

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1294

BY: Committee

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

30 SECTION 1. Sections 1 through 6 of this act shall be known
31 and may be cited as the "Economic Redevelopment Act."

32 SECTION 2. The Legislature finds and determines that there
33 exists in this state a continuing need for programs to assist
34 certain counties and municipalities in encouraging economic
35 development, the consequent job creation and retention, additional
36 private investment and increased local and state revenue which
37 together insures the further development of a balanced economy.
38 The Legislature further finds that this need is particularly great
39 in counties and municipalities where there are located certain
40 environmentally contaminated sites that are not currently
41 conducive to such economic development. To achieve the combined
42 purposes of encouraging economic development on and around
43 environmentally contaminated sites, it is necessary to assist and
44 encourage such economic development by providing temporary tax
45 incentives within certain counties and municipalities to certain
46 business enterprises.

47 Further, the Legislature finds and determines that the
48 authority granted under Sections 1 through 6 of this act and the

49 purposes to be accomplished hereby are proper governmental and
50 public purposes and that the resulting economic benefits to the
51 state are of paramount importance, mandating that the provisions
52 of Sections 1 through 6 of this act be liberally construed and
53 applied in order to advance the public purposes.

54 **SECTION 3.** As used in Sections 1 through 6 of this act, the
55 following words and phrases shall have the meanings ascribed
56 herein unless the context clearly indicates otherwise:

57 (a) "Business enterprise" means any permanent business
58 enterprise locating or relocating within a redevelopment project
59 area including without limitation:

60 (i) Industry for the manufacturing, processing,
61 assembling, storing, warehousing, servicing, distributing or
62 selling of any products or goods, including products of
63 agriculture;

64 (ii) Enterprises for research and development,
65 including, but not limited to, scientific laboratories;

66 (iii) Industry for the retail sale of goods and
67 services; (iv) the industry for recreation and hospitality
68 including, but not limited to restaurants, hotels, sports
69 facilities and gaming businesses; and

70 (v) Such other businesses or industry as will be
71 in furtherance of the public purposes of Sections 1 through 6 of
72 this act as determined by the MDA.

73 (b) "Contaminated site" means real property that is
74 subject to a bankruptcy court order in which the property has been
75 abandoned from the bankruptcy estate, and the expansion,
76 redevelopment or reuse of which is complicated by the presence or
77 potential presence of a hazardous substance, pollutant or
78 contaminant.

79 (c) "County" means any county of this state.

80 (d) "Developer" means any person who assumes certain
81 environmental liability at a contaminated site and enters into an
82 agreement with a redevelopment county or municipality whereby the
83 developer agrees to undertake a redevelopment project. "Developer
84 Agreement" means said agreement.

85 (e) "Governing body" means the board of supervisors of
86 any county or the governing board of a municipality.

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

89 (g) "MDA" means the Mississippi Development Authority.

90 (h) "MDEQ" means the Mississippi Department of
91 Environmental Quality.

92 (i) "Municipality" means any incorporated municipality
93 in the state.

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

96 (k) "Redevelopment counties and municipalities" means
97 those counties or municipalities which meet the requirements of
98 Sections 1 through 6 of this act and which have by resolution or
99 order designated a redevelopment project area and given its
100 consent to participate in the program established under Sections 1
101 through 6 of this act.

102 (l) "Redevelopment project" means a project that
103 combines remediation of a contaminated site with the planned
104 development of such site and surrounding land in a manner
105 conducive to use by the public or business enterprises including
106 the construction of recreational facilities.

107 (m) "Redevelopment project area" means the geographic
108 area defined by resolution of the county or municipality within
109 which the remediation and planned development will take place
110 containing the contaminated site and additional surrounding and

111 adjacent land and waterfront, not exceeding six hundred fifty
112 (650) acres, suitable for development.

113 (n) "Resolution" means an order, resolution, ordinance,
114 act, record of minutes or other appropriate enactment of a
115 governing body.

116 (o) "State taxes and fees" means any sales tax imposed
117 on the sales or certain purchases by a business enterprise
118 pursuant to law within a redevelopment project area, all income
119 tax imposed pursuant to law on income earned by the approved
120 business enterprise within a redevelopment project area, all
121 franchise tax imposed pursuant to law on the value of capital
122 used, invested or employed by the approved business enterprise in
123 a redevelopment project area and all gaming license fees imposed
124 under Section 75-76-177(1)(c) on any gaming license operating
125 within a redevelopment project area.

126 **SECTION 4.** (1) From and after January 1, 2005, and until
127 December 31, 2009, any counties or municipalities meeting the
128 following conditions may apply to the MDA for the issuance of a
129 certificate of public convenience and necessity:

130 (a) There is located within such county or municipality
131 a contaminated site;

132 (b) There has been established by resolution of the
133 county or municipality a redevelopment project area;

134 (c) There is submitted to the MDA application for
135 designation as a redevelopment county or municipality which, at
136 minimum, contains (i) MDEQ concurrence of the existence of a
137 contaminated site and concurrence and involvement in the
138 assessment and remediation plan, (ii) a resolution of the county
139 or municipality setting forth the boundaries of the redevelopment
140 project area and consenting to the designation of the county or
141 municipality as a redevelopment county or municipality and (iii) a
142 developer agreement.

143 (2) If a proposed redevelopment project area falls wholly
144 within the municipality, only the municipality must apply to the
145 MDA for designation as a redevelopment municipality. If a
146 proposed redevelopment project area falls wholly within the county
147 and outside the boundaries of a municipality, only the county may
148 apply to the MDA for designation as a redevelopment county. If a
149 proposed redevelopment project area falls partly within and partly
150 without a municipality, then both the county and municipality must
151 apply for designation as a redevelopment county and municipality;
152 however, the county and municipality may submit a single
153 application to the MDA, but the governing bodies of both the
154 county and the municipality must pass resolutions meeting the
155 requirements of paragraph (c)(ii) of subsection (1) of this
156 section.

157 **SECTION 5.** (1) There is created in the State Treasury a
158 special fund to be known as the "Redevelopment Project Incentive
159 Fund," into which shall be deposited certain state taxes and fees
160 collected from business enterprises located within the
161 redevelopment project area.

162 The monies in the fund shall be used for the purpose of
163 making the incentive payments authorized in this section. The
164 fund shall be administered by the MDA. Any interest earned on or
165 investment earnings on the amounts in the fund shall be deposited
166 to the credit of the fund. Unexpended amounts remaining in the
167 fund at the end of a fiscal year that are not necessary for
168 incentive payments shall lapse into the General Fund. The MDA may
169 use not more than one percent (1%) of interest earned or
170 investment earnings, or both, on amounts in the fund for
171 administration and management of the incentive program. The MDEQ
172 may use not more than one percent (1%) of interest earned or
173 investment earnings, or both, on amounts in the fund for

174 oversights costs of the assessment and remediation of the
175 contaminated site.

176 (2) (a) Incentive payments may be made by the MDA to a
177 developer in connection with a redevelopment project. Subject to
178 the provisions of this subsection, the payments to a developer
179 shall be for the amount of state taxes and fees collected from
180 business enterprises located and operating within a redevelopment
181 project area and deposited into the Redevelopment Project
182 Incentive Fund. In the case of sales taxes, the amounts deposited
183 in the Redevelopment Project Incentive Fund shall be reduced by
184 the diversions required in Section 27-65-75. The MDA shall make
185 payments to an approved participant on a semiannual basis with
186 payments being made in the months of January and July. The MDA
187 shall make the calculations necessary to make the payments
188 provided for in this section. The MDA shall cease making
189 incentive payments to a developer ten (10) years from the date
190 that is two (2) years after the date on which the redevelopment
191 project is approved by the MDA.

192 (b) Except as otherwise provided in this subsection,
193 payments made to a developer under this section shall be in the
194 following amounts:

195 (i) For the first six (6) years in which such
196 payments are made, the developer shall receive one hundred percent
197 (100%) of the funds deposited into the Redevelopment Project
198 Incentive Fund;

199 (ii) For the seventh year in which such payments
200 are made, the developer shall receive eighty percent (80%) of the
201 funds deposited into the Redevelopment Project Incentive Fund;

202 (iii) For the eighth year in which such payments
203 are made, the developer shall receive seventy percent (70%) of the
204 funds deposited into the Redevelopment Project Incentive Fund;

205 (iv) For the ninth year in which such payments are
206 made, the developer shall receive sixty percent (60%) of the funds
207 deposited into the Redevelopment Project Incentive Fund; and

208 (v) For the tenth year in which such payments are
209 made, the developer shall receive fifty percent (50%) of the funds
210 deposited into the Redevelopment Project Incentive Fund.

211 (c) In no event shall the total aggregate amount of
212 incentive payments that may be made to a developer under this
213 section exceed two and one-half (2-1/2) times the amount of the
214 allowable cost of remediation of the contaminated site. The
215 allowable cost of remediation of the contaminated site shall be
216 jointly determined by the MDEQ and the MDA.

217 (d) Any monies in the Redevelopment Project Incentive
218 Fund which are not used for the purpose of making incentive
219 payments to a developer shall be deposited into the State General
220 Fund. The developer shall not distribute the proceeds of any
221 incentive payment to a business enterprise.

222 (3) At such time as payments are no longer required to be
223 made to a developer, the MDA shall notify the State Tax Commission
224 and the state taxes and fees collected from business enterprises
225 located within the redevelopment project area shall no longer be
226 deposited into the Redevelopment Project Incentive Fund.

227 **SECTION 6.** The MDA shall promulgate rules and regulations,
228 in accordance with the Mississippi Administrative Procedures Law,
229 for the implementation and administration of Sections 1 through 6
230 of this act.

231 **SECTION 7.** Section 27-7-45, Mississippi Code of 1972, is
232 amended as follows:

233 27-7-45. (1) The tax levied by this article shall be paid
234 when the return is due except as hereinafter provided.

235 (2) If any officer or employee of the State of Mississippi,
236 or any political subdivision thereof, does not pay his state

237 income tax on or before August 15 after such income tax becomes
238 due and payable, or is in arrears in child support payments for
239 thirty (30) days after such payments become due and payable, his
240 wages, salary or other compensation shall be withheld and paid to
241 the tax commission or the Department of Human Services, as the
242 case may be, in satisfaction of said income tax, interest, and
243 penalty, if any, and any child support arrearage until paid in
244 full. This provision shall apply to any installments of income
245 tax or child support due, after the first installment, to require
246 payment of the entire balance of child support tax due, plus
247 interest and penalty, if any, before an officer or employee of the
248 State of Mississippi, or any political subdivision thereof, is
249 eligible to draw any salary or other emoluments of office. The
250 Tax Commissioner is required to furnish the State Fiscal Officer,
251 chancery clerk, city clerk or other appropriate fiscal officer of
252 a political subdivision, as the case may be, with notice that
253 income taxes have not been paid. The Department of Human Services
254 is required to furnish the officer's or the employee's employer,
255 or other appropriate officer of the State of Mississippi or its
256 political subdivision, as the case may be, with notice that child
257 support payments have not been made. This notice shall serve as a
258 lien or attachment upon any salary or compensation due any
259 employee or officer, disregard of this notice creating personal
260 liability against such officer for the full amount of the income
261 tax due, plus interest and penalty. The State Tax Commission may,
262 in its discretion by order entered upon its minutes, waive the
263 provisions of this subsection on behalf of any public officer or
264 employee in the event of an extended personal illness, an extended
265 illness in his immediate family or other emergency. Regardless of
266 the amount designated in the Department of Human Service's notice
267 for withholding and regardless of other fees imposed or amounts
268 withheld pursuant to this section, the payor shall not deduct from

269 the income of the officer or employee in excess of the amounts
270 allowed under Section 303(b) of the Consumer Credit Protection
271 Act, being 15 USCS 1673, as amended.

272 (3) The tax or child support payment may be paid with
273 uncertified check during such time and under such regulations as
274 the commissioner or the Department of Human Services shall
275 prescribe, but if the check so received is not paid by the bank on
276 which it is drawn, the officer or employee for whom such check is
277 tendered shall remain liable for the payment of the tax, child
278 support payment and for all penalties, the same as if such check
279 had not been tendered.

280 (4) If a corporation is subject to LIFO recapture pursuant
281 to Section 1363(d) of the Code, then

282 (a) Any increase in the tax imposed by Section 27-7-5
283 by reason of the inclusion of the LIFO recapture amount in its
284 income shall be payable in four (4) equal installments;

285 (b) The first installment shall be paid on or before
286 the due date (determined without regard to extensions) for filing
287 the return for the first taxable year for which the corporation
288 was subject to the LIFO recapture;

289 (c) The three (3) succeeding installments shall be paid
290 on or before the due date (determined without regard to
291 extensions) for filing the corporation's return for the three (3)
292 succeeding taxable years; and

293 (d) For purposes of computing interest on
294 underpayments, the last three (3) installments shall not be
295 considered underpayments until after the payment due date
296 specified above.

297 (5) For purposes of this section, a political subdivision
298 includes, but is not limited to, a county or separate school
299 district, institution of higher learning, state college or
300 university, or state community college.

301 (6) The tax levied by this article and paid by a business
302 enterprise located in a redevelopment project area under
303 Sections 1 through 6 of House Bill No._1294, 2005 Regular Session,
304 shall be deposited into the Redevelopment Project Incentive Fund
305 created in Section 5 of House Bill No._1294, 2005 Regular Session.

306 **SECTION 8.** Section 27-13-5, Mississippi Code of 1972, is
307 amended as follows:

308 27-13-5. (1) Franchise tax levy. Except as otherwise
309 provided in subsections (3), (4) and (5) of this section, there is
310 hereby imposed, to be paid and collected as hereinafter provided,
311 a franchise or excise tax upon every corporation, association or
312 joint-stock company or partnership treated as a corporation under
313 the income tax laws or regulations, organized or created for
314 pecuniary gain, having privileges not possessed by individuals,
315 and having authorized capital stock now existing in this state, or
316 hereafter organized, created or established, under and by virtue
317 of the laws of the State of Mississippi, equal to Two Dollars and
318 Fifty Cents (\$2.50) for each One Thousand Dollars (\$1,000.00), or
319 fraction thereof, of the value of the capital used, invested or
320 employed in the exercise of any power, privilege or right enjoyed
321 by such organization within this state, except as hereinafter
322 provided. In no case shall the franchise tax due for the
323 accounting period be less than Twenty-five Dollars (\$25.00). It
324 is the purpose of this section to require the payment to the State
325 of Mississippi of this tax for the right granted by the laws of
326 this state to exist as such organization, and to enjoy, under the
327 protection of the laws of this state, the powers, rights,
328 privileges and immunities derived from the state by the form of
329 such existence.

330 (2) Annual report of domestic corporations. Each domestic
331 corporation shall file, within the time prescribed by Section

332 79-3-251, an annual report as required by the provisions of
333 Section 79-3-249.

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

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

344 (5) A business enterprise operating a project as defined in
345 Section 57-64-33, in a county that is a member of a regional
346 economic development alliance created under the Regional Economic
347 Development Act shall not be subject to the tax levied by this
348 section on the value of capital used, invested or employed by the
349 business enterprise in such a county as provided in Section
350 57-64-33.

351 (6) The tax levied by this chapter and paid by a business
352 enterprise located in a redevelopment project area under Sections
353 1 through 6 of House Bill No. 1294, 2005 Regular Session, shall be
354 deposited into the Redevelopment Project Incentive Fund created in
355 Section 5 of House Bill No. 1294, 2005 Regular Session.

356 **SECTION 9.** Section 27-13-7, Mississippi Code of 1972, is
357 amended as follows:

358 27-13-7. (1) Franchise tax levy. Except as otherwise
359 provided in subsections (3), (4) and (5) of this section, there is
360 hereby imposed, levied and assessed upon every corporation,
361 association or joint-stock company, or partnership treated as a
362 corporation under the Income Tax Laws or regulations as
363 hereinbefore defined, organized and existing under and by virtue

364 of the laws of some other state, territory or country, or
365 organized and existing without any specific statutory authority,
366 now or hereafter doing business or exercising any power, privilege
367 or right within this state, as hereinbefore defined, a franchise
368 or excise tax equal to Two Dollars and Fifty Cents (\$2.50) of each
369 One Thousand Dollars (\$1,000.00), or fraction thereof, of the
370 value of capital used, invested or employed within this state,
371 except as hereinafter provided. In no case shall the franchise
372 tax due for the accounting period be less than Twenty-five Dollars
373 (\$25.00). It is the purpose of this section to require the
374 payment of a tax by all organizations not organized under the laws
375 of this state, measured by the amount of capital or its
376 equivalent, for which such organization receives the benefit and
377 protection of the government and laws of the state.

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

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

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

392 (5) A business enterprise operating a project as defined in
393 Section 57-64-33, in a county that is a member of a regional
394 economic development alliance created under the Regional Economic
395 Development Act shall not be subject to the tax levied by this

396 section on the value of capital used, invested or employed by the
397 business enterprise in such a county as provided in Section
398 57-64-33.

399 (6) The tax levied by this chapter and paid by a business
400 enterprise located in a redevelopment project area under Sections
401 1 through 6 of House Bill No._1294, 2005 Regular Session, shall be
402 deposited into the Redevelopment Project Incentive Fund created in
403 Section 5 of House Bill No._1294, 2005 Regular Session.

404 **SECTION 10.** Section 27-65-75, Mississippi Code of 1972, is
405 amended as follows:

406 27-65-75. On or before the fifteenth day of each month, the
407 revenue collected under the provisions of this chapter during the
408 preceding month shall be paid and distributed as follows:

409 (1) Except on or before August 15, 1992, and each
410 succeeding month thereafter through July 15, 1993, eighteen
411 percent (18%) of the total sales tax revenue collected during the
412 preceding month under the provisions of this chapter, except that
413 collected under the provisions of Sections 27-65-15, 27-65-19(3)
414 and 27-65-21, on business activities within a municipal
415 corporation shall be allocated for distribution to the
416 municipality and paid to the municipal corporation. On or before
417 August 15, 1993, and each succeeding month thereafter, eighteen
418 and one-half percent (18-1/2%) of the total sales tax revenue
419 collected during the preceding month under the provisions of this
420 chapter, except that collected under the provisions of Sections
421 27-65-15, 27-65-19(3) and 27-65-21, on business activities within
422 a municipal corporation shall be allocated for distribution to the
423 municipality and paid to the municipal corporation.

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

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

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

440 (2) On or before September 15, 1987, and each
441 succeeding month thereafter, from the revenue collected under this
442 chapter during the preceding month One Million One Hundred
443 Twenty-five Thousand Dollars (\$1,125,000.00) shall be allocated
444 for distribution to municipal corporations as defined under
445 paragraph (1) of this section in the proportion that the number of
446 gallons of gasoline and diesel fuel sold by distributors to
447 consumers and retailers in each such municipality during the
448 preceding fiscal year bears to the total gallons of gasoline and
449 diesel fuel sold by distributors to consumers and retailers in
450 municipalities statewide during the preceding fiscal year. The
451 State Tax Commission shall require all distributors of gasoline
452 and diesel fuel to report to the commission monthly the total
453 number of gallons of gasoline and diesel fuel sold by them to
454 consumers and retailers in each municipality during the preceding
455 month. The State Tax Commission shall have the authority to
456 promulgate such rules and regulations as is necessary to determine
457 the number of gallons of gasoline and diesel fuel sold by
458 distributors to consumers and retailers in each municipality. In

459 determining the percentage allocation of funds under this
460 paragraph for the fiscal year beginning July 1, 1987, and ending
461 June 30, 1988, the State Tax Commission may consider gallons of
462 gasoline and diesel fuel sold for a period of less than one (1)
463 fiscal year. For the purposes of this paragraph, the term "fiscal
464 year" means the fiscal year beginning July 1 of a year.

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

477 (4) On or before August 15, 1994, and on or before the
478 fifteenth day of each succeeding month through July 15, 1999, from
479 the proceeds of gasoline, diesel fuel or kerosene taxes as
480 provided in Section 27-5-101(a)(ii)1, Four Million Dollars
481 (\$4,000,000.00) shall be deposited in the State Treasury to the
482 credit of a special fund designated as the "State Aid Road Fund,"
483 created by Section 65-9-17. On or before August 15, 1999, and on
484 or before the fifteenth day of each succeeding month, from the
485 total amount of the proceeds of gasoline, diesel fuel or kerosene
486 taxes apportioned by Section 27-5-101(a)(ii)1, Four Million
487 Dollars (\$4,000,000.00) or an amount equal to twenty-three and
488 one-fourth percent (23.25%) of those funds, whichever is the
489 greater amount, shall be deposited in the State Treasury to the
490 credit of the "State Aid Road Fund," created by Section 65-9-17.

491 Those funds shall be pledged to pay the principal of and interest
492 on state aid road bonds heretofore issued under Sections 19-9-51
493 through 19-9-77, in lieu of and in substitution for the funds
494 previously allocated to counties under this section. Those funds
495 may not be pledged for the payment of any state aid road bonds
496 issued after April 1, 1981; however, this prohibition against the
497 pledging of any such funds for the payment of bonds shall not
498 apply to any bonds for which intent to issue those bonds has been
499 published, for the first time, as provided by law before March 29,
500 1981. From the amount of taxes paid into the special fund under
501 this paragraph and paragraph (9) of this section, there shall be
502 first deducted and paid the amount necessary to pay the expenses
503 of the Office of State Aid Road Construction, as authorized by the
504 Legislature for all other general and special fund agencies. The
505 remainder of the fund shall be allocated monthly to the several
506 counties in accordance with the following formula:

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

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

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

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

520 The amount of funds allocated to any county under this
521 paragraph for any fiscal year after fiscal year 1994 shall not be
522 less than the amount allocated to the county for fiscal year 1994.

523 Monies allocated to a county from the State Aid Road Fund for
524 fiscal year 1995 or any fiscal year thereafter that exceed the
525 amount of funds allocated to that county from the State Aid Road
526 Fund for fiscal year 1994, first must be expended by the county
527 for replacement or rehabilitation of bridges on the state aid road
528 system that have a sufficiency rating of less than twenty-five
529 (25), according to National Bridge Inspection standards before
530 the monies may be approved for expenditure by the State Aid Road
531 Engineer on other projects that qualify for the use of state aid
532 road funds.

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

536 (5) One Million Six Hundred Sixty-six Thousand Six
537 Hundred Sixty-six Dollars (\$1,666,666.00) each month shall be paid
538 into the special fund known as the "State Public School Building
539 Fund" created and existing under the provisions of Sections
540 37-47-1 through 37-47-67. Those payments into that fund are to be
541 made on the last day of each succeeding month hereafter.

542 (6) An amount each month beginning August 15, 1983,
543 through November 15, 1986, as specified in Section 6 of Chapter
544 542, Laws of 1983, shall be paid into the special fund known as
545 the Correctional Facilities Construction Fund created in Section 6
546 of Chapter 542, Laws of 1983.

547 (7) On or before August 15, 1992, and each succeeding
548 month thereafter through July 15, 2000, two and two hundred
549 sixty-six one-thousandths percent (2.266%) of the total sales tax
550 revenue collected during the preceding month under the provisions
551 of this chapter, except that collected under the provisions of
552 Section 27-65-17(2) shall be deposited by the commission into the
553 School Ad Valorem Tax Reduction Fund created under Section
554 37-61-35. On or before August 15, 2000, and each succeeding month

555 thereafter, two and two hundred sixty-six one-thousandths percent
556 (2.266%) of the total sales tax revenue collected during the
557 preceding month under the provisions of this chapter, except that
558 collected under the provisions of Section 27-65-17(2), shall be
559 deposited into the School Ad Valorem Tax Reduction Fund created
560 under Section 37-61-35 until such time that the total amount
561 deposited into the fund during a fiscal year equals Forty-two
562 Million Dollars (\$42,000,000.00). Thereafter, the amounts
563 diverted under this paragraph (7) during the fiscal year in excess
564 of Forty-two Million Dollars (\$42,000,000.00) shall be deposited
565 into the Education Enhancement Fund created under Section 37-61-33
566 for appropriation by the Legislature as other education needs and
567 shall not be subject to the percentage appropriation requirements
568 set forth in Section 37-61-33.

569 (8) On or before August 15, 1992, and each succeeding
570 month thereafter, nine and seventy-three one-thousandths percent
571 (9.073%) of the total sales tax revenue collected during the
572 preceding month under the provisions of this chapter, except that
573 collected under the provisions of Section 27-65-17(2), shall be
574 deposited into the Education Enhancement Fund created under
575 Section 37-61-33.

576 (9) On or before August 15, 1994, and each succeeding
577 month thereafter, from the revenue collected under this chapter
578 during the preceding month, Two Hundred Fifty Thousand Dollars
579 (\$250,000.00) shall be paid into the State Aid Road Fund.

580 (10) On or before August 15, 1994, and each succeeding
581 month thereafter through August 15, 1995, from the revenue
582 collected under this chapter during the preceding month, Two
583 Million Dollars (\$2,000,000.00) shall be deposited into the Motor
584 Vehicle Ad Valorem Tax Reduction Fund established in Section
585 27-51-105.

586 (11) Notwithstanding any other provision of this
587 section to the contrary, on or before February 15, 1995, and each
588 succeeding month thereafter, the sales tax revenue collected
589 during the preceding month under the provisions of Section
590 27-65-17(2) and the corresponding levy in Section 27-65-23 on the
591 rental or lease of private carriers of passengers and light
592 carriers of property as defined in Section 27-51-101 shall be
593 deposited, without diversion, into the Motor Vehicle Ad Valorem
594 Tax Reduction Fund established in Section 27-51-105.

595 (12) Notwithstanding any other provision of this
596 section to the contrary, on or before August 15, 1995, and each
597 succeeding month thereafter, the sales tax revenue collected
598 during the preceding month under the provisions of Section
599 27-65-17(1) on retail sales of private carriers of passengers and
600 light carriers of property, as defined in Section 27-51-101 and
601 the corresponding levy in Section 27-65-23 on the rental or lease
602 of these vehicles, shall be deposited, after diversion, into the
603 Motor Vehicle Ad Valorem Tax Reduction Fund established in Section
604 27-51-105.

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

613 (14) On or before August 15, 1998, and each succeeding
614 month thereafter through July 15, 2005, that portion of the avails
615 of the tax imposed in Section 27-65-23 that is derived from sales
616 by cotton compresses or cotton warehouses and that would otherwise
617 be paid into the General Fund, shall be deposited in an amount not

618 to exceed Two Million Dollars (\$2,000,000.00) into the special
619 fund created under Section 69-37-39.

620 (15) Notwithstanding any other provision of this
621 section to the contrary, on or before September 15, 2000, and each
622 succeeding month thereafter, the sales tax revenue collected
623 during the preceding month under the provisions of Section
624 27-65-19(1)(f) and (g)(i)2, shall be deposited, without diversion,
625 into the Telecommunications Ad Valorem Tax Reduction Fund
626 established in Section 27-38-7.

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

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

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

647 (19) For a municipality participating in the Economic
648 Redevelopment Act created in Sections 1 through 6 of House Bill
649 No. 1294, 2005 Regular Session, the diversion provided for in

650 paragraph (1) of this section shall be deposited into the
651 Redevelopment Project Incentive Fund created in Section 5 of House
652 Bill No. 1294, 2005 Regular Session, as follows:

653 (a) For the first six (6) years in which payments
654 are made to a developer from the Redevelopment Project Incentive
655 Fund, one hundred percent (100%) of the of the diversion shall be
656 deposited into the fund;

657 (b) For the seventh year in which such payments
658 are made to a developer from the Redevelopment Project Incentive
659 Fund, eighty percent (80%) of the diversion shall be deposited
660 into the fund;

661 (c) For the eighth year in which such payments are
662 made to a developer from the Redevelopment Project Incentive Fund,
663 seventy percent (70%) of the diversion shall be deposited into the
664 fund;

665 (d) For the ninth year in which such payments are
666 made to a developer from the Redevelopment Project Incentive Fund,
667 sixty percent (60%) of the diversion shall be deposited into the
668 fund;

669 (e) For the tenth year in which such payments are
670 made to a developer from the Redevelopment Project Incentive Fund,
671 fifty percent (50%) of the diversion shall be deposited into the
672 fund.

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

676 (21) It shall be the duty of the municipal officials of
677 any municipality that expands its limits, or of any community that
678 incorporates as a municipality, to notify the commissioner of
679 that action thirty (30) days before the effective date. Failure
680 to so notify the commissioner shall cause the municipality to
681 forfeit the revenue that it would have been entitled to receive

682 during this period of time when the commissioner had no knowledge
683 of the action. If any funds have been erroneously disbursed to
684 any municipality or any overpayment of tax is recovered by the
685 taxpayer, the commissioner may make correction and adjust the
686 error or overpayment with the municipality by withholding the
687 necessary funds from any later payment to be made to the
688 municipality.

689 **SECTION 11.** This act shall take effect and be in force from
690 and after January 1, 2005.

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

1 AN ACT TO CREATE THE "ECONOMIC REDEVELOPMENT ACT" TO ASSIST
2 CERTAIN COUNTIES AND MUNICIPALITIES IN ENCOURAGING ECONOMIC
3 REDEVELOPMENT OF CERTAIN CONTAMINATED SITES; TO AUTHORIZE THE
4 MISSISSIPPI DEVELOPMENT AUTHORITY TO DESIGNATE CERTAIN COUNTIES
5 AND MUNICIPALITIES AS REDEVELOPMENT COUNTIES AND MUNICIPALITIES;
6 TO PROVIDE THAT CERTAIN COUNTIES AND MUNICIPALITIES MAY APPLY TO
7 THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR DESIGNATION AS
8 REDEVELOPMENT COUNTIES AND MUNICIPALITIES; TO PROVIDE AN INCENTIVE
9 FOR PERSONS, CORPORATIONS OR OTHER ENTITIES THAT INCUR
10 INDEBTEDNESS TO UNDERTAKE REDEVELOPMENT PROJECTS; TO CREATE THE
11 REDEVELOPMENT INCENTIVE FUND; TO AUTHORIZE INCENTIVE PAYMENTS FROM
12 SUCH FUND TO PERSONS, CORPORATIONS OR OTHER ENTITIES THAT INCUR
13 INDEBTEDNESS TO UNDERTAKE REDEVELOPMENT PROJECTS; TO LIMIT THE
14 TOTAL AGGREGATE AMOUNT OF INCENTIVE PAYMENTS THAT MAY BE PAID TO A
15 DEVELOPER; TO AUTHORIZE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO
16 DEVELOP A PROGRAM TO ADMINISTER THE INCENTIVE PAYMENT AUTHORIZED
17 BY THIS ACT; TO PROVIDE THAT SALES AND USE TAXES IMPOSED ON SALES
18 AND CERTAIN PURCHASES OF AN APPROVED BUSINESS ENTERPRISE WITHIN A
19 REDEVELOPMENT PROJECT AREA, INCOME TAX IMPOSED ON INCOME EARNED BY
20 AN APPROVED BUSINESS ENTERPRISE WITHIN A REDEVELOPMENT PROJECT
21 AREA, FRANCHISE TAX IMPOSED ON THE VALUE OF CAPITAL USED, INVESTED
22 OR EMPLOYED BY AN APPROVED BUSINESS ENTERPRISE WITHIN A
23 REDEVELOPMENT PROJECT AREA, AND CERTAIN GAMING LICENSE FEES
24 IMPOSED ON AN APPROVED BUSINESS ENTERPRISE OPERATING WITHIN A
25 REDEVELOPMENT PROJECT AREA, SHALL BE DEPOSITED INTO THE
26 REDEVELOPMENT PROJECT INCENTIVE FUND; TO AMEND SECTIONS 27-7-45,
27 27-13-5, 27-13-7 AND 27-65-75, MISSISSIPPI CODE OF 1972, IN
28 CONFORMITY THERETO; AND FOR RELATED PURPOSES.