

Senate Amendments to House Bill No. 1025

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

18 SECTION 1. As used in Sections 1 and 2 of this act, the
19 following terms and phrases shall have the meanings ascribed in
20 this section unless the context clearly indicates otherwise:
21 (a) "Approved capital costs" means any or all of the
22 following:
23 (i) Obligations incurred for labor and materials
24 in connection with the acquisition, construction, installation,
25 equipping, and rehabilitation of a project and all related costs
26 thereto;
27 (ii) The costs of acquiring land or rights in land
28 and any cost incidental thereto;
29 (iii) All costs of reasonable architectural and
30 engineering services, including test borings, surveys, estimates,
31 plans and specifications, preliminary investigations, and
32 supervision of construction, as well as for the performance of all
33 the duties required by or consequent to the acquisition,
34 construction, installation, equipping, and rehabilitation of a
35 project;
36 (iv) All costs which shall be required to be paid
37 under the terms of any contract or contracts for the acquisition,
38 construction, installation, equipping, and rehabilitation of a
39 project; and
40 (v) All other costs of a nature comparable to
41 those described above.

42 Approved capital costs does not mean working capital,
43 marketing expense, inventory and other soft cost as determined by
44 the MDA.

45 (b) "Approved participant" means a person, corporation,
46 or other entity issued a certificate by the MDA under Section 2 of
47 this act.

48 (c) "Board" means the Tourism Incentive Program Board.

49 (d) "Certificate" means a Certificate of Public
50 Convenience and Necessity authorized to be issued by the MDA
51 pursuant to Sections 1 and 2 of this act as approved and directed
52 by the board.

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

54 (f) "Project" means any of the following:

55 (i) A tourist-oriented enterprise as herein
56 specified or as designated by the MDA, with an initial capital
57 investment of not less than Five Million Dollars (\$5,000,000.00)
58 from federal, local and/or private sources if located in a county
59 in a Tier One area as designated under Section 57-73-21, or, with
60 an initial capital investment of not less than Three Million
61 Dollars (\$3,000,000.00) from federal, local and/or private sources
62 if located in a county in a Tier Two area or Tier Three area as
63 designated in Section 57-73-21. Whether a county is in a Tier One
64 area, Tier Two area or Tier Three area shall be determined by the
65 classification of the area at the time the initial investment is
66 made;

67 (ii) Future project expansions and complementary
68 projects and facilities meeting the same criteria for a project
69 described in subparagraph (i) of this paragraph, which are
70 contiguous to the original project site or within a designated
71 development district created by a unit of local government and
72 owned by the owner of the initial project, or its successor in
73 interest, and which project additions and expansions must also
74 meet all other criteria of a qualifying project;

75 (iii) A cultural or historical site, a recreation
76 or entertainment facility, or a facility that creates a natural

phenomenon or scenic beauty as determined by the MDA and approved by the board;

(iv) Facilities that involve the restoration or rehabilitation of a structure that is listed individually in the National Register of Historic Places, or are located in a National Register Historic District.

In addition, in order for a project to qualify under the provisions of Sections 1 and 2 of this act, it shall, at a minimum, have a positive economic impact on the state and the increased tax revenues and economic benefits derived from the project will exceed the tax incentives granted to the approved participant pursuant to this act.

The term "project" does not include any of the following:

(i) Any business, corporation or entity having a gaming license issued under Section 75-76-1 et seq., Mississippi Code of 1972, but may include a tourism-oriented facility owned by such a business, corporation or entity that is in excess of development that the State Gaming Commission requires for the issuance or renewal of a gaming license;

(ii) Except for a project promoting or otherwise marketing and selling crafts and products made in the state, facilities that are:

1. Primarily devoted to the retail sale of merchandise and goods in which retail sales exceed twenty-five percent (25%) of the total sales of the facility, or

2. Tourism-oriented facilities out of which the retail sale of merchandise and goods exceeds twenty-five percent (25%) of total sales of the facility or the attraction; or

(iii) Any project that receives a tax subsidy or tax credit of any kind from the state pursuant to any other law.

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

(h) "Unit of local government" means any city, county or other public entity created by statute.

SECTION 2. (1) There is created the Tourism Incentive Program Board whose voting members shall be the Executive Director

of the MDA, who shall serve as chairman, the Chairman of the State Tax Commission or his designee, and the Executive Director of the Department of Finance and Administration. The President of the Mississippi Tourism Association and the Director of the Tourism Division of the MDA shall serve in an advisory capacity as nonvoting members of the board. The board shall meet subject to the call of the chairman, shall keep minutes of its proceedings, and shall be authorized, in its sole discretion, to approve the issuance of certificates by the MDA approving projects as "qualified projects" which certificates shall set forth the terms and provisions under which such projects are approved and the extent to which such projects may receive the incentives provided in Sections 1 and 2 of this act, as may be determined by the board. All projects approved by the board pursuant to Sections 1 and 2 of this act shall require two (2) affirmative votes. The board shall be further authorized to require the MDA to rescind and terminate certificates, enforce the terms and provisions of the certificates and any agreements arising therefrom and exercise any available remedy at law or arising out of contract approved by the board pursuant to any project approved pursuant to this act.

(2) The MDA shall develop, implement and administer the program authorized in Sections 1 and 2 of this act and shall submit rules and regulations necessary for the development, implementation and administration of such program to the board for its consideration and approval.

(3) Any person, corporation or other entity desiring to participate in the incentive program authorized by Sections 1 and 2 of this act must pay a nonrefundable application fee of Five Thousand Dollars (\$5,000.00) to the MDA which shall be used, without appropriation from the Legislature, by the MDA to offset administrative costs and then shall submit an application, hereinafter described, to the MDA. The application shall contain:

(a) Plans for the proposed project;

(b) A detailed description of the proposed project and its site;

147 (c) A project budget including capital and other
148 anticipated expenditures for the project that indicates that the
149 total cost of the project shall achieve or exceed the investment
150 threshold and the anticipated sources of funding the costs of the
151 project;

152 (d) Marketing plans for the project;

153 (e) The anticipated employment and wages to be paid at
154 the project;

155 (f) Business plans describing the operation of the
156 project, including the anticipated revenues and expenses generated
157 by the project;

158 (g) Financial information regarding the applicant as
159 may be requested by the MDA and/or the board to demonstrate that
160 the applicant has the financial resources to construct and operate
161 the project;

162 (h) Resumes of applicants and of its senior staff as
163 may be requested by the MDA and/or the board to demonstrate that
164 the applicant has the required experience to construct and operate
165 the project; and

166 (i) Any other information required by the MDA that
167 would satisfactorily demonstrate that the project meets all
168 specified criteria prescribed and approved by the board.

169 (4) If the MDA determines that the applicant and the project
170 reasonably satisfy the criteria for approval as described in
171 Sections 1 and 2 of this act, then the MDA shall submit a written
172 memorandum describing the project and the applicant to the board
173 requesting that the board consider a preliminary approval of the
174 project.

175 (5) After receiving the preliminary approval of the board,
176 the MDA shall engage the services of an institution of higher
177 learning in the state to analyze the data made available by the
178 applicant and to collect and analyze additional information
179 necessary to determine that, in the independent judgment of the
180 institution of higher learning, the tourism project:

181 (a) Shall have capital expenditures in excess of the
182 minimum requirements set forth herein;

183 (b) Shall have a positive economic impact on the state;

184 (c) Will not occur if not for the designation of the
185 project and granting of incentives by the state to the project;
186 and

187 (d) Complies with the rules and regulations and minimum
188 requirements adopted by the board.

189 The institution of higher learning shall consult with MDA
190 staff and shall agree as to methodology to be used and assumptions
191 to be made in preparing its report, and upon completion of such
192 analysis, shall provide the board and the MDA staff a written
193 report of its findings. Approval shall not be granted if it is
194 determined that there is no projected net positive economic impact
195 to the state.

196 The applicant shall pay for the cost of the institution of
197 higher learning's report, shall cooperate with the institution of
198 higher learning, and shall provide all of the data that the
199 institution of higher learning deems necessary to make its
200 determination under this subsection.

201 (6) After a review of relevant materials, the institution of
202 higher learning's report, and completion of other inquiries, the
203 board may approve the project and direct the MDA to issue its
204 certificate approving the project, setting forth the terms and
205 conditions under which the project is approved and the extent to
206 which the incentives provided for herein may be used. A copy of
207 each certificate issued by the MDA shall be sent to the State Tax
208 Commission.

209 (7) (a) There is created in the State Treasury a special
210 fund to be known as the "Tourism Sales Tax Incentive Fund," into
211 which shall be deposited such money as provided in Section
212 27-65-75(19). The monies in the fund shall be used for the
213 purpose of making the incentive payments authorized in this
214 section. The fund shall be administered by the MDA. Unexpended
215 amounts remaining in the fund at the end of a fiscal year shall

not lapse into the General Fund, and any interest earned on or investment earnings on the amounts in the fund shall be deposited to the credit of the fund. MDA may use not more than one percent (1%) of interest earned or investment earnings, or both, on amounts in the fund for administration and management of the incentive program. Any funds used by MDA under this subsection shall be in addition to any funds made available to MDA under Section 2(3) of this act.

(b) Incentive payments may be made by the MDA to an approved participant that incurs approved costs to locate an approved project in the state. The payments to an approved participant shall be for the amount of sales tax revenue collected on the gross proceeds of sales generated by the project, after making the diversions required in Section 27-65-75, except the diversion provided for in Section 27-65-75(1). The incentive payments shall decrease at the rate of ten percent (10%) per year during the first five (5) years of payments and shall be in the amount of fifty percent (50%) of the sales generated by the project, after making the applicable diversions, in years six (6) through ten (10) of payments. The MDA shall ensure that payments made pursuant to this section are utilized to pay the debt service incurred by the approved participant for the project or any approved cost incurred by the approved participant for the project as set forth in the certificates issued by the MDA. The MDA shall make payments to an approved participant on a semiannual basis with payments being made in the months of January and July. The aggregate amount that an approved participant may receive shall not exceed thirty-five percent (35%) of the original capital costs, funded from private sources, incurred for the project by such approved participant. The MDA shall make the calculations necessary to make the payments provided for in this section and submit such calculations to the board for its consideration and approval. The MDA shall cease making incentive payments to an approved participant upon the occurrence of the earlier of:

(i) The date thirty-five percent (35%) of the original indebtedness, or any refinancing of the original indebtedness, incurred for the project or original project capital cost incurred for the project from private sources, or both, is satisfied;

(ii) Ten (10) years from the date the original indebtedness for the project was incurred, without regard to any refinancing or additional financing for any addition to or expansion of the project;

(iii) Any violation of the terms and provisions of the certificate or any agreement arising out of the certificate;

(iv) The project ceases operations for a continuous period of ninety (90) days or more (except for seasonal projects or an act of God); or

(v) The project or approved applicant is involved in any state or federal bankruptcy proceedings not discharged within ninety (90) days.

(8) At such time as payments are no longer required to be made to an approved participant, the MDA shall notify the State Tax Commission and the sales tax revenue collected from such project shall no longer be deposited into the Tourism Sales Tax Incentive Fund, and any amounts remaining in the fund that were collected from such participant shall be transferred to the State General Fund; however, if the project is located in a municipality, a portion of such amount shall be paid to such municipality in the same manner and amounts as provided for in Section 27-65-75(1).

SECTION 3. Section 27-65-75, Mississippi Code of 1972, is amended as follows:

27-65-75. On or before the fifteenth day of each month, the revenue collected under the provisions of this chapter during the preceding month shall be paid and distributed as follows:

(1) On or before August 15, 1992, and each succeeding month thereafter through July 15, 1993, eighteen percent (18%) of the total sales tax revenue collected during the preceding month under

the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. On or before August 15, 1993, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation.

A municipal corporation, for the purpose of distributing the tax under this subsection, shall mean and include all incorporated cities, towns and villages.

Monies allocated for distribution and credited to a municipal corporation under this subsection may be pledged as security for any loan received by the municipal corporation for the purpose of capital improvements as authorized under Section 57-1-303, or loans as authorized under Section 57-44-7, or water systems improvements as authorized under Section 41-3-16.

In any county having a county seat that is not an incorporated municipality, the distribution provided under this subsection shall be made as though the county seat was an incorporated municipality; however, the distribution to the municipality shall be paid to the county treasury in which the municipality is located, and those funds shall be used for road, bridge and street construction or maintenance in the county.

(2) On or before September 15, 1987, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month One Million One Hundred Twenty-five Thousand Dollars (\$1,125,000.00) shall be allocated for distribution to municipal corporations as defined under subsection (1) of this section in the proportion that the number of gallons of gasoline and diesel fuel sold by distributors to consumers and

retailers in each such municipality during the preceding fiscal year bears to the total gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in municipalities statewide during the preceding fiscal year. The State Tax Commission shall require all distributors of gasoline and diesel fuel to report to the commission monthly the total number of gallons of gasoline and diesel fuel sold by them to consumers and retailers in each municipality during the preceding month. The State Tax Commission shall have the authority to promulgate such rules and regulations as is necessary to determine the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each municipality. In determining the percentage allocation of funds under this subsection for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the State Tax Commission may consider gallons of gasoline and diesel fuel sold for a period of less than one (1) fiscal year. For the purposes of this subsection, the term "fiscal year" means the fiscal year beginning July 1 of a year.

(3) On or before September 15, 1987, and on or before the fifteenth day of each succeeding month, until the date specified in Section 65-39-35, the proceeds derived from contractors' taxes levied under Section 27-65-21 on contracts for the construction or reconstruction of highways designated under the highway program created under Section 65-3-97 shall, except as otherwise provided in Section 31-17-127, be deposited into the State Treasury to the credit of the State Highway Fund to be used to fund that highway program. The Mississippi Department of Transportation shall provide to the State Tax Commission such information as is necessary to determine the amount of proceeds to be distributed under this subsection.

(4) On or before August 15, 1994, and on or before the fifteenth day of each succeeding month through July 15, 1999, from the proceeds of gasoline, diesel fuel or kerosene taxes as provided in Section 27-5-101(a)(ii)1, Four Million Dollars (\$4,000,000.00) shall be deposited in the State Treasury to the

355 credit of a special fund designated as the "State Aid Road Fund,"
356 created by Section 65-9-17. On or before August 15, 1999, and on
357 or before the fifteenth day of each succeeding month, from the
358 total amount of the proceeds of gasoline, diesel fuel or kerosene
359 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
360 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
361 one-fourth percent (23.25%) of those funds, whichever is the
362 greater amount, shall be deposited in the State Treasury to the
363 credit of the "State Aid Road Fund," created by Section 65-9-17.
364 Those funds shall be pledged to pay the principal of and interest
365 on state aid road bonds heretofore issued under Sections 19-9-51
366 through 19-9-77, in lieu of and in substitution for the funds
367 previously allocated to counties under this section. Those funds
368 may not be pledged for the payment of any state aid road bonds
369 issued after April 1, 1981; however, this prohibition against the
370 pledging of any such funds for the payment of bonds shall not
371 apply to any bonds for which intent to issue those bonds has been
372 published, for the first time, as provided by law before March 29,
373 1981. From the amount of taxes paid into the special fund under
374 this subsection and subsection (9) of this section, there shall be
375 first deducted and paid the amount necessary to pay the expenses
376 of the Office of State Aid Road Construction, as authorized by the
377 Legislature for all other general and special fund agencies. The
378 remainder of the fund shall be allocated monthly to the several
379 counties in accordance with the following formula:

380 (a) One-third (1/3) shall be allocated to all counties
381 in equal shares;

382 (b) One-third (1/3) shall be allocated to counties
383 based on the proportion that the total number of rural road miles
384 in a county bears to the total number of rural road miles in all
385 counties of the state; and

386 (c) One-third (1/3) shall be allocated to counties
387 based on the proportion that the rural population of the county
388 bears to the total rural population in all counties of the state,
389 according to the latest federal decennial census.

For the purposes of this subsection, the term "gasoline, diesel fuel or kerosene taxes" means such taxes as defined in paragraph (f) of Section 27-5-101.

The amount of funds allocated to any county under this subsection for any fiscal year after fiscal year 1994 shall not be less than the amount allocated to the county for fiscal year 1994. Monies allocated to a county from the State Aid Road Fund for fiscal year 1995 or any fiscal year thereafter that exceed the amount of funds allocated to that county from the State Aid Road Fund for fiscal year 1994, first must be expended by the county for replacement or rehabilitation of bridges on the state aid road system that have a sufficiency rating of less than twenty-five (25), according to National Bridge Inspection standards before the monies may be approved for expenditure by the State Aid Road Engineer on other projects that qualify for the use of state aid road funds.

Any reference in the general laws of this state or the Mississippi Code of 1972 to Section 27-5-105 shall mean and be construed to refer and apply to subsection (4) of Section 27-65-75.

(5) One Million Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars (\$1,666,666.00) each month shall be paid into the special fund known as the "State Public School Building Fund" created and existing under the provisions of Sections 37-47-1 through 37-47-67. Those payments into that fund are to be made on the last day of each succeeding month hereafter.

(6) An amount each month beginning August 15, 1983, through November 15, 1986, as specified in Section 6 of Chapter 542, Laws of 1983, shall be paid into the special fund known as the Correctional Facilities Construction Fund created in Section 6 of Chapter 542, Laws of 1983.

(7) On or before August 15, 1992, and each succeeding month thereafter through July 15, 2000, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this

chapter, except that collected under the provisions of Section 27-65-17(2) shall be deposited by the commission into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Forty-two Million Dollars (\$42,000,000.00). Thereafter, the amounts diverted under this subsection (7) during the fiscal year in excess of Forty-two Million Dollars (\$42,000,000.00) shall be deposited into the Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33.

(8) On or before August 15, 1992, and each succeeding month thereafter, nine and seventy-three one-thousandths percent (9.073%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the Education Enhancement Fund created under Section 37-61-33.

(9) On or before August 15, 1994, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, Two Hundred Fifty Thousand Dollars (\$250,000.00) shall be paid into the State Aid Road Fund.

(10) On or before August 15, 1994, and each succeeding month thereafter through August 15, 1995, from the revenue collected under this chapter during the preceding month, Two Million Dollars (\$2,000,000.00) shall be deposited into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

459 (11) Notwithstanding any other provision of this section to
460 the contrary, on or before February 15, 1995, and each succeeding
461 month thereafter, the sales tax revenue collected during the
462 preceding month under the provisions of Section 27-65-17(2) and
463 the corresponding levy in Section 27-65-23 on the rental or lease
464 of private carriers of passengers and light carriers of property
465 as defined in Section 27-51-101 shall be deposited, without
466 diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund
467 established in Section 27-51-105.

468 (12) Notwithstanding any other provision of this section to
469 the contrary, on or before August 15, 1995, and each succeeding
470 month thereafter, the sales tax revenue collected during the
471 preceding month under the provisions of Section 27-65-17(1) on
472 retail sales of private carriers of passengers and light carriers
473 of property, as defined in Section 27-51-101 and the corresponding
474 levy in Section 27-65-23 on the rental or lease of these vehicles,
475 shall be deposited, after diversion, into the Motor Vehicle Ad
476 Valorem Tax Reduction Fund established in Section 27-51-105.

477 (13) On or before July 15, 1994, and on or before the
478 fifteenth day of each succeeding month thereafter, that portion of
479 the avails of the tax imposed in Section 27-65-22 that is derived
480 from activities held on the Mississippi state fairgrounds complex,
481 shall be paid into a special fund that is created in the State
482 Treasury and shall be expended upon legislative appropriation
483 solely to defray the costs of repairs and renovation at the Trade
484 Mart and Coliseum.

485 (14) On or before August 15, 1998, and each succeeding month
486 thereafter through July 15, 2005, that portion of the avails of
487 the tax imposed in Section 27-65-23 that is derived from sales by
488 cotton compresses or cotton warehouses and that would otherwise be
489 paid into the General Fund, shall be deposited in an amount not to
490 exceed Two Million Dollars (\$2,000,000.00) into the special fund
491 created under Section 69-37-39.

492 (15) Notwithstanding any other provision of this section to
493 the contrary, on or before September 15, 2000, and each succeeding

month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-19(1)(f) and (g)(i)2, shall be deposited, without diversion, into the Telecommunications Ad Valorem Tax Reduction Fund established in Section 27-38-7.

(16) On or before August 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a project as defined in Section 57-30-1 shall be deposited, after all diversions except the diversion provided for in subsection (1) of this section, into the Sales Tax Incentive Fund created in Section 57-30-3.

(17) Notwithstanding any other provision of this section to the contrary, on or before April 15, 2002, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under Section 27-65-23 on sales of parking services of parking garages and lots at airports shall be deposited, without diversion, into the special fund created under Section 27-5-101(d).

(18) On or before August 15, 2005, and each succeeding month thereafter through July 15, 2006, from the sales tax revenue collected during the preceding month under the provisions of this chapter, Two Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be deposited into the Special Funds Transfer Fund created in Section 4 of Chapter 556, Laws of 2003.

(19) On or before August 15, 2005, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a project as defined in Section 1 of House Bill No. 1025, 2005 Regular Session, shall be deposited, after all diversions except the diversion provided for in subsection (1) of this section, into the Tourism Sales Tax Incentive Fund created in Section 2 of House Bill No. 1025, 2005 Regular Session.

527 (20) The remainder of the amounts collected under the
528 provisions of this chapter shall be paid into the State Treasury
529 to the credit of the General Fund.

530 (21) It shall be the duty of the municipal officials of any
531 municipality that expands its limits, or of any community that
532 incorporates as a municipality, to notify the commissioner of
533 that action thirty (30) days before the effective date. Failure
534 to so notify the commissioner shall cause the municipality to
535 forfeit the revenue that it would have been entitled to receive
536 during this period of time when the commissioner had no knowledge
537 of the action. If any funds have been erroneously disbursed to
538 any municipality or any overpayment of tax is recovered by the
539 taxpayer, the commissioner may make correction and adjust the
540 error or overpayment with the municipality by withholding the
541 necessary funds from any later payment to be made to the
542 municipality.

543 **SECTION 4.** Section 57-30-5, Mississippi Code of 1972, is
544 amended as follows:

545 57-30-5. (1) The MDA shall develop, implement and
546 administer the incentive program authorized in this chapter and
547 shall promulgate rules and regulations necessary for the
548 development, implementation and administration of such program.

549 (2) A person, corporation or other entity desiring to
550 participate in the incentive payment program authorized in this
551 chapter must submit an application to the MDA. Such application
552 must contain (a) plans for the proposed project; (b) a detailed
553 description of the proposed project; (c) the method of financing
554 the proposed project and the terms of such financing; and (d) any
555 other information required by the MDA. The Executive Director of
556 the MDA shall review the application and determine whether it
557 qualifies as a project. If the executive director determines the
558 proposed project qualifies as a project, he shall issue a
559 certificate to the person, corporation or other entity designating
560 such person, corporation or other entity as an approved
561 participant and authorizing the approved participant to

562 participate in the incentive payment program provided for in this
563 chapter; however, no certificates shall be issued after July 1,
564 2004, for projects that pertain to facilities whose primary
565 purpose is the retail sale of tangible personal property. No
566 certificates shall be issued for any project under this section
567 after July 1, 2005.

568 (3) This section shall stand repealed from and after July 1,
569 2006.

570 **SECTION 5.** This act shall take effect and be in force from
571 and after July 1, 2005, and shall stand repealed from and after
572 June 30, 2005.

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

1 AN ACT TO PROVIDE AN INCENTIVE FOR PERSONS, CORPORATIONS OR
2 OTHER ENTITIES THAT MAKE CAPITAL INVESTMENTS TO LOCATE CERTAIN
3 TOURISM-ORIENTED ENTERPRISES IN THIS STATE; TO CREATE THE TOURISM
4 SALES TAX INCENTIVE FUND; TO AUTHORIZE INCENTIVE PAYMENTS FROM
5 SUCH FUND TO PERSONS, CORPORATIONS OR OTHER ENTITIES THAT MAKE
6 CAPITAL INVESTMENTS TO LOCATE CERTAIN TOURISM-ORIENTED ENTERPRISES
7 IN THIS STATE; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY
8 TO DEVELOP A PROGRAM TO ADMINISTER THE TOURISM INCENTIVE PROGRAM
9 AUTHORIZED BY THIS ACT; TO CREATE THE TOURISM INCENTIVE PROGRAM;
10 TO AMEND SECTION 57-30-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
11 FOR PARTICIPATION IN THE SALES TAX INCENTIVE FUND PROGRAM, TO
12 PROVIDE THAT NO CERTIFICATES AUTHORIZING PARTICIPATION IN THE
13 PROGRAM SHALL BE ISSUED AFTER JULY 1, 2005; TO EXTEND THE DATE OF
14 REPEAL FOR SUCH SECTION; TO AMEND SECTION 27-65-75, MISSISSIPPI
15 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
16 RELATED PURPOSES.

SS26\HB1025A.1J

John O. Gilbert
Secretary of the Senate