

By: Representatives Watson,
Moak, Reynolds, Puckett,
Stringer, Brown, Ellington,
Aldridge, Stevens, Akins,
Morgan, Gardner, Jones (111th),
Whittington, Pigott

To: Ways and Means

HOUSE BILL NO. 8
(As Passed the House)

1 AN ACT TO CREATE THE MISSISSIPPI DEVELOPMENT AUTHORITY
2 WORKFORCE TRAINING FUND TO PROVIDE WORKFORCE TRAINING THROUGH
3 STATE INSTITUTIONS OF HIGHER LEARNING, COMMUNITY AND JUNIOR
4 COLLEGES, AND WORKFORCE INVESTMENT NETWORK JOB CENTERS TO MEET
5 WORKFORCE TRAINING NEEDS NOT MET BY OTHER RESOURCES; TO AUTHORIZE
6 THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF
7 \$4,000,000.00 TO PROVIDE FUNDS FOR THE MISSISSIPPI DEVELOPMENT
8 AUTHORITY WORKFORCE TRAINING FUND; TO AUTHORIZE THE ISSUANCE OF
9 GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$2,000,000.00 TO PROVIDE
10 FUNDS FOR PERFORMING RESEARCH ON BIOMASS USAGE IN THE PRODUCTION
11 OF RENEWABLE CRUDE OIL AT ALCORN STATE UNIVERSITY AND THE
12 SUSTAINABLE ENERGY RESEARCH CENTER AT MISSISSIPPI STATE
13 UNIVERSITY; TO AMEND SECTION 25, CHAPTER 533, LAWS OF 2010, TO
14 INCREASE BY \$45,000,000.00 THE AMOUNT OF BONDS AUTHORIZED TO BE
15 ISSUED FOR THE MISSISSIPPI INDUSTRY INCENTIVE FINANCING REVOLVING
16 FUND; TO AMEND SECTION 27-65-101, MISSISSIPPI CODE OF 1972, TO
17 EXEMPT FROM SALES TAXATION SALES OF COMPONENT MATERIALS USED IN
18 THE CONSTRUCTION OF A BUILDING, OR ANY ADDITION OR IMPROVEMENT
19 THEREON, AND SALES OR LEASES OF MACHINERY AND EQUIPMENT NOT LATER
20 THAN THREE MONTHS AFTER THE COMPLETION OF THE CONSTRUCTION OF THE
21 FACILITY, TO BE USED IN THE FACILITY, TO CERTAIN PERMANENT
22 BUSINESS ENTERPRISES OPERATING A FACILITY PRODUCING RENEWABLE
23 CRUDE OIL FROM BIOMASS HARVESTED OR PRODUCED IN WHOLE OR IN PART
24 IN MISSISSIPPI; TO AMEND SECTION 57-61-36, MISSISSIPPI CODE OF
25 1972, TO PROVIDE THAT ALL MONEY IN THE HOUSING DEVELOPMENT
26 REVOLVING LOAN FUND SHALL BE TRANSFERRED TO THE EQUIPMENT AND
27 PUBLIC FACILITIES GRANT AND LOAN FUND AND TO REPEAL THE HOUSING
28 DEVELOPMENT REVOLVING LOAN FUND FROM AND AFTER THE DATE THE
29 TRANSFER IS COMPLETED; TO REPEAL SECTION 21-37-25, MISSISSIPPI
30 CODE OF 1972, WHICH PROVIDES CERTAIN PROCEDURES TO BE FOLLOWED BY
31 MUNICIPALITIES IN ORDER TO ESTABLISH, CONSTRUCT AND OPERATE A
32 MUNICIPAL PARKING FACILITY FOR MOTOR VEHICLES OF MEMBERS OF THE
33 GENERAL PUBLIC; AND FOR RELATED PURPOSES.

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

35 **SECTION 1.** (1) A special fund, to be designated as the
36 "Mississippi Development Authority Workforce Training Fund," is
37 created within the State Treasury into which shall be deposited
38 money from any source that is designated for deposit therein. The
39 fund shall be maintained by the State Treasurer as a separate and
40 special fund, separate and apart from the General Fund of the



41 state. Unexpended amounts remaining in the fund at the end of a
42 fiscal year shall not lapse into the State General Fund, and any
43 interest earned or investment earnings on amounts in the fund
44 shall be deposited into such fund.

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

56 **SECTION 2.** (1) As used in this section, the following words
57 shall have the meanings ascribed herein unless the context clearly
58 requires otherwise:

59 (a) "Accreted value" of any bonds means, as of any date
60 of computation, an amount equal to the sum of (i) the stated
61 initial value of such bond, plus (ii) the interest accrued thereon
62 from the issue date to the date of computation at the rate,
63 compounded semiannually, that is necessary to produce the
64 approximate yield to maturity shown for bonds of the same
65 maturity.

66 (b) "State" means the State of Mississippi.

67 (c) "Commission" means the State Bond Commission.

68 (d) "Department" means the Department of Finance and
69 Administration.

70 (2) (a) The Department of Finance and Administration, at
71 one time, or from time to time, may declare by resolution the
72 necessity for issuance of general obligation bonds of the State of
73 Mississippi to provide funds for the Mississippi Development



74 Authority Workforce Training Fund created under Section 1 of this
75 act. Upon the adoption of a resolution by the department,
76 declaring the necessity for the issuance of any part or all of the
77 general obligation bonds authorized by this subsection, the
78 department shall deliver a certified copy of its resolution or
79 resolutions to the commission. Upon receipt of the resolution,
80 the commission, in its discretion, may act as the issuing agent,
81 prescribe the form of the bonds, determine the appropriate method
82 for sale of the bonds, advertise for and accept bids or negotiate
83 the sale of the bonds, issue and sell the bonds so authorized to
84 be sold, and do any and all other things necessary and advisable
85 in connection with the issuance and sale of such bonds. The total
86 amount of bonds issued under this section shall not exceed Four
87 Million Dollars (\$4,000,000.00).

88 (b) The proceeds of bonds issued under this section
89 shall be deposited into the Mississippi Development Authority
90 Workforce Training Fund created under Section 1 of this act. Any
91 investment earnings on bonds issued under this section shall be
92 used to pay debt service on those bonds, in accordance with the
93 proceedings authorizing issuance of the bonds.

94 (3) The principal of and interest on the bonds authorized
95 under this section shall be payable in the manner provided in this
96 subsection. The bonds shall bear such date or dates; be in such
97 denomination or denominations; bear interest at such rate or rates
98 (not to exceed the limits set forth in Section 75-17-101,
99 Mississippi Code of 1972); be payable at such place or places
100 within or without the State of Mississippi; mature absolutely at
101 such time or times not to exceed twenty-five (25) years from date
102 of issue; be redeemable before maturity at such time or times and
103 upon such terms, with or without premium; bear such registration
104 privileges; and be substantially in such form, all as shall be
105 determined by resolution of the commission.



106 (4) The bonds authorized by this section shall be signed by
107 the chairman of the commission, or by his facsimile signature, and
108 the official seal of the commission shall be affixed thereto,
109 attested by the secretary of the commission. The interest
110 coupons, if any, to be attached to such bonds may be executed by
111 the facsimile signatures of such officers. Whenever any such
112 bonds shall have been signed by the officials designated to sign
113 the bonds who were in office at the time of such signing but who
114 may have ceased to be such officers before the sale and delivery
115 of such bonds, or who may not have been in office on the date such
116 bonds may bear, the signatures of such officers upon such bonds
117 and coupons shall nevertheless be valid and sufficient for all
118 purposes and have the same effect as if the person so officially
119 signing such bonds had remained in office until their delivery to
120 the purchaser, or had been in office on the date such bonds may
121 bear. However, notwithstanding anything herein to the contrary,
122 such bonds may be issued as provided in the Registered Bond Act of
123 the State of Mississippi.

124 (5) All bonds and interest coupons issued under the
125 provisions of this section have all the qualities and incidents of
126 negotiable instruments under the provisions of the Uniform
127 Commercial Code, and in exercising the powers granted by this
128 section, the commission shall not be required to and need not
129 comply with the provisions of the Uniform Commercial Code.

130 (6) The commission shall act as issuing agent for the bonds
131 authorized under this section, prescribe the form of the bonds,
132 determine the appropriate method for sale of the bonds, advertise
133 for and accept bids or negotiate the sale of the bonds, issue and
134 sell the bonds so authorized to be sold, pay all fees and costs
135 incurred in such issuance and sale, and do any and all other
136 things necessary and advisable in connection with the issuance and
137 sale of such bonds. The commission is authorized and empowered to
138 pay the costs that are incident to the sale, issuance and delivery



139 of the bonds authorized under this section from the proceeds
140 derived from the sale of such bonds. The commission may sell such
141 bonds on sealed bids at public sale or may negotiate the sale of
142 the bonds for such price as it may determine to be for the best
143 interest of the State of Mississippi. All interest accruing on
144 such bonds so issued shall be payable semiannually or annually.

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

151 The commission, when issuing any bonds under the authority of
152 this section, may provide that bonds, at the option of the State
153 of Mississippi, may be called in for payment and redemption at the
154 call price named therein and accrued interest on such date or
155 dates named therein.

156 (7) The bonds issued under the provisions of this section
157 are general obligations of the State of Mississippi, and for the
158 payment thereof the full faith and credit of the State of
159 Mississippi is irrevocably pledged. If the funds appropriated by
160 the Legislature are insufficient to pay the principal of and the
161 interest on such bonds as they become due, then the deficiency
162 shall be paid by the State Treasurer from any funds in the State
163 Treasury not otherwise appropriated. All such bonds shall contain
164 recitals on their faces substantially covering the provisions of
165 this subsection.

166 (8) Upon the issuance and sale of bonds under the provisions
167 of this section, the commission shall transfer the proceeds of any
168 such sale or sales to the Mississippi Development Authority
169 Workforce Training Fund created under Section 1 of this act. The
170 proceeds of such bonds shall be disbursed solely upon the order of
171 the Mississippi Development Authority under such restrictions, if



172 any, as may be contained in the resolution providing for the
173 issuance of the bonds.

174 (9) The bonds authorized under this section may be issued
175 without any other proceedings or the happening of any other
176 conditions or things other than those proceedings, conditions and
177 things which are specified or required by this section. Any
178 resolution providing for the issuance of bonds under the
179 provisions of this section shall become effective immediately upon
180 its adoption by the commission, and any such resolution may be
181 adopted at any regular or special meeting of the commission by a
182 majority of its members.

183 (10) The bonds authorized under the authority of this
184 section may be validated in the Chancery Court of the First
185 Judicial District of Hinds County, Mississippi, in the manner and
186 with the force and effect provided by Chapter 13, Title 31,
187 Mississippi Code of 1972, for the validation of county, municipal,
188 school district and other bonds. The notice to taxpayers required
189 by such statutes shall be published in a newspaper published or
190 having a general circulation in the City of Jackson, Mississippi.

191 (11) Any holder of bonds issued under the provisions of this
192 section or of any of the interest coupons pertaining thereto may,
193 either at law or in equity, by suit, action, mandamus or other
194 proceeding, protect and enforce any and all rights granted under
195 this section, or under such resolution, and may enforce and compel
196 performance of all duties required by this section to be
197 performed, in order to provide for the payment of bonds and
198 interest thereon.

199 (12) All bonds issued under the provisions of this section
200 shall be legal investments for trustees and other fiduciaries, and
201 for savings banks, trust companies and insurance companies
202 organized under the laws of the State of Mississippi, and such
203 bonds shall be legal securities which may be deposited with and
204 shall be received by all public officers and bodies of this state



205 and all municipalities and political subdivisions for the purpose
206 of securing the deposit of public funds.

207 (13) Bonds issued under the provisions of this section and
208 income therefrom shall be exempt from all taxation in the State of
209 Mississippi.

210 (14) The proceeds of the bonds issued under this section
211 shall be used solely for the purposes therein provided, including
212 the costs incident to the issuance and sale of such bonds.

213 (15) The State Treasurer is authorized, without further
214 process of law, to certify to the Department of Finance and
215 Administration the necessity for warrants, and the Department of
216 Finance and Administration is authorized and directed to issue
217 such warrants, in such amounts as may be necessary to pay when due
218 the principal of, premium, if any, and interest on, or the
219 accreted value of, all bonds issued under this section; and the
220 State Treasurer shall forward the necessary amount to the
221 designated place or places of payment of such bonds in ample time
222 to discharge such bonds, or the interest thereon, on the due dates
223 thereof.

224 (16) This section shall be deemed to be full and complete
225 authority for the exercise of the powers therein granted, but this
226 section shall not be deemed to repeal or to be in derogation of
227 any existing law of this state.

228 **SECTION 3.** (1) As used in this section, the following words
229 shall have the meanings ascribed herein unless the context clearly
230 requires otherwise:

231 (a) "Accreted value" of any bond means, as of any date
232 of computation, an amount equal to the sum of (i) the stated
233 initial value of such bond, plus (ii) the interest accrued thereon
234 from the issue date to the date of computation at the rate,
235 compounded semiannually, that is necessary to produce the
236 approximate yield to maturity shown for bonds of the same
237 maturity.



238 (b) "State" means the State of Mississippi.

239 (c) "Commission" means the State Bond Commission.

240 (2) (a) (i) A special fund, to be designated as the
241 "Sustainable Energy Research Fund," is created within the State
242 Treasury. The fund shall be maintained by the State Treasurer as
243 a separate and special fund, separate and apart from the General
244 Fund of the state. Unexpended amounts remaining in the fund at
245 the end of a fiscal year shall not lapse into the State General
246 Fund, and any interest earned or investment earnings on amounts in
247 the fund shall be deposited into such fund.

248 (ii) Monies deposited into the fund shall be
249 disbursed, in the discretion of the Mississippi Development
250 Authority, to pay the costs incurred for the purpose of performing
251 research on biomass usage in the production of renewable crude oil
252 at Alcorn State University and the Sustainable Energy Research
253 Center on the campus of Mississippi State University, however, not
254 more than One Million Dollars (\$1,000,000.00) may be used for such
255 purposes at a single university.

256 (b) Amounts deposited into such special fund shall be
257 disbursed to pay the costs of the projects described in paragraph
258 (a) of this subsection. Promptly after the commission has
259 certified, by resolution duly adopted, that the projects described
260 in paragraph (a) of this subsection shall have been completed,
261 abandoned, or cannot be completed in a timely fashion, any amounts
262 remaining in such special fund shall be applied to pay debt
263 service on the bonds issued under this section, in accordance with
264 the proceedings authorizing the issuance of such bonds and as
265 directed by the commission.

266 (3) (a) The Mississippi Development Authority, at one time,
267 or from time to time, may declare by resolution the necessity for
268 issuance of general obligation bonds of the State of Mississippi
269 to provide funds for all costs incurred or to be incurred for the
270 purposes described in subsection (2) of this section. Upon the



271 adoption of a resolution by the Mississippi Development Authority,
272 declaring the necessity for the issuance of any part or all of the
273 general obligation bonds authorized by this subsection, the
274 Mississippi Development Authority shall deliver a certified copy
275 of its resolution or resolutions to the commission. Upon receipt
276 of such resolution, the commission, in its discretion, may act as
277 issuing agent, prescribe the form of the bonds, determine the
278 appropriate method for sale of the bonds, advertise for and accept
279 bids or negotiate the sale of the bonds, issue and sell the bonds
280 so authorized to be sold, and do any and all other things
281 necessary and advisable in connection with the issuance and sale
282 of such bonds. The total amount of bonds issued under this
283 section shall not exceed Two Million Dollars (\$2,000,000.00);
284 however, the amount of bonds issued in any one (1) fiscal year
285 shall not exceed Five Hundred Thousand Dollars (\$500,000.00). No
286 bonds shall be issued under this section after July 1, 2015.

287 (b) Any investment earnings on amounts deposited into
288 the special fund created in subsection (2) of this section shall
289 be used to pay debt service on bonds issued under this section, in
290 accordance with the proceedings authorizing issuance of such
291 bonds.

292 (4) The principal of and interest on the bonds authorized
293 under this section shall be payable in the manner provided in this
294 subsection. Such bonds shall bear such date or dates, be in such
295 denomination or denominations, bear interest at such rate or rates
296 (not to exceed the limits set forth in Section 75-17-101,
297 Mississippi Code of 1972), be payable at such place or places
298 within or without the State of Mississippi, shall mature
299 absolutely at such time or times not to exceed twenty-five (25)
300 years from date of issue, be redeemable before maturity at such
301 time or times and upon such terms, with or without premium, shall
302 bear such registration privileges, and shall be substantially in



303 such form, all as shall be determined by resolution of the
304 commission.

305 (5) The bonds authorized by this section shall be signed by
306 the chairman of the commission, or by his facsimile signature, and
307 the official seal of the commission shall be affixed thereto,
308 attested by the secretary of the commission. The interest
309 coupons, if any, to be attached to such bonds may be executed by
310 the facsimile signatures of such officers. Whenever any such
311 bonds shall have been signed by the officials designated to sign
312 the bonds who were in office at the time of such signing but who
313 may have ceased to be such officers before the sale and delivery
314 of such bonds, or who may not have been in office on the date such
315 bonds may bear, the signatures of such officers upon such bonds
316 and coupons shall nevertheless be valid and sufficient for all
317 purposes and have the same effect as if the person so officially
318 signing such bonds had remained in office until their delivery to
319 the purchaser, or had been in office on the date such bonds may
320 bear. However, notwithstanding anything herein to the contrary,
321 such bonds may be issued as provided in the Registered Bond Act of
322 the State of Mississippi.

323 (6) All bonds and interest coupons issued under the
324 provisions of this section have all the qualities and incidents of
325 negotiable instruments under the provisions of the Uniform
326 Commercial Code, and in exercising the powers granted by this
327 section, the commission shall not be required to and need not
328 comply with the provisions of the Uniform Commercial Code.

329 (7) The commission shall act as issuing agent for the bonds
330 authorized under this section, prescribe the form of the bonds,
331 determine the appropriate method for sale of the bonds, advertise
332 for and accept bids or negotiate the sale of the bonds, issue and
333 sell the bonds so authorized to be sold, pay all fees and costs
334 incurred in such issuance and sale, and do any and all other
335 things necessary and advisable in connection with the issuance and



336 sale of such bonds. The commission is authorized and empowered to
337 pay the costs that are incident to the sale, issuance and delivery
338 of the bonds authorized under this section from the proceeds
339 derived from the sale of such bonds. The commission may sell such
340 bonds on sealed bids at public sale or may negotiate the sale of
341 the bonds for such price as it may determine to be for the best
342 interest of the State of Mississippi. All interest accruing on
343 such bonds so issued shall be payable semiannually or annually.

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

350 The commission, when issuing any bonds under the authority of
351 this section, may provide that bonds, at the option of the State
352 of Mississippi, may be called in for payment and redemption at the
353 call price named therein and accrued interest on such date or
354 dates named therein.

355 (8) The bonds issued under the provisions of this section
356 are general obligations of the State of Mississippi, and for the
357 payment thereof the full faith and credit of the State of
358 Mississippi is irrevocably pledged. If the funds appropriated by
359 the Legislature are insufficient to pay the principal of and the
360 interest on such bonds as they become due, then the deficiency
361 shall be paid by the State Treasurer from any funds in the State
362 Treasury not otherwise appropriated. All such bonds shall contain
363 recitals on their faces substantially covering the provisions of
364 this subsection.

365 (9) Upon the issuance and sale of bonds under the provisions
366 of this section, the commission shall transfer the proceeds of any
367 such sale or sales to the special fund created in subsection (2)
368 of this section. The proceeds of such bonds shall be disbursed



369 solely upon the order of the Department of Finance and
370 Administration under such restrictions, if any, as may be
371 contained in the resolution providing for the issuance of the
372 bonds.

373 (10) The bonds authorized under this section may be issued
374 without any other proceedings or the happening of any other
375 conditions or things other than those proceedings, conditions and
376 things which are specified or required by this section. Any
377 resolution providing for the issuance of bonds under the
378 provisions of this section shall become effective immediately upon
379 its adoption by the commission, and any such resolution may be
380 adopted at any regular or special meeting of the commission by a
381 majority of its members.

382 (11) The bonds authorized under the authority of this
383 section may be validated in the Chancery Court of the First
384 Judicial District of Hinds County, Mississippi, in the manner and
385 with the force and effect provided by Chapter 13, Title 31,
386 Mississippi Code of 1972, for the validation of county, municipal,
387 school district and other bonds. The notice to taxpayers required
388 by such statutes shall be published in a newspaper published or
389 having a general circulation in the City of Jackson, Mississippi.

390 (12) Any holder of bonds issued under the provisions of this
391 section or of any of the interest coupons pertaining thereto may,
392 either at law or in equity, by suit, action, mandamus or other
393 proceeding, protect and enforce any and all rights granted under
394 this section, or under such resolution, and may enforce and compel
395 performance of all duties required by this section to be
396 performed, in order to provide for the payment of bonds and
397 interest thereon.

398 (13) All bonds issued under the provisions of this section
399 shall be legal investments for trustees and other fiduciaries, and
400 for savings banks, trust companies and insurance companies
401 organized under the laws of the State of Mississippi, and such



402 bonds shall be legal securities which may be deposited with and
403 shall be received by all public officers and bodies of this state
404 and all municipalities and political subdivisions for the purpose
405 of securing the deposit of public funds.

406 (14) Bonds issued under the provisions of this section and
407 income therefrom shall be exempt from all taxation in the State of
408 Mississippi.

409 (15) The proceeds of the bonds issued under this section
410 shall be used solely for the purposes herein provided, including
411 the costs incident to the issuance and sale of such bonds.

412 (16) The State Treasurer is authorized, without further
413 process of law, to certify to the Department of Finance and
414 Administration the necessity for warrants, and the Department of
415 Finance and Administration is authorized and directed to issue
416 such warrants, in such amounts as may be necessary to pay when due
417 the principal of, premium, if any, and interest on, or the
418 accreted value of, all bonds issued under this section; and the
419 State Treasurer shall forward the necessary amount to the
420 designated place or places of payment of such bonds in ample time
421 to discharge such bonds, or the interest thereon, on the due dates
422 thereof.

423 (17) This section shall be deemed to be full and complete
424 authority for the exercise of the powers herein granted, but this
425 section shall not be deemed to repeal or to be in derogation of
426 any existing law of this state.

427 **SECTION 4.** Section 25, Chapter 533, Laws of 2010, is amended
428 as follows:

429 Section 25. (1) As used in this section, the following
430 words shall have the meanings ascribed herein unless the context
431 clearly requires otherwise:

432 (a) "Accreted value" of any bonds means, as of any date
433 of computation, an amount equal to the sum of (i) the stated
434 initial value of such bond, plus (ii) the interest accrued thereon



435 from the issue date to the date of computation at the rate,
436 compounded semiannually, that is necessary to produce the
437 approximate yield to maturity shown for bonds of the same
438 maturity.

439 (b) "State" means the State of Mississippi.

440 (c) "Commission" means the State Bond Commission.

441 (2) (a) The Mississippi Development Authority, at one time,
442 or from time to time, may declare by resolution the necessity for
443 issuance of general obligation bonds of the State of Mississippi
444 to provide funds for the program authorized in Section 24 of this
445 act. Upon the adoption of a resolution by the Mississippi
446 Development Authority, declaring the necessity for the issuance of
447 any part or all of the general obligation bonds authorized by this
448 subsection, the Mississippi Development Authority shall deliver a
449 certified copy of its resolution or resolutions to the commission.
450 Upon receipt of such resolution, the commission, in its
451 discretion, may act as the issuing agent, prescribe the form of
452 the bonds, determine the appropriate method for sale of the bonds,
453 advertise for and accept bids or negotiate the sale of the bonds,
454 issue and sell the bonds so authorized to be sold, and do any and
455 all other things necessary and advisable in connection with the
456 issuance and sale of such bonds. The total amount of bonds issued
457 under this section shall not exceed One Hundred Forty-five Million
458 Dollars (\$145,000,000.00). No bonds authorized under this section
459 shall be issued after July 1, 2013.

460 (b) The proceeds of bonds issued pursuant to this
461 section shall be deposited into the Mississippi Industry Incentive
462 Financing Revolving Fund created pursuant to Section 24 of this
463 act. Any investment earnings on bonds issued pursuant to this
464 section shall be used to pay debt service on bonds issued under
465 this section, in accordance with the proceedings authorizing
466 issuance of such bonds.



467 (3) The principal of and interest on the bonds authorized
468 under this section shall be payable in the manner provided in this
469 subsection. Such bonds shall bear such date or dates, be in such
470 denomination or denominations, bear interest at such rate or rates
471 (not to exceed the limits set forth in Section 75-17-101,
472 Mississippi Code of 1972), be payable at such place or places
473 within or without the State of Mississippi, shall mature
474 absolutely at such time or times not to exceed twenty-five (25)
475 years from date of issue, be redeemable before maturity at such
476 time or times and upon such terms, with or without premium, shall
477 bear such registration privileges, and shall be substantially in
478 such form, all as shall be determined by resolution of the
479 commission.

480 (4) The bonds authorized by this section shall be signed by
481 the chairman of the commission, or by his facsimile signature, and
482 the official seal of the commission shall be affixed thereto,
483 attested by the secretary of the commission. The interest
484 coupons, if any, to be attached to such bonds may be executed by
485 the facsimile signatures of such officers. Whenever any such
486 bonds shall have been signed by the officials designated to sign
487 the bonds who were in office at the time of such signing but who
488 may have ceased to be such officers before the sale and delivery
489 of such bonds, or who may not have been in office on the date such
490 bonds may bear, the signatures of such officers upon such bonds
491 and coupons shall nevertheless be valid and sufficient for all
492 purposes and have the same effect as if the person so officially
493 signing such bonds had remained in office until their delivery to
494 the purchaser, or had been in office on the date such bonds may
495 bear. However, notwithstanding anything herein to the contrary,
496 such bonds may be issued as provided in the Registered Bond Act of
497 the State of Mississippi.

498 (5) All bonds and interest coupons issued under the
499 provisions of this section have all the qualities and incidents of



500 negotiable instruments under the provisions of the Uniform
501 Commercial Code, and in exercising the powers granted by this
502 section, the commission shall not be required to and need not
503 comply with the provisions of the Uniform Commercial Code.

504 (6) The commission shall act as issuing agent for the bonds
505 authorized under this section, prescribe the form of the bonds,
506 determine the appropriate method for sale of the bonds, advertise
507 for and accept bids or negotiate the sale of the bonds, issue and
508 sell the bonds so authorized to be sold, pay all fees and costs
509 incurred in such issuance and sale, and do any and all other
510 things necessary and advisable in connection with the issuance and
511 sale of such bonds. The commission is authorized and empowered to
512 pay the costs that are incident to the sale, issuance and delivery
513 of the bonds authorized under this section from the proceeds
514 derived from the sale of such bonds. The commission may sell such
515 bonds on sealed bids at public sale or may negotiate the sale of
516 the bonds for such price as it may determine to be for the best
517 interest of the State of Mississippi. All interest accruing on
518 such bonds so issued shall be payable semiannually or annually.

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

525 The commission, when issuing any bonds under the authority of
526 this section, may provide that bonds, at the option of the State
527 of Mississippi, may be called in for payment and redemption at the
528 call price named therein and accrued interest on such date or
529 dates named therein.

530 (7) The bonds issued under the provisions of this section
531 are general obligations of the State of Mississippi, and for the
532 payment thereof the full faith and credit of the State of



533 Mississippi is irrevocably pledged. If the funds appropriated by
534 the Legislature are insufficient to pay the principal of and the
535 interest on such bonds as they become due, then the deficiency
536 shall be paid by the State Treasurer from any funds in the State
537 Treasury not otherwise appropriated. All such bonds shall contain
538 recitals on their faces substantially covering the provisions of
539 this subsection.

540 (8) Upon the issuance and sale of bonds under the provisions
541 of this section, the commission shall transfer the proceeds of any
542 such sale or sales to the Mississippi Industry Incentive Financing
543 Revolving Fund created in Section 24 of this act. The proceeds of
544 such bonds shall be disbursed solely upon the order of the
545 Mississippi Development Authority under such restrictions, if any,
546 as may be contained in the resolution providing for the issuance
547 of the bonds.

548 (9) The bonds authorized under this section may be issued
549 without any other proceedings or the happening of any other
550 conditions or things other than those proceedings, conditions and
551 things which are specified or required by this section. Any
552 resolution providing for the issuance of bonds under the
553 provisions of this section shall become effective immediately upon
554 its adoption by the commission, and any such resolution may be
555 adopted at any regular or special meeting of the commission by a
556 majority of its members.

557 (10) The bonds authorized under the authority of this
558 section may be validated in the Chancery Court of the First
559 Judicial District of Hinds County, Mississippi, in the manner and
560 with the force and effect provided by Chapter 13, Title 31,
561 Mississippi Code of 1972, for the validation of county, municipal,
562 school district and other bonds. The notice to taxpayers required
563 by such statutes shall be published in a newspaper published or
564 having a general circulation in the City of Jackson, Mississippi.



565 (11) Any holder of bonds issued under the provisions of this
566 section or of any of the interest coupons pertaining thereto may,
567 either at law or in equity, by suit, action, mandamus or other
568 proceeding, protect and enforce any and all rights granted under
569 this section, or under such resolution, and may enforce and compel
570 performance of all duties required by this section to be
571 performed, in order to provide for the payment of bonds and
572 interest thereon.

573 (12) All bonds issued under the provisions of this section
574 shall be legal investments for trustees and other fiduciaries, and
575 for savings banks, trust companies and insurance companies
576 organized under the laws of the State of Mississippi, and such
577 bonds shall be legal securities which may be deposited with and
578 shall be received by all public officers and bodies of this state
579 and all municipalities and political subdivisions for the purpose
580 of securing the deposit of public funds.

581 (13) Bonds issued under the provisions of this section and
582 income therefrom shall be exempt from all taxation in the State of
583 Mississippi.

584 (14) The proceeds of the bonds issued under this section
585 shall be used solely for the purposes therein provided, including
586 the costs incident to the issuance and sale of such bonds.

587 (15) The State Treasurer is authorized, without further
588 process of law, to certify to the Department of Finance and
589 Administration the necessity for warrants, and the Department of
590 Finance and Administration is authorized and directed to issue
591 such warrants, in such amounts as may be necessary to pay when due
592 the principal of, premium, if any, and interest on, or the
593 accreted value of, all bonds issued under this section; and the
594 State Treasurer shall forward the necessary amount to the
595 designated place or places of payment of such bonds in ample time
596 to discharge such bonds, or the interest thereon, on the due dates
597 thereof.



598 (16) This section shall be deemed to be full and complete
599 authority for the exercise of the powers therein granted, but this
600 section shall not be deemed to repeal or to be in derogation of
601 any existing law of this state.

602 **SECTION 5.** Section 27-65-101, Mississippi Code of 1972, is
603 amended as follows:

604 27-65-101. (1) The exemptions from the provisions of this
605 chapter which are of an industrial nature or which are more
606 properly classified as industrial exemptions than any other
607 exemption classification of this chapter shall be confined to
608 those persons or property exempted by this section or by the
609 provisions of the Constitution of the United States or the State
610 of Mississippi. No industrial exemption as now provided by any
611 other section except Section 57-3-33 shall be valid as against the
612 tax herein levied. Any subsequent industrial exemption from the
613 tax levied hereunder shall be provided by amendment to this
614 section. No exemption provided in this section shall apply to
615 taxes levied by Section 27-65-15 or 27-65-21.

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

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

625 (b) Sales of raw materials, catalysts, processing
626 chemicals, welding gases or other industrial processing gases
627 (except natural gas) to a manufacturer for use directly in
628 manufacturing or processing a product for sale or rental or
629 repairing or reconditioning vessels or barges of fifty (50) tons
630 load displacement and over. For the purposes of this exemption,



631 electricity used directly in the electrolysis process in the
632 production of sodium chlorate shall be considered a raw material.
633 This exemption shall not apply to any property used as fuel except
634 to the extent that such fuel comprises by-products which have no
635 market value.

636 (c) The gross proceeds of sales of dry docks, offshore
637 drilling equipment for use in oil exploitation or production,
638 vessels or barges of fifty (50) tons load displacement and over,
639 when sold by the manufacturer or builder thereof.

640 (d) Sales to commercial fishermen of commercial fishing
641 boats of over five (5) tons load displacement and not more than
642 fifty (50) tons load displacement as registered with the United
643 States Coast Guard and licensed by the Mississippi Commission on
644 Marine Resources.

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

647 (f) Sales of petroleum products to vessels or barges
648 for consumption in marine international commerce or interstate
649 transportation businesses.

650 (g) Sales and rentals of rail rolling stock (and
651 component parts thereof) for ultimate use in interstate commerce
652 and gross income from services with respect to manufacturing,
653 repairing, cleaning, altering, reconditioning or improving such
654 rail rolling stock (and component parts thereof).

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

661 (i) Sales of machinery or tools or repair parts
662 therefor or replacements thereof, fuel or supplies used directly
663 in manufacturing, converting or repairing ships, vessels or barges



664 of three thousand (3,000) tons load displacement and over, but not
665 to include office and plant supplies or other equipment not
666 directly used on the ship, vessel or barge being built, converted
667 or repaired. For purposes of this exemption, "ships, vessels or
668 barges" shall not include floating structures described in Section
669 27-65-18.

670 (j) Sales of tangible personal property to persons
671 operating ships in international commerce for use or consumption
672 on board such ships. This exemption shall be limited to cases in
673 which procedures satisfactory to the commissioner, ensuring
674 against use in this state other than on such ships, are
675 established.

676 (k) Sales of materials used in the construction of a
677 building, or any addition or improvement thereon, and sales of any
678 machinery and equipment not later than three (3) months after the
679 completion of construction of the building, or any addition
680 thereon, to be used therein, to qualified businesses, as defined
681 in Section 57-51-5, which are located in a county or portion
682 thereof designated as an enterprise zone pursuant to Sections
683 57-51-1 through 57-51-15.

684 (l) Sales of materials used in the construction of a
685 building, or any addition or improvement thereon, and sales of any
686 machinery and equipment not later than three (3) months after the
687 completion of construction of the building, or any addition
688 thereon, to be used therein, to qualified businesses, as defined
689 in Section 57-54-5.

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

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



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

699 (p) Sales of materials used in the construction of a
700 building, or any addition or improvement thereon, and sales of any
701 machinery and equipment not later than three (3) months after the
702 completion of construction of the building, or any addition
703 thereon, to be used therein, to qualified companies, certified as
704 such by the Mississippi Development Authority under Section
705 57-53-1.

706 (q) Sales of component materials used in the
707 construction of a building, or any addition or improvement
708 thereon, sales of machinery and equipment to be used therein, and
709 sales of manufacturing or processing machinery and equipment which
710 is permanently attached to the ground or to a permanent foundation
711 and which is not by its nature intended to be housed within a
712 building structure, not later than three (3) months after the
713 initial start-up date, to permanent business enterprises engaging
714 in manufacturing or processing in Tier Three areas (as such term
715 is defined in Section 57-73-21), which businesses are certified by
716 the Department of Revenue as being eligible for the exemption
717 granted in this paragraph (q).

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



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

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

738 (u) Sales of machinery and equipment to nonprofit
739 organizations if the organization:

740 (i) Is tax exempt pursuant to Section 501(c)(4) of
741 the Internal Revenue Code of 1986, as amended;

742 (ii) Assists in the implementation of the
743 contingency plan or area contingency plan, and which is created in
744 response to the requirements of Title IV, Subtitle B of the Oil
745 Pollution Act of 1990, Public Law 101-380; and

746 (iii) Engages primarily in programs to contain,
747 clean up and otherwise mitigate spills of oil or other substances
748 occurring in the United States coastal and tidal waters.

749 For purposes of this exemption, "machinery and equipment"
750 means any ocean-going vessels, barges, booms, skimmers and other
751 capital equipment used primarily in the operations of nonprofit
752 organizations referred to herein.

753 (v) Sales or leases of materials and equipment to
754 approved business enterprises as provided under the Growth and
755 Prosperity Act.

756 (w) From and after July 1, 2001, sales of pollution
757 control equipment to manufacturers or custom processors for
758 industrial use. For the purposes of this exemption, "pollution
759 control equipment" means equipment, devices, machinery or systems
760 used or acquired to prevent, control, monitor or reduce air, water
761 or groundwater pollution, or solid or hazardous waste as required
762 by federal or state law or regulation.



763 (x) Sales or leases to a manufacturer of motor vehicles
764 or powertrain components operating a project that has been
765 certified by the Mississippi Major Economic Impact Authority as a
766 project as defined in Section 57-75-5(f)(iv)1, Section
767 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and
768 equipment; special tooling such as dies, molds, jigs and similar
769 items treated as special tooling for federal income tax purposes;
770 or repair parts therefor or replacements thereof; repair services
771 thereon; fuel, supplies, electricity, coal and natural gas used
772 directly in the manufacture of motor vehicles or motor vehicle
773 parts or used to provide climate control for manufacturing areas.

774 (y) Sales or leases of component materials, machinery
775 and equipment used in the construction of a building, or any
776 addition or improvement thereon to an enterprise operating a
777 project that has been certified by the Mississippi Major Economic
778 Impact Authority as a project as defined in Section
779 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or Section
780 57-75-5(f)(xxii) and any other sales or leases required to
781 establish or operate such project.

782 (z) Sales of component materials and equipment to a
783 business enterprise as provided under Section 57-64-33.

784 (aa) The gross income from the stripping and painting
785 of commercial aircraft engaged in foreign or interstate
786 transportation business.

787 (bb) Sales of production items used in the production
788 of motion pictures such as film; videotape; component building
789 materials used in the construction of a set; makeup; fabric used
790 as or in the making of costumes; clothing, including, shoes,
791 accessories and jewelry used as wardrobes; materials used as set
792 dressing; materials used as props on a set or by an actor;
793 materials used in the creation of special effects; and expendable
794 items purchased for limited use by grip, electric and camera
795 departments such as tape, fasteners and compressed air. For the



796 purposes of this paragraph (bb), the term "motion picture" means a
797 nationally distributed feature-length film, video, television
798 series or commercial made in Mississippi, in whole or in part, for
799 theatrical or television viewing or as a television pilot. The
800 term "motion picture" shall not include the production of
801 television coverage of news and athletic events, or a film, video,
802 television series or commercial that contains any material or
803 performance defined in Section 97-29-103.

804 (cc) Sales or leases to an enterprise owning or
805 operating a project that has been designated by the Mississippi
806 Major Economic Impact Authority as a project as defined in Section
807 57-75-5(f) (xviii) of machinery and equipment; special tooling such
808 as dies, molds, jigs and similar items treated as special tooling
809 for federal income tax purposes; or repair parts therefor or
810 replacements thereof; repair services thereon; fuel, supplies,
811 electricity, coal and natural gas used directly in the
812 manufacturing/production operations of the project or used to
813 provide climate control for manufacturing/production areas.

814 (dd) Sales or leases of component materials, machinery
815 and equipment used in the construction of a building, or any
816 addition or improvement thereon to an enterprise owning or
817 operating a project that has been designated by the Mississippi
818 Major Economic Impact Authority as a project as defined in Section
819 57-75-5(f) (xviii) and any other sales or leases required to
820 establish or operate such project.

821 (ee) Sales of parts used in the repair and servicing of
822 aircraft not registered in Mississippi engaged exclusively in the
823 business of foreign or interstate transportation to businesses
824 engaged in aircraft repair and maintenance.

825 (ff) Sales of component materials used in the
826 construction of a facility, or any addition or improvement
827 thereon, and sales or leases of machinery and equipment not later
828 than three (3) months after the completion of construction of the



829 facility, or any addition or improvement thereto, to be used in
830 the building or any addition or improvement thereto, to a
831 permanent business enterprise operating a data/information
832 enterprise in Tier Three areas (as such areas are designated in
833 accordance with Section 57-73-21), meeting minimum criteria
834 established by the Mississippi Development Authority.

835 (gg) Sales of component materials used in the
836 construction of a facility, or any addition or improvement
837 thereto, and sales of machinery and equipment not later than three
838 (3) months after the completion of construction of the facility,
839 or any addition or improvement thereto, to be used in the facility
840 or any addition or improvement thereto, to technology intensive
841 enterprises for industrial purposes in Tier Three areas (as such
842 areas are designated in accordance with Section 57-73-21), as
843 certified by the Department of Revenue. For purposes of this
844 paragraph, an enterprise must meet the criteria provided for in
845 Section 27-65-17(1)(f) in order to be considered a technology
846 intensive enterprise.

847 (hh) Sales of component materials used in the
848 replacement, reconstruction or repair of a building or facility
849 that has been destroyed or sustained extensive damage as a result
850 of a disaster declared by the Governor, sales of machinery and
851 equipment to be used therein to replace machinery or equipment
852 damaged or destroyed as a result of such disaster, including, but
853 not limited to, manufacturing or processing machinery and
854 equipment which is permanently attached to the ground or to a
855 permanent foundation and which is not by its nature intended to be
856 housed within a building structure, to enterprises or companies
857 that were eligible for the exemptions authorized in paragraph (q),
858 (r), (ff) or (gg) of this subsection during initial construction
859 of the building that was destroyed or damaged, which enterprises
860 or companies are certified by the Department of Revenue as being
861 eligible for the exemption granted in this paragraph.



862 (ii) Sales of software or software services transmitted
863 by the Internet to a destination outside the State of Mississippi
864 where the first use of such software or software services by the
865 purchaser occurs outside the State of Mississippi.

866 (jj) Gross income of public storage warehouses derived
867 from the temporary storage of raw materials that are to be used in
868 an eligible facility as defined in Section 27-7-22.35.

869 (kk) Sales of component building materials and
870 equipment for initial construction of facilities or expansion of
871 facilities as authorized under Sections 12 through 15 of Chapter
872 533, Laws of 2010, and Sections 16 through 19 of Chapter 533, Laws
873 of 2010.

874 (ll) Sales and leases of machinery and equipment
875 acquired in the initial construction to establish facilities as
876 authorized in Sections 12 through 15 of Chapter 533, Laws of 2010.

877 (mm) Sales and leases of replacement hardware, software
878 or other necessary technology to operate a data center as
879 authorized under Sections 16 through 19 of Chapter 533, Laws of
880 2010.

881 (nn) Sales of component materials used in the
882 construction of a building, or any addition or improvement
883 thereon, and sales or leases of machinery and equipment not later
884 than three (3) months after the completion of the construction of
885 the facility, to be used in the facility, to permanent business
886 enterprises operating a facility producing renewable crude oil
887 from biomass harvested or produced in whole or in part in
888 Mississippi, which businesses meet minimum criteria established by
889 the Mississippi Development Authority. As used in this paragraph,
890 the term "biomass" shall have the meaning ascribed to such term in
891 Section 12 of Chapter 533, Laws of 2010.

892 (2) Sales of component materials used in the construction of
893 a building, or any addition or improvement thereon, sales of
894 machinery and equipment to be used therein, and sales of



895 manufacturing or processing machinery and equipment which is
896 permanently attached to the ground or to a permanent foundation
897 and which is not by its nature intended to be housed within a
898 building structure, not later than three (3) months after the
899 initial start-up date, to permanent business enterprises engaging
900 in manufacturing or processing in Tier Two areas and Tier One
901 areas (as such areas are designated in accordance with Section
902 57-73-21), which businesses are certified by the Department of
903 Revenue as being eligible for the exemption granted in this
904 subsection, shall be exempt from one-half (1/2) of the taxes
905 imposed on such transactions under this chapter.

906 (3) Sales of component materials used in the construction of
907 a facility, or any addition or improvement thereon, and sales or
908 leases of machinery and equipment not later than three (3) months
909 after the completion of construction of the facility, or any
910 addition or improvement thereto, to be used in the building or any
911 addition or improvement thereto, to a permanent business
912 enterprise operating a data/information enterprise in Tier Two
913 areas and Tier One areas (as such areas are designated in
914 accordance with Section 57-73-21), which businesses meet minimum
915 criteria established by the Mississippi Development Authority,
916 shall be exempt from one-half (1/2) of the taxes imposed on such
917 transaction under this chapter.

918 (4) Sales of component materials used in the construction of
919 a facility, or any addition or improvement thereto, and sales of
920 machinery and equipment not later than three (3) months after the
921 completion of construction of the facility, or any addition or
922 improvement thereto, to be used in the building or any addition or
923 improvement thereto, to technology intensive enterprises for
924 industrial purposes in Tier Two areas and Tier One areas (as such
925 areas are designated in accordance with Section 57-73-21), which
926 businesses are certified by the Department of Revenue as being
927 eligible for the exemption granted in this subsection, shall be



928 exempt from one-half (1/2) of the taxes imposed on such
929 transactions under this chapter. For purposes of this subsection,
930 an enterprise must meet the criteria provided for in Section
931 27-65-17(1)(f) in order to be considered a technology intensive
932 enterprise.

933 (5) (a) For purposes of this subsection:

934 (i) "Telecommunications enterprises" shall have
935 the meaning ascribed to such term in Section 57-73-21;

936 (ii) "Tier One areas" mean counties designated as
937 Tier One areas pursuant to Section 57-73-21;

938 (iii) "Tier Two areas" mean counties designated as
939 Tier Two areas pursuant to Section 57-73-21;

940 (iv) "Tier Three areas" mean counties designated
941 as Tier Three areas pursuant to Section 57-73-21; and

942 (v) "Equipment used in the deployment of broadband
943 technologies" means any equipment capable of being used for or in
944 connection with the transmission of information at a rate, prior
945 to taking into account the effects of any signal degradation, that
946 is not less than three hundred eighty-four (384) kilobits per
947 second in at least one (1) direction, including, but not limited
948 to, asynchronous transfer mode switches, digital subscriber line
949 access multiplexers, routers, servers, multiplexers, fiber optics
950 and related equipment.

951 (b) Sales of equipment to telecommunications
952 enterprises after June 30, 2003, and before July 1, 2013, that is
953 installed in Tier One areas and used in the deployment of
954 broadband technologies shall be exempt from one-half (1/2) of the
955 taxes imposed on such transactions under this chapter.

956 (c) Sales of equipment to telecommunications
957 enterprises after June 30, 2003, and before July 1, 2013, that is
958 installed in Tier Two and Tier Three areas and used in the
959 deployment of broadband technologies shall be exempt from the
960 taxes imposed on such transactions under this chapter.



961 (6) Sales of component materials used in the replacement,
962 reconstruction or repair of a building that has been destroyed or
963 sustained extensive damage as a result of a disaster declared by
964 the Governor, sales of machinery and equipment to be used therein
965 to replace machinery or equipment damaged or destroyed as a result
966 of such disaster, including, but not limited to, manufacturing or
967 processing machinery and equipment which is permanently attached
968 to the ground or to a permanent foundation and which is not by its
969 nature intended to be housed within a building structure, to
970 enterprises that were eligible for the partial exemptions provided
971 for in subsections (2), (3) and (4) of this section during initial
972 construction of the building that was destroyed or damaged, which
973 enterprises are certified by the Department of Revenue as being
974 eligible for the partial exemption granted in this subsection,
975 shall be exempt from one-half (1/2) of the taxes imposed on such
976 transactions under this chapter.

977 **SECTION 6.** Section 57-61-36, Mississippi Code of 1972, is
978 amended as follows:

979 57-61-36. (1) Notwithstanding any provision of this chapter
980 to the contrary, the Mississippi Development Authority shall
981 utilize not more than Twelve Million Five Hundred Thousand Dollars
982 (\$12,500,000.00) out of the proceeds of bonds authorized to be
983 issued in this chapter for the purpose of making grants to
984 municipalities through a Development Infrastructure Grant Fund to
985 complete infrastructure related to new or expanded industry.

986 (2) Notwithstanding any provision of this chapter to the
987 contrary, the Mississippi Development Authority may utilize not
988 more than Seven Million Dollars (\$7,000,000.00) out of the
989 proceeds of bonds authorized to be issued in this chapter for the
990 purpose of making interest-bearing loans to any agency,
991 department, institution, instrumentality or political subdivision
992 of the state; or any agency, department, institution or
993 instrumentality of any political subdivision of the state; or any



994 business, organization, corporation, association or other legal
995 entity meeting criteria established by the department, through a
996 Housing Development Revolving Loan Fund, to construct or repair
997 housing for low or moderate income earners; provided, however,
998 that the department may not utilize any bond proceeds authorized
999 under this chapter for the purpose of making any loans to the
1000 Mississippi Home Corporation for any purpose whatsoever. No more
1001 than forty percent (40%) of the additional bonds authorized by
1002 Chapter 559, Laws of 1998, may be used for multiple family housing
1003 activities. Funds authorized under this subsection may be
1004 deposited in the Mississippi Affordable Housing Development Fund
1005 authorized in Section 43-33-759 and used for purposes authorized
1006 by that section. From and after the effective date of House Bill
1007 No. 8, 2010 Second Extraordinary Session, all money in the Housing
1008 Development Revolving Loan Fund shall be transferred to the
1009 equipment and public facilities grant and loan fund created in
1010 subsection (3) of this section. This subsection (2) shall be
1011 repealed from and after the date all the money in the Housing
1012 Development Revolving Loan Fund has been transferred.

1013 (3) Notwithstanding any provision of this chapter to the
1014 contrary, the Mississippi Development Authority shall utilize the
1015 money transferred from the Housing Development Revolving Loan Fund
1016 and not more than Thirty-two Million Five Hundred Thousand Dollars
1017 (\$32,500,000.00) out of the proceeds of bonds authorized to be
1018 issued in this chapter for the purpose of making grants or loans
1019 to municipalities through an equipment and public facilities grant
1020 and loan fund to aid in infrastructure-related improvements as
1021 determined by the Mississippi Development Authority, the purchase
1022 of equipment and in the purchase, construction or repair and
1023 renovation of public facilities. Any bonds previously issued for
1024 the Development Infrastructure Revolving Loan Program which have
1025 not been loaned or applied for are eligible to be administered as
1026 grants or loans. In making grants and loans under this section,



1027 the Mississippi Development Authority shall attempt to provide for
1028 an equitable distribution of such grants and loans among each of
1029 the congressional districts of this state in order to promote
1030 economic development across the entire state.

1031 The requirements of Section 57-61-9 shall not apply to any
1032 grant made under this subsection. The Mississippi Development
1033 Authority may establish criteria and guidelines to govern grants
1034 made pursuant to this subsection.

1035 (4) [Repealed]

1036 (5) (a) The Mississippi Development Authority may establish
1037 a Capital Access Program and may contract with any financial
1038 institution to participate in the program upon such terms and
1039 conditions as the authority shall consider necessary and proper.
1040 The Mississippi Development Authority may establish loss reserve
1041 accounts at financial institutions that participate in the program
1042 and require payments by the financial institution and the borrower
1043 to such loss reserve accounts. All money in such loss reserve
1044 accounts is the property of the Mississippi Development Authority.

1045 (b) Under the Capital Access Program a participating
1046 financial institution may make a loan to any borrower the
1047 Mississippi Development Authority determines to be qualified under
1048 rules and regulations adopted by the authority and be protected
1049 against losses from such loans as provided in the program. Under
1050 such rules and regulations as may be adopted by the Mississippi
1051 Development Authority, a participating financial institution may
1052 submit claims for the reimbursement for losses incurred as a
1053 result of default on loans by qualified borrowers.

1054 (c) Under the Capital Access Program a participating
1055 financial institution may make a loan that is secured by the
1056 assignment of the proceeds of a contract between the borrower and
1057 a public entity if the Mississippi Development Authority
1058 determines the loan to be qualified under the rules and
1059 regulations adopted by the authority. Under such rules and



1060 regulations as may be adopted by the Mississippi Development
1061 Authority, a participating financial institution may submit an
1062 application to the authority requesting that a loan secured
1063 pursuant to this paragraph be funded under the Capital Access
1064 Program.

1065 (d) Notwithstanding any provision of this chapter to
1066 the contrary, the Mississippi Development Authority may utilize
1067 not more than Seven Hundred Fifty Thousand Dollars (\$750,000.00)
1068 out of the proceeds of bonds authorized to be issued in this
1069 chapter for the purpose of making payments to loan loss reserve
1070 accounts established at financial institutions that participate in
1071 the Capital Access Program established by the Mississippi
1072 Development Authority; however, any portion of the bond proceeds
1073 authorized to be utilized by this paragraph that are not utilized
1074 for making payments to loss reserve accounts may be utilized by
1075 the Mississippi Development Authority to advance funds to
1076 financial institutions that participate in the Capital Access
1077 Program pursuant to paragraph (c) of this subsection.

1078 (6) Notwithstanding any provision of this chapter to the
1079 contrary, the Mississippi Development Authority shall utilize not
1080 more than Two Hundred Thousand Dollars (\$200,000.00) out of the
1081 proceeds of bonds authorized to be issued in this chapter for the
1082 purpose of assisting Warren County, Mississippi, in the
1083 continuation and completion of the study for the proposed Kings
1084 Point Levee.

1085 (7) Notwithstanding any provision of this chapter to the
1086 contrary, the Mississippi Development Authority shall utilize not
1087 more than One Hundred Thousand Dollars (\$100,000.00) out of the
1088 proceeds of bonds authorized to be issued in this chapter for the
1089 purpose of developing a long-range plan for coordinating the
1090 resources of the state institutions of higher learning, the
1091 community and junior colleges, the Mississippi Development



1092 Authority and other state agencies in order to promote economic
1093 development in the state.

1094 (8) Notwithstanding any other provision of this chapter to
1095 the contrary, the Mississippi Development Authority shall use not
1096 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of
1097 the proceeds of bonds authorized to be issued in this chapter for
1098 the purpose of providing assistance to municipalities that have
1099 received Community Development Block Grant funds for repair,
1100 renovation and other improvements to buildings for use as
1101 community centers. Assistance provided to a municipality under
1102 this subsection shall be used by the municipality to match such
1103 Community Development Block Grant funds. The maximum amount of
1104 assistance that may be provided to a municipality under this
1105 subsection shall not exceed Seventy-five Thousand Dollars
1106 (\$75,000.00) in the aggregate.

1107 (9) Notwithstanding any provision of this chapter to the
1108 contrary, the Mississippi Development Authority shall utilize not
1109 more than Two Million Dollars (\$2,000,000.00) out of the proceeds
1110 of bonds authorized to be issued in this chapter for the purpose
1111 of assisting in paying the costs of constructing a new spillway
1112 and related bridge and dam structures at Lake Mary in Wilkinson
1113 County, Mississippi, including construction of a temporary dam and
1114 diversion canal, removing existing structures, removing and
1115 stockpiling riprap, spillway construction, dam embankment
1116 construction, road access, constructing bridges and related
1117 structures, design and construction engineering and field testing.

1118 (10) Notwithstanding any provision of this chapter to the
1119 contrary, the Mississippi Development Authority shall utilize not
1120 more than One Hundred Thousand Dollars (\$100,000.00) out of the
1121 proceeds of bonds authorized to be issued in this chapter for the
1122 purpose of assisting the City of Holly Springs, Mississippi, in
1123 providing water and sewer and other infrastructure services in the
1124 Marshall, Benton and Tippah Counties area.



1125 **SECTION 7.** Section 21-37-25, Mississippi Code of 1972, which
1126 provides certain procedures to be followed by municipalities in
1127 order to establish, construct and operate a municipal parking
1128 facility for motor vehicles of members of the general public, is
1129 repealed.

1130 **SECTION 8.** This act shall take effect and be in force from
1131 and after its passage.

