived from operations in the state for that year.

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

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

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

(13) As used in this section, the term "telecommunications enterprises" means entities engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design,

development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises."

SECTION 34. Section 57-73-25, Mississippi Code of 1972, is amended as follows:

57-73-25. (1) A fifty percent (50%) income tax credit shall be granted to any employer (as defined in subsection (4) of this section) sponsoring basic skills training. The fifty percent (50%) credit shall be granted to employers that participate in employer-sponsored retraining programs through a community/junior college in the district within which the employer is located or training approved by such community/junior college. The retraining must be designed to increase opportunities for employee advancement or retention with the employer. The credit is applied to qualified training or retraining expenses, which are expenses related to instructors, instructional materials and equipment, and the construction and maintenance of facilities by such employer designated for training purposes which is attributable to training or retraining provided through such community/junior college or training approved by such community/junior college. The credits allowed under this section shall only be used by the actual employer qualifying for the credits. The credit shall not exceed fifty percent (50%) of the income tax liability in a tax year and may be carried forward for the five (5) successive years if the amount allowable as credit exceeds the income tax liability in a tax year; however, thereafter, if the amount allowable as a credit exceeds the tax liability, the amount of excess shall not be refundable or carried forward to any other taxable year. Nothing in this section shall be interpreted in any manner as to prevent the continuing operation of state-supported university programs.

(2) Employer-sponsored training shall include an evaluation

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 the 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 the 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 the 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) The Board for Community and Junior Colleges shall make a report to the Legislature by January 30 of each year summarizing the number of participants, the junior or community college

through which said training was offered and the type training offered.

(7) This section shall stand repealed from and after July 1, 2002.

SECTION 35. Section 57-75-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

1663 (f) "Project" means:

1664 (i) Any industrial, commercial, research and

1665 development, warehousing, distribution, transportation,

1666 processing, mining, United States government or tourism enterprise

1667 together with all real property required for construction,

1668 maintenance and operation of the enterprise with an initial

1669 capital investment of not less than Three Hundred Million Dollars

1670 (\$300,000,000.00) from private or United States government sources

1671 together with all buildings, and other supporting land and

1672 facilities, structures or improvements of whatever kind required

1673 or useful for construction, maintenance and operation of the

1674 enterprise; or with an initial capital investment of not less than

1675 One Hundred Fifty Million Dollars (\$150,000,000.00) from private

1676 or United States government sources together with all buildings

1677 and other supporting land and facilities, structures or

1678 improvements of whatever kind required or useful for construction,

1679 maintenance and operation of the enterprise and which creates at

1680 least one thousand (1,000) net new full-time jobs; or which

1681 creates at least one thousand (1,000) net new full-time jobs which

1682 provides an average salary, excluding benefits which are not

1683 subject to Mississippi income taxation, of at least one hundred

1684 twenty-five percent (125%) of the average annual wage of the state

1685 as determined by the Mississippi Employment Security Commission.

1686 "Project" shall * * * include any addition to or expansion of an

1687 existing enterprise if such addition or expansion has an initial

1688 capital investment of not less than Three Hundred Million Dollars

1689 (\$300,000,000.00) from private or United States government

1690 sources, or has an initial capital investment of not less than One

1691 Hundred Fifty Million Dollars (\$150,000,000.00) from private or

1692 United States government sources together with all buildings and

1693 other supporting land and facilities, structures or improvements

1694 of whatever kind required or useful for construction, maintenance

1695 and operation of the enterprise and which creates at least one

1696 thousand (1,000) net new full-time jobs; or which creates at least

1697 one thousand (1,000) net new full-time jobs which provides an

1698 average salary, excluding benefits which are not subject to
1699 Mississippi income taxation, of at least one hundred twenty-five
1700 percent (125%) of the average annual wage of the state as
1701 determined by the Mississippi Employment Security Commission.
1702 "Project" shall also include any ancillary development or business
1703 resulting from the enterprise, of which the authority is notified,
1704 within three (3) years from the date that the enterprise entered
1705 into commercial production, that the project area has been
1706 selected as the site for the ancillary development or business.

1707 * * *

1708 (ii) Any major capital project designed to
1709 improve, expand or otherwise enhance any active duty United States
1710 Air Force or Navy training bases or naval stations, their support
1711 areas or their military operations * * *; or any major development
1712 project determined by the authority to be necessary to acquire
1713 base properties and to provide employment opportunities through
1714 construction of projects as defined in Section 57-3-5, which shall
1715 be located on or provide direct support service or access to such
1716 military installation property as such property exists on July 1,
1717 1993, in the event of closure or reduction of military operations
1718 at the installation. * * *

1719 * * *

1720 (iii) Any major capital project designed to
1721 improve, expand or enhance any state-owned port facility located
1722 on the Gulf of Mexico, which project will support and attract a
1723 two million (2,000,000) ton increase in cargo and three hundred
1724 fifty (350) direct port-related jobs and which is in keeping with
1725 a developed and approved master plan, or any major capital project
1726 developed under the name "Project Greystone" and/or any major
1727 capital project designed to build, construct or develop an
1728 automobile or truck assembly facility within the State of
1729 Mississippi, which project or facility will create, directly or
1730 indirectly, two thousand (2,000) jobs with an initial capital
1731 investment from any source of not less than Three Hundred Fifty
1732 Million Dollars (\$350,000,000.00). The architectural and

1733 engineering fees on any such project shall not exceed four and
1734 one-half percent (4-1/2%) of the total construction cost of such
1735 project. "Project" shall also include any ancillary development
1736 or business resulting from the enterprise, of which the authority
1737 is notified, within three (3) years from the date that the
1738 enterprise entered into commercial production, that the project
1739 area has been selected as the site for the ancillary development
1740 or business; provided, however, that any such ancillary
1741 development or business shall not be subject to the limitation on
1742 architectural and engineering fees of four and one-half percent
1743 (4-1/2%) of the total construction cost.

1744 (iv) Any major capital project designed to
1745 construct the corporate headquarters and initial factory, to be
1746 located in the Golden Triangle Region of the state, for any
1747 Mississippi corporation that develops, constructs and operates
1748 automated robotic systems to improve the quality of, and reduce
1749 the costs of, manufacturing wire harness assemblies for certain
1750 industries, or manufactures thin film polymer lithium-ion
1751 rechargeable batteries which project has a ten-year strategic plan
1752 of supporting one thousand (1,000) direct project-related jobs for
1753 each group of wire harness contracts amounting to Thirty-five
1754 Million Dollars (\$35,000,000.00), or which has a ten-year
1755 strategic plan of supporting one thousand five hundred (1,500)
1756 direct project-related jobs for each group of polymer lithium-ion
1757 rechargeable battery contracts amounting to Forty Million Dollars
1758 (\$40,000,000.00).

1759 (v) Any real property owned or controlled by the
1760 National Aeronautics and Space Administration, the United States
1761 Government, or any agency thereof, which is legally conveyed to
1762 the State of Mississippi or to the State of Mississippi for the
1763 benefit of the Mississippi Major Economic Impact Authority, its
1764 successors and assigns pursuant to Section 212 of Public Law
1765 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

1766 (vi) Any major capital project designed to
1767 manufacture, produce and transmit electrical power using natural

1768 gas as its primary raw material to be constructed and maintained
1769 in Panola County, Mississippi, with an initial capital investment
1770 of not less than Two Hundred Fifty Million Dollars
1771 (\$250,000,000.00).

1772 (g) "Project area" means the project site, together
1773 with any area or territory within the state lying within
1774 sixty-five (65) miles of any portion of the project site whether
1775 or not such area or territory be contiguous. The project area
1776 shall also include all territory within a county if any portion of
1777 such county lies within sixty-five (65) miles of any portion of
1778 the project site. "Project site" means the real property on which
1779 the principal facilities of the enterprise will operate.

1780 (h) "Public agency" means:

1781 (i) Any department, board, commission, institution
1782 or other agency or instrumentality of the state;

1783 (ii) Any city, town, county, political
1784 subdivision, school district or other district created or existing
1785 under the laws of the state or any public agency of any such city,
1786 town, county, political subdivision or district;

1787 (iii) Any department, commission, agency or
1788 instrumentality of the United States of America; and

1789 (iv) Any other state of the United States of
1790 America which may be cooperating with respect to location of the
1791 project within the state, or any agency thereof.

1792 (i) "State" means State of Mississippi.

1793 (j) "Fee-in-lieu" means a negotiated fee to be paid by
1794 the project in lieu of any franchise taxes imposed on the project
1795 by Chapter 13, Title 27, Mississippi Code of 1972. The
1796 fee-in-lieu shall not be less than Twenty-five Thousand Dollars
1797 (\$25,000.00) annually. A fee-in-lieu shall not be negotiated for
1798 existing enterprises that fall within the definition of the term
1799 "project".

1800 SECTION 36. Section 57-75-9, Mississippi Code of 1972, is
1801 amended as follows:

1802 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 facility related to the project, with the concurrence of the affected public agency. The authority may take affirmative steps to coordinate fully all aspects of the submission of a siting proposal for the project and, if the state is selected as the preferred site, to coordinate fully, with the concurrence of the affected public agency, the development of the project or any facility related to the project with private business, the United States government and other public agencies. All public agencies are encouraged to cooperate to the fullest extent possible to effectuate the duties of the authority; however, the development of the project or any facility related to the project by the authority may be done only with the concurrence of the affected public agency.

SECTION 37. Section 57-75-11, Mississippi Code of 1972, is amended as follows:

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

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

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

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

1838 (c) To make such applications and enter into such
1839 contracts for financial assistance as may be appropriate under
1840 applicable federal or state law.

1841 (d) To apply for, accept and utilize grants, gifts and
1842 other funds or aid from any source for any purpose contemplated by
1843 the act, and to comply, subject to the provisions of this act,
1844 with the terms and conditions thereof.

1845 (e) To acquire by purchase, lease, gift, or in other
1846 manner, including quick-take eminent domain, or obtain options to
1847 acquire, and to own, maintain, use, operate and convey any and all
1848 property of any kind, real, personal, or mixed, or any interest or
1849 estate therein, within the project area, necessary for the project
1850 or any facility related to the project. The provisions of this
1851 paragraph that allow the acquisition of property by quick-take
1852 eminent domain shall be repealed by operation of law on July 1,
1853 1994.

1854 (f) To acquire by purchase or lease any public lands
1855 and public property, including sixteenth section lands and lieu
1856 lands, within the project area, which are necessary for the
1857 project. Sixteenth section lands or lieu lands acquired under
1858 this act shall be deemed to be acquired for the purposes of
1859 industrial development thereon and such acquisition will serve a
1860 higher public interest in accordance with the purposes of this
1861 act.

1862 (g) If the authority identifies any land owned by the
1863 state as being necessary, for the location or use of the project,
1864 or any facility related to the project, to recommend to the
1865 Legislature the conveyance of such land or any interest therein,
1866 as the Legislature deems appropriate.

1867 (h) To make or cause to be made such examinations and
1868 surveys as may be necessary to the planning, design, construction
1869 and operation of the project.

1870 (i) From and after the date of notification to the
1871 authority by the enterprise that the state has been finally
1872 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 purposes of this act; but any such activities shall be under such reasonable regulation by the authority as will adequately protect the project contemplated by this act as provided in subparagraph (t) of this section.

(j) To negotiate the necessary relocation or rerouting of roads and highways, railroad, telephone and telegraph lines and properties, electric power lines, pipelines and related facilities, or to require the anchoring or other protection of any of these, provided due compensation is paid to the owners thereof or agreement is had with such owners regarding the payment of the cost of such relocation, and to acquire by condemnation or otherwise easements or rights-of-way for such relocation or rerouting and to convey the same to the owners of the facilities

being relocated or rerouted in connection with the purposes of this act.

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

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

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

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

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

(p) To enter into contracts with any person or public agency including, but not limited to, contracts authorized by Section 75-57-17, in furtherance of any of the purposes authorized by this act upon such consideration as the authority and such person or public agency may agree. Any such contract may extend over any period of time, notwithstanding any rule of law to the

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

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

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

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

(t) To develop plans for technology transfer activities to ensure private sector conduits for exchange of information,

technology and expertise related to the project to generate opportunities for commercial development within the state.

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

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

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

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

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

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

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

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

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

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

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

2013 (a) To maintain an office at a place or places within
2014 the state.

2015 (b) To employ or contract with architects, engineers,
2016 attorneys, accountants, construction and financial experts and
2017 such other advisors, consultants and agents as may be necessary in
2018 its judgment and to fix and pay their compensation.

2019 (c) To make such applications and enter into such
2020 contracts for financial assistance as may be appropriate under
2021 applicable federal or state law.

2022 (d) To apply for, accept and utilize grants, gifts and
2023 other funds or aid from any source for any purpose contemplated by
2024 the act, and to comply, subject to the provisions of this act,
2025 with the terms and conditions thereof.

2026 (e) To acquire by purchase, lease, gift, or in other
2027 manner, including quick-take eminent domain, or obtain options to
2028 acquire, and to own, maintain, use, operate and convey any and all
2029 property of any kind, real, personal, or mixed, or any interest or
2030 estate therein, within the project area, necessary for the project
2031 or any facility related to the project. The provisions of this
2032 paragraph that allow the acquisition of property by quick-take
2033 eminent domain shall be repealed by operation of law on July 1,
2034 1994.

2035 (f) To acquire by purchase or lease any public lands
2036 and public property, including sixteenth section lands and lieu
2037 lands, within the project area, which are necessary for the
2038 project. Sixteenth section lands or lieu lands acquired under
2039 this act shall be deemed to be acquired for the purposes of
2040 industrial development thereon and such acquisition will serve a
2041 higher public interest in accordance with the purposes of this
2042 act.

2043 (g) If the authority identifies any land owned by the
2044 state as being necessary, for the location or use of the project,
2045 or any facility related to the project, to recommend to the
2046 Legislature the conveyance of such land or any interest therein,
2047 as the Legislature deems appropriate.

2048 (h) To make or cause to be made such examinations and
2049 surveys as may be necessary to the planning, design, construction
2050 and operation of the project.

2051 (i) From and after the date of notification to the
2052 authority by the enterprise that the state has been finally
2053 selected as the site of the project, to acquire by condemnation
2054 and to own, maintain, use, operate and convey or otherwise dispose
2055 of any and all property of any kind, real, personal or mixed, or
2056 any interest or estate therein, within the project area, necessary
2057 for the project or any facility related to the project, with the
2058 concurrence of the affected public agency, and the exercise of the
2059 powers granted by this act, according to the procedures provided
2060 by Chapter 27, Title 11, Mississippi Code of 1972, except as
2061 modified by this act.

2062 (i) In acquiring lands by condemnation, the
2063 authority shall not acquire minerals or royalties in minerals
2064 unless a competent registered professional engineer shall have
2065 certified that the acquisition of such minerals and royalties in
2066 minerals is necessary for purposes of the project; provided that
2067 limestone, clay, chalk, sand and gravel shall not be considered as
2068 minerals within the meaning of this section; and

2069 (ii) Unless minerals or royalties in minerals have
2070 been acquired by condemnation or otherwise, no person or persons
2071 owning the drilling rights or the right to share in production of
2072 minerals shall be prevented from exploring, developing, or
2073 producing oil or gas with necessary rights-of-way for ingress and
2074 egress, pipelines and other means of transporting interests on any
2075 land or interest therein of the authority held or used for the
2076 purposes of this act; but any such activities shall be under such
2077 reasonable regulation by the authority as will adequately protect
2078 the project contemplated by this act as provided in subparagraph
2079 (t) of this section.

2080 (j) To negotiate the necessary relocation or rerouting
2081 of roads and highways, railroad, telephone and telegraph lines and
2082 properties, electric power lines, pipelines and related

2083 facilities, or to require the anchoring or other protection of any
2084 of these, provided due compensation is paid to the owners thereof
2085 or agreement is had with such owners regarding the payment of the
2086 cost of such relocation, and to acquire by condemnation or
2087 otherwise easements or rights-of-way for such relocation or
2088 rerouting and to convey the same to the owners of the facilities
2089 being relocated or rerouted in connection with the purposes of
2090 this act.

2091 (k) To negotiate the necessary relocation of cemeteries
2092 and to pay all reasonable costs thereof.

2093 (l) To perform or have performed any and all acts and
2094 make all payments necessary to comply with all applicable federal
2095 laws, rules or regulations including but not limited to the
2096 Uniform Relocation Assistance and Real Property Acquisition
2097 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
2098 to 4655) and relocation rules and regulations promulgated by any
2099 agency or department of the federal government.

2100 (m) To construct, extend, improve, maintain, and
2101 reconstruct, to cause to be constructed, extended, improved,
2102 maintained, and reconstructed, and to use and operate any and all
2103 components of the project or any facility related to the project,
2104 with the concurrence of the affected public agency, within the
2105 project area, necessary to the project and to the exercise of such
2106 powers, rights, and privileges granted the authority.

2107 (n) To incur or defray any designated portion of the
2108 cost of any component of the project or any facility related to
2109 the project acquired or constructed by any public agency.

2110 (o) To lease, sell or convey any or all property
2111 acquired by the authority under the provisions of this act to the
2112 enterprise, its successors or assigns, and in connection therewith
2113 to pay the costs of title search, perfection of title, title
2114 insurance and recording fees as may be required. The authority
2115 may provide in the instrument conveying such property a provision
2116 that such property shall revert to the authority if, as and when
2117 the property is declared by the enterprise to be no longer needed.

2118 (p) To enter into contracts with any person or public
2119 agency including, but not limited to, contracts authorized by
2120 Section 75-57-17, in furtherance of any of the purposes authorized
2121 by this act upon such consideration as the authority and such
2122 person or public agency may agree. Any such contract may extend
2123 over any period of time, notwithstanding any rule of law to the
2124 contrary, may be upon such terms as the parties thereto shall
2125 agree, and may provide that it shall continue in effect until
2126 bonds specified therein, refunding bonds issued in lieu of such
2127 bonds, and all other obligations specified therein are paid or
2128 terminated. Any such contract shall be binding upon the parties
2129 thereto according to its terms. Such contracts may include an
2130 agreement to reimburse the enterprise, its successors and assigns
2131 for any assistance provided by the enterprise in the acquisition
2132 of real property for the project or any facility related to the
2133 project.

2134 (q) To establish and maintain reasonable rates and
2135 charges for the use of any facility within the project area owned
2136 or operated by the authority, and from time to time to adjust such
2137 rates and to impose penalties for failure to pay such rates and
2138 charges when due.

2139 (r) To adopt and enforce with the concurrence of the
2140 affected public agency all necessary and reasonable rules and
2141 regulations to carry out and effectuate the implementation of the
2142 project and any land use plan or zoning classification adopted for
2143 the project area, including but not limited to rules, regulations,
2144 and restrictions concerning mining, construction, excavation or
2145 any other activity the occurrence of which may endanger the
2146 structure or operation of the project. Such rules may be enforced
2147 within the project area and without the project area as necessary
2148 to protect the structure and operation of the project. The
2149 authority is authorized to plan or replan, zone or rezone, and
2150 make exceptions to any regulations, whether local or state, with
2151 the concurrence of the affected public agency which are
2152 inconsistent with the design, planning, construction or operation

of the project and facilities related to the project.

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

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

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

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

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

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

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

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

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

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

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

SECTION 38. Section 57-75-15, Mississippi Code of 1972, is

amended as follows:

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

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

(3) (a) Bonds issued under the authority of this section for projects as defined in Section 57-75-5(f)(i) shall not exceed an aggregate principal amount in the sum of Sixty-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 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 board of education to benefit the public schools of Kemper County.

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

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

* * *

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

(d) Bonds issued under the authority of this section for the project defined in Section 57-75-5(f)(iv) shall not exceed

2258 Twenty Million Three Hundred Seventy Thousand Dollars
2259 (\$20,370,000.00). No bonds shall be issued under this paragraph
2260 (f) until the State Bond Commission by resolution adopts a finding
2261 that the project has secured wire harness contracts or contracts
2262 to manufacture thin film polymer lithium-ion rechargeable
2263 batteries, or any combination of such contracts, in the aggregate
2264 amount of Twenty Million Dollars (\$20,000,000.00), either from the
2265 United States Government or the private sector. No bonds shall be
2266 issued under this paragraph after June 30, 2001.

2267 (e) Bonds issued under the authority of this section
2268 for projects defined in Section 57-75-5(f)(vi) shall not exceed
2269 Twenty-six Million Dollars (\$26,000,000.00). No bonds shall be
2270 issued after June 30, 2001.

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

2293 amounts the amount authorized in subsection (3) of this section.
2294 Proceeds from the sale of the bonds issued under this section may
2295 be invested, subject to federal limitations, pending their use, in
2296 such securities as may be specified in the resolution authorizing
2297 the issuance of the bonds or the trust indenture securing them,
2298 and the earning on such investment applied as provided in such
2299 resolution or trust indenture.

2300 (5) The principal of and the interest on the bonds shall be
2301 payable in the manner hereinafter set forth. The bonds shall bear
2302 date or dates; be in such denomination or denominations; bear
2303 interest at such rate or rates; be payable at such place or places
2304 within or without the state; mature absolutely at such time or
2305 times; be redeemable before maturity at such time or times and
2306 upon such terms, with or without premium; bear such registration
2307 privileges; and be substantially in such form; all as shall be
2308 determined by resolution of the State Bond Commission except that
2309 such bonds shall mature or otherwise be retired in annual
2310 installments beginning not more than five (5) years from the date
2311 thereof and extending not more than twenty-five (25) years from
2312 the date thereof. The bonds shall be signed by the Chairman of
2313 the State Bond Commission, or by his facsimile signature, and the
2314 official seal of the State Bond Commission shall be imprinted on
2315 or affixed thereto, attested by the manual or facsimile signature
2316 of the Secretary of the State Bond Commission. Whenever any such
2317 bonds have been signed by the officials herein designated to sign
2318 the bonds, who were in office at the time of such signing but who
2319 may have ceased to be such officers before the sale and delivery
2320 of such bonds, or who may not have been in office on the date such
2321 bonds may bear, the signatures of such officers upon such bonds
2322 shall nevertheless be valid and sufficient for all purposes and
2323 have the same effect as if the person so officially signing such
2324 bonds had remained in office until the delivery of the same to the
2325 purchaser, or had been in office on the date such bonds may bear.

2326 (6) All bonds issued under the provisions of this section
2327 shall be and are hereby declared to have all the qualities and

2328 incidents of negotiable instruments under the provisions of the
2329 Uniform Commercial Code and in exercising the powers granted by
2330 this chapter, the State Bond Commission shall not be required to
2331 and need not comply with the provisions of the Uniform Commercial
2332 Code.

2333 (7) The State Bond Commission shall sell the bonds on sealed
2334 bids at public sale, and for such price as it may determine to be
2335 for the best interest of the State of Mississippi, but no such
2336 sale shall be made at a price less than par plus accrued interest
2337 to date of delivery of the bonds to the purchaser. The bonds
2338 shall bear interest at such rate or rates not exceeding the limits
2339 set forth in Section 75-17-101 as shall be fixed by the State Bond
2340 Commission. All interest accruing on such bonds so issued shall
2341 be payable semiannually or annually; provided that the first
2342 interest payment may be for any period of not more than one (1)
2343 year.

2344 Notice of the sale of any bonds shall be published at least
2345 one (1) time, the first of which shall be made not less than ten
2346 (10) days prior to the date of sale, and shall be so published in
2347 one or more newspapers having a general circulation in the City of
2348 Jackson and in one or more other newspapers or financial journals
2349 with a large national circulation, to be selected by the State
2350 Bond Commission.

2351 The State Bond Commission, when issuing any bonds under the
2352 authority of this section, may provide that the bonds, at the
2353 option of the state, may be called in for payment and redemption
2354 at the call price named therein and accrued interest on such date
2355 or dates named therein.

2356 (8) State bonds issued under the provisions of this section
2357 shall be the general obligations of the state and backed by the
2358 full faith and credit of the state. The Legislature shall
2359 appropriate annually an amount sufficient to pay the principal of
2360 and the interest on such bonds as they become due. All bonds
2361 shall contain recitals on their faces substantially covering the
2362 foregoing provisions of this section.

2363 (9) The State Treasurer is authorized to certify to the
2364 Department of Finance and Administration the necessity for
2365 warrants, and the Department of Finance and Administration is
2366 authorized and directed to issue such warrants payable out of any
2367 funds appropriated by the Legislature under this section for such
2368 purpose, in such amounts as may be necessary to pay when due the
2369 principal of and interest on all bonds issued under the provisions
2370 of this section. The State Treasurer shall forward the necessary
2371 amount to the designated place or places of payment of such bonds
2372 in ample time to discharge such bonds, or the interest thereon, on
2373 the due dates thereof.

2374 (10) The bonds may be issued without any other proceedings
2375 or the happening of any other conditions or things other than
2376 those proceedings, conditions and things which are specified or
2377 required by this chapter. Any resolution providing for the
2378 issuance of general obligation bonds under the provisions of this
2379 section shall become effective immediately upon its adoption by
2380 the State Bond Commission, and any such resolution may be adopted
2381 at any regular or special meeting of the State Bond Commission by
2382 a majority of its members.

2383 (11) In anticipation of the issuance of bonds hereunder, the
2384 State Bond Commission is authorized to negotiate and enter into
2385 any purchase, loan, credit or other agreement with any bank, trust
2386 company or other lending institution or to issue and sell interim
2387 notes for the purpose of making any payments authorized under this
2388 section. All borrowings made under this provision shall be
2389 evidenced by notes of the state which shall be issued from time to
2390 time, for such amounts not exceeding the amount of bonds
2391 authorized herein, in such form and in such denomination and
2392 subject to such terms and conditions of sale and issuance,
2393 prepayment or redemption and maturity, rate or rates of interest
2394 not to exceed the maximum rate authorized herein for bonds, and
2395 time of payment of interest as the State Bond Commission shall
2396 agree to in such agreement. Such notes shall constitute general
2397 obligations of the state and shall be backed by the full faith and

2398 credit of the state. Such notes may also be issued for the
2399 purpose of refunding previously issued notes; except that no notes
2400 shall mature more than three (3) years following the date of
2401 issuance of the first note hereunder and provided further, that
2402 all outstanding notes shall be retired from the proceeds of the
2403 first issuance of bonds hereunder. The State Bond Commission is
2404 authorized to provide for the compensation of any purchaser of the
2405 notes by payment of a fixed fee or commission and for all other
2406 costs and expenses of issuance and service, including paying agent
2407 costs. Such costs and expenses may be paid from the proceeds of
2408 the notes.

2409 (12) The bonds and interim notes authorized under the
2410 authority of this section may be validated in the First Judicial
2411 District of the Chancery Court of Hinds County, Mississippi, in
2412 the manner and with the force and effect provided now or hereafter
2413 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2414 validation of county, municipal, school district and other bonds.
2415 The necessary papers for such validation proceedings shall be
2416 transmitted to the state bond attorney, and the required notice
2417 shall be published in a newspaper published in the City of
2418 Jackson, Mississippi.

2419 (13) Any bonds or interim notes issued under the provisions
2420 of this chapter, a transaction relating to the sale or securing of
2421 such bonds or interim notes, their transfer and the income
2422 therefrom shall at all times be free from taxation by the state or
2423 any local unit or political subdivision or other instrumentality
2424 of the state, excepting inheritance and gift taxes.

2425 (14) All bonds issued under this chapter shall be legal
2426 investments for trustees, other fiduciaries, savings banks, trust
2427 companies and insurance companies organized under the laws of the
2428 State of Mississippi; and such bonds shall be legal securities
2429 which may be deposited with and shall be received by all public
2430 officers and bodies of the state and all municipalities and other
2431 political subdivisions thereof for the purpose of securing the
2432 deposit of public funds.

2433 (15) The Attorney General of the State of Mississippi shall
2434 represent the State Bond Commission in issuing, selling and
2435 validating bonds herein provided for, and the bond commission is
2436 hereby authorized and empowered to expend from the proceeds
2437 derived from the sale of the bonds authorized hereunder all
2438 necessary administrative, legal and other expenses incidental and
2439 related to the issuance of bonds authorized under this chapter.

2440 (16) There is hereby created a special fund in the State
2441 Treasury to be known as the Mississippi Major Economic Impact
2442 Authority Fund wherein shall be deposited the proceeds of the
2443 bonds issued under this chapter and all monies received by the
2444 authority to carry out the purposes of this chapter. Expenditures
2445 authorized herein shall be paid by the State Treasurer upon
2446 warrants drawn from the fund, and the Department of Finance and
2447 Administration shall issue warrants upon requisitions signed by
2448 the director of the authority.

2449 (17) (a) There is hereby created the Mississippi Economic
2450 Impact Authority Sinking Fund from which the principal of and
2451 interest on such bonds shall be paid by appropriation. All monies
2452 paid into the sinking fund not appropriated to pay accruing bonds
2453 and interest shall be invested by the State Treasurer in such
2454 securities as are provided by law for the investment of the
2455 sinking funds of the state.

2456 (b) In the event that all or any part of the bonds and
2457 notes are purchased, they shall be canceled and returned to the
2458 loan and transfer agent as canceled and paid bonds and notes and
2459 thereafter all payments of interest thereon shall cease and the
2460 canceled bonds, notes and coupons, together with any other
2461 canceled bonds, notes and coupons, shall be destroyed as promptly
2462 as possible after cancellation but not later than two (2) years
2463 after cancellation. A certificate evidencing the destruction of
2464 the canceled bonds, notes and coupons shall be provided by the
2465 loan and transfer agent to the seller.

2466 (c) The State Treasurer shall determine and report to
2467 the Department of Finance and Administration and Legislative

2468 Budget Office by September 1 of each year the amount of money
2469 necessary for the payment of the principal of and interest on
2470 outstanding obligations for the following fiscal year and the
2471 times and amounts of the payments. It shall be the duty of the
2472 Governor to include in every executive budget submitted to the
2473 Legislature full information relating to the issuance of bonds and
2474 notes under the provisions of this chapter and the status of the
2475 sinking fund for the payment of the principal of and interest on
2476 the bonds and notes.

2477 SECTION 39. Section 27-7-21, Mississippi Code of 1972, is
2478 amended as follows:

2479 27-7-21. (a) **Allowance of deductions.** In the case of a
2480 resident individual, the exemptions provided by this section, as
2481 applicable to individuals, shall be allowed as deductions in
2482 computing taxable income.

2483 (b) **Single individuals.** In the case of a single individual,
2484 a personal exemption of Five Thousand Two Hundred Fifty Dollars
2485 (\$5,250.00) for the 1979 and 1980 calendar years and Six Thousand
2486 Dollars (\$6,000.00) for each calendar year thereafter.

2487 (c) **Married individuals.** In the case of married individuals
2488 living together, a joint personal exemption of Eight Thousand
2489 Dollars (\$8,000.00) for the 1979 and 1980 calendar years and Nine
2490 Thousand Five Hundred Dollars (\$9,500.00) for the 1981 through
2491 1997 calendar years, Ten Thousand Dollars (\$10,000.00) for the
2492 calendar year 1998, Eleven Thousand Dollars (\$11,000.00) for the
2493 calendar year 1999, and Twelve Thousand Dollars (\$12,000.00) for
2494 each calendar year thereafter. A husband and wife living together
2495 shall receive but one (1) personal exemption in the amounts
2496 provided for in this subsection for each calendar year against
2497 their aggregate income.

2498 (d) **Head of family individuals.** In the case of a head of
2499 family individual, a personal exemption of Eight Thousand Dollars
2500 (\$8,000.00) for the 1979 and 1980 calendar years and Nine Thousand
2501 Five Hundred Dollars (\$9,500.00) for each calendar year
2502 thereafter. The term "head of family" means an individual who is

2503 single, or married but not living with his spouse for the entire
2504 taxable year, who maintains a household which constitutes the
2505 principal place of abode of himself and one or more individuals
2506 who are dependents under the provisions of Section 152(a) of the
2507 Internal Revenue Code of 1954, as amended. The head of family
2508 individual shall be entitled to the additional dependent exemption
2509 as provided in subsection (e) of this section only to the extent
2510 of dependents in excess of the one (1) dependent needed to qualify
2511 as head of family.

2512 (e) **Additional exemption for dependents.** In the case of any
2513 individual having a dependent, other than husband or wife, an
2514 additional personal exemption of One Thousand Five Hundred Dollars
2515 (\$1,500.00) for each such dependent, except as otherwise provided
2516 in subsection (d) of this section. The term "dependent" as used
2517 in this subsection shall mean any person or individual who
2518 qualifies as a dependent under the provisions of Section 152,
2519 Internal Revenue Code of 1954, as amended.

2520 (f) **Additional exemption for taxpayer or spouse aged**
2521 **sixty-five (65) or more.** In the case of any taxpayer or the
2522 spouse of the taxpayer who has attained the age of sixty-five (65)
2523 before the close of his taxable year, an additional exemption of
2524 One Thousand Five Hundred Dollars (\$1,500.00).

2525 (g) **Additional exemption for blindness of taxpayer or**
2526 **spouse.** In the case of any taxpayer or the spouse of the taxpayer
2527 who is blind at the close of the taxable year, an additional
2528 exemption of One Thousand Five Hundred Dollars (\$1,500.00). For
2529 the purpose of this subsection, an individual is blind only if his
2530 central visual acuity does not exceed 20/200 in the better eye
2531 with correcting lenses, or if his visual acuity is greater than
2532 20/200 but is accompanied by a limitation in the fields of vision
2533 such that the widest diameter of the visual field subtends an
2534 angle no greater than twenty (20) degrees.

2535 (h) **Husband and wife--claiming exemptions.** In the case of
2536 husband and wife living together and filing combined returns, the
2537 personal and additional exemptions authorized and allowed by this

section may be taken by either, or divided between them in any manner they may choose. If the husband and wife fail to choose, the commissioner shall divide the exemptions between husband and wife in an equitable manner. In the case of a husband and wife filing separate returns, the personal and additional exemptions authorized and allowed by this section shall be divided equally between the spouses.

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

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

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

For the purpose of this subsection, the term "net income" means gross income less business expenses incurred in the taxpayer's regular trade or business and computed in accordance

with the provisions of the Mississippi Income Tax Law.

(j) **Part-year residents.** An individual who is a resident of Mississippi for only a part of his taxable year by reason of either moving into the state or moving from the state shall be allowed the same personal and additional exemptions as authorized for resident individuals in subsection (a) of this section; the part-year resident shall prorate his exemption on the same basis as nonresidents having net income from within and without the state.

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

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

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

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

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

SECTION 40. Section 27-13-5, Mississippi Code of 1972, is amended as follows:

27-13-5. (1) Franchise tax levy. Except as otherwise provided in subsections (3) and (4) of this section, there is hereby imposed, to be paid and collected as hereinafter provided, a franchise or excise tax upon every corporation, association or

2608 joint stock company or partnership treated as a corporation under
2609 the income tax laws or regulations, organized or created for
2610 pecuniary gain, having privileges not possessed by individuals,
2611 and having authorized capital stock now existing in this state, or
2612 hereafter organized, created or established, under and by virtue
2613 of the laws of the State of Mississippi, equal to Two Dollars and
2614 Fifty Cents (\$2.50) for each One Thousand Dollars (\$1,000.00), or
2615 fraction thereof, of the value of the capital used, invested or
2616 employed in the exercise of any power, privilege or right enjoyed
2617 by such organization within this state, except as hereinafter
2618 provided. In no case shall the franchise tax due for the
2619 accounting period be less than Twenty-five Dollars (\$25.00). It
2620 is the purpose of this section to require the payment to the State
2621 of Mississippi of this tax for the right granted by the laws of
2622 this state to exist as such organization, and to enjoy, under the
2623 protection of the laws of this state, the powers, rights,
2624 privileges and immunities derived from the state by the form of
2625 such existence.

2626 (2) Annual report of domestic corporations. Each domestic
2627 corporation shall file, within the time prescribed by Section
2628 79-3-251, an annual report as required by the provisions of
2629 Section 79-3-249.

2630 (3) A corporation that has negotiated a fee-in-lieu for a
2631 project as defined in Section 57-75-5 shall not be subject to the
2632 tax levied as such project by this section; provided, however,
2633 that the fee-in-lieu payment shall be otherwise treated in the
2634 same manner as the payment of franchise taxes.

2635 (4) An approved business enterprise as defined in Sections
2636 26 through 31 of Senate Bill No. 2002, 2000 Second Extraordinary
2637 Session shall not be subject to the tax levied by this section on
2638 the value of capital used, invested or employed by the approved
2639 business enterprise in a growth and prosperity county as provided
2640 in Sections 26 through 31 of Senate Bill No. 2002, 2000 Second
2641 Extraordinary Session.

2642 SECTION 41. Section 27-13-7, Mississippi Code of 1972, is

2643 amended as follows:

2644 27-13-7. (1) Franchise tax levy. Except as otherwise
2645 provided in subsections (3) and (4) of this section, there is
2646 hereby imposed, levied and assessed upon every corporation,
2647 association or joint stock company, or partnership treated as a
2648 corporation under the Income Tax Laws or regulations as
2649 hereinbefore defined, organized and existing under and by virtue
2650 of the laws of some other state, territory or country, or
2651 organized and existing without any specific statutory authority,
2652 now or hereafter doing business or exercising any power, privilege
2653 or right within this state, as hereinbefore defined, a franchise
2654 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each
2655 One Thousand Dollars (\$1,000.00), or fraction thereof, of the
2656 value of capital used, invested or employed within this state,
2657 except as hereinafter provided. In no case shall the franchise
2658 tax due for the accounting period be less than Twenty-five Dollars
2659 (\$25.00). It is the purpose of this section to require the
2660 payment of a tax by all organizations not organized under the laws
2661 of this state, measured by the amount of capital or its
2662 equivalent, for which such organization receives the benefit and
2663 protection of the government and laws of the state.

2664 (2) Annual report of foreign corporations. Each foreign
2665 corporation authorized to transact business in this state shall
2666 file, within the time prescribed by Section 79-3-251, an annual
2667 report as required by the provisions of Section 79-3-249.

2668 (3) A corporation that has negotiated a fee-in-lieu for a
2669 project as defined in Section 57-75-5 shall not be subject to the
2670 tax levied by this section on such project; provided, however,
2671 that the fee-in-lieu payment shall be otherwise treated in the
2672 same manner as the payment of franchise taxes.

2673 (4) An approved business enterprise as defined in Sections
2674 26 through 31 of Senate Bill No. 2002, 2000 Second Extraordinary
2675 Session, shall not be subject to the tax levied by this section on
2676 the value of capital used, invested or employed by the approved
2677 business enterprise in a growth and prosperity county as provided

in Sections 26 through 31 of Senate Bill No. 2002, 2000 Second Extraordinary Session.

SECTION 42. Section 27-65-101, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(c) The gross proceeds of sales of dry docks, offshore drilling equipment for use in oil exploitation or production,

2713 vessels or barges of fifty (50) tons load displacement and over,
2714 when sold by the manufacturer or builder thereof.

2715 (d) Sales to commercial fishermen of commercial fishing
2716 boats of over five (5) tons load displacement and not more than
2717 fifty (50) tons load displacement as registered with the United
2718 States Coast Guard and licensed by the Mississippi Commission on
2719 Marine Resources.

2720 (e) The gross income from repairs to vessels and barges
2721 engaged in foreign trade or interstate transportation.

2722 (f) Sales of petroleum products to vessels or barges
2723 for consumption in marine international commerce or interstate
2724 transportation businesses.

2725 (g) Sales and rentals of rail rolling stock (and
2726 component parts thereof) for ultimate use in interstate commerce
2727 and gross income from services with respect to manufacturing,
2728 repairing, cleaning, altering, reconditioning or improving such
2729 rail rolling stock (and component parts thereof).

2730 (h) Sales of raw materials, catalysts, processing
2731 chemicals, welding gases or other industrial processing gases
2732 (except natural gas) used or consumed directly in manufacturing,
2733 repairing, cleaning, altering, reconditioning or improving such
2734 rail rolling stock (and component parts thereof). This exemption
2735 shall not apply to any property used as fuel.

2736 (i) Machinery or tools or repair parts therefor or
2737 replacements thereof, fuel or supplies used directly in
2738 manufacturing, converting or repairing ships of three thousand
2739 (3,000) tons load displacement and over, but not to include office
2740 and plant supplies or other equipment not directly used on the
2741 ship being built, converted or repaired.

2742 (j) Sales of tangible personal property to persons
2743 operating ships in international commerce for use or consumption
2744 on board such ships. This exemption shall be limited to cases in
2745 which procedures satisfactory to the commissioner, ensuring
2746 against use in this state other than on such ships, are
2747 established.

2748 (k) Sales of materials used in the construction of a
2749 building, or any addition or improvement thereon, and sales of any
2750 machinery and equipment not later than three (3) months after the
2751 completion of construction of the building, or any addition
2752 thereon, to be used therein, to qualified businesses, as defined
2753 in Section 57-51-5, which are located in a county or portion
2754 thereof designated as an enterprise zone pursuant to Sections
2755 57-51-1 through 57-51-15.

2756 (l) Sales of materials used in the construction of a
2757 building, or any addition or improvement thereon, and sales of any
2758 machinery and equipment not later than three (3) months after the
2759 completion of construction of the building, or any addition
2760 thereon, to be used therein, to qualified businesses, as defined
2761 in Section 57-54-5.

2762 (m) Income from storage and handling of perishable
2763 goods by a public storage warehouse.

2764 (n) The value of natural gas lawfully injected into the
2765 earth for cycling, repressuring or lifting of oil, or lawfully
2766 vented or flared in connection with the production of oil;
2767 however, if any gas so injected into the earth is sold for such
2768 purposes, then the gas so sold shall not be exempt.

2769 (o) The gross collections from self-service commercial
2770 laundering, drying, cleaning and pressing equipment.

2771 (p) Sales of materials used in the construction of a
2772 building, or any addition or improvement thereon, and sales of any
2773 machinery and equipment not later than three (3) months after the
2774 completion of construction of the building, or any addition
2775 thereon, to be used therein, to qualified companies, certified as
2776 such by the Mississippi Development Authority under Section
2777 57-53-1.

2778 (q) Sales of component materials used in the
2779 construction of a building, or any addition or improvement
2780 thereon, sales of machinery and equipment to be used therein, and
2781 sales of manufacturing or processing machinery and equipment which
2782 is permanently attached to the ground or to a permanent foundation

2783 and which is not by its nature intended to be housed within a
2784 building structure, not later than three (3) months after the
2785 initial start-up date, to permanent business enterprises engaging
2786 in manufacturing or processing in Tier Three areas (as such term
2787 is defined in Section 57-73-21), which businesses are certified by
2788 the State Tax Commission as being eligible for the exemption
2789 granted in this paragraph (q).

2790 (r) Sales of component materials used in the
2791 construction of a building, or any addition or improvement
2792 thereon, and sales of any machinery and equipment not later than
2793 three (3) months after the completion of the building, addition or
2794 improvement thereon, to be used therein, for any company
2795 establishing or transferring its national or regional headquarters
2796 from within or outside the State of Mississippi and creating a
2797 minimum of thirty-five (35) jobs at the new headquarters in this
2798 state. The Tax Commission shall establish criteria and prescribe
2799 procedures to determine if a company qualifies as a national or
2800 regional headquarters for the purpose of receiving the exemption
2801 provided in this paragraph.

2802 (s) The gross proceeds from the sale of semitrailers,
2803 trailers, boats, travel trailers, motorcycles and all-terrain
2804 cycles if exported from this state within forty-eight (48) hours
2805 and registered and first used in another state.

2806 (t) Gross income from the storage and handling of
2807 natural gas in underground salt domes and in other underground
2808 reservoirs, caverns, structures and formations suitable for such
2809 storage.

2810 (u) Sales of machinery and equipment to nonprofit
2811 organizations if the organization: (i) is tax-exempt pursuant to
2812 Section 501(c)(4) of the Internal Revenue Code of 1986, as
2813 amended; (ii) assists in the implementation of the national
2814 contingency plan or area contingency plan, and which is created in
2815 response to the requirements of Title IV, Subtitle B of the Oil
2816 Pollution Act of 1990, P.L. 101-380; and (iii) engages primarily
2817 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 Sections 26 through 31 of Senate Bill No. 2002, 2000 Second Extraordinary Session.

(w) Sales of pollution control equipment to manufacturers or custom processors for industrial use. For the purposes of this exemption, "pollution control equipment" means equipment, devices, machinery or systems used or acquired to prevent, control, monitor or reduce air, water or groundwater pollution, or solid or hazardous waste as required by federal or state law or regulation.

(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 43. (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

2853 development or processing enterprise or enterprises.

2854 (b) "Farmer" means a resident of Mississippi who
2855 engages or wishes to engage in the commercial production of crops
2856 on land in Mississippi. The term shall include individuals,
2857 partnerships and corporations.

2858 (2) The Mississippi Development Authority shall develop and
2859 implement a program to stimulate growth in the agricultural
2860 industry for agribusiness concerns and farmers.

2861 (3) The program developed and implemented by the Mississippi
2862 Development Authority under this section shall:

2863 (a) Increase the availability of financial assistance
2864 available to agribusiness concerns and farmers;

2865 (b) Provide incentives for agribusiness concerns and
2866 farmers which will encourage growth in the Mississippi
2867 agricultural industry;

2868 (c) Assist new agribusiness concerns and farmers in
2869 developing and implementing business plans;

2870 (d) Develop methods for increasing markets for the
2871 goods and services of agribusiness concerns and farmers;

2872 (e) Work with public and private entities in
2873 disseminating information about public and private programs that
2874 benefit agribusiness concerns and farmers;

2875 (f) Identify sources of financial assistance available
2876 to agribusiness concerns and farmers and assist agribusiness
2877 concerns and farmers with the preparation of applications for
2878 assistance from public and private sources; and

2879 (g) Assist new agribusiness concerns and farmers in
2880 developing and implementing business plans.

2881 (3) (a) The Mississippi Development Authority shall file an
2882 annual report with the Governor, the Secretary of the Senate and
2883 the Clerk of the House of Representatives not later than December
2884 1 of each year, regarding the impact of the program created under
2885 this section on the agribusiness industry in Mississippi.

2886 (b) The Mississippi Development Authority shall file an
2887 annual report with the Governor, the Secretary of the Senate and

2888 the Clerk of the House of Representatives not later than December
2889 1 of each year, with recommendations for any legislation necessary
2890 to accomplish the purposes of this section.

2891 SECTION 44. Sections 44 through 47 of this act shall be
2892 known and may be cited as the "Mississippi Land, Water, Timber and
2893 Natural Resources Act."

2894 SECTION 45. (1) There is created the Mississippi Land,
2895 Water, Timber and Natural Resources Board, hereinafter referred to
2896 as "the board," for the purpose of assisting Mississippi
2897 agricultural industry in the development, marketing and
2898 distribution of agricultural products.

2899 (2) The board shall be composed of the following members:

2900 (a) The Chairman of the Senate Agriculture Committee,
2901 or a member of the Senate Agriculture Committee designated by the
2902 chairman, as a nonvoting member;

2903 (b) The Chairman of the Senate Forestry Committee, or a
2904 member of the Senate Forestry Committee designated by the
2905 chairman, as a nonvoting member;

2906 (c) The Chairman of the House of Representatives
2907 Agriculture Committee or a member of the House of Representatives
2908 Agriculture Committee designated by the chairman, as a nonvoting
2909 member;

2910 (d) The Executive Director of the Mississippi
2911 Development Authority, or his designee;

2912 (e) The Commissioner of the Mississippi Department of
2913 Agriculture and Commerce, or his designee;

2914 (f) The President of the Mississippi Farm Bureau
2915 Federation, or his designee;

2916 (g) The Executive Director of the Cooperative Extension
2917 Service at Mississippi State University, or his designee;

2918 (h) The Executive Director of the Agribusiness and
2919 Natural Resource Development Center at Alcorn State University, or
2920 his designee;

2921 (i) The Director of the Agricultural Finance Division
2922 of the Mississippi Development Authority, or his designee;

2923 (j) The Director of the Agriculture Marketing Division
2924 of the Mississippi Department of Agriculture and Commerce, or his
2925 designee;

2926 (k) The Executive Director of the Mississippi
2927 Department of Wildlife, Fisheries and Parks, or his designee;

2928 (l) The Chairman of the Senate Wildlife and Fisheries
2929 Committee, or a member of the Senate Wildlife and Fisheries
2930 Committee designated by the chairman, as a nonvoting member; and

2931 (m) The Chairman of the House Game and Fish Committee,
2932 or a member of the House Game and Fish Committee designated by the
2933 chairman, as a nonvoting member.

2934 (2) The Executive Director of the Mississippi Development
2935 Authority and the Commissioner of the Mississippi Department of
2936 Agriculture and Commerce shall serve as co-chairmen of the board.

2937
2938 (3) The board shall meet at least once each calendar quarter
2939 at the call of the co-chairmen. A majority of the members of the
2940 board shall constitute a quorum at all meetings. An affirmative
2941 vote of a majority of the members present and voting is required
2942 in the adoption of any actions taken by the board. All members
2943 must be notified, in writing, of all regular and special meetings
2944 of the board, which notices must be mailed at least ten (10) days
2945 before the dates of the meetings. All meetings shall take place
2946 at the State Capitol in Jackson, Mississippi. The board shall
2947 provide a copy of the minutes of each of its meeting to the
2948 Chairman of the Senate Agriculture Committee and the Chairman of
2949 the House of Representatives Agriculture Committee.

2950 (4) Members of the board shall not receive compensation.
2951 However, each member may be paid travel expenses and meals and
2952 lodging expenses as provided in Section 25-3-41, for such expenses
2953 incurred in furtherance of their duties. Travel expenses and
2954 meals and lodging expenses and other necessary expenses incurred
2955 by the board shall be paid out of funds appropriated to the
2956 Governor's Office.

2957 (5) In carrying out the provisions of the Mississippi Land,

Water, Timber and Natural Resources Act, the board may utilize the services, facilities and personnel of all departments, agencies, offices and institutions of the state, and all such departments, agencies, offices and institutions shall cooperate with the board in carrying out the provisions of such act.

SECTION 46. The board shall have the following powers and duties:

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

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

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

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

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

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

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

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

(i) To file an annual report with the Governor, 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 the Mississippi Land, Water, Timber and Natural Resources Act.

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

2993 Mississippi Land, Water, Timber and Natural Resources Act.

2994 (k) To expend funds out of the Mississippi Land, Water,
2995 Timber and Natural Resources Fund, upon legislative appropriation,
2996 to carry out its powers and duties under the Mississippi Land,
2997 Water, Timber and Natural Resources Act.

2998 (l) To promote the economic development of outdoor
2999 recreation, scenic rivers, fishing, hunting, camping, boating,
3000 guides and outfitting services and related activities.

3001 SECTION 47. The Mississippi Land, Water, Timber and Natural
3002 Resources Board may accept and expend funds appropriated or
3003 otherwise made available by the Legislature and funds from any
3004 other source in order to carry out the provisions of the
3005 Mississippi Land, Water, Timber and Natural Resources Act. Such
3006 funds shall be deposited into a special fund hereby established in
3007 the State Treasury, to be known as the "Mississippi Land, Water,
3008 Timber and Natural Resources Fund." Unexpended amounts remaining
3009 in the fund at the end of a fiscal year shall not lapse into the
3010 State General Fund, and any investment earnings or interest earned
3011 on amounts in the fund shall be deposited to the credit of the
3012 fund.

3013 SECTION 48. This act shall be known and may be cited as the
3014 "Mississippi Advantage Jobs Act."

3015 SECTION 49. It is the intent of the Legislature that:

3016 (a) The State of Mississippi provide appropriate
3017 incentives to support the establishment of quality business and
3018 industry that hold the promise of significant development of the
3019 economy of the State of Mississippi through the creation of
3020 quality jobs.

3021 (b) The amount of incentives provided under Sections 48
3022 through 56 of this act in connection with a particular
3023 establishment shall:

3024 (i) Be directly related to the jobs created as a
3025 result of the establishment locating in the State of Mississippi;
3026 and

3027 (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 48
through 56 of this act and exercise all powers as authorized in
Sections 48 through 56 of this act; however, the application of
Sections 48 through 56 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 48
through 56 of this act shall be deemed and held to be the
performance of essential public purposes; and

(d) Nothing in Sections 48 through 56 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 48
through 56 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 48 through 56 of this act.

SECTION 50. As used in Sections 48 through 56 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 average
annual wage of the state 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 48 through 56 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 48 through 56 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 48 through 56 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:

3098 (i) Except as otherwise provided in this paragraph
3099 (g), the net benefit rate may be variable and shall not exceed
3100 four percent (4%) of the gross payroll; and shall be set in the
3101 sole discretion of the MDA;

3102 (ii) In no event shall incentive payments,
3103 cumulatively, exceed the estimated net direct state benefits;

3104 (h) "Gross payroll" means wages for new direct jobs of
3105 the qualified business or industry; and

3106 (i) "MDA" means the Mississippi Development Authority.

3107 SECTION 51. The MDA shall determine, upon initial
3108 application on a form approved by the MDA, if an establishment is
3109 engaged in a qualified business or industry.

3110 SECTION 52. (1) Except as otherwise provided in this
3111 section, a qualified business or industry that meets the
3112 qualifications specified in Sections 48 through 56 of this act may
3113 receive quarterly incentive payments for a period not to exceed
3114 ten (10) years from the State Tax Commission pursuant to the
3115 provisions of Sections 48 through 56 of this act in an amount
3116 which shall be equal to the net benefit rate multiplied by the
3117 actual gross payroll of new direct jobs for a calendar quarter as
3118 verified by the Mississippi Employment Security Commission.

3119 (2) In order to receive incentive payments, an establishment
3120 shall apply to the MDA. The application shall be on a form
3121 prescribed by the MDA and shall contain such information as may be
3122 required by the MDA to determine if the applicant is qualified.

3123 (3) In order to qualify to receive such payments, the
3124 establishment applying shall be required to:

3125 (a) Be engaged in a qualified business or industry;

3126 (b) Provide an average salary, excluding benefits which
3127 are not subject to Mississippi income taxes, of at least one
3128 hundred twenty-five percent (125%) of the most recent average
3129 annual wage of the state or the most recent average annual wage of
3130 the county in which the qualified business or industry is located
3131 as determined by the Mississippi Employment Security Commission,
3132 whichever is the lesser;

3133 (c) The business or industry must create and maintain a
3134 minimum of fifteen (15) full-time jobs in counties that have an
3135 average unemployment rate over the previous twelve-month period
3136 which is at least one hundred fifty percent (150%) of the state
3137 unemployment rate, as determined by the Mississippi Employment
3138 Security Commission or in Tier Three counties as determined under
3139 Section 57-73-21. In all other counties, the business or industry
3140 must create and maintain a minimum of twenty-five (25) full-time
3141 jobs. The criteria for this requirement shall be based on the
3142 designation of the county at the time of the application. The
3143 threshold established upon the application will remain constant
3144 for the duration of the project. The business or industry must
3145 meet its job creation commitment within twenty-four (24) months of
3146 the application approval.

3147 (4) The MDA shall determine if the applicant is qualified to
3148 receive incentive payments. If the applicant is determined to be
3149 qualified by the MDA, the MDA shall conduct a cost/benefit
3150 analysis to determine the estimated net direct state benefits and
3151 the net benefit rate applicable for a period not to exceed ten
3152 (10) years and to estimate the amount of gross payroll for the
3153 period. In conducting such cost/benefit analysis, the MDA shall
3154 consider quantitative factors, such as the anticipated level of
3155 new tax revenues to the state along with the cost to the state of
3156 the qualified business or industry, and such other criteria as
3157 deemed appropriate by the MDA. In no event shall incentive
3158 payments, cumulatively, exceed the estimated net direct state
3159 benefits. Once the qualified business or industry is approved by
3160 the MDA, an agreement shall be deemed to exist between the
3161 qualified business or industry and the State of Mississippi,
3162 requiring the continued incentive payment to be made as long as
3163 the qualified business or industry retains its eligibility.

3164 (5) Upon approval of such an application, the MDA shall
3165 notify the State Tax Commission and shall provide it with a copy
3166 of the approved application and the estimated net direct state
3167 benefits. The State Tax Commission may require the qualified

3168 business or industry to submit such additional information as may
3169 be necessary to administer the provisions of Sections 47 through
3170 55 of this act. The qualified business or industry shall report
3171 to the State Tax Commission periodically to show its continued
3172 eligibility for incentive payments. The qualified business or
3173 industry may be audited by the State Tax Commission to verify such
3174 eligibility.

3175 SECTION 53. (1) There is created in the State Treasury a
3176 special fund to be known as the Mississippi Advantage Jobs
3177 Incentive Payment Fund, into which shall be deposited withholding
3178 tax revenue required to be deposited into such fund pursuant to
3179 Section 27-7-312. The money in the fund shall be used for the
3180 purpose of making the incentive payments authorized under Sections
3181 48 through 56 of this act.

3182 (2) The Mississippi Advantage Jobs Incentive Payment Fund
3183 shall be administered by the State Tax Commission, and monies in
3184 the fund shall be expended pursuant to the approved application.
3185 A portion of the money in the fund may be used by the State Tax
3186 Commission to pay the reasonable and necessary expenses of the
3187 State Tax Commission in administering its duties under Sections 48
3188 through 56 of this act. This amount shall not exceed one percent
3189 (1%) of the annual amount deposited into the fund. Amounts in the
3190 fund at the end of any fiscal year that are not necessary to make
3191 future incentive payments shall be paid into the General Fund.

3192 (3) The liability of the State of Mississippi to make the
3193 incentive payments authorized under Sections 48 through 56 of this
3194 act shall be limited to the balance contained in the fund.

3195 SECTION 54. (1) As soon as practicable after the end of a
3196 calendar quarter for which a qualified business or industry has
3197 qualified to receive an incentive payment, the qualified business
3198 or industry shall file a claim for the payment with the State Tax
3199 Commission and shall specify the actual number of full-time jobs
3200 created and maintained by the business or industry for the
3201 calendar quarter and the gross payroll thereof. The State Tax
3202 Commission shall verify the actual number of full-time jobs

created and maintained by the business or industry and compliance with the average annual wage requirements for such calendar quarter. If the State Tax Commission is not able to provide such verification utilizing all available resources, the State Tax Commission may request such additional information from the business or industry as may be necessary.

(2) If the actual verified number of full-time jobs created and maintained by the business or industry for four (4) consecutive calendar quarters does not equal or exceed the applicable total required by Sections 48 through 56 of this act within two (2) years of the date of the first incentive payment, or does not equal or exceed the applicable total required by Sections 48 through 56 of this act at any other time during the ten-year period after the date the first payment was made, the incentive payments shall not be made and shall not be resumed until such time as the actual verified number of full-time jobs created and maintained by the business or industry equals or exceeds the amounts specified in Sections 48 through 56 of this act.

(3) If the average annualized wage of the business or industry does not equal or exceed one hundred twenty-five percent (125%) of the most recent average annual wage of the state 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, the incentive payments shall not be made and shall not be resumed until such time as the wage requirements are met.

(4) An establishment that has qualified pursuant to Sections 48 through 56 of this act may receive payments only in accordance with the provision under which it initially applied and was approved. If an establishment that is receiving incentive payments expands, it may apply for additional incentive payments based on the new gross payroll for new direct jobs anticipated from the expansion only, pursuant to Sections 48 through 56 of this act.

3238 (5) As soon as practicable after verification of the
3239 qualified business or industry meeting the requirements of
3240 Sections 48 through 56 of this act and all rules and regulations,
3241 the State Tax Commission shall issue a warrant drawn on the
3242 Mississippi Advantage Jobs Incentive Payment Fund to the
3243 establishment in the amount of the net benefit rate multiplied by
3244 the actual gross payroll as determined pursuant to subsection (1)
3245 of this section for the calendar quarter.

3246 SECTION 55. The MDA and the State Tax Commission shall
3247 promulgate rules and regulations and all application forms and
3248 other forms necessary to implement their respective duties and
3249 responsibilities under the provisions of Sections 48 through 56 of
3250 this act.

3251 SECTION 56. The MDA shall prepare a report on the
3252 program, which shall be included each year in the MDA's
3253 annual report to the Legislature.

3254 SECTION 57. The following provision shall be codified as
3255 Section 27-7-312, Mississippi Code of 1972:

3256 27-7-312. Of the revenue collected under the provisions of
3257 this article from an employer who is eligible to receive incentive
3258 payments under the Mississippi Advantage Jobs Act, an amount equal
3259 to the estimated amount of the quarterly incentive payment for
3260 which such employer is eligible shall be deposited into the
3261 Mississippi Advantage Jobs Incentive Payment Fund created pursuant
3262 to Section 53 of Senate Bill No. _____, 2000 Second Extraordinary
3263 Session, on or before the twentieth day of the month following the
3264 close of each calendar quarter.

3265 SECTION 58. Sections 48 through 57 of this act shall stand
3266 repealed from and after July 1, 2004.

3267 SECTION 59. (1) From and after July 1, 2001, in negotiating
3268 commitments under the Industrial Training Programs administered by
3269 the State Board for Community and Junior Colleges with industries
3270 seeking to locate or expand in Mississippi, the Executive Director
3271 of the Mississippi Development Authority, with the approval of the
3272 State Board for Community and Junior Colleges, may enter into

multi-year agreements for such training programs subject to the availability of funds appropriated therefor.

(2) The Mississippi Development Authority shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives listing the commitments that are made pursuant to subsection (1) of this section.

SECTION 60. Section 17-5-1, Mississippi Code of 1972, is amended as follows:

17-5-1. (1) The board of supervisors of any county of the state and the governing authorities of any municipality within such county may enter into a contract for the joint construction, expansion, remodeling and/or maintenance and equipping of a jail in such municipality, or within one (1) mile of the corporate limits thereof, and may issue bonds of both the county and such municipality in the manner provided by general statutes for the issuance of county and municipal bonds for such purposes, provided that in no event shall the municipality bear over fifty percent (50%) of the cost of constructing, expanding, remodeling and/or maintaining and equipping such jail. Such contract or future contracts may provide for the continued joint use of equipping, repairing, reconstructing and remodeling of such jail. Before issuing any bonds for the purposes herein set forth, the board of supervisors and the governing authorities of such municipality shall adopt a joint resolution declaring their intention to issue the same, which resolution shall state the amount and purposes of the bonds to be issued, and shall fix the date upon which action will be taken to provide for the issuance of such bonds. Said resolution shall be published once a week for at least three (3) consecutive weeks in a newspaper published in the county, the first publication of such notice to be made not less than twenty-one (21) days prior to the date fixed in such resolution and the last publication to be made not more than seven (7) days prior to such date. If twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the county and municipality, respectively, shall file a written protest

3308 against the issuance of such bonds on or before the date specified
3309 in such resolution, then an election upon the issuance of such
3310 bonds shall be called and held, and in such case such bonds or
3311 other evidences of indebtedness shall not be issued unless same
3312 are authorized by the affirmative vote of a majority of the
3313 qualified electors of said county and municipality, respectively,
3314 who vote on the proposition at such election. Notice of such
3315 election shall be given by publication in like manner as is
3316 provided for the publication of the initial resolution, and said
3317 election shall be called, held and conducted and the returns
3318 thereof made, canvassed and declared in the same manner as
3319 provided by Section 19-9-1 et seq., and Section 21-33-301 et seq.,
3320 respectively. If no such petition be filed protesting against the
3321 issuance of said bonds, then the said board of supervisors and the
3322 governing authorities of the municipality shall have the authority
3323 to issue said bonds without an election.

3324 (2) If the board of supervisors of a county and the
3325 governing authorities of a municipality enter into an agreement
3326 under the Regional Economic Development Act or an
3327 intergovernmental agreement approved by the Attorney General for
3328 the operation of a county jail, such county jail may be located
3329 outside the corporate limits of the municipality and is not
3330 subject to location restrictions in subsection (1).

3331 SECTION 61. This act shall take effect and be in force from
3332 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

14SEVERALLY WITH OTHER GOVERNMENT UNITS INCLUDING GOVERNMENT UNITS
15IN AN ADJOINING STATE, THROUGH THE CREATION OF REGIONAL ECONOMIC
16DEVELOPMENT ALLIANCES; TO PROVIDE THAT A LOCAL GOVERNMENT UNIT
17MUST APPLY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR A
18CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE FORMATION
19OF SUCH A REGIONAL ECONOMIC DEVELOPMENT ALLIANCE; TO AUTHORIZE THE
20MISSISSIPPI DEVELOPMENT AUTHORITY TO REFUSE TO ISSUE SUCH
21CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; TO GIVE THE
22MISSISSIPPI DEVELOPMENT AUTHORITY THE POWER TO PLACE CERTAIN
23REQUIREMENTS ON THE EXERCISE OF CERTAIN DUTIES BY SUCH REGIONAL
24ECONOMIC DEVELOPMENT AUTHORITIES INCLUDING THE SPECIFYING OF THE
25EXTENT AND AMOUNT TO WHICH THE LOCAL GOVERNMENT UNIT MAY ISSUE
26BONDS; TO SPECIFY THE AUTHORITY OF LOCAL GOVERNMENT UNITS TO ISSUE
27BONDS UNDER THIS ACT; TO PROVIDE FOR THE JOINT EXERCISE OF
28AUTHORITY BY LOCAL GOVERNMENT UNITS OF THIS STATE AND GOVERNMENTAL
29UNITS IN ADJOINING STATE; TO PROVIDE THAT JOINT UNDERTAKINGS UNDER
30THE ACT SHALL BE EVIDENCED BY WRITTEN CONTRACTUAL AGREEMENTS FOR
31JOINT OR COOPERATIVE ACTION TO PROVIDE SERVICES AND FACILITIES; TO
32PROVIDE THAT REGIONAL ECONOMIC DEVELOPMENT AUTHORITIES MAY TAKE
33ANY ACTION THAT ANY LOCAL GOVERNMENT UNIT MEMBER MAY TAKE; TO
34REQUIRE THE AGREEMENTS MADE UNDER THE ACT TO INCLUDE CERTAIN
35PROVISIONS; TO REQUIRE SUCH AGREEMENTS TO BE APPROVED BY CERTAIN
36OFFICERS; TO REQUIRE THE FILING OF SUCH AGREEMENTS; TO AMEND
37SECTIONS 19-9-1, 21-33-301, 21-41-3, 21-41-5, 21-45-3, 21-45-9 AND
3821-45-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
39CREATE THE "GROWTH AND PROSPERITY ACT" TO ASSIST CERTAIN COUNTIES
40IN ENCOURAGING ECONOMIC DEVELOPMENT; TO AUTHORIZE THE MISSISSIPPI
41DEVELOPMENT AUTHORITY TO DESIGNATE CERTAIN COUNTIES AS GROWTH AND
42PROSPERITY COUNTIES; TO PROVIDE THAT CERTAIN COUNTIES MAY APPLY TO
43THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR DESIGNATION AS GROWTH
44AND PROSPERITY COUNTIES; TO PROVIDE INCENTIVES IN THE FORM OF
45TEMPORARY EXEMPTIONS FROM CERTAIN LOCAL AD VALOREM TAXES AND STATE
46FRANCHISE, INCOME AND SALES TAXES FOR APPROVED BUSINESS
47ENTERPRISES THAT LOCATE OR EXPAND IN GROWTH AND PROSPERITY
48COUNTIES; TO AMEND SECTION 57-61-36, MISSISSIPPI CODE OF 1972, TO
49REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO USE A PORTION OF
50THE FUNDS UNDER THE DEVELOPMENT INFRASTRUCTURE GRANT PROGRAM TO
51PROVIDE ASSISTANCE TO SMALL MUNICIPALITIES AND LIMITED POPULATION
52COUNTIES IN COMPLETING INFRASTRUCTURE REGARDLESS OF WHETHER IT IS
53RELATED TO NEW OR EXPANDED INDUSTRY; TO AMEND SECTION 57-73-21,
54MISSISSIPPI CODE OF 1972, TO RENAME THE CATEGORIES OF COUNTIES
55UNDER THE LAW ESTABLISHING THE JOBS TAX CREDIT; TO INCLUDE DATA OR
56INFORMATION PROCESSING ENTERPRISES OR COMPUTER SOFTWARE
57DEVELOPMENT ENTERPRISES OR ANY TECHNOLOGY INTENSIVE FACILITY OR
58ENTERPRISE AS ENTERPRISES WHICH QUALIFY FOR THE JOBS TAX CREDIT;
59TO INCREASE THE CREDIT FOR JOBS RESULTING FROM THE ESTABLISHMENT
60OR TRANSFER OF A COMPANY'S NATIONAL OR REGIONAL HEADQUARTERS IN
61THE STATE UNDER CERTAIN CIRCUMSTANCES; TO INCREASE THE TAX CREDIT
62FOR NEW JOBS REQUIRING RESEARCH AND DEVELOPMENT SKILLS; TO AMEND
63SECTION 57-73-25, MISSISSIPPI CODE OF 1972, TO INCREASE FROM 25%
64TO 50% THE AMOUNT OF THE INCOME TAX CREDIT GRANTED TO EMPLOYERS
65SPONSORING BASIC SKILLS TRAINING; TO AUTHORIZE THE CREDIT TO APPLY
66TO CERTAIN TRAINING APPROVED BY THE COMMUNITY/JUNIOR COLLEGE
67DISTRICT WITHIN WHICH THE EMPLOYER IS LOCATED; TO REVISE THE
68DEFINITION OF EMPLOYERS WHO ARE ELIGIBLE FOR SUCH CREDIT; TO AMEND
69SECTION 57-75-5, MISSISSIPPI CODE OF 1972, TO REVISE THE
70DEFINITION OF THE TERM "PROJECT" UNDER THE MISSISSIPPI MAJOR
71ECONOMIC IMPACT ACT; TO AMEND SECTIONS 57-75-9 AND 57-75-11,
72MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI MAJOR
73ECONOMIC IMPACT AUTHORITY TO NEGOTIATE WITH THE OWNER OF A PROJECT
74A FEE-IN-LIEU OF FRANCHISE TAXES THAT SHALL BE NOT LESS THAN
75\$25,000.00 ANNUALLY; TO AMEND SECTION 57-75-15, MISSISSIPPI CODE
76OF 1972, TO REVISE THE USES FOR WHICH BOND PROCEEDS MAY BE
77UTILIZED UNDER THE MISSISSIPPI MAJOR ECONOMIC IMPACT ACT; TO AMEND
78SECTIONS 27-7-21, 27-13-5 AND 27-13-7, MISSISSIPPI CODE OF 1972,
79IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION
8027-65-101, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM SALES TAXATION
81SALES OF ENVIRONMENTAL POLLUTION CONTROL EQUIPMENT TO
82MANUFACTURERS OR CUSTOM PROCESSORS FOR INDUSTRIAL USE AND TO

83 CONFORM TO THE PROVISIONS OF THIS ACT; TO REQUIRE THE MISSISSIPPI
84 DEVELOPMENT AUTHORITY TO DEVELOP A PROGRAM TO ENCOURAGE GROWTH IN
85 THE MISSISSIPPI AGRIBUSINESS INDUSTRY; TO PROVIDE FOR THE
86 REQUIREMENTS OF SUCH PROGRAM; TO CREATE THE "MISSISSIPPI LAND,
87 WATER, TIMBER AND NATURAL RESOURCES ACT" FOR THE PURPOSE OF
88 ASSISTING MISSISSIPPI AGRICULTURAL INDUSTRY IN THE DEVELOPMENT,
89 MARKETING AND DISTRIBUTION OF AGRICULTURAL PRODUCTS AND
90 RECREATIONAL ACTIVITIES; TO CREATE THE MISSISSIPPI LAND, WATER,
91 TIMBER AND NATURAL RESOURCES BOARD; TO PROVIDE THE POWERS AND
92 DUTIES OF THE BOARD; TO CREATE THE "MISSISSIPPI ADVANTAGE JOBS
93 ACT" TO PROVIDE INCENTIVES FOR THE SUPPORT OF THE ESTABLISHMENT OF
94 QUALITY BUSINESS AND INDUSTRY THAT HOLD THE PROMISE OF SIGNIFICANT
95 DEVELOPMENT OF THE ECONOMY OF THE STATE OF MISSISSIPPI THROUGH THE
96 CREATION OF QUALITY JOBS; TO PROVIDE FOR QUARTERLY INCENTIVE
97 PAYMENTS TO QUALIFIED BUSINESSES FOR A PERIOD OF NOT TO EXCEED 10
98 YEARS; TO PROVIDE FOR THE AMOUNT OF THE INCENTIVE PAYMENT; TO
99 PROVIDE THAT THE PAYMENT SHALL BE BASED ON THE NUMBER OF JOBS
100 CREATED; TO PROVIDE THAT IN ORDER TO QUALIFY FOR SUCH PAYMENTS THE
101 AVERAGE ANNUAL SALARY OF THE EMPLOYEES OF THE RECIPIENT MUST BE AT
102 LEAST 125% OF THE AVERAGE ANNUAL WAGE OF THE STATE OR OF THE
103 COUNTY IN WHICH THE QUALIFIED BUSINESS IS LOCATED, WHICHEVER IS
104 THE LESSER; TO PROVIDE THAT A CERTAIN NUMBER OF JOBS MUST BE
105 CREATED AND MAINTAINED; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT
106 OF ECONOMIC AND COMMUNITY DEVELOPMENT SHALL DETERMINE THE
107 ELIGIBILITY OF THE BUSINESS; TO CREATE A SPECIAL FUND IN THE STATE
108 TREASURY TO BE KNOWN AS THE "MISSISSIPPI ADVANTAGE JOBS INCENTIVE
109 PAYMENT FUND" INTO WHICH SHALL BE DEPOSITED A CERTAIN PORTION OF
110 THE WITHHOLDING TAXES PAID BY THE QUALIFIED BUSINESS; TO PROVIDE
111 THAT MONEY IN THE FUND SHALL BE UTILIZED TO MAKE THE REQUIRED
112 INCENTIVE PAYMENTS; TO PROVIDE THAT THE LIABILITY OF THE STATE TO
113 MAKE INCENTIVE PAYMENTS SHALL BE LIMITED TO THE BALANCE IN THE
114 FUND; TO PROVIDE THAT CLAIMS FOR QUARTERLY INCENTIVE PAYMENTS
115 SHALL BE FILED WITH THE STATE TAX COMMISSION; TO PROVIDE THAT THE
116 STATE TAX COMMISSION SHALL VERIFY THE ELIGIBILITY OF THE BUSINESS
117 FOR THE INCENTIVE PAYMENTS PRIOR TO EACH PAYMENT; TO PROVIDE THAT
118 THE STATE TAX COMMISSION SHALL ISSUE WARRANTS FOR THE PAYMENT OF
119 INCENTIVE PAYMENTS UPON VERIFICATION THAT THE RECIPIENT IS
120 ELIGIBLE; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
121 27-7-312, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN AMOUNT OF
122 THE WITHHOLDING TAX COLLECTED FROM AN EMPLOYER WHO IS ELIGIBLE TO
123 RECEIVE QUARTERLY INCENTIVE PAYMENTS UNDER THE MISSISSIPPI
124 ADVANTAGE JOBS ACT THAT IS EQUAL TO THE ESTIMATED AMOUNT OF THE
125 QUARTERLY INCENTIVE PAYMENT FOR WHICH AN EMPLOYEE IS ELIGIBLE,
126 SHALL BE DEPOSITED INTO THE MISSISSIPPI ADVANTAGE JOBS INCENTIVE
127 PAYMENT FUND FOLLOWING THE CLOSE OF EACH CALENDAR QUARTER; TO
128 AUTHORIZE THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEVELOPMENT
129 AUTHORITY WITH THE APPROVAL OF THE STATE BOARD FOR COMMUNITY AND
130 JUNIOR COLLEGES TO NEGOTIATE MULTI-YEAR INDUSTRIAL TRAINING
131 PROGRAM COMMITMENTS; TO AMEND SECTION 17-5-1, MISSISSIPPI CODE OF
132 1972, TO REMOVE CERTAIN LOCATION RESTRICTIONS ON JOINT JAILS; AND
133 FOR RELATED PURPOSES.