

By: Representative Lamar

To: Ways and Means

HOUSE BILL NO. 1089

1 AN ACT TO BRING FORWARD SECTIONS 57-1-1, 57-1-2, 57-1-3,
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94 57-119-5, 57-119-7, 57-119-9, 57-119-11, 57-119-13, 57-119-15 AND
95 57-119-17, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE
96 MISSISSIPPI DEVELOPMENT AUTHORITY AND TO POWERS AND DUTIES AND
97 PROGRAMS OF THE AUTHORITY, FOR THE PURPOSES OF POSSIBLE AMENDMENT;
98 TO BRING FORWARD 25-3-39, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
99 FOR THE MAXIMUM COMPENSATION THAT MAY BE PAID TO PUBLIC EMPLOYEES
100 AND OFFICERS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR
101 RELATED PURPOSES.

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

103 **SECTION 1.** Section 57-1-1, Mississippi Code of 1972, is
104 brought forward as follows:

105 57-1-1. It is hereby declared that the state public welfare
106 demands, and the state public policy requires:

107 (a) That a balanced economic development of this state
108 is essential.

109 (b) That the reconversion from wartime economy to
110 peacetime pursuits appears reasonably imminent, requiring a
111 planning program for readjustment of employment to accord with
112 employment problems necessarily arising from changed conditions.

113 (c) That the present and prospective health, safety,
114 morals, pursuit of happiness, right to gainful employment and the
115 general welfare of the citizens demand as a public purpose the
116 development within Mississippi of commercial, industrial,
117 agricultural, manufacturing and tourism enterprises, herein called
118 "enterprises" by the several counties, supervisors districts and



119 municipalities, all herein called "municipalities." "Enterprises"
120 shall be construed to include expansion of such existing buildings
121 and facilities, conditioned, however, that the municipality, if
122 required by the Board of Economic Development, shall take security
123 upon the existing building or buildings at the time of entering
124 into contract for the expansion of existing buildings and
125 facilities.

126 (d) That the means and measures herein authorized to
127 promote said enterprises are, as a matter of public policy, for
128 the public purposes of the several counties, supervisors
129 districts, municipalities, and of the State of Mississippi.

130 (e) That the present and prospective promotion of
131 health, safety, morals, pursuit of happiness, right to gainful
132 employment, and the general welfare of the state requires the
133 accomplishment of that which is herein and hereby authorized, in
134 order to afford ready and attractive markets for farm and garden
135 products, to develop natural resources and convert raw materials
136 of farm, mine and forest into finished products for the general
137 welfare of each of said municipalities and the entire state.

138 (f) That the accomplishment of the things herein
139 authorized to be done by the several municipalities will give to
140 them local benefits peculiar to each.

141 **SECTION 2.** Section 57-1-2, Mississippi Code of 1972, is
142 brought forward as follows:



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

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

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

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

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

159 **SECTION 3.** Section 57-1-3, Mississippi Code of 1972, is
160 brought forward as follows:

161 57-1-3. The Mississippi Development Authority shall have an
162 official seal, and all orders, findings, acts and certifications
163 of the department shall be attested by such seal, and by the
164 signature of the executive director; and when so attested, all
165 orders, acts, findings and certifications of the department shall
166 be competent evidence and shall be given full faith and credit in
167 any proceedings of a court in this state.



168 **SECTION 4.** Section 57-1-5, Mississippi Code of 1972, is
169 brought forward as follows:

170 57-1-5. (1) The Governor shall, with the advice and consent
171 of the Senate, appoint an executive director who:

172 (a) Shall have at least a bachelor's degree, and

173 (b) Shall be an experienced administrator and have at
174 least five (5) years' experience in at least one (1) of the
175 following areas:

176 (i) Industrial development, or

177 (ii) Economic development.

178 (2) The executive director shall be the executive officer of
179 the department in the execution of any and all provisions of this
180 chapter, and his salary shall be fixed by the Governor.

181 (3) The executive director shall have the following powers
182 and duties:

183 (a) To formulate the policy of the department regarding
184 the economic and tourist development of the state.

185 (b) To use and expend any funds from state, federal or
186 private sources coming into the department for the purposes herein
187 provided. State funds appropriated for the department shall be
188 expended in accordance with the regulations governing the
189 expenditures of other state funds.

190 (c) To implement the duties assigned to the department
191 and consistent with specific requirements of law, including but
192 not limited to:



- 193 (i) Support services to include legal, finance,
194 data processing, personnel, communications and advertising,
195 purchasing and accounting;
- 196 (ii) Research and planning;
- 197 (iii) Outreach, agency liaison and community
198 development;
- 199 (iv) Tourism, business travel, and film;
- 200 (v) Programs and assistance for existing state
201 business and industry;
- 202 (vi) Recruiting new business and industry into the
203 state;
- 204 (vii) Fostering and promoting of entrepreneurship
205 and the creation of new business in the state;
- 206 (viii) Programs aimed at competing effectively in
207 the international economy by increasing exports of state products
208 and services and by promoting, developing and creating the
209 conditions and programs that will bring about significant
210 increases in investment in the state from other countries;
- 211 (ix) Programs relating to the development of
212 ports;
- 213 (x) Such other areas as are within the
214 jurisdiction and authority of the department and will foster and
215 promote the economic development of this state;
- 216 (xi) Salaries of the associate directors, deputy
217 directors and bureau directors may be set by the executive



218 director of the department. The positions of associate directors,
219 deputy directors and bureau directors shall not be state service
220 positions.

221 **SECTION 5.** Section 57-1-7, Mississippi Code of 1972, is
222 brought forward as follows:

223 57-1-7. The executive director may carry on each motor
224 vehicle of the department property damage insurance and uninsured
225 and underinsured motorists coverage for any physical damage which
226 is sustained by such motor vehicles while such motor vehicles are
227 being operated by a duly authorized department employee in the
228 performance of his official duties. The coverage authorized in
229 this section shall be purchased in a policy or policies written by
230 the agent or agents of an insurance company authorized to do, and
231 doing business, in this state, and the amount of coverage
232 purchased shall be determined by the executive director. Premiums
233 on such policies shall be paid as are other expenses of the
234 department.

235 **SECTION 6.** Section 57-1-10, Mississippi Code of 1972, is
236 brought forward as follows:

237 57-1-10. (1) There is created the Mississippi Development
238 Authority Legislative Oversight Committee to serve in an advisory
239 capacity to the Mississippi Development Authority ("MDA")
240 regarding matters under the jurisdiction of the MDA. The
241 committee shall consist of six (6) members, two (2) members to be
242 appointed by the Governor, two (2) Senators to be appointed by the



243 Lieutenant Governor and two (2) Representatives to be appointed by
244 the Speaker of the House of Representatives. The committee shall
245 have no jurisdiction or vote on any matter within the jurisdiction
246 of the MDA.

247 (2) The committee shall meet quarterly and may meet at other
248 times specified by the chairman of the committee.

249 (3) A quorum of the committee shall consist of four (4)
250 members. The committee shall elect from among its membership a
251 chairman and vice chairman.

252 (4) The MDA shall not be required to submit to the committee
253 any information that it considers confidential or proprietary, or
254 anything the disclosure of which may negatively affect a project
255 it has under consideration.

256 (5) Members of the committee who are not legislators, state
257 officials or state employees shall be compensated at the per diem
258 rate authorized by Section 25-3-69 and shall be reimbursed in
259 accordance with Section 25-3-41 for mileage and actual expenses
260 incurred in the performance of their duties. Legislative members
261 of the committee shall be paid from the contingent expense funds
262 of their respective houses in the same manner as provided for
263 committee meetings when the Legislature is not in session.
264 However, no per diem or expense for attending meetings of the
265 committee may be paid to legislative members of the committee
266 while the Legislature is in session. No committee member may
267 incur per diem, travel or other expenses unless previously



268 authorized by vote, at a meeting of the committee, which action
269 shall be recorded in the official minutes of the meeting.
270 Nonlegislative members shall be paid from any funds made available
271 to the committee for that purpose.

272 (6) The terms of the legislative members of the committee
273 shall expire at the end of their terms of office, and the
274 Governor's appointees shall serve for a term concurrent with the
275 term of office of the appointing Governor. Any vacancy on the
276 advisory committee shall be filled by appointment by the original
277 appointing authority for the remainder of the members' unexpired
278 term.

279 **SECTION 7.** Section 57-1-11, Mississippi Code of 1972, is
280 brought forward as follows:

281 57-1-11. The executive director is hereby authorized and
282 empowered to promulgate and put into effect all reasonable rules
283 and regulations that he may deem necessary to carry out the
284 provisions of Sections 57-1-1 through 57-1-51, not inconsistent
285 herewith.

286 **SECTION 8.** Section 57-1-12, Mississippi Code of 1972, is
287 brought forward as follows:

288 57-1-12. The Mississippi Development Authority shall file an
289 annual report with the Governor, Secretary of the Senate and the
290 Clerk of the House of Representatives not later than July 1, 2001,
291 and each year thereafter, describing all assistance provided under
292 Laws, 2000, Second Extraordinary Session, Chapter 1.



293 **SECTION 9.** Section 57-1-12.1, Mississippi Code of 1972, is
294 brought forward as follows:

295 57-1-12.1. The Mississippi Development Authority shall
296 prepare and file a quarterly report with the Secretary of State
297 regarding the net economic impact on the state as a result of
298 incentives or other forms of assistance authorized under Section
299 57-93-1 and Sections 2 through 37 of Chapter 1, Laws of Third
300 Extraordinary Session of 2005, the number of enterprises benefited
301 and the number of jobs created. Each report shall estimate the
302 number of jobs created or retained at each enterprise or business
303 as a result of the incentives or other forms of assistance
304 authorized under Section 57-93-1 and Sections 2 through 37 of
305 Chapter 1, Laws of Third Extraordinary Session of 2005.

306 **SECTION 10.** Section 57-1-12.2, Mississippi Code of 1972, is
307 brought forward as follows:

308 57-1-12.2. (1) The Mississippi Development Authority (MDA)
309 shall file an annual report with the Governor, Secretary of State,
310 Secretary of the Senate and the Clerk of the House of
311 Representatives not later than October 1 of each year regarding
312 all tax credits, loans, rebates and grants made, approved or
313 awarded by MDA as a result of negotiations involving an economic
314 development project. The report shall contain the following
315 information:

316 (a) The total amount of incentives approved or awarded;

317 (b) The total amount of loans made by MDA;



318 (c) The total amount of grants awarded by MDA; and
319 (d) A description of standard terms for each loan
320 program.

321 (2) With respect to each client that receives or is awarded
322 a tax credit, loan, rebate or grant referred to in subsection (1)
323 of this section, the report shall include:

324 (a) The name and county of operation of the recipient;

325 (b) The amount of the loan, rebate or grant;

326 (c) The purpose of the loan, rebate or grant;

327 (d) The number of employees that the client agreed to
328 hire, retain or train;

329 (e) The amount of the financial investment that the
330 client expects to make in this state as a result of the economic
331 development project; and

332 (f) A list of projects that have met contractual
333 requirements and have been closed out by MDA.

334 (3) The Department of Revenue shall provide MDA with the tax
335 information that is required to be included in this report.

336 **SECTION 11.** Section 57-1-13, Mississippi Code of 1972, is
337 brought forward as follows:

338 57-1-13. It shall be the duty of the executive director to
339 prepare and perfect plans for the advertisement and development of
340 the state in such manner and through such means as he may deem
341 proper and within such appropriations as shall be made for
342 expenditure.



343 **SECTION 12.** Section 57-1-14, Mississippi Code of 1972, is
344 brought forward as follows:

345 57-1-14. (1) Any records of the * * * Mississippi
346 Development Authority which contain client information concerning
347 development projects shall be exempt from the provisions of the
348 Mississippi Public Records Act of 1983 for a period of two (2)
349 years after receipt of the information by the department.

350 (2) Confidential client information in public records held
351 by the department shall be exempt from the provisions of the
352 Mississippi Public Records Act of 1983 during the period of review
353 and negotiation on a project proposal and for a period of thirty
354 (30) days after approval, disapproval or abandonment of the
355 proposal not to exceed one (1) year by the department in writing.

356 **SECTION 13.** Section 57-1-15, Mississippi Code of 1972, is
357 brought forward as follows:

358 57-1-15. The department is hereby authorized to cooperate
359 and coordinate with economic development commissions, travel and
360 other similar commissions and boards, and/or other similar
361 agencies of other states, the federal government, and with county,
362 municipal and regional economic development, travel and other
363 similar commissions or boards, or other agencies thereof, for the
364 purposes of securing economic development within the State of
365 Mississippi, and to accomplish this purpose, the department may
366 contract for, receive and expend state, federal and other funds;
367 and to that end, there is hereby created within the department a



368 special fund designated as the "Economic Development Fund," to be
369 kept separate and apart from all other funds and into which all
370 funds received for the above-stated purposes shall be deposited
371 and which funds are not appropriated by the State of Mississippi.

372 **SECTION 14.** Section 57-1-16, Mississippi Code of 1972, is
373 brought forward as follows:

374 57-1-16. (1) As used in this section:

375 (a) "Extraordinary economic development opportunity"
376 means a new or expanded business or industry which maintains a
377 strong financial condition and minimal credit risk and creates
378 substantial employment, particularly in areas of high
379 unemployment.

380 (b) "Local economic development entities" means state
381 institutions of higher learning or public or private nonprofit
382 local economic development entities including, but not limited to,
383 chambers of commerce, local authorities, commissions or other
384 entities created by local and private legislation or districts
385 created pursuant to Section 19-5-99.

386 (c) "MDA" means the Mississippi Development Authority.

387 (2) (a) There is hereby created in the State Treasury a
388 special fund to be designated as the ACE Fund, which shall consist
389 of money from any public or private source designated for deposit
390 into such fund. Unexpended amounts remaining in the fund at the
391 end of a fiscal year shall not lapse into the State General Fund,
392 and any interest earned on amounts in the fund shall be deposited



393 to the credit of the fund. The purpose of the fund shall be to
394 assist in maximizing extraordinary economic development
395 opportunities related to any new or expanded business or industry
396 or to assist a local unit of government as authorized in
397 subsection (5) of this section. Such funds may be used to make
398 grants to local economic development entities to assist any new or
399 expanding business or industry that meets the criteria provided in
400 this section when such assistance aids the consummation of a
401 project within the State of Mississippi, or to make grants to a
402 local unit of government as authorized in subsection (5) of this
403 section.

404 (b) Monies in the fund which are derived from the
405 proceeds of general obligation bonds may be used to reimburse
406 reasonable actual and necessary costs incurred by the MDA for the
407 administration of the various grant, loan and financial incentive
408 programs administered by the MDA. An accounting of actual costs
409 incurred for which reimbursement is sought shall be maintained by
410 the MDA. Reimbursement of reasonable actual and necessary costs
411 shall not exceed three percent (3%) of the proceeds of bonds
412 issued. Reimbursements made under this subsection shall satisfy
413 any applicable federal tax law requirements.

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



418 section. Local units of government may apply to the MDA for a
419 grant under this section in the manner provided in subsection (5)
420 of this section.

421 (4) (a) Any business or industry desiring assistance from a
422 local economic development entity under this section shall submit
423 an application to the local economic development entity which
424 shall include, at a minimum:

425 (i) Evidence that the business or industry meets
426 the definition of an extraordinary economic development
427 opportunity;

428 (ii) A demonstration that the business or industry
429 is at an economic disadvantage by locating the new or expanded
430 project in the county;

431 (iii) A description, including the cost, of the
432 requested assistance;

433 (iv) A description of the purpose for which the
434 assistance is requested;

435 (v) A two-year business plan;

436 (vi) Financial statements or tax returns for the
437 three (3) years immediately prior to the application;

438 (vii) Credit reports on all persons or entities
439 with a twenty percent (20%) or greater interest in the business or
440 industry; and

441 (viii) Any other information required by the MDA.



442 (b) The MDA shall require that binding commitments be
443 entered into requiring that:

444 (i) The minimum requirements of this section and
445 such other requirements as the MDA considers proper shall be met;
446 and

447 (ii) If such requirements are not met, all or a
448 portion of the funds provided by this section as determined by the
449 MDA shall be repaid.

450 (c) Upon receipt of the application from a business or
451 industry, the local economic development entity may apply to the
452 MDA for assistance under this section. Such application must
453 contain evidence that the business or industry meets the
454 definition of an extraordinary economic development opportunity, a
455 demonstration that the business or industry is at an economic
456 disadvantage by locating the new or expanded project in the
457 county, a description, including the cost, of the requested
458 assistance, and a statement of what efforts have been made or are
459 being made by the business or industry for securing or qualifying
460 for other local, state, federal or private funds for the project.

461 (d) The MDA shall have sole discretion in the awarding
462 of ACE funds, provided that the business or industry and the local
463 economic development entity have met the statutory requirements of
464 this section. However, in making grants under this section, the
465 MDA shall attempt to provide for an equitable distribution of such



466 grants among each of the congressional districts of this state in
467 order to promote economic development across the entire state.

468 (5) (a) The MDA may make grants to local units of
469 government to assist the local unit of government in purchasing
470 real property for the benefit of an existing industry that commits
471 to maintain a minimum of one thousand three hundred (1,300) jobs
472 for a minimum of ten (10) years after the date the grant is made.

473 (b) Any local unit of government seeking a grant
474 authorized under this subsection shall apply to MDA. The
475 application shall contain such information as the MDA may require.

476 (c) The MDA shall require that binding commitments be
477 entered into requiring that:

478 (i) The minimum requirements of this subsection
479 and such other requirements as the MDA considers proper shall be
480 met; and

481 (ii) If such requirements are not met, all or a
482 portion of the funds provided by this section as determined by the
483 MDA shall be repaid.

484 (6) The MDA shall promulgate rules and regulations, in
485 accordance with the Mississippi Administrative Procedures Law, for
486 the implementation of this section. However, before the
487 implementation of any such rules and regulations, they shall be
488 submitted to a committee consisting of five (5) members of the
489 Senate Finance Committee and five (5) members of the House of



490 Representatives Ways and Means Committee, appointed by the
491 respective committee chairmen.

492 **SECTION 15.** Section 57-1-17, Mississippi Code of 1972, is
493 brought forward as follows:

494 57-1-17. It shall be the duty of the executive director and
495 he is hereby authorized to prepare and execute a program of
496 publicity and advertising that will bring into favorable notice
497 the industrial, commercial, recreational, educational and social
498 advantages, opportunities, possibilities, resources, farm and
499 dairy products, and facilities of the state, and in the
500 preparation and execution of such program he may use any funds
501 which may be appropriated or otherwise made available for the
502 purpose of carrying out the provisions of Sections 57-1-1 through
503 57-1-51. The department may erect, equip, maintain and operate a
504 research laboratory for the purpose of finding new and additional
505 uses for Mississippi products and is authorized and empowered to
506 receive, use and expend any funds from state, federal or private
507 sources which it may receive for that purpose.

508 **SECTION 16.** Section 57-1-18, Mississippi Code of 1972, is
509 brought forward as follows:

510 57-1-18. (1) For the purposes of this section, the
511 following terms shall have the meanings ascribed in this section
512 unless the context clearly indicates otherwise:

513 (a) "Limited population county" means a county in the
514 State of Mississippi with a population of thirty thousand (30,000)



515 or less according to the most recent federal decennial census at
516 the time the county submits its application to the MDA under this
517 section.

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

519 (c) "Project" means highways, streets and other
520 roadways, bridges, sidewalks, utilities, airfields, airports,
521 acquisition of equipment, acquisition of real property,
522 development of real property, improvements to real property, and
523 any other project approved by the MDA.

524 (d) "Small municipality" means a municipality in the
525 State of Mississippi with a population of ten thousand (10,000) or
526 less according to the most recent federal decennial census at the
527 time the municipality submits its application to the MDA under
528 this section. The term "small municipality" also includes a
529 municipal historical hamlet as defined in Section 17-27-5.

530 (2) (a) There is hereby created in the State Treasury a
531 special fund to be designated as the "Small Municipalities and
532 Limited Population Counties Fund," which shall consist of funds
533 appropriated or otherwise made available by the Legislature in any
534 manner and funds from any other source designated for deposit into
535 such fund. Unexpended amounts remaining in the fund at the end of
536 a fiscal year shall not lapse into the State General Fund, and any
537 investment earnings or interest earned on amounts in the fund
538 shall be deposited to the credit of the fund. Monies in the fund
539 shall be used to make grants to small municipalities and limited



540 population counties or natural gas districts created by law and
541 contained therein to assist in completing projects under this
542 section.

543 (b) Monies in the fund which are derived from proceeds
544 of bonds issued under Sections 1 through 16 of Chapter 538, Laws
545 of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003,
546 Sections 55 through 70 of Chapter 1, Laws of 2004 Third
547 Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws
548 of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of
549 Chapter 503, Laws of 2008, Section 42 of Chapter 557, Laws of
550 2009, Section 38 of Chapter 533, Laws of 2010, Section 41 of
551 Chapter 480, Laws of 2011, Section 30 of Chapter 569, Laws of
552 2013, Section 4 of Chapter 530, Laws of 2014, Section 11 of
553 Chapter 472, Laws of 2015, Section 19 of Chapter 511, Laws of
554 2016, Section 5 of Chapter 452, Laws of 2018, or Section 19 of
555 Chapter 454, Laws of 2019, may be used to reimburse reasonable
556 actual and necessary costs incurred by the MDA for the
557 administration of the various grant, loan and financial incentive
558 programs administered by the MDA. An accounting of actual costs
559 incurred for which reimbursement is sought shall be maintained by
560 the MDA. Reimbursement of reasonable actual and necessary costs
561 shall not exceed three percent (3%) of the proceeds of bonds
562 issued. Reimbursements under this subsection shall satisfy any
563 applicable federal tax law requirements.



564 (3) The MDA shall establish a grant program to make grants
565 to small municipalities and limited population counties from the
566 Small Municipalities and Limited Population Counties Fund. Grants
567 made under this section to a small municipality or a limited
568 population county shall not exceed Two Hundred Fifty Thousand
569 Dollars (\$250,000.00) during any grant period established by the
570 MDA. A small municipality or limited population county may apply
571 to the MDA for a grant under this section in the manner provided
572 for in this section.

573 (4) A small municipality or limited population county
574 desiring assistance under this section must submit an application
575 to the MDA. The application must include a description of the
576 project for which assistance is requested, the cost of the project
577 for which assistance is requested, the amount of assistance
578 requested and any other information required by the MDA.

579 (5) The MDA shall have all powers necessary to implement and
580 administer the program established under this section, and the
581 department shall promulgate rules and regulations, in accordance
582 with the Mississippi Administrative Procedures Law, necessary for
583 the implementation of this section.

584 (6) The MDA shall file an annual report with the Governor,
585 the Secretary of the Senate and the Clerk of the House of
586 Representatives not later than December 1 of each year, describing
587 all assistance provided under this section.



588 **SECTION 17.** Section 57-1-19, Mississippi Code of 1972, is
589 brought forward as follows:

590 57-1-19. The executive director is charged with the duty of
591 making effective the declared public policy of the state and
592 municipalities as hereinabove set forth, and for that purpose is
593 hereby authorized and empowered to determine whether the public
594 convenience and necessity require that any municipality shall have
595 the right to acquire lands, and thereon to erect enterprises, and
596 expansions thereof and thereto, conditioned, however, that the
597 municipality, if so required by him, shall take security upon the
598 existing building or buildings at the time of entering into
599 contract for the expansion of existing buildings and facilities,
600 and to operate them and to dispose of or rent, let or lease such
601 lands and enterprises. Each municipality within this state shall
602 have the right to apply to the executive director for a
603 certificate of public convenience and necessity as to whether the
604 general welfare requires that such municipality enter into a given
605 enterprise. In determining whether such certificate shall be
606 issued, the executive director may hold public hearings or private
607 hearings, make such investigations as he may desire; and he shall
608 have power to summon witnesses, administer oaths, hear testimony
609 and make a record of all things had and done at such hearing or
610 investigation, and may issue such certificates of convenience and
611 necessity as he deems advisable.



612 **SECTION 18.** Section 57-1-21, Mississippi Code of 1972, is
613 brought forward as follows:

614 57-1-21. The executive director shall investigate, find and
615 determine upon application of any municipality therefor, as to
616 whether a certificate of public convenience and necessity shall be
617 issued to such municipality to engage in any of the enterprises
618 deemed essential under the above declared public policy for the
619 economic development and advancement of such municipality; and in
620 considering and determining whether or not such certificate shall
621 issue, the executive director shall find and determine
622 affirmatively the following:

623 (a) That there are sufficient natural resources readily
624 and economically available for the operation of the particular
625 enterprise for at least ten (10) years, but in no event less than
626 the period of time for which any bonds may be issued for acquiring
627 or constructing such enterprise.

628 (b) That there is available a labor supply to furnish
629 at least one and one-half workers between the ages of eighteen
630 (18) and fifty (50) for each operative job in such enterprise
631 within an area of twenty-five (25) miles from the proposed
632 location.

633 (c) That there are adequate property values and
634 suitable financial conditions so that the total bonded
635 indebtedness of the municipality, solely for the purposes
636 authorized by Sections 57-1-1 through 57-1-51, shall not exceed



637 twenty percent (20%) of the total assessed valuation of all the
638 property in the municipality.

639 When the executive director shall have determined the
640 foregoing facts favorably, he is authorized and empowered, having
641 due regard to the promotion of the public policy and the general
642 welfare herein declared, to issue or refuse to issue a certificate
643 of public convenience and necessity to the municipality to engage
644 in such enterprise. If and when such certificate is issued, it
645 shall authorize the particular municipality to acquire, to own, to
646 operate, to sell, to convey, to let, to lease or to rent the
647 particular enterprise found suited to the general welfare of that
648 municipality; but the certificate shall expire in twelve (12)
649 months from its date unless within that time such enterprise shall
650 have been established, subject, however, to any delays
651 necessitated by any legislation or acts of God, delaying the
652 establishment of the enterprise. In no event shall the executive
653 director authorize any municipality actually to operate any
654 enterprise, unless he shall further find and determine that the
655 enterprise is well conceived, has a reasonable prospect of
656 success, will provide proper economic development and employment,
657 will add materially to the general welfare of the municipality,
658 and will not become a burden upon the taxpayers of the
659 municipality.

660 If and when a certificate is issued, the executive director
661 therein shall fix and determine: (a) the extent and the amount to



662 which the municipality may issue bonds or make expenditures for
663 such enterprise; (b) what property may be acquired therefor; (c)
664 the terms upon which such acquisition may be had; (d) what
665 expenditures may be made, and the construction of buildings, and
666 of equipment with its installation; and (e) the method of
667 operation of the enterprise by the municipality. If the governing
668 board of the municipality fails or refuses to follow the
669 requirements made by the executive director in the certificate,
670 then the members of the governing board of the municipality voting
671 for such failure or refusal shall be individually and personally
672 liable, and liable upon their official bonds for any loss that the
673 municipality may sustain by reason of such failure or refusal to
674 follow the requirements, and in addition may be compelled by
675 injunction to comply with such requirements.

676 If the executive director refuses to issue a certificate, an
677 appeal of such refusal may be taken by the municipality to the
678 Governor in the manner and within the time that the Governor shall
679 establish by executive order.

680 **SECTION 19.** Section 57-1-23, Mississippi Code of 1972, is
681 brought forward as follows:

682 57-1-23. (1) The several municipalities of this state,
683 including counties, judicial districts of counties having two
684 judicial districts, supervisors districts, cities, towns or
685 villages, whether existing under special charters or otherwise,
686 hereinabove called "municipalities," are hereby authorized and



687 empowered to make effective the provisions herein contained, for
688 the general welfare of the state and of the several municipalities
689 thereof. When and after such municipality shall have obtained
690 therefor a certificate of public convenience and necessity, under
691 the provisions of Sections 57-1-19 and 57-1-21, then it may
692 acquire land by purchase, gift, eminent domain or otherwise for
693 any such enterprise so thus approved, and may directly or by
694 contract, such contract to be entered into and governed as now
695 provided by law for other public contracts entered into by boards
696 of supervisors, erect such buildings and structures as may be
697 essential for such enterprise, may obtain for such enterprise the
698 requisite appliances and equipment, and may operate such
699 enterprise. The power thus to do is hereby generally conferred
700 upon all such municipalities, and shall be in addition to all
701 other powers now possessed without in anywise limiting or
702 circumscribing them.

703 (2) Any city or town in this state situated in a county
704 bordering on the Mississippi River and situated not more than five
705 miles from the proposed industrial site or location of any
706 industrial plant or proposed site of such plant, authorized to be
707 established, built and erected under the terms of Sections 57-1-1
708 through 57-1-51, such distance to be measured between the
709 corporate line of any such city or town nearest such proposed site
710 and the boundary of such proposed site nearest such corporate
711 line, is hereby authorized and empowered to join with another



712 municipality and subdivisions of government, as defined
713 hereinabove, in the creation, establishment, acquisition,
714 ownership, control, sale, lease, disposition and disposal of any
715 such plant, plant site and/or other property, real and personal,
716 acquired, owned, or otherwise possessed and controlled under
717 authority of Sections 57-1-1 through 57-1-51, notwithstanding the
718 fact that the said, or proposed, plant, plant site, and/or other
719 property, real or personal, is situated in another supervisors
720 district other than the supervisors district in which such city or
721 town is situated. In all cases provided for in this subsection,
722 all authority, powers, privileges and rights provided for in
723 Sections 57-1-1 through 57-1-51, shall be and are hereby conferred
724 upon and vested in such city or town and such other municipality
725 as may join therewith, as herein authorized.

726 **SECTION 20.** Section 57-1-25, Mississippi Code of 1972, is
727 brought forward as follows:

728 57-1-25. The governing board of any municipality desiring to
729 enter into the plan herein authorized, after receiving a
730 certificate of public convenience and necessity from the executive
731 director, as provided by Sections 57-1-19 and 57-1-21, by
732 resolution spread upon its minutes, shall declare its intention of
733 entering into such plan, and shall call an election to be held in
734 the manner now provided by law for holding county or municipal
735 elections, and shall fix in such resolution a date upon which such
736 an election shall be held in the municipality, of which not less



737 than three (3) weeks' notice shall be given by the clerk of such
738 board, by a notice in a newspaper published in the municipality
739 once each week for three (3) consecutive weeks preceding the same,
740 or if no newspaper is published in the municipality, then by
741 posting a notice for three (3) weeks preceding the election at
742 three (3) public places in the municipality. At such election,
743 all qualified electors of the municipality may vote, and the
744 ballots used shall have printed thereon a brief statement of the
745 purpose of the board to enter into the plan hereby authorized and
746 to issue bonds therefor or to expend other municipal funds
747 available together with the words "For the Proposed Enterprise,"
748 and the words "Against the Proposed Enterprise," and the voter
749 shall vote by placing a cross (X) opposite his choice of the
750 proposition. Should the election provided for herein result in
751 favor of the proposed plan and bond issue or expenditure by at
752 least sixty percent (60%) of those voting in favor of the plan,
753 provided that the total number of votes cast in the election shall
754 be not less than thirty percent (30%) of the qualified electors of
755 the territory included in the proposal, then the governing board
756 may proceed to exercise the authority granted under the provisions
757 of Sections 57-1-1 through 57-1-51 within three (3) years after
758 the date of such election or within three (3) years after final,
759 favorable determination of any litigation affecting the industrial
760 plan or bond issue. If such election results unfavorably to the
761 proposition, then no second or other election shall be ordered or



762 held until the board shall determine that such election may be
763 held.

764 Where the separate supervisors' district or districts of a
765 county indicate a desire to enter into the plan herein authorized,
766 but not to affect the remainder of the county, then the board of
767 supervisors shall direct the holding of such election only in the
768 supervisors' district or districts affected, and the board of
769 supervisors is hereby authorized to carry out the provisions of
770 Sections 57-1-1 through 57-1-51 for such separate supervisors'
771 district or districts.

772 In the event the proposal to be voted on at the election
773 required herein includes bonds to be issued covering a
774 supervisors' district or districts, but not the entire county,
775 includes a town or city of a population of more than five hundred,
776 (500) as well as territory outside the corporate limits of such
777 town or city and the proposed enterprise is to be located in such
778 town or city or within one (1) mile of the corporate limits
779 thereof, the qualified electors voting in the election residing
780 outside the corporate limits of the town or city shall vote
781 separately from those residing in such town or city.

782 All qualified electors shall vote at their usual voting
783 places and in event the usual voting place of electors residing
784 outside the corporate limits of such town or city is in such town
785 or city, such elector shall vote in a separate ballot box provided
786 for the purpose, and the officers holding the election shall make



787 separate returns of the results of the vote of those residing
788 within the town or city and those residing outside such town or
789 city.

790 Unless sixty percent (60%) of the qualified electors residing
791 in such town or city voting in the election and sixty percent
792 (60%) of the qualified electors residing outside such town or city
793 voting in such election shall vote for the proposed bond issue,
794 computed and declared separately, the proposed bond issue shall be
795 declared as disapproved.

796 It shall be the duty of the county election commissioners to
797 provide necessary ballot boxes, separate voting lists containing
798 the names of electors residing within and without the corporate
799 limits of towns and cities when such is required by the proposal
800 submitted, and records for the conduct of the election in
801 accordance with the requirements of this section.

802 And in event the proposal to be voted on at the election
803 required by this section includes bonds to be issued covering the
804 entire county and the proposed industry is to be located in a town
805 or city or within one (1) mile of the corporate limits thereof,
806 the qualified electors voting in the election residing outside the
807 corporate limits of the city or town, and whose regular voting
808 place is within the corporate limits of the city or town, shall
809 vote separately from those residing in such city or town, in
810 separate ballot boxes to be provided for such purposes, and the
811 votes so cast shall be counted separately.



812 At the election, unless sixty percent (60%) of the qualified
813 electors voting in the election and residing within the corporate
814 limits of the city or town in which the proposed enterprise is to
815 be located, or the town or city within one (1) mile of the
816 proposed location of the enterprise shall vote for the proposed
817 bond issue and sixty percent (60%) of all the other qualified
818 electors of the county voting in the election shall vote for the
819 proposed bond issue, computed and declared separately, the
820 proposed bond issue shall be declared as disapproved. All
821 qualified electors voting in such election shall vote at their
822 usual voting precincts, and the county election commissioners
823 shall provide necessary boxes, separate voting lists containing
824 the names of electors residing within and without the corporate
825 limits of the town or city wherein such enterprise is proposed to
826 be located, or such town or city within one (1) mile of the
827 proposed location of the enterprise, and records for the conduct
828 of the election in accordance with the requirements of this
829 section.

830 **SECTION 21.** Section 57-1-27, Mississippi Code of 1972, is
831 brought forward as follows:

832 57-1-27. Before any bonds shall be issued under Sections
833 57-1-1 through 57-1-51 by any municipality, or any contract shall
834 be made to dispose of any public property hereunder acquired, the
835 same must be approved in its entirety by the executive director,



836 but such approval shall not in any way render the State of
837 Mississippi liable.

838 **SECTION 22.** Section 57-1-29, Mississippi Code of 1972, is
839 brought forward as follows:

840 57-1-29. A municipality, having been authorized by the
841 executive director, as herein provided, may expend, for acquiring
842 and operating such municipal enterprise under rules and
843 regulations adopted by the executive director, any funds of the
844 municipality then on hand or available and not already
845 appropriated or necessary for other municipal purposes. A
846 municipality, after the terms and conditions have been fixed by
847 the executive director and with his approval, is hereby authorized
848 from and after July 1, 1944, to issue bonds of such municipality
849 for the purpose of effectuating the provisions of Sections 57-1-1
850 through 57-1-51 and promoting thereby the public policy of this
851 state in bringing about the general welfare of its people. When,
852 if and to the extent that a bond issue shall be approved by the
853 executive director, then the same may be authorized by the
854 governing authority of the municipality, and to secure such bond
855 issue the municipality may mortgage or pledge property used and
856 useful for the industrial enterprise; and the income therefrom,
857 and confer upon the holders of such bonds the rights of a first
858 mortgage bondholder. Such bond issue shall be first approved by
859 the executive director, and thereafter shall be authorized by
860 resolution or ordinance of the governing board of the municipality



861 in such form and with such provisions, terms and conditions as may
862 be fixed in the resolution or ordinance not inconsistent with the
863 provisions of Sections 57-1-1 through 57-1-51. Present
864 limitations on the amount of other bonds that may be issued by
865 such municipality shall not apply to bonds issued hereunder other
866 than as herein otherwise provided. All such bonds shall be
867 lithographed or engraved, and printed in two (2) or more colors to
868 prevent counterfeiting, and shall be in sums not less than One
869 Thousand Dollars (\$1,000.00) or multiples thereof, and shall be
870 numbered in a regular series from one (1) upward, be executed by
871 the manual or facsimile signature of the president of the board of
872 supervisors and the clerk of such board; or by the mayor and clerk
873 of the municipality, and either of such clerks shall impress the
874 county or municipal seal, as the case may be, upon each bond as it
875 is issued. At least one (1) signature on each bond shall be a
876 manual signature, as specified in the issuing resolution. The
877 coupons may bear only the facsimile signatures of such president
878 and clerk of the board of supervisors or such mayor and clerk, as
879 the case may be. Every such bond shall specify on its face the
880 purpose for which it was issued, the total amount authorized to be
881 issued, and each shall be made payable to bearer, and on request
882 of any holder of such bonds the same may be registered as to
883 principal by the clerk of the issuing board. The governing
884 authorities shall annually levy a tax, or shall otherwise provide
885 funds sufficient for paying interest on such bonds, and the bonds



886 maturing within one (1) year and shall provide a sinking fund for
887 the redemption of the bonds issued. Such bonds shall be issued
888 maturing annually with all maturities not longer than twenty (20)
889 years with not less than one-fiftieth (1/50) of the total issue to
890 mature each year during the first five (5) years of the life of
891 the bonds, and not less than one-twenty-fifth (1/25) of the total
892 issue to mature annually during the succeeding ten-year period of
893 the life of the bonds, and the remainder to be amortized, as to
894 the principal and interest, into approximately equal payments, one
895 (1) payment to mature during each year for the remaining life of
896 the bonds. Such bonds shall not bear a greater overall maximum
897 rate of interest than that allowed in Section 75-17-101,
898 Mississippi Code of 1972. No bond shall bear more than one (1)
899 rate of interest; each bond shall bear interest from its date to
900 its stated maturity date at the interest rate specified in the
901 bid; all bonds of the same maturity shall bear the same rate of
902 interest from date to maturity; all interest accruing on such
903 bonds so issued shall be payable semiannually or annually, except
904 that the first interest coupon attached to any such bond may be
905 for any period not exceeding one (1) year.

906 No interest payment shall be evidenced by more than one (1)
907 coupon and neither cancelled nor supplemental coupons shall be
908 permitted; the lowest interest rate specified for any bonds issued
909 shall not be less than seventy percent (70%) of the highest
910 interest rate specified for the same bond issue. The interest



911 rate of any one (1) interest coupon shall not exceed the maximum
912 interest rate allowed on such bonds.

913 Each interest rate specified in any bid must be in multiples
914 of one-eighth of one percent (1/8 of 1%) or in multiples of
915 one-tenth of one percent (1/10 of 1%).

916 The denomination, form and place of payment shall be fixed in
917 the authorization therefor, and for the payment thereof the full
918 faith, credit and resources of the municipality shall be pledged
919 and a tax levied on all taxable property in the municipality,
920 adequate to pay principal and interest on such bonds as the same
921 fall due. Proceeds of such bonds shall be placed in the municipal
922 treasury as a special fund and shall be used for no other purpose
923 than the purpose set forth in the original resolution, and any
924 officer diverting or assisting to divert any such fund to any
925 other purpose than the purpose originally set forth in the
926 resolution of the governing authority of the municipality shall be
927 guilty of a misdemeanor, shall be punished accordingly, and shall
928 also be liable both personally and on his official bond for such
929 diversion, together with the costs of collection and reasonable
930 attorney's fees. The Attorney General is authorized to proceed by
931 action for injunction or mandamus to require compliance with the
932 original resolution by any officer or municipal board.

933 **SECTION 23.** Section 57-1-31, Mississippi Code of 1972, is
934 brought forward as follows:



935 57-1-31. The board of supervisors of any county, or the
936 governing authorities of any municipality or other political
937 subdivision, shall have the power, in its discretion, to pay
938 reasonable compensation to attorneys who may be employed by it in
939 the matter of the issuance of bonds authorized to be issued by the
940 provisions of this chapter, the drafting of all orders and
941 resolutions in connection therewith, and passing upon the validity
942 thereof. However, in no instance shall the attorney's fees paid
943 for the issuance or refunding of such bonds exceed the following
944 amounts, to-wit:

945 On all such bond issues the attorney's fees shall not exceed
946 one percent (1%) of the first Five Hundred Thousand Dollars
947 (\$500,000.00); one-half percent (1/2%) of all over Five Hundred
948 Thousand Dollars (\$500,000.00) and not more than One Million
949 Dollars (\$1,000,000.00); and one-fourth percent (1/4%) of all
950 amounts in excess of One Million Dollars (\$1,000,000.00).

951 As used in this section, the term "municipalities" shall be
952 construed to include any political subdivision of this state
953 authorized to issue bonds under the authority contained in this
954 chapter.

955 The limitations imposed herein shall not apply to any bond
956 issue upon which a declaration of intent to issue bonds has
957 heretofore been spread upon the minutes of the political
958 subdivision desiring to issue same.



959 **SECTION 24.** Section 57-1-33, Mississippi Code of 1972, is
960 brought forward as follows:

961 57-1-33. When the executive director authorizes any
962 municipality to issue bonds under the provisions of Sections
963 57-1-1 through 57-1-51, he shall find and determine the total
964 amount of bonds to be issued. He shall fix the maturity dates of
965 the bonds consistent with the provisions of the aforesaid
966 sections. He shall determine the amount of taxes necessary to be
967 levied and collected annually to retire the bonds and pay interest
968 coupons and to create a sinking fund for the payment of the bonds
969 and interest so that the annual tax levy shall be uniform
970 throughout the period for which the bonds are issued. He shall
971 require the municipality to report annually to him payments made
972 on the bonds and on interest, with the dates of payments, and to
973 report the amount passed to the sinking fund, together with a list
974 and amount of the bonds remaining outstanding for purposes of the
975 aforesaid sections, and a failure so to do shall make the members
976 of the governing board guilty of a misdemeanor and punishable
977 accordingly. All of such reports shall be permanent public
978 records of the department.

979 **SECTION 25.** Section 57-1-35, Mississippi Code of 1972, is
980 brought forward as follows:

981 57-1-35. The bonds hereinabove provided for shall be sold by
982 the governing authority of the municipality at not less than par
983 and accrued interest at public sale held after notice of such sale



984 published at least one (1) time at least five (5) days before such
985 sale in a newspaper of general circulation in the municipality.

986 **SECTION 26.** Section 57-1-37, Mississippi Code of 1972, is
987 brought forward as follows:

988 57-1-37. In the case any municipality shall have initiated
989 any industry as provided in Sections 57-1-19 and 57-1-21, and
990 thereafter said municipality lacks the requisite funds for
991 completion by reason of emergency which was wholly unforeseen,
992 then upon the approval of the commission, upon the same terms and
993 conditions as herein set forth, additional bonds may be
994 authorized.

995 **SECTION 27.** Section 57-1-39, Mississippi Code of 1972, is
996 brought forward as follows:

997 57-1-39. All bonds issued pursuant to Sections 57-1-1
998 through 57-1-51 and all interest thereon or income therefrom shall
999 be exempt from all taxation except gift and inheritance taxes.
1000 Necessary taxes levied and collection for the payment of these
1001 bonds and interest thereon shall not be considered or accounted in
1002 any limitation on the powers of the municipality to tax except as
1003 otherwise herein provided.

1004 **SECTION 28.** Section 57-1-41, Mississippi Code of 1972, is
1005 brought forward as follows:

1006 57-1-41. Any municipality having surplus sinking funds under
1007 the provisions of Sections 57-1-1 through 57-1-51 may, in the
1008 discretion of the governing board of such municipality, invest



1009 said sinking funds by purchasing bonds of any county or
1010 municipality of this state, bonds of the State of Mississippi, or
1011 bonds issued by authority of the United States government, except
1012 drainage district bonds, provided, that the bonds so purchased
1013 shall mature prior to the time when the bonds payable out of the
1014 sinking fund hereunder shall fall due.

1015 **SECTION 29.** Section 57-1-43, Mississippi Code of 1972, is
1016 brought forward as follows:

1017 57-1-43. Any municipality may use any sinking fund, reserve
1018 fund, or surplus fund to purchase any bond hereunder issued, and
1019 shall cancel and retire the same when, in the judgment of the
1020 governing authorities of such municipality, the interest of such
1021 municipality will be subserved thereby. Any surplus income from
1022 said enterprise arising through its operation or from its
1023 disposition, accruing to the municipality over and above the
1024 amount necessary to pay for repairs, replacements, bonds herein
1025 authorized which may be issued and interest thereon, may be
1026 applied by the governing board of the municipality upon any of the
1027 other outstanding debts or obligations of the municipality.

1028 **SECTION 30.** Section 57-1-45, Mississippi Code of 1972, is
1029 brought forward as follows:

1030 57-1-45. The several municipalities when and to the extent
1031 authorized by the executive director pursuant hereto, are hereby
1032 authorized and empowered, if they so desire, by and through their
1033 governing board, to sell, lease or otherwise dispose of such



1034 enterprise or enterprises, in whole or in part, on such terms and
1035 conditions and with such safeguards as will best promote and
1036 protect the public interest, and are authorized, acting with the
1037 approval of the executive director by and through their respective
1038 governing boards, to transfer title or possession to such industry
1039 or to any property utilized therein, by warranty deed, lease, bill
1040 of sale, contract or other customary business instrument, in the
1041 same manner and to the same extent, when so thus authorized by the
1042 executive director, that any private corporation, association or
1043 person may now contract, with reference to such property of a
1044 similar nature, provided that such disposition shall not be made
1045 except by the affirmative vote of at least two-thirds (2/3) of the
1046 members elected to the governing body of such municipality, and
1047 all votes shall be of record. All income from any lease or
1048 contract for the operation or from the disposition of such
1049 industrial enterprise shall be paid into the bond sinking fund
1050 provided for the bonds issued under the provisions of Sections
1051 57-1-1 through 57-1-51 for the retirement of such bonds and the
1052 interest thereon, and such income or proceeds shall not be used by
1053 the municipality for any other purpose except as to disposition of
1054 surplus income authorized above, and shall be subject to all of
1055 the provisions hereof relative to such sinking fund.

1056 **SECTION 31.** Section 57-1-47, Mississippi Code of 1972, is
1057 brought forward as follows:



1058 57-1-47. All enterprises acquired, constructed or owned by
1059 any of said municipalities under the provisions of Sections 57-1-1
1060 through 57-1-51, are declared the public property of each of said
1061 municipalities, and as such, shall not be subject to taxation.

1062 **SECTION 32.** Section 57-1-49, Mississippi Code of 1972, is
1063 brought forward as follows:

1064 57-1-49. Any port commission or authority created by law,
1065 operating in any county or municipality of this state, is
1066 authorized and empowered to assist and cooperate with such county
1067 or municipality to effectuate the purposes of Sections 57-1-1
1068 through 57-1-51.

1069 **SECTION 33.** Section 57-1-51, Mississippi Code of 1972, is
1070 brought forward as follows:

1071 57-1-51. The provisions of Sections 57-1-1 through 57-1-51
1072 shall not repeal or impair any law now in effect, except as
1073 therein specifically provided, but shall exist as a separate,
1074 several, independent, additional and cumulative method for giving
1075 to the people of Mississippi the fulfillment of the public policy
1076 of encouraging the promotion of economic development of new and
1077 existing "enterprises." Nor shall the aforesaid sections or any
1078 part thereof repeal any of the provisions of private or special
1079 municipal charters, nor affect, limit or restrict the right of any
1080 municipality, now operating under special charter, to amend said
1081 charter pursuant to the provisions of Section 21-17-9, Mississippi



1082 Code of 1972, which section shall apply to Sections 57-1-1 through
1083 57-1-51.

1084 **SECTION 34.** Section 57-1-52, Mississippi Code of 1972, is
1085 brought forward as follows:

1086 57-1-52. (1) There is hereby created the Mississippi * * *
1087 Development Authority, whose principal offices shall be located in
1088 Jackson, Mississippi.

1089 (2) The Mississippi * * * Development Authority shall be
1090 organized into the following offices:

- 1091 (a) Office of Economic Development;
- 1092 (b) Office of Community Development;
- 1093 (c) Office of Support Services.

1094 (3) The department shall be headed by an executive director,
1095 who shall be appointed by and serve at the pleasure of the
1096 Governor. The appointment of the executive director shall be made
1097 with the advice and consent of the Senate. The executive director
1098 may assign to the appropriate offices such powers and duties as
1099 deemed appropriate to carry out the department's lawful functions.

1100 (4) The executive director of the department shall appoint
1101 heads of offices, who shall serve at the pleasure of the executive
1102 director. The executive director shall have the authority to
1103 organize the offices established by subsection (2) of this section
1104 as deemed appropriate to carry out the responsibilities of the
1105 department. The organization charts of the department shall be



1106 presented annually with the budget request of the Governor for
1107 review by the Legislature.

1108 **SECTION 35.** Section 57-1-53, Mississippi Code of 1972, is
1109 brought forward as follows:

1110 57-1-53. The department is designated as the single state
1111 agency to receive and expend any federal funds made available for
1112 matters within the jurisdiction of the department.

1113 The department shall coordinate all functions of state
1114 government related to economic development and tourism within the
1115 jurisdiction of the department.

1116 **SECTION 36.** Section 57-1-54, Mississippi Code of 1972, is
1117 brought forward as follows:

1118 57-1-54. The Mississippi Development Authority shall be the
1119 Department of Economic and Community Development and shall retain
1120 all powers and duties granted by law to the Mississippi Department
1121 of Economic and Community Development and wherever the term
1122 "Mississippi Department of Economic and Community Development,"
1123 "Department of Economic and Community Development," "Mississippi
1124 Department of Economic Development" or "Department of Economic
1125 Development" appears in any law the same shall mean the
1126 Mississippi Development Authority. The Mississippi Development
1127 Authority may continue to refer to itself as the Mississippi
1128 Department of Economic and Community Development for as long as it
1129 may deem necessary. The Executive Director of the Mississippi
1130 Development Authority may assign to the appropriate divisions such



1131 powers and duties as he deems appropriate to carry out its lawful
1132 duties.

1133 Nothing in the Mississippi Executive Reorganization Act of
1134 1989 [Laws, 1989, Chapter 544] shall be construed to eliminate or
1135 change in any manner the duties, functions or operations of the
1136 planning and development districts heretofore created by executive
1137 order of the Governor.

1138 **SECTION 37.** Section 57-1-55, Mississippi Code of 1972, is
1139 brought forward as follows:

1140 57-1-55. (1) The * * * Mississippi Development Authority
1141 shall have the following general powers and duties: To develop
1142 and manage programs which enhance the climate for economic growth
1143 through assistance to private sector businesses, local communities
1144 and individuals, and through an extensive national and
1145 international marketing effort.

1146 (2) The * * * Mississippi Development Authority shall have
1147 the following general powers and duties with respect to economic
1148 development:

1149 (a) To plan, supervise and direct an active program of
1150 solicitation of industries to locate within the state;

1151 (b) To prepare, maintain and disseminate information
1152 which is needed by companies in evaluating site locations;

1153 (c) To consult with, advise and assist prospective
1154 industries wishing to locate within the state;



1155 (d) To encourage new or expanding industries, which
1156 will add to the economy, to locate within the state;

1157 (e) To maintain a coordinated liaison function with
1158 other development groups, including state and federal agencies,
1159 and planning and development districts, utility companies,
1160 chambers of commerce and railroads;

1161 (f) To assist communities and counties within the state
1162 in preparation for economic growth;

1163 (g) To assist new and existing business and industry
1164 and encourage their development and expansion;

1165 (h) To plan and conduct a nationwide advertising
1166 program promoting the state to prospective industry. Any contract
1167 entered into for such purposes shall be advertised, bid and
1168 accepted in accordance with the same procedure as prescribed for
1169 the advertisement and acceptance of bids for the purchase of
1170 commodities and contracts for public purchases under Chapter 7,
1171 Title 31, Mississippi Code of 1972;

1172 (i) To work with economic development agencies of the
1173 federal government in areas of industrial development and provide
1174 information to industrial prospects regarding the availability of
1175 federal funds and assistance;

1176 (j) To work with the Department of Corrections,
1177 pursuant to the provisions of Section 47-5-501 et seq., in
1178 identifying and evaluating acceptable industries and businesses
1179 and in acting as an agent of the Department of Corrections by



1180 communicating with such concerns and aggressively soliciting their
1181 participation in the Correctional Industries Work Program;

1182 (k) To perform related work as required;

1183 (l) To disseminate information about financial and
1184 other programs of the * * * Mississippi Development Authority that
1185 will assist in the creation or expansion of industries processing
1186 wood products in this state;

1187 (m) To market processed and raw agricultural products
1188 domestically and abroad;

1189 (n) To aid in the establishment of business incubation
1190 centers by private business interests, not for profit
1191 corporations, and/or governmental entities. The department may
1192 provide funds by contract for the establishment of business
1193 incubation centers and may contract for space in which business
1194 incubation centers will be located. Business incubation centers
1195 are defined as facilities and support services that encourage the
1196 establishment of successful small businesses by providing a
1197 short-term sheltered environment. The department may solicit and
1198 accept grants and other financial aid or support from private or
1199 public sources to aid in the development of business incubation
1200 centers. In addition, advice and assistance to established
1201 business incubation centers may be provided by the department; and

1202 (o) To employ licensed real estate brokers and
1203 appraisers necessary for the industrial development of any real
1204 estate under the ownership or control of the * * * Mississippi



1205 Development Authority. Any contract entered into for such
1206 purposes shall be advertised, bid and accepted in accordance with
1207 the same procedure as prescribed for the advertisement and
1208 acceptance of bids for the purchase of commodities and contracts
1209 for public purchases under Chapter 7, Title 31, Mississippi Code
1210 of 1972.

1211 **SECTION 38.** Section 57-1-56, Mississippi Code of 1972, is
1212 brought forward as follows:

1213 57-1-56. The Occupational Information Coordinating Committee
1214 shall be located within the * * * Mississippi Development
1215 Authority and shall develop and implement an occupational
1216 information system for vocational education, employment and
1217 training programs.

1218 **SECTION 39.** Section 57-1-57, Mississippi Code of 1972, is
1219 brought forward as follows:

1220 57-1-57. The Mississippi Development Authority shall conduct
1221 and prepare, or shall contract for the preparation of, a study to
1222 determine if there is a significant statistical disparity in the
1223 total number of qualified minority contractors of goods and
1224 services doing business in the State of Mississippi and the actual
1225 number of such minority contractors with whom the State of
1226 Mississippi, or with whom a prime contractor with the State of
1227 Mississippi, has contracted to provide goods and services.

1228 **SECTION 40.** Section 57-1-58, Mississippi Code of 1972, is
1229 brought forward as follows:



1230 57-1-58. It is the policy of the Mississippi Development
1231 Authority and the Mississippi Development Authority is authorized
1232 to accommodate and support any entity using funds authorized and
1233 made available under Section 57-93-1 and Sections 2 through 37 of
1234 Chapter 1, Laws of Third Extraordinary Session of 2005, that
1235 wishes to have a program of diversity in contracting, and/or that
1236 wishes to do business with or cause its prime contractor to do
1237 business with Mississippi companies, including those companies
1238 that are small business concerns owned and controlled by socially
1239 and economically disadvantaged individuals. The term "socially
1240 and economically disadvantaged individuals" shall have the meaning
1241 ascribed to that term under Section 8(d) of the Small Business Act
1242 (15 USCS 637(d)) and relevant subcontracting regulations
1243 promulgated pursuant thereto; except that women shall be presumed
1244 to be socially and economically disadvantaged individuals for the
1245 purposes of this section.

1246 **SECTION 41.** Section 57-1-59, Mississippi Code of 1972, is
1247 brought forward as follows:

1248 57-1-59. The Mississippi Development Authority shall have
1249 the following general powers and duties with respect to tourism:

1250 (a) To promote and advertise the image of Mississippi
1251 both within and without the boundaries of this state;

1252 (b) To promote and advertise fairs and similar
1253 activities of interest to tourists and the traveling public;



1254 (c) To promote and advertise the use of wildlife and
1255 natural areas by tourists and the traveling public;

1256 (d) To promote and advertise the use of state
1257 recreational and park facilities by tourists and the traveling
1258 public;

1259 (e) To promote and advertise all resources of the State
1260 of Mississippi as attractions to tourists and the traveling
1261 public;

1262 (f) To develop for all agencies of state government the
1263 necessary promotional and advertising materials needed to promote
1264 all facilities and programs which may be of interest to travelers
1265 and tourists;

1266 (g) To maintain an educational awareness program for
1267 the citizens of the state to constantly encourage increased
1268 development of activities of interest to tourists and the
1269 traveling public;

1270 (h) To develop and maintain an information services
1271 system to adequately guide tourists and the traveling public
1272 within the boundaries of the state;

1273 (i) To develop and maintain an extensive media program
1274 to adequately inform the national and international consumer about
1275 Mississippi;

1276 (j) To enter into contracts and other agreements with
1277 local tourism commissions or similar entities for the purpose of
1278 developing regional strategies for tourism promotion. The



1279 Mississippi Development Authority, in conjunction with the
1280 formulation of regional strategies for tourism promotion, may
1281 require that local tourism commissions or similar entities enter
1282 into agreements with the authority as a condition for receiving
1283 any state grants to promote tourism; and

1284 (k) To develop programs and projects promoting the
1285 state's heritage, history, culture, literature and arts, including
1286 the positive recovery of the state after damages caused by natural
1287 disasters, and demonstrating the state's attractiveness as a
1288 tourism destination for those and other reasons.

1289 **SECTION 42.** Section 57-1-60, Mississippi Code of 1972, is
1290 brought forward as follows:

1291 57-1-60. The * * * Mississippi Development Authority, in its
1292 discretion, may establish a program of grants to be matched by
1293 tourism entities in the state to finance, promote and advertise
1294 local tourist attractions. Monies committed to the program of
1295 grants shall not lapse into the State General Fund at the end of a
1296 fiscal year. Any program of grants established under this section
1297 shall be in addition to those grants authorized by Chapter 27,
1298 Title 57, Mississippi Code of 1972.

1299 **SECTION 43.** Section 57-1-61, Mississippi Code of 1972, is
1300 brought forward as follows:

1301 57-1-61. The staff and resources of the travel and tourism
1302 department of the agricultural and industrial board shall be, and
1303 are hereby transferred to the department of economic development.



1304 **SECTION 44.** Section 57-1-63, Mississippi Code of 1972, is
1305 brought forward as follows:

1306 57-1-63. It is the intent of the Legislature that all powers
1307 and duties of any state agency relating to the promotion and
1308 advertising of tourism which are not provided for by statute shall
1309 be transferred to and vested in the department.

1310 **SECTION 45.** Section 57-1-64, Mississippi Code of 1972, is
1311 brought forward as follows:

1312 57-1-64. (1) The Mississippi Development Authority is
1313 authorized to sell advertising and other tourism promotional
1314 information through the Mississippi Development Authority Internet
1315 website and other marketing outlets, and to enter into agreements
1316 with tourism associations and similar entities for the purpose of
1317 making and facilitating sales through the use of such entities.
1318 Revenues received from such sales shall be placed into the special
1319 fund created in subsection (2) of this section.

1320 (2) There is created a special fund in the State Treasury to
1321 be known as the Mississippi Development Authority Tourism
1322 Advertising Fund which shall consist of monies from any source
1323 designated for deposit into the fund. Unexpended amounts
1324 remaining in the fund at the end of a fiscal year shall not lapse
1325 into the State General Fund, and any investment earnings or
1326 interest earned on amounts in the fund shall be deposited to the
1327 credit of the fund. Monies in the fund may be used by the
1328 Mississippi Development Authority for the purpose of paying costs



1329 incurred in connection with the purchase of Internet advertising
1330 and other promotional information and materials related to
1331 Mississippi tourism resources and activities.

1332 (3) The Mississippi Development Authority shall have all
1333 powers necessary to implement and administer the provisions of
1334 this section.

1335 **SECTION 46.** Section 57-1-64.1, Mississippi Code of 1972, is
1336 brought forward as follows:

1337 57-1-64.1. (1) There is hereby created a Mississippi
1338 Tourism Association Marketing Advisory Board to assist the
1339 Mississippi Development Authority in the planning of initiatives
1340 for advertising and promoting tourism in Mississippi.

1341 (2) The advisory board shall be composed of the following
1342 members:

1343 (a) The Executive Director of the Mississippi Tourism
1344 Association; and

1345 (b) The members of the Mississippi Tourism Association
1346 Board of Directors, composed through the bylaws of the Mississippi
1347 Tourism Association as being geographically and ethnically diverse
1348 members from the five (5) tourism regions designated as the Hills,
1349 the Delta, the Capital/River, the Pines and the Coastal regions of
1350 Mississippi, and three (3) at-large members.

1351 (3) Members of the advisory board may not be compensated for
1352 the performance of their duties.



1353 (4) The advisory board will give input and advice to the
1354 Mississippi Development Authority's Tourism Division on marketing
1355 and advertising planning, but shall have no executive powers at
1356 the Mississippi Development Authority.

1357 **SECTION 47.** Section 57-1-65, Mississippi Code of 1972, is
1358 brought forward as follows:

1359 57-1-65. The Mississippi * * * Development Authority shall
1360 have the following general powers and duties with respect to
1361 marketing:

1362 (a) To promote and stimulate the development of new
1363 markets for Mississippi products and goods.

1364 (b) To encourage the establishment of industrial
1365 operations to process agricultural and forestry raw products to an
1366 end-product stage, ready for sale to the markets of the nation and
1367 the world; and

1368 (c) To coordinate all studies in the State of
1369 Mississippi concerned with the development of markets for
1370 Mississippi products and goods.

1371 **SECTION 48.** Section 57-1-66, Mississippi Code of 1972, is
1372 brought forward as follows:

1373 57-1-66. The * * * Mississippi Development Authority is
1374 authorized to produce publications, booklets, brochures,
1375 directories, materials and merchandise for the purposes of
1376 promoting and marketing Mississippi and assisting businesses
1377 through the provision of information in printed form or on



1378 computer disk, and to license or sell such items for a fee;
1379 however, no public entity or any agency thereof established
1380 pursuant to the laws of this state shall be charged a fee for the
1381 provision of such items. The funds which are received from the
1382 licensing or sale of items described herein shall be paid into a
1383 special revolving fund which is hereby established in the State
1384 Treasury. Monies in this fund shall be expended as appropriated
1385 by the Legislature. Any monies remaining in the special fund at
1386 the close of a fiscal year shall not lapse into the State General
1387 Fund.

1388 **SECTION 49.** Section 57-1-67, Mississippi Code of 1972, is
1389 brought forward as follows:

1390 57-1-67. The Mississippi * * * Development Authority,
1391 pursuant to contractual agreements with individual planning and
1392 development districts, may assign field office staff of the
1393 department to a planning and development district office.
1394 Planning and development district directors may be consulted by
1395 the department as any annual work programs for field office staff
1396 so assigned are prepared. Any such work programs shall be
1397 designed to address issues and projects of mutual interest to the
1398 department and districts and to the accomplishment of their
1399 respective economic development missions.

1400 **SECTION 50.** Section 57-1-68, Mississippi Code of 1972, is
1401 brought forward as follows:



1402 57-1-68. The * * * Mississippi Development Authority, in its
1403 discretion, may establish a program of grants to be matched by
1404 economic development entities in the state to finance and promote
1405 local economic development. Monies committed to the program of
1406 grants shall not lapse into the State General Fund at the end of a
1407 fiscal year.

1408 **SECTION 51.** Section 57-1-69, Mississippi Code of 1972, is
1409 brought forward as follows:

1410 57-1-69. The * * * Mississippi Development Authority is
1411 authorized to cooperate with Mississippi Miss Hospitality, Inc.,
1412 in the production of the Mississippi Miss Hospitality Pageant and
1413 with Miss Mississippi Pageant, Inc., in the production of the Miss
1414 Mississippi Pageant, and with Mrs. Mississippi-America Pageant,
1415 Inc., in the production of the Mrs. Mississippi Pageant, and in
1416 defraying expenses incurred by Miss Hospitality and Miss
1417 Mississippi and Mrs. Mississippi when making official appearances
1418 to represent this state, by expending in furtherance of such
1419 purposes any money appropriated or otherwise made available to the
1420 department therefor. Money received by the department for such
1421 purposes shall be deposited into a special fund which is hereby
1422 created in the State Treasury. Unexpended amounts remaining in
1423 such special fund at the end of a fiscal year shall not lapse into
1424 the State General Fund, and any interest earned on amounts in such
1425 special fund shall be deposited to the credit of the special fund.



1426 **SECTION 52.** Section 57-1-70, Mississippi Code of 1972, is
1427 brought forward as follows:

1428 57-1-70. The person selected as Miss Mississippi in the
1429 annual pageant sponsored by Miss Mississippi Pageant, Inc., and
1430 the person selected as Miss Hospitality in the annual Mississippi
1431 Miss Hospitality Pageant, and the person selected as Mrs.
1432 Mississippi in the annual Mrs. Mississippi Pageant, shall be the
1433 official nongovernmental representatives of the State of
1434 Mississippi, and shall be the only persons selected in pageants in
1435 the state who are recognized by the state as its official
1436 representatives in appearances made at functions, ceremonies or
1437 other activities on behalf of the state or for the promotion or
1438 goodwill of the state.

1439 **SECTION 53.** Section 57-1-71, Mississippi Code of 1972, is
1440 brought forward as follows:

1441 57-1-71. Any municipality located in two adjacent counties
1442 which forms a part of a municipal separate school district the
1443 territory of which is located in two adjacent counties which
1444 desires to enter into the establishment of an enterprise under the
1445 provisions of Sections 57-1-1 through 57-1-51, jointly with the
1446 territory forming a part of such municipal separate school
1447 district shall, by and through its governing authority, declare
1448 its intention of entering into such plan by resolution spread upon
1449 its minutes and shall jointly with the boards of supervisors of
1450 the counties affected file with the Mississippi Agricultural and



1451 Industrial Board, a petition for certificate of public convenience
1452 and necessity in the manner and for the purpose prescribed by
1453 Section 57-1-21, and the governing authority of such municipality
1454 is authorized to proceed under Sections 57-1-1 through 57-1-51,
1455 for and on behalf of the municipality and the municipal separate
1456 school district territory the same as if such territory were a
1457 part of said municipality.

1458 **SECTION 54.** Section 57-1-73, Mississippi Code of 1972, is
1459 brought forward as follows:

1460 57-1-73. Should the certificate of public convenience and
1461 necessity be issued by the Mississippi Agricultural and Industrial
1462 Board the governing authority of such municipality shall call an
1463 election in the municipality and in the territory outside the
1464 municipality in the manner and method for calling, conducting and
1465 holding elections provided in Section 57-1-25, and should
1466 two-thirds of the qualified electors residing in the municipality
1467 and voting in the election, and two-thirds of the qualified
1468 electors residing in the territory outside the municipality
1469 forming a part of the municipal separate school district of which
1470 such territory and municipality are a part and voting in the
1471 election, vote in favor of the enterprise, such municipal separate
1472 school district including the municipality shall be deemed a
1473 municipality within the meaning of Sections 57-1-1 through
1474 57-1-51, and shall have all rights, powers and authority to act by
1475 and through the governing authority of such municipality granted



1476 to municipalities as defined in Sections 57-1-1 through 57-1-51
1477 and by said sections.

1478 **SECTION 55.** Section 57-1-75, Mississippi Code of 1972, is
1479 brought forward as follows:

1480 57-1-75. The governing authority of the municipality as
1481 defined in Sections 57-1-71 and 57-1-73, subject to the the
1482 approval of the boards of supervisors of each county having
1483 territory involved, may issue such bonds as may be authorized in
1484 the election held for the operation of the enterprise, and may
1485 make all contracts for the erection of buildings and structures
1486 and the acquisition and purchase of lands, and for the operation
1487 of such enterprise. It shall not be necessary for contracts
1488 entered into by the governing authority of the municipality to be
1489 approved by the boards of supervisors of the counties having
1490 territory included in such municipal separate school district.

1491 **SECTION 56.** Section 57-1-77, Mississippi Code of 1972, is
1492 brought forward as follows:

1493 57-1-77. The bonds issued under Section 57-1-75 shall be
1494 issued and signed in the manner provided for the issuance of bonds
1495 by municipalities by Sections 57-1-1 through 57-1-51, and shall
1496 pledge the full faith and credit of the entire municipal separate
1497 school district for which said bonds are issued, including the
1498 municipality and the territory outside such municipality lying in
1499 adjoining supervisors districts of adjacent counties.



1500 **SECTION 57.** Section 57-1-79, Mississippi Code of 1972, is
1501 brought forward as follows:

1502 57-1-79. The governing authority of such municipality as
1503 defined in Sections 57-1-71 and 57-1-73 shall designate a
1504 depository for the funds of the municipality in the same manner as
1505 county depositories are designated.

1506 **SECTION 58.** Section 57-1-81, Mississippi Code of 1972, is
1507 brought forward as follows:

1508 57-1-81. On or before the first Monday of September of each
1509 year the governing authority of the municipality shall meet and
1510 levy a tax sufficient upon the taxable property of the territory,
1511 including the municipality, to provide funds for the payment of
1512 interest on bonds and the payment of bonds maturing within one
1513 year, and to provide a sinking fund for the redemption of any
1514 outstanding bonds and shall certify such levy to the boards of
1515 supervisors of each of the counties affected, prior to the date on
1516 which county tax levies are fixed, and it shall be the duty of the
1517 respective boards of supervisors to levy the tax prescribed by the
1518 governing authority of the municipality upon the taxable property
1519 of the territory, including the municipality located in their
1520 respective county. The tax collector of each county shall
1521 thereupon collect such tax in the same manner and at the same time
1522 as other taxes are collected and shall transmit the proceeds
1523 thereof to the governing authority of the municipality for deposit
1524 to the proper depository.



1525 **SECTION 59.** Section 57-1-83, Mississippi Code of 1972, is
1526 brought forward as follows:

1527 57-1-83. For the purpose of operating or engaging in the
1528 enterprise as authorized at the election held for that purpose the
1529 municipality herein authorized acting by and through its governing
1530 authority shall have all the rights, powers and authority granted
1531 to municipalities by Sections 57-1-1 through 57-1-51, to act for
1532 the territory comprising the municipal separate school district of
1533 which such municipality is a part.

1534 **SECTION 60.** Section 57-1-101, Mississippi Code of 1972, is
1535 brought forward as follows:

1536 57-1-101. When a city, town or village and the supervisors
1537 district wherein such city, town or village is situated desire to
1538 enter jointly into the establishment of an industrial enterprise
1539 under the provisions of Sections 57-1-1 through 57-1-51, the
1540 governing body of such city, town or village and the board of
1541 supervisors of the county in which such supervisors district is
1542 situated shall each declare its intention of entering into such
1543 plan by resolution spread upon its minutes, and they shall jointly
1544 file with the Mississippi Agricultural and Industrial Board, a
1545 petition for a joint certificate of public convenience and
1546 necessity in the manner and for the purposes prescribed by Section
1547 57-1-21. Such joint petition for such joint certificate of public
1548 convenience and necessity shall, in addition to any other
1549 information required to be furnished, set out the amount of bonds



1550 or other expenditures such city, town or village and such
1551 supervisors district propose separately to issue or make for such
1552 enterprise. The Mississippi Agricultural and Industrial Board is
1553 authorized and empowered to issue or refuse to issue such joint
1554 certificate of public convenience and necessity in accordance with
1555 the provisions of Section 57-1-21, except that such certificate
1556 when issued shall be entitled and be a joint certificate of public
1557 convenience and necessity. Where such a petition for a joint
1558 certificate is filed, the board, in addition to the findings
1559 prescribed by Section 57-1-21, shall before it issues such joint
1560 certificate also find and determine affirmatively that the
1561 aggregate bonded indebtedness of such city, town or village and
1562 such supervisors district incurred under the provisions of
1563 Sections 57-1-101 through 57-1-107, shall not exceed the aggregate
1564 of twenty percent (20%) of the total assessed valuation of all the
1565 property in the city, town or village, computed as in the case of
1566 an application by such city, town or village alone, plus twenty
1567 percent (20%) of the total assessed valuation of all the property
1568 in the supervisors district.

1569 **SECTION 61.** Section 57-1-103, Mississippi Code of 1972, is
1570 brought forward as follows:

1571 57-1-103. Should such joint certificate of public
1572 convenience and necessity be issued by the Mississippi
1573 Agricultural and Industrial Board, the governing authority of such
1574 city, town or village shall direct the holding of an election in



1575 the manner provided as to it by Section 57-1-25, and the board of
1576 supervisors of the county in which such supervisors district is
1577 situated shall direct the holding of a separate election in such
1578 supervisors district in the manner provided by Section 57-1-25 for
1579 such elections. In the event the proposal be approved as required
1580 by Section 57-1-25, both in the election for the supervisors
1581 district and in the election for the city, town or village,
1582 computed and declared separately, then the board of supervisors
1583 and the governing authority of such city, town or village,
1584 respectively, may issue the bonds authorized by said elections,
1585 respectively, as provided by the aforesaid Sections 57-1-1 through
1586 57-1-51.

1587 **SECTION 62.** Section 57-1-105, Mississippi Code of 1972, is
1588 brought forward as follows:

1589 57-1-105. When a city, town or village and the supervisors
1590 district wherein such city, town or village is situated join for
1591 the establishment of an industrial enterprise under the provisions
1592 of Sections 57-1-101 through 57-1-107 they shall be and they are
1593 hereby authorized to exercise the powers conferred by Sections
1594 57-1-1 through 57-1-51; and for the purpose of carrying out such
1595 joint industrial enterprise, all provisions of Sections 57-1-1
1596 through 57-1-51, so far as the same are applicable, shall apply to
1597 all proceedings by such city, town or village and to all
1598 proceedings by such board of supervisors for the county in which
1599 such supervisors district is situated. The city, town or village



1600 and the supervisors district so joining shall have each an
1601 undivided interest in the industrial enterprise, including any
1602 land acquired for such purpose, in the same proportion as the
1603 amount of bonds issued by each bears to the total issued by both.

1604 **SECTION 63.** Section 57-1-107, Mississippi Code of 1972, is
1605 brought forward as follows:

1606 57-1-107. When a city, town or village and the supervisors
1607 district wherein such city, town or village is situated join as
1608 provided in Sections 57-1-101 through 57-1-107 for the
1609 establishment of an industrial enterprise under the provisions of
1610 said sections, they shall be and are hereby authorized to contract
1611 jointly for the acquisition of land and to jointly enter into
1612 contracts for the purpose of establishing, operating, maintaining
1613 or leasing such industrial enterprise, including contracts for the
1614 construction thereof; or they may, by agreement adopted by
1615 resolution spread upon the minutes of the governing authority of
1616 such city, town or village and upon the minutes of the board of
1617 supervisors of the county, authorize either the governing
1618 authority of such city, town or village or the board of
1619 supervisors to enter into such contracts for and on behalf of
1620 both.

1621 **SECTION 64.** Section 57-1-131, Mississippi Code of 1972, is
1622 brought forward as follows:

1623 57-1-131. When two or more adjoining supervisors districts
1624 of adjacent counties which desire to enter jointly into the



1625 establishment of an enterprise under the provisions of Sections
1626 57-1-1 through 57-1-51, the board of supervisors of each county
1627 shall declare its intention of entering into such plan by
1628 resolution spread upon its minutes and shall jointly with the
1629 boards of supervisors of the counties affected file with the
1630 Mississippi Agricultural and Industrial Board, a petition for a
1631 certificate of public convenience and necessity in the manner and
1632 for the purposes prescribed by Section 57-1-21, and the board of
1633 supervisors of each county affected shall name two commissioners
1634 who, together with the commissioners appointed by the other
1635 counties acting jointly with them, shall constitute a board of
1636 commissioners for the purpose of proceeding the same as if the
1637 supervisors districts of the adjacent counties were within the
1638 same county.

1639 A petition bearing the signatures of a majority of the
1640 qualified electors of a supervisors district filed with the
1641 chancery clerk, shall make it the mandatory duty of the board of
1642 supervisors of the county to pass the necessary resolution,
1643 appoint the commissioners and perform all other duties and
1644 functions necessary for the establishment of the enterprise.

1645 **SECTION 65.** Section 57-1-133, Mississippi Code of 1972, is
1646 brought forward as follows:

1647 57-1-133. Should a certificate of public convenience and
1648 necessity be issued by the Mississippi Agricultural and Industrial
1649 Board, the boards of supervisors of each of the counties affected



1650 shall call an election in each of the supervisors districts
1651 affected in the manner and method for calling, conducting and
1652 holding elections provided in Section 57-1-25, and should
1653 two-thirds of the qualified electors residing in each of the
1654 supervisors districts affected voting in the election, vote in
1655 favor of the enterprise, the supervisors districts included in the
1656 petition for public convenience and necessity shall be deemed a
1657 municipality within the meaning of Sections 57-1-1 through
1658 57-1-51, and shall have all rights, powers and authority granted
1659 to municipalities as defined in said sections and by said
1660 sections.

1661 **SECTION 66.** Section 57-1-135, Mississippi Code of 1972, is
1662 brought forward as follows:

1663 57-1-135. The commissioners authorized by Section 57-1-131
1664 shall be deemed to be the governing body of the municipality.
1665 Except as hereinafter provided, the term of each commissioner
1666 shall be four (4) years, and until his successor shall have been
1667 appointed in like manner and shall have qualified. In case of
1668 death, disability or resignation, the vacancy shall be filled for
1669 the unexpired term by appointment to be made by the board of
1670 supervisors of the county in which such vacancy occurred. Of the
1671 two (2) commissioners first appointed by each county, one (1)
1672 shall be designated to serve for a term of two (2) years, and the
1673 other shall be designated to serve for a term of four (4) years,
1674 and until their respective successors shall have been appointed



1675 and qualified. The aforesaid designations shall be made by the
1676 respective boards of supervisors. Such commissioners shall
1677 constitute a board, and shall organize by electing a president and
1678 a secretary, and by adopting an official seal with which to attest
1679 its official acts, and by adopting a name by which the
1680 municipality formed by the districts involved shall be known and
1681 recognized. The adoption of a name for any such municipality prior
1682 to the enactment of this statute is hereby validated and
1683 confirmed. The commissioners shall meet at such time and place as
1684 they may determine, shall keep full, complete and permanent
1685 minutes of their meetings and records of their proceedings, and
1686 shall receive no compensation for their services, except
1687 reimbursement for actual and necessary expenses incurred by them
1688 in traveling in performance of their duties. No action taken by
1689 such commissioners and no contract or agreement entered into by
1690 them shall be valid and effectual unless and until the same is
1691 approved by the board of supervisors of each county having
1692 territory involved, by resolution spread at large upon the minutes
1693 of such board.

1694 **SECTION 67.** Section 57-1-137, Mississippi Code of 1972, is
1695 brought forward as follows:

1696 57-1-137. For the purpose of operating or engaging in the
1697 enterprise as authorized at the election held for that purpose,
1698 the municipality herein authorized acting through its board of
1699 commissioners and subject to the approval of the boards of



1700 supervisors of each of the counties having territory included
1701 within such municipality shall have all the rights, powers, and
1702 authority granted to municipalities by Sections 57-1-1 through
1703 57-1-51.

1704 **SECTION 68.** Section 57-1-139, Mississippi Code of 1972, is
1705 brought forward as follows:

1706 57-1-139. The board of commissioners of the municipality as
1707 defined in Section 57-1-133, subject to the approval of the boards
1708 of supervisors of each county having territory involved, may issue
1709 such bonds as may be authorized in the election held for the
1710 operation of the enterprise, and may make all contracts for the
1711 erection of buildings and structures and the acquisition and
1712 purchase of lands, and for the operation of such enterprise. All
1713 such contracts so entered into by such commissioners shall not be
1714 valid, however, until approved by resolution spread at large upon
1715 the minutes of each of the boards of supervisors of the counties
1716 having territory included in the municipality.

1717 **SECTION 69.** Section 57-1-141, Mississippi Code of 1972, is
1718 brought forward as follows:

1719 57-1-141. The bonds issued under Section 57-1-139 shall be
1720 signed by the president of the board of commissioners,
1721 counter-signed by the clerk of said board of commissioners, and
1722 shall pledge the full faith and credit of the supervisors
1723 districts included in the municipality.



1724 **SECTION 70.** Section 57-1-143, Mississippi Code of 1972, is
1725 brought forward as follows:

1726 57-1-143. The board of commissioners of the municipality as
1727 defined in Section 57-1-133 shall designate a depository for the
1728 funds of the municipality in the same manner as county
1729 depositories are designated.

1730 **SECTION 71.** Section 57-1-145, Mississippi Code of 1972, is
1731 brought forward as follows:

1732 57-1-145. On or before the first Monday of September of each
1733 year, the board of commissioners for the municipality comprising
1734 two or more supervisors districts of adjacent counties shall meet
1735 and levy a tax sufficient upon the taxable property of the
1736 territory to provide funds for the payment of interest on bonds
1737 and the payment of bonds maturing within one year, and to provide
1738 a sinking fund for the redemption of any outstanding bond and
1739 shall certify such levy to the boards of supervisors of each of
1740 the counties affected, prior to the date on which county tax
1741 levies are fixed, and it shall be the duty of the respective
1742 boards of supervisors to levy the tax prescribed by the board of
1743 commissioners of the municipality upon the taxable property of the
1744 territory of the county which is embraced in the municipality. The
1745 tax collector of each county shall thereupon collect such tax in
1746 the same manner and at the same time as other taxes are collected
1747 and shall transmit the proceeds thereof to the proper
1748 depositories.



1749 **SECTION 72.** Section 57-1-171, Mississippi Code of 1972, is
1750 brought forward as follows:

1751 57-1-171. The word "municipality" as used in Sections
1752 57-1-171 through 57-1-179 shall mean "county, supervisors
1753 district, city, town or village."

1754 **SECTION 73.** Section 57-1-173, Mississippi Code of 1972, is
1755 brought forward as follows:

1756 57-1-173. Whenever a supervisors district or a city, town or
1757 village in a supervisors district, or both, which adjoins a
1758 supervisors district in the same county, already having a
1759 certificate of convenience and necessity issued under the
1760 provisions of Sections 57-1-1 through 57-1-51, and which has
1761 already voted to engage in an enterprise authorized under the
1762 provisions of said sections, desires to join in the enterprise,
1763 the adjoining supervisors district or city, town or village, or
1764 both, wishing to so join may make application to the Mississippi
1765 Agricultural and Industrial Board for a certificate of convenience
1766 and necessity, the same as if such supervisors district or city,
1767 town or village, or both, had joined with the supervisors district
1768 already having a certificate of convenience and necessity in its
1769 original application. Such application shall show that the joining
1770 of the said supervisors district or city, town or village, or
1771 both, will benefit such municipality by the use of its natural
1772 resources or the employment of its labor, and that it has adequate
1773 property values and suitable financial conditions so that the



1774 total bonded indebtedness of the municipality shall not exceed
1775 twenty percent (20%) of the total assessed valuation of all of the
1776 property in the municipality, and that the joining of such
1777 municipality in the operation of the enterprise by the supervisors
1778 district already holding a certificate of convenience and
1779 necessity shall result in the enlargement of the enterprise and
1780 that such enlargement of the enterprise shall benefit the
1781 petitioning municipality. The board may issue a certificate of
1782 convenience and necessity the same as if the petitioning
1783 municipality had joined in the original application. However, when
1784 bonds are issued jointly by a municipality and a county or a
1785 supervisors district of such county, then in such event, the
1786 limitation of twenty percent (20%) of the assessed valuation of
1787 such municipality or county or supervisors district shall apply to
1788 each such taxing district even though such assessments include
1789 identical property.

1790 **SECTION 74.** Section 57-1-175, Mississippi Code of 1972, is
1791 brought forward as follows:

1792 57-1-175. When such certificate of convenience and necessity
1793 is issued authorizing the petitioning municipality to join in the
1794 operation of the enterprise, proceedings thereafter shall be held
1795 within such municipality as is provided in Sections 57-1-1 through
1796 57-1-51 with reference to notice, voting and election, and such
1797 municipality may issue its bonds in such amount as may be



1798 authorized by the board for the enlargement and extension of the
1799 enterprise.

1800 **SECTION 75.** Section 57-1-177, Mississippi Code of 1972, is
1801 brought forward as follows:

1802 57-1-177. All provisions of Sections 57-1-1 through 57-1-51,
1803 so far as the same are applicable, shall apply to all proceedings
1804 by the municipality desiring to join with another municipality
1805 which has already received a certificate of convenience and
1806 necessity.

1807 **SECTION 76.** Section 57-1-179, Mississippi Code of 1972, is
1808 brought forward as follows:

1809 57-1-179. The municipality joining with another municipality
1810 which has already received a certificate of convenience and
1811 necessity shall have an undivided interest in the enterprise in
1812 the same proportion as the amount of bonds issued by such
1813 municipality bears to the total bonds issued by both
1814 municipalities in the establishment of such enterprise.

1815 **SECTION 77.** Section 57-1-221, Mississippi Code of 1972, is
1816 brought forward as follows:

1817 57-1-221. (1) As used in this section:

1818 (a) "Approved business enterprise" means any project
1819 that:

1820 (i) Locates or expands in this state and creates a
1821 minimum of two hundred fifty (250) new, full-time jobs with a



1822 total capital investment in the state of a minimum of Thirty
1823 Million Dollars (\$30,000,000.00) in Tier 1 or Tier 2 counties;

1824 (ii) Locates or expands in this state and creates
1825 a minimum of one hundred fifty (150) new, full-time jobs with a
1826 total capital investment in the state of a minimum of Fifteen
1827 Million Dollars (\$15,000,000.00) in areas federally designated as
1828 low-income census tracts;

1829 (iii) Locates or expands in this state and creates
1830 a minimum of one thousand (1,000) new, full-time jobs;

1831 (iv) Is a manufacturer of high-end kitchen
1832 appliances having at least four hundred (400) employees working at
1833 its Mississippi facilities on January 1, 2015, and with a capital
1834 investment of at least Five Million Dollars (\$5,000,000.00) made
1835 after July 1, 2014, through four (4) years after July 1, 2015,
1836 that expands in this state, and retains a minimum of four hundred
1837 (400) jobs; or

1838 (v) Locates or expands in this state with
1839 significant regional impact as determined by MDA.

1840 (b) "MDA" means the Mississippi Development Authority.

1841 (c) "Facility related to the project" means and
1842 includes any of the following, as they may pertain to the project:

1843 (i) Facilities to provide potable and industrial
1844 water supply systems, sewage and waste disposal systems and water,
1845 natural gas and electric transmission systems to the site of the
1846 project;



1847 (ii) Building facilities and equipment necessary
1848 to operate the facility;
1849 (iii) Rail lines;
1850 (iv) Airports, airfields, air terminals and port
1851 facilities;
1852 (v) Highways, streets and other roadways; and
1853 (vi) Fire protection facilities, equipment and
1854 elevated water tanks.

1855 (d) "Project" means any industrial, commercial,
1856 research and development, warehousing, distribution,
1857 transportation, processing, mining, United States government or
1858 tourism enterprise together with all real property required for
1859 construction, maintenance and operation of the enterprise that is
1860 approved by the MDA.

1861 (2) (a) There is created a special fund in the State
1862 Treasury to be known as the Mississippi Industry Incentive
1863 Financing Revolving Fund which shall consist of monies from any
1864 source designated for deposit into the fund. Unexpended amounts
1865 remaining in the fund at the end of a fiscal year shall not lapse
1866 into the State General Fund, and any interest earned on amounts in
1867 the fund shall be deposited to the credit of the fund. Monies in
1868 the fund shall be disbursed by the Mississippi Development
1869 Authority for the purposes authorized in subsection (3) of this
1870 section.



1871 (b) Monies in the fund that are derived from the
1872 proceeds of general obligation bonds may be used to reimburse
1873 reasonable actual and necessary costs incurred by the MDA for the
1874 administration of the various grant, loan and financial incentive
1875 programs administered by the MDA. An accounting of actual costs
1876 incurred for which reimbursement is sought shall be maintained by
1877 the MDA. Reimbursement of reasonable actual and necessary costs
1878 shall not exceed three percent (3%) of the proceeds of bonds
1879 issued. Reimbursements made under this subsection shall satisfy
1880 any applicable federal tax law requirements.

1881 (3) The MDA shall establish a program to make grants or
1882 loans from the Mississippi Industry Incentive Financing Revolving
1883 Fund to local governments, including, but not limited to,
1884 counties, municipalities, industrial development authorities and
1885 economic development districts, and approved business enterprises
1886 to construct or otherwise provide facilities related to the
1887 project. Local governments are authorized to accept grants and
1888 enter into loans authorized under the program, and to sell, lease
1889 or otherwise dispose of a project or any property related to the
1890 project in whole or in part.

1891 (4) (a) Any business enterprise or local government
1892 desiring a grant or loan under this section shall submit an
1893 application to the MDA which shall include, at a minimum:

1894 (i) Evidence that the business or industry meets
1895 the definition of an approved business enterprise;



1896 (ii) A description, including the cost, of the
1897 requested assistance;

1898 (iii) A description of the purpose for which the
1899 assistance is requested; and

1900 (iv) Any other information required by the MDA.

1901 (b) The MDA shall require that binding commitments be
1902 entered into requiring that:

1903 (i) The minimum requirements of this section and
1904 such other requirements as the MDA considers proper shall be met;
1905 and

1906 (ii) If such requirements are not met, all or a
1907 portion of the funds provided by this section as determined by the
1908 MDA shall be repaid.

1909 (c) Upon receipt of the application from a business
1910 enterprise or local government for a grant or loan under this
1911 section, the MDA shall determine whether the enterprise meets the
1912 definition of an approved business enterprise and determine
1913 whether to provide the assistance requested in the form of a grant
1914 or a loan.

1915 (d) The MDA shall have sole discretion in providing
1916 grants or loans under this section. The terms of a grant or loan
1917 provided under this section and the manner of repayment of any
1918 loan shall be within the discretion of the MDA. Repayments of
1919 loans made under this section shall be deposited to the credit of
1920 the Mississippi Industry Incentive Financing Revolving Fund until



1921 the uncommitted balance in the fund reaches Fifty Million Dollars
1922 (\$50,000,000.00). Once the uncommitted balance in the fund
1923 reaches Fifty Million Dollars (\$50,000,000.00), repayments of
1924 loans under this section shall be deposited to the credit of Fund
1925 No. 3951 in the State Treasury to pay debt service on bonds until
1926 such time as the uncommitted balance in the fund falls below Fifty
1927 Million Dollars (\$50,000,000.00).

1928 (e) The MDA shall notify the Chairman of the Senate
1929 Finance Committee and the Chairman of the House Ways and Means
1930 Committee of the approval of any grant or loan application thirty
1931 (30) days prior to the disbursement of any monies for the loan or
1932 grant from the Mississippi Industry Incentive Financing Revolving
1933 Fund. The notification shall identify the applicant and the
1934 purposes for which the loan or grant is made.

1935 (5) (a) Contracts, by local governments, including, but not
1936 limited to, design and construction contracts, for the
1937 acquisition, purchase, construction or installation of a project
1938 shall be exempt from the provisions of Section 31-7-13 if:

1939 (i) The MDA finds and records such finding on its
1940 minutes, that because of availability or the particular nature of
1941 a project, it would not be in the public interest or would less
1942 effectively achieve the purposes of this section to enter into
1943 such contracts on the basis of Section 31-7-13; and

1944 (ii) The approved business enterprise that is
1945 involved in the project concurs in such finding.



1946 (b) When the requirements of paragraph (a) of this
1947 subsection are met:

1948 (i) The requirements of Section 31-7-13 shall not
1949 apply to such contracts; and

1950 (ii) The contracts may be entered into on the
1951 basis of negotiation.

1952 (6) It is the policy of the MDA and the MDA is authorized to
1953 accommodate and support any enterprise that receives a loan under
1954 this section for a project defined in Section 17-25-23 that wishes
1955 to have a program of diversity in contracting, and/or that wishes
1956 to do business with or cause its prime contractor to do business
1957 with Mississippi companies, including those companies that are
1958 small business concerns owned and controlled by socially and
1959 economically disadvantaged individuals. The term "socially and
1960 economically disadvantaged individuals" shall have the meaning
1961 ascribed to such term under Section 8(d) of the Small Business Act
1962 (15 USCS 637(d)) and relevant subcontracting regulations
1963 promulgated pursuant thereto; except that women shall be presumed
1964 to be socially and economically disadvantaged individuals for the
1965 purposes of this subsection.

1966 (7) The MDA shall promulgate rules and regulations, in
1967 accordance with the Mississippi Administrative Procedures Law, for
1968 the implementation of this section.

1969 **SECTION 78.** Section 57-1-251, Mississippi Code of 1972, is
1970 brought forward as follows:



1971 57-1-251. Words and phrases used in Sections 57-1-251
1972 through 57-1-261 shall have meanings as follows, unless the
1973 context clearly indicates a different meaning:

1974 (a) "Bonds" means general obligation bonds, interim
1975 notes and other evidences of debt of the State of Mississippi
1976 issued pursuant to Sections 57-1-251 through 57-1-261.

1977 (b) "Department" means the * * * Mississippi
1978 Development Authority.

1979 (c) "Facility related to the project" means and
1980 includes any of the following, as the same may pertain to the
1981 project: (i) facilities to provide potable and industrial water
1982 supply systems and sewage and waste disposal systems to the site
1983 of the project; (ii) airports, airfields and air terminals; (iii)
1984 rail lines; (iv) port and marine terminal facilities; (v)
1985 pipelines; (vi) storage facilities; (vii) highways, streets and
1986 other roadways, including curbing, guttering and storm water
1987 sewers; (viii) public school buildings, classrooms and
1988 instructional facilities, day care centers, including any
1989 functionally related facilities; (ix) parks, outdoor recreation
1990 facilities and athletic facilities; (x) auditoriums, pavilions,
1991 campgrounds, art centers, cultural centers, folklore centers and
1992 other public facilities; (xi) health care facilities, public or
1993 private; (xii) buildings and appurtenances used in support of the
1994 project; (xiii) security systems, fire suppression and prevention
1995 systems, utility distribution systems; and (xiv) on-site



1996 utilities, including, but not limited to, electricity, natural
1997 gas, telephone and other telecommunications facilities.

1998 (d) "Person" means any natural person, corporation,
1999 association, partnership, receiver, trustee, guardian, executor,
2000 administrator, fiduciary, governmental unit, public agency,
2001 political subdivision, or any other group acting as a unit, and
2002 the plural as well as the singular.

2003 (e) "Project" means the Strategic Petroleum Reserve,
2004 proposed to be constructed by the Department of Energy, any
2005 successor agency thereto, or a private entity engaged in the
2006 business of purchasing, storing, and offering for sale or resale,
2007 petroleum products or natural gas, together with all real property
2008 required for construction, maintenance and operation of the
2009 Strategic Petroleum Reserve, and all building, tunneling and other
2010 supporting land facilities required or useful for construction,
2011 maintenance and operation of the Strategic Petroleum Reserve; or
2012 any project specifically designed to produce, manufacture, mine,
2013 or temporarily store a source of energy, either as primary energy
2014 or as a secondary energy for distribution or sale, or both, to
2015 persons located at or near the site of production, manufacture,
2016 mining, or storage, when such production, manufacturing, mining
2017 and temporary storage activities are limited to the indigenous
2018 natural resources of the state, including oil, natural gas,
2019 lignite and other coal resources, bioenergy resources, salt domes,
2020 depleted underground reservoirs and aquifers suited for the



2021 temporary storage of hydrocarbons to be used as primary energy
2022 sources.

2023 (f) "Public agency" means and includes:

2024 (i) Any department, board, commission, institution
2025 or other agency or instrumentality of the state;

2026 (ii) Any city, town, county, political
2027 subdivision, school district or other district created or existing
2028 under the laws of the state or any public agency of any such city,
2029 town, county, political subdivision or district;

2030 (iii) Any department, commission, agency or
2031 instrumentality of the United States of America; and

2032 (iv) Any other state of the United States of
2033 America which may be cooperating with respect to location of the
2034 project within the state, or any agency thereof.

2035 (g) "State" means State of Mississippi.

2036 **SECTION 79.** Section 57-1-253, Mississippi Code of 1972, is
2037 brought forward as follows:

2038 57-1-253. The department is hereby designated and empowered
2039 to act on behalf of the state in submitting a siting proposal for
2040 the project. The department is empowered to take all steps
2041 appropriate or necessary to effect the siting, development, and
2042 operation of the project within the state. If the state is
2043 selected as the preferred site for the project, the department is
2044 hereby designated and empowered to act on behalf of the state and
2045 to represent the state in the planning, financing, development,



2046 construction and operation of the project or any facility related
2047 to the project, with the concurrence of the affected public
2048 agency. The department may take affirmative steps to coordinate
2049 fully all aspects of the submission of a siting proposal for the
2050 project and, if the state is selected as the preferred site, to
2051 coordinate fully, with the concurrence of the affected public
2052 agency, the development of the project or any facility related to
2053 the project with private business, the United States government
2054 and other public agencies. All public agencies are encouraged to
2055 cooperate to the fullest extent possible to effectuate the duties
2056 of the department; however, the development of the project or any
2057 facility related to the project by the department may be done only
2058 with the concurrence of the affected public agency.

2059 **SECTION 80.** Section 57-1-255, Mississippi Code of 1972, is
2060 brought forward as follows:

2061 57-1-255. (1) Upon notification to the department by the
2062 enterprise that the state has been finally selected as the site
2063 for the project, the State Bond Commission shall have the power
2064 and is hereby authorized and directed, upon receipt of a
2065 declaration from the department as hereinafter provided, to borrow
2066 money and issue general obligation bonds of the state in one or
2067 more series for the purposes herein set out. Upon such
2068 notification, the department may thereafter from time to time
2069 declare the necessity for the issuance of general obligation bonds
2070 as authorized by this section and forward such declaration to the



2071 State Bond Commission, provided that prior to said notification,
2072 the department may enter into agreements with the United States
2073 government, private companies and others that will commit the
2074 department to direct the State Bond Commission to issue bonds for
2075 eligible undertakings set out in subsection (4) of this section,
2076 conditioned on the siting of the project in the state.

2077 (2) Upon receipt of any such declaration from the
2078 department, the State Bond Commission, upon verifying that the
2079 state has been selected as the site of the project, shall act as
2080 the issuing agent for the series of bonds directed to be issued in
2081 such declaration pursuant to authority granted in this section.

2082 (3) Bonds issued under the authority of this section shall
2083 not exceed an aggregate principal amount in the sum of Thirty
2084 Million Dollars (\$30,000,000.00). No bonds shall be issued under
2085 the authority of this section after June 30, 2000.

2086 (4) The proceeds from the sale of the bonds issued pursuant
2087 to this section may be applied for the purposes of: (a) defraying
2088 all or any designated portion of the costs incurred with respect
2089 to acquisition, planning, design, construction, installation,
2090 rehabilitation, improvement and relocation of the project and any
2091 facility related to the project, including costs of design and
2092 engineering, all costs incurred to provide land, easements and
2093 rights-of-way, relocation costs with respect to the project and
2094 with respect to any facility related to the project located within
2095 the project area, and costs associated with mitigation of



2096 environmental impacts; (b) providing for the payment of interest
2097 on the bonds; (c) providing debt service reserves; and (d) paying
2098 underwriters discount, original issue discount, accountants' fees,
2099 engineers' fees, attorneys' fees, rating agency fees and other
2100 fees and expenses in connection with the issuance of the bonds.
2101 Such bonds shall be issued from time to time and in such principal
2102 amounts as shall be designated by the department not to exceed in
2103 aggregate principal amount the amount authorized in subsection (3)
2104 of this section. Proceeds from the sale of the bonds issued
2105 pursuant to this section may be invested, subject to federal
2106 limitations, pending their use, in such securities as may be
2107 specified in the resolution authorizing the issuance of the bonds
2108 or the trust indenture securing them, and the earning on such
2109 investment applied as provided in such resolution or trust
2110 indenture.

2111 (5) The principal of and the interest on the bonds shall be
2112 payable in the manner hereinafter set forth. The bonds shall bear
2113 date or dates, be in such denomination or denominations, bear
2114 interest at such rate or rates, be payable at such place or places
2115 within or without the state, shall mature absolutely at such time
2116 or times, be redeemable prior to maturity at such time or times
2117 and upon such terms, with or without premium, shall bear such
2118 registration privileges, and shall be substantially in such form,
2119 all as shall be determined by resolution of the State Bond
2120 Commission. Provided, however, that such bonds shall mature or



2121 otherwise be retired in annual installments beginning not more
2122 than five (5) years from date thereof and extending not more than
2123 twenty-five (25) years from date thereof. The bonds shall be
2124 signed by the Chairman of the State Bond Commission, or by his
2125 facsimile signature, and the official seal of the State Bond
2126 Commission shall be imprinted on or affixed thereto, attested by
2127 the manual or facsimile signature of the Secretary of the State
2128 Bond Commission. Whenever any such bonds shall have been signed
2129 by the officials herein designated to sign the bonds, who were in
2130 office at the time of such signing but who may have ceased to be
2131 such officers prior to the sale and delivery of such bonds, or who
2132 may not have been in office on the date such bonds may bear, the
2133 signatures of such officers upon such bonds shall nevertheless be
2134 valid and sufficient for all purposes and have the same effect as
2135 if the person so officially signing such bonds had remained in
2136 office until the delivery of the same to the purchaser, or had
2137 been in office on the date such bonds may bear.

2138 (6) All bonds issued under the provisions of this section
2139 shall be and are hereby declared to have all the qualities and
2140 incidents of negotiable instruments under the provisions of the
2141 Uniform Commercial Code and in exercising the powers granted by
2142 Sections 57-1-251 through 57-1-261, the State Bond Commission
2143 shall not be required to and need not comply with the provisions
2144 of the Uniform Commercial Code.



2145 (7) The State Bond Commission shall sell the bonds on sealed
2146 bids at public sale, and for such price as it may determine to be
2147 for the best interest of the State of Mississippi, but no such
2148 sale shall be made at a price less than par plus accrued interest
2149 to date of delivery of the bonds to the purchaser. The bonds
2150 shall bear interest at such rate or rates not exceeding the limits
2151 set forth in Section 75-17-101, as shall be fixed by the State
2152 Bond Commission. All interest accruing on such bonds so issued
2153 shall be payable semiannually or annually; provided that the first
2154 interest payment may be for any period of not more than one (1)
2155 year.

2156 Notice of the sale of any bond shall be published at least
2157 one (1) time, the first of which shall be made not less than ten
2158 (10) days prior to the date of sale, and shall be so published in
2159 one or more newspapers having a general circulation in the City of
2160 Jackson and in one or more other newspapers or financial journals
2161 with a large national circulation, to be selected by the State
2162 Bond Commission.

2163 The State Bond Commission, when issuing any bonds under the
2164 authority of this section, may provide that the bonds, at the
2165 option of the state, may be called in for payment and redemption
2166 at the call price named therein and accrued interest on such date
2167 or dates named therein.

2168 (8) State bonds issued under the provisions of this section
2169 shall be the general obligations of the state and backed by the



2170 full faith and credit of the state, and if the funds appropriated
2171 by the Legislature shall be insufficient to pay the principal of
2172 and the interest on such bonds as they become due, then the
2173 deficiency shall be paid by the State Treasurer from any funds in
2174 the State Treasury not otherwise appropriated. All bonds shall
2175 contain recitals on their faces substantially covering the
2176 foregoing provisions of this section.

2177 (9) The State Treasurer is hereby authorized, without
2178 further process of law, to certify to the Department of Finance
2179 and Administration the necessity for warrants, and the Department
2180 of Finance and Administration is hereby authorized and directed to
2181 issue such warrants payable out of any funds authorized by this
2182 section for such purpose, in such amounts as may be necessary to
2183 pay when due the principal of and interest on all bonds issued
2184 under the provisions of this section; and the State Treasurer
2185 shall forward the necessary amount to the designated place or
2186 places of payment of such bonds in ample time to discharge such
2187 bonds, or the interest thereon, on the due dates thereof.

2188 (10) The bonds may be issued without any other proceedings
2189 or the happening of any other conditions or things other than
2190 those proceedings, conditions and things which are specified or
2191 required by Sections 57-1-251 through 57-1-261. Any resolution
2192 providing for the issuance of general obligation bonds under the
2193 provisions of this section shall become effective immediately upon
2194 its adoption by the State Bond Commission, and any such resolution



2195 may be adopted at any regular or special meeting of the State Bond
2196 Commission by a majority of its members.

2197 (11) In anticipation of the issuance of bonds hereunder, the
2198 State Bond Commission is hereby authorized to negotiate and enter
2199 into any purchase, loan, credit or other agreement with any bank,
2200 trust company or other lending institution or to issue and sell
2201 interim notes for the purpose of making any payments authorized
2202 under this section. All borrowings made under this provision
2203 shall be evidenced by notes of the state which shall be issued
2204 from time to time, for such amounts not exceeding the amount of
2205 bonds authorized herein, in such form and in such denomination and
2206 subject to such terms and conditions of sale and issuance,
2207 prepayment or redemption and maturity, rate or rates of interest
2208 not to exceed the maximum rate authorized herein for bonds, and
2209 time of payment of interest as the State Bond Commission shall
2210 agree to in such agreement. Such notes shall constitute general
2211 obligations of the state and shall be backed by the full faith and
2212 credit of the state. Such notes may also be issued for the
2213 purpose of refunding previously issued notes; provided that no
2214 notes shall mature more than three (3) years following the date of
2215 issuance of the first note hereunder and provided further, that
2216 all outstanding notes shall be retired from the proceeds of the
2217 first issuance of bonds hereunder. The State Bond Commission is
2218 authorized to provide for the compensation of any purchaser of the
2219 notes by payment of a fixed fee or commission and for all other



2220 costs and expenses of issuance and service, including paying agent
2221 costs. Such costs and expenses may be paid from the proceeds of
2222 the notes.

2223 (12) The bonds and interim notes authorized under the
2224 authority of this section may be validated in the First Judicial
2225 District of the Chancery Court of Hinds County, Mississippi, in
2226 the manner and with the force and effect provided now or hereafter
2227 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2228 validation of county, municipal, school district and other bonds.
2229 The necessary papers for such validation proceedings shall be
2230 transmitted to the State Bond Attorney, and the required notice
2231 shall be published in a newspaper published in the City of
2232 Jackson, Mississippi.

2233 (13) Any bonds or interim notes issued under the provisions
2234 of Sections 57-1-251 through 57-1-261, a transaction relating to
2235 the sale or securing of such bonds or interim notes, their
2236 transfer and the income therefrom shall at all times be free from
2237 taxation by the state or any local unit or political subdivision
2238 or other instrumentality of the state, excepting inheritance and
2239 gift taxes.

2240 (14) All bonds issued pursuant to Sections 57-1-251 through
2241 57-1-261 shall be legal investments for trustees, other
2242 fiduciaries, savings banks, trust companies and insurance
2243 companies organized under the laws of the State of Mississippi;
2244 and such bonds shall be legal securities which may be deposited



2245 with and shall be received by all public officers and bodies of
2246 the state and all municipalities and other political subdivisions
2247 thereof for the purpose of securing the deposit of public funds.

2248 (15) There is hereby created a special fund in the State
2249 Treasury to be known as the "Major Energy Project Development
2250 Fund" wherein shall be deposited the proceeds of the bonds issued
2251 under Sections 57-1-251 through 57-1-261 and all monies received
2252 by the department to carry out the purposes of such sections.
2253 Expenditures authorized herein shall be paid by the State
2254 Treasurer upon warrants drawn from the fund, and the Department of
2255 Finance and Administration shall issue warrants upon requisitions
2256 signed by the director of the department.

2257 (16) (a) There is hereby created the "Major Energy Project
2258 Development Sinking Fund" from which the principal of and interest
2259 on such bonds shall be paid by appropriation. All monies paid
2260 into the sinking fund not appropriated to pay accruing bonds and
2261 interest shall be invested by the State Treasurer in such
2262 securities as are provided by law for the investment of the
2263 sinking funds of the state.

2264 (b) In the event that all or any part of the bonds and
2265 notes are purchased, they shall be canceled and returned to the
2266 loan and transfer agent as canceled and paid bonds and notes and
2267 thereafter all payments of interest thereon shall cease and the
2268 canceled bonds, notes and coupons, together with any other
2269 canceled bonds, notes and coupons, shall be destroyed as promptly



2270 as possible after cancellation but not later than two (2) years
2271 after cancellation. A certificate evidencing the destruction of
2272 the canceled bonds, notes and coupons shall be provided by the
2273 loan and transfer agent to the seller.

2274 (c) The State Treasurer shall determine and report to
2275 the Department of Finance and Administration and Legislative
2276 Budget Office by September 1 of each year the amount of money
2277 necessary for the payment of the principal of and interest on
2278 outstanding obligations for the following fiscal year and the
2279 times and amounts of the payments. It shall be the duty of the
2280 Governor to include in every executive budget submitted to the
2281 Legislature full information relating to the issuance of bonds and
2282 notes under the provisions of Sections 57-1-251 through 57-1-261
2283 and the status of the sinking fund for the payment of the
2284 principal of and interest on the bonds and notes.

2285 **SECTION 81.** Section 57-1-257, Mississippi Code of 1972, is
2286 brought forward as follows:

2287 57-1-257. For the purpose of aiding in the planning, design,
2288 undertaking and carrying out of the project or any facility
2289 related to the project, any public agency is authorized and
2290 empowered upon such terms, with or without consideration, as it
2291 may determine: (a) to enter into agreements, which may extend
2292 over any period, with the department respecting action to be taken
2293 by such public agency with respect to the acquisition, planning,
2294 construction, improvement, operation, maintenance or funding of



2295 the project or any such facility, and which agreements may include
2296 (i) the appropriation or payment of funds to the department or to
2297 a trustee in amounts which shall be sufficient to enable the
2298 department to defray any designated portion or percentage of the
2299 expenses of administering, planning, designing, constructing,
2300 acquiring, improving, operating, and maintaining the project or
2301 any facility related to the project, (ii) the appropriation or
2302 payment of funds to the department or to a trustee to pay interest
2303 and principal (whether at maturity or upon sinking fund
2304 redemption) on bonds of the department issued pursuant to Sections
2305 57-1-251 through 57-1-261 and to fund reserves for debt service,
2306 for operation and maintenance and for renewals and replacements,
2307 and to fulfill requirements of any covenant with respect to debt
2308 service contained in any resolution, trust indenture or other
2309 security agreement relating to the bonds of the department issued
2310 pursuant to Sections 57-1-251 through 57-1-261, and (iii) the
2311 furnishing of other assistance in connection with the project or
2312 facility related to the project; (b) to dedicate, sell, donate,
2313 convey or lease any property or interest in property to the
2314 department or grant easements, licenses or other rights or
2315 privileges therein to the department; (c) to incur the expense of
2316 any public improvements made or to be made by such public agency
2317 in exercising the powers granted in this section; (d) to lend,
2318 grant or contribute funds to the department; (e) to cause public
2319 buildings and public facilities, including parks, playgrounds,



2320 recreational areas, community meeting facilities, water, sewer or
2321 drainage facilities, or any other works which it is otherwise
2322 empowered to undertake, to be furnished to or with respect to the
2323 project or any such facility; (f) to furnish, dedicate, close,
2324 vacate, pave, install, upgrade or improve highways, streets,
2325 roads, sidewalks, airports, railroads, or ports; (g) to plan or
2326 replan, zone or rezone any parcel of land within the public agency
2327 or make exceptions from land use, building and zoning regulations;
2328 and (h) to cause administrative and other services to be furnished
2329 to the department, including services pertaining to the
2330 acquisition of real property and the furnishing of relocation
2331 assistance. Any contract between a public agency entered into
2332 with the department pursuant to any of the powers granted by
2333 Sections 57-1-251 through 57-1-261 shall be binding upon said
2334 public agency according to its terms, and such public agency shall
2335 have the power to enter into such contracts as in the discretion
2336 of the governing authorities thereof would be to the best interest
2337 of the people of such public agency. Such contracts may include
2338 within the discretion of such governing authorities of public
2339 agencies defined under Section 57-1-251(f)(ii) a pledge of the
2340 full faith and credit of such public agency for the performance
2341 thereof. If at any time title to or possession of the project or
2342 any such facility is held by any public body or governmental
2343 agency other than the department, including any agency or
2344 instrumentality of the United States of America, the agreements



2345 referred to in this section shall inure to the benefit of and may
2346 be enforced by such public body or governmental agency.

2347 Notwithstanding any provisions of Sections 57-1-251 through
2348 57-1-261 to the contrary, any contract entered into between the
2349 department and any public agency for the appropriation or payment
2350 of funds to the department under item (a)(ii) of this section
2351 shall contain a provision therein requiring monthly payments by
2352 the public agency to pay its indebtedness and, if the public
2353 agency is not a county or municipality, such contract shall
2354 include as an additional party to the contract the county or
2355 municipality (referred to in this paragraph as "levying
2356 authority") that levies and collects taxes for the contracting
2357 public agency. If the public agency fails to pay its indebtedness
2358 for any month, the department shall certify to the State Tax
2359 Commission, or other appropriate agency, the amount of the
2360 delinquency, and the State Tax Commission shall deduct such amount
2361 from the public agency's or levying authority's, as the case may
2362 be, next allocation of sales taxes, petroleum taxes, highway
2363 privilege taxes, severance taxes, Tennessee Valley Authority
2364 payments in lieu of taxes and homestead exemption reimbursements
2365 in that order of priority. The State Tax Commission, or other
2366 appropriate agency, shall pay the sums so deducted to the
2367 department to be applied to the discharge of the contractual
2368 obligation.



2369 **SECTION 82.** Section 57-1-259, Mississippi Code of 1972, is
2370 brought forward as follows:

2371 57-1-259. The department shall not undertake to develop any
2372 project or facility related to the project within a county,
2373 municipality and/or school district without the concurrence of the
2374 affected county, municipality and/or school district.

2375 **SECTION 83.** Section 57-1-261, Mississippi Code of 1972, is
2376 brought forward as follows:

2377 57-1-261. The provisions of Sections 57-1-251 through
2378 57-1-261 are cumulative of other statutes now or hereafter enacted
2379 relating to the department, and the department may exercise all
2380 presently held powers in the furtherance of Sections 57-1-251
2381 through 57-1-261. If any section, paragraph, sentence, clause,
2382 phrase or any part of the provisions of Sections 57-1-251 through
2383 57-1-261 is declared to be unconstitutional or void, or for any
2384 reason is declared to be invalid or of no effect, the remaining
2385 sections, paragraphs, sentences, clauses and phrases shall in no
2386 manner be affected thereby but shall remain in full force and
2387 effect.

2388 **SECTION 84.** Section 57-1-301, Mississippi Code of 1972, is
2389 brought forward as follows:

2390 57-1-301. (1) There is established a local governments
2391 capital improvements revolving loan program to be administered by
2392 the Mississippi Development Authority for the purpose of assisting
2393 counties and municipalities in making capital improvements.



2394 (2) For purposes of Sections 57-1-301 through 57-1-335,
2395 "capital improvements" include any combination of the following:
2396 (a) Construction or repair of water and sewer
2397 facilities;
2398 (b) Construction or repair of drainage systems for
2399 industrial development;
2400 (c) Improvements in fire protection;
2401 (d) Construction of new buildings for economic
2402 development purposes;
2403 (e) Renovation or repair of existing buildings for
2404 economic development purposes;
2405 (f) Construction or repair of access roads for
2406 industrial development;
2407 (g) Purchase of buildings for economic development
2408 purposes;
2409 (h) Construction or repair of railroad spurs for
2410 industrial development;
2411 (i) Construction of any county or municipally owned
2412 health care facilities, excluding any county health departments;
2413 (j) Construction, purchase, renovation or repair of any
2414 building to be utilized as an auditorium or convention center;
2415 (k) Construction of multipurpose facilities for tourism
2416 development;



2417 (l) Loans to a county to aid in retiring
2418 interest-bearing loans utilized for the purchase of a motion
2419 picture sound stage;

2420 (m) Construction, repair and renovation of parks,
2421 swimming pools and recreational and athletic facilities; or

2422 (n) Remediation of brownfield agreement sites in
2423 accordance with Sections 49-35-1 through 49-35-25.

2424 **SECTION 85.** Section 57-1-303, Mississippi Code of 1972, is
2425 brought forward as follows:

2426 57-1-303. (1) (a) (i) There is created a special fund in
2427 the State Treasury to be designated as the "Local Governments
2428 Capital Improvements Revolving Loan Fund," which fund shall
2429 consist of such monies as provided in Sections 57-1-307 through
2430 57-1-335. The fund shall be maintained in perpetuity for the
2431 purposes established in Sections 57-1-301 through 57-1-335.

2432 Unexpended amounts remaining in the fund at the end of a fiscal
2433 year shall not lapse into the State General Fund, and any interest
2434 earned on amounts in the fund shall be deposited to the credit of
2435 the fund. Monies in the fund may not be used or expended for any
2436 purpose except as authorized under Sections 57-1-301 through
2437 57-1-335.

2438 (ii) Monies in the Local Governments Capital
2439 Improvements Revolving Loan Fund which are derived from interest
2440 on loan payments received by the Mississippi Development Authority
2441 after January 1, 2002, for loans funded with proceeds of bonds



2442 whose interest is not exempt from income taxation under the
2443 provisions of the Internal Revenue Code may be used by the
2444 Mississippi Development Authority for the ordinary and necessary
2445 general support of the Mississippi Development Authority.
2446 However, such monies may not be used for the purpose of providing
2447 salary increases for Mississippi Development Authority employees.
2448 The Mississippi Development Authority may escalate its budget and
2449 expend such monies in accordance with rules and regulations of the
2450 Department of Finance and Administration in a manner consistent
2451 with the escalation of federal funds. This subparagraph (ii)
2452 shall be repealed from and after July 1, 2022.

2453 (b) The Local Governments Capital Improvements
2454 Revolving Loan Fund shall be divided into the Taxable Local
2455 Governments Capital Improvements Revolving Loan Subaccount and the
2456 Nontaxable Local Governments Capital Improvements Revolving Loan
2457 Subaccount. Funds allocated to the Nontaxable Local Governments
2458 Capital Improvements Revolving Loan Subaccount shall be utilized
2459 to provide loans for capital improvements that would qualify for
2460 the issuance of bonds whose interest is exempt from income
2461 taxation under the provisions of the Internal Revenue Code. Funds
2462 allocated to the Taxable Local Governments Capital Improvements
2463 Revolving Loan Subaccount shall be utilized to provide loans for
2464 any eligible capital improvements, including, but not limited to,
2465 capital improvements that would qualify for the issuance of bonds



2466 whose interest is exempt from income taxation under the provisions
2467 of the Internal Revenue Code.

2468 (c) Of the funds deposited into the Local Governments
2469 Capital Improvements Revolving Loan Fund, not less than
2470 Twenty-five Million Dollars (\$25,000,000.00) shall be allocated to
2471 the Nontaxable Local Governments Capital Improvements Revolving
2472 Loan Subaccount, and the remainder of such funds shall be
2473 allocated to the Taxable Local Governments Capital Improvements
2474 Revolving Loan Subaccount.

2475 (2) A county or an incorporated municipality may apply to
2476 the Mississippi Development Authority for a loan under the local
2477 governments capital improvements revolving loan program
2478 established under Sections 57-1-301 through 57-1-335.

2479 (3) (a) The Mississippi Development Authority shall
2480 establish a loan program by which loans, at the rate of interest
2481 provided for in paragraph (b) of this subsection, may be made
2482 available to counties and incorporated municipalities to assist
2483 counties and incorporated municipalities in making capital
2484 improvements. Loans from the revolving fund may be made to
2485 counties and municipalities as set forth in a loan agreement in
2486 amounts not to exceed one hundred percent (100%) of eligible
2487 project costs as established by the Mississippi Development
2488 Authority. The Mississippi Development Authority may require
2489 county or municipal participation or funding from other sources,
2490 or otherwise limit the percentage of costs covered by loans from



2491 the revolving fund. The Mississippi Development Authority may
2492 establish a maximum amount for any loan in order to provide for
2493 broad and equitable participation in the program and loans for
2494 projects described in Section 57-1-301(1)(m) shall not exceed Two
2495 Hundred Fifty Thousand Dollars (\$250,000.00) per project.

2496 (b) (i) Except as otherwise provided in this paragraph
2497 (b), the rate of interest on loans made from the Local Governments
2498 Capital Improvements Revolving Loan Fund for capital improvements
2499 that would qualify for the issuance of bonds whose interest is
2500 exempt from income taxation under the provisions of the Internal
2501 Revenue Code shall be at the rate of three percent (3%) per annum,
2502 calculated according to the actuarial method. The rate of
2503 interest on loans for all other capital improvements shall be at
2504 the true interest cost on the most recent issue of twenty-year
2505 state general obligation bonds occurring prior to the date such
2506 loan is made.

2507 (ii) The rate of interest on loans made after
2508 April 9, 2002, from the Local Governments Capital Improvements
2509 Revolving Loan Fund for capital improvements that would qualify
2510 for the issuance of bonds whose interest is exempt from income
2511 taxation under the provisions of the Internal Revenue Code shall
2512 be at the rate of the lesser of two percent (2%) per annum,
2513 calculated according to the actuarial method, or the true interest
2514 cost on the most recent issue of state general obligation bonds
2515 occurring prior to the date such loan is made. The rate of



2516 interest on loans made after April 9, 2002, for all other capital
2517 improvements shall be at the rate of three percent (3%) per annum,
2518 calculated according to the actuarial method.

2519 (iii) Notwithstanding the provisions of this
2520 paragraph to the contrary, loans made for the purposes of the
2521 capital project described in Section 57-1-301(2)(1) shall bear no
2522 interest.

2523 (4) A county that receives a loan from the revolving fund
2524 shall pledge for repayment of the loan any part of the homestead
2525 exemption annual tax loss reimbursement to which it may be
2526 entitled under Section 27-33-77. An incorporated municipality
2527 that receives a loan from the revolving fund shall pledge for
2528 repayment of the loan any part of the sales tax revenue
2529 distribution to which it may be entitled under Section 27-65-75.
2530 Each loan agreement shall provide for (i) monthly payments, (ii)
2531 semiannual payments, or (iii) other periodic payments, the annual
2532 total of which shall not exceed the annual total for any other
2533 year of the loan by more than fifteen percent (15%). The loan
2534 agreement shall provide for the repayment of all funds received
2535 within not more than twenty (20) years from the date of project
2536 completion.

2537 (5) The State Auditor, upon request of the Mississippi
2538 Development Authority, shall audit the receipts and expenditures
2539 of a county or an incorporated municipality whose loan payments
2540 appear to be in arrears, and if he finds that the county or



2541 municipality is in arrears in such payments, he shall immediately
2542 notify the Executive Director of the Department of Finance and
2543 Administration who shall withhold all future payments to the
2544 county of homestead exemption reimbursements under Section
2545 27-33-77 and all sums allocated to the county or the municipality
2546 under Section 27-65-75 until such time as the county or the
2547 municipality is again current in its loan payments as certified by
2548 the Mississippi Development Authority.

2549 (6) Evidences of indebtedness which are issued pursuant to
2550 this chapter shall not be deemed indebtedness within the meaning
2551 specified in Section 21-33-303 with regard to cities or
2552 incorporated towns, and in Section 19-9-5 with regard to counties.

2553 (7) There is created a special fund in the State Treasury to
2554 be designated as the "Local Governments Brownfields Redevelopment
2555 Grant Fund." The fund shall consist of those monies as provided
2556 in Section 57-1-307. Unexpended amounts remaining in the fund at
2557 the end of the fiscal year shall not lapse into the State General
2558 Fund, and any interest earned on amounts in the fund shall be
2559 deposited to the credit of the fund. Monies in the fund may not
2560 be used or expended for any purpose except as authorized in this
2561 section. From and after July 1, 2009, the Local Governments
2562 Brownfields Redevelopment Grant Fund is abolished and all money in
2563 the fund shall be transferred to the Local Governments Capital
2564 Improvements Revolving Loan Fund.



2565 (8) The Mississippi Development Authority may, on a
2566 case-by-case basis, renegotiate the payment of principal and
2567 interest on loans made under Sections 57-1-301 through 57-1-335 to
2568 the six (6) most southern counties of the state covered by the
2569 Presidential Declaration of Major Disaster for the State of
2570 Mississippi (FEMA-1604-DR) dated August 29, 2005, and to political
2571 subdivisions located in such counties; however, the interest on
2572 the loans shall not be forgiven for a period of more than
2573 twenty-four (24) months and the maturity of the loans shall not be
2574 extended for a period of more than forty-eight (48) months.

2575 **SECTION 86.** Section 57-1-305, Mississippi Code of 1972, is
2576 brought forward as follows:

2577 57-1-305. In administering the provisions of Sections
2578 57-1-301 through 57-1-335, the * * * Mississippi Development
2579 Authority shall have the following powers and duties:

2580 (a) To supervise the use of all funds made available
2581 under Sections 57-1-301 through 57-1-335 for local governments
2582 capital improvements;

2583 (b) To review and certify all projects for which funds
2584 are authorized to be made available under Sections 57-1-301
2585 through 57-1-335 for local governments capital improvements;

2586 (c) To requisition monies in the Local Governments
2587 Capital Improvements Revolving Loan Fund and distribute those
2588 monies on a project-by-project basis in accordance with the
2589 provisions of Sections 57-1-301 through 57-1-335;



2590 (d) To insure that the funds made available to a county
2591 or an incorporated municipality under Sections 57-1-301 through
2592 57-1-335 provide for an equitable distribution of projects and
2593 funds among the counties and incorporated municipalities;

2594 (e) To maintain an accurate record of all local
2595 governments capital improvements funds made available to counties
2596 and municipalities and the costs for each project.

2597 (f) To adopt and promulgate such rules and regulations
2598 as may be necessary or desirable for the purpose of implementing
2599 the provisions of Sections 57-1-301 through 57-1-335; and

2600 (g) To file annually with the Legislature a report
2601 detailing how monies in the Local Governments Capital Improvements
2602 Revolving Loan Fund were spent during the preceding fiscal year in
2603 each county and incorporated municipality, the number of projects
2604 approved and constructed, and the cost of each project.

2605 **SECTION 87.** Section 57-1-307, Mississippi Code of 1972, is
2606 brought forward as follows:

2607 57-1-307. (1) The State Bond Commission, at one time, or
2608 from time to time, may declare by resolution the necessity for
2609 issuance of general obligation bonds of the State of Mississippi
2610 to provide funds for all costs incurred or to be incurred for the
2611 purposes described in Section 57-1-303. Upon the adoption of a
2612 resolution by the Mississippi Development Authority, declaring the
2613 necessity for the issuance of any part or all of the general
2614 obligation bonds authorized by this section, the Mississippi



2615 Development Authority shall deliver a certified copy of its
2616 resolution or resolutions to the State Bond Commission. Upon
2617 receipt of such resolution, the State Bond Commission, in its
2618 discretion, may act as the issuing agent, prescribe the form of
2619 the bonds, determine the appropriate method for sale of the bonds,
2620 advertise for and accept bids or negotiate the sale of the bonds,
2621 issue and sell the bonds so authorized to be sold and do any and
2622 all other things necessary and advisable in connection with the
2623 issuance and sale of such bonds. The total amount of bonds issued
2624 under Sections 57-1-307 through 57-1-335 shall not exceed One
2625 Hundred Fifteen Million Dollars (\$115,000,000.00); provided,
2626 however, that an additional amount of bonds may be issued under
2627 Sections 57-1-307 and 57-1-335 in an amount not to exceed Thirteen
2628 Million Dollars (\$13,000,000.00), and the proceeds of any such
2629 additional amount of bonds so issued shall be utilized solely to
2630 provide loans for capital improvements that would qualify for the
2631 issuance of bonds whose interest is exempt from income taxation
2632 under the provisions of the Internal Revenue Code.

2633 (2) Proceeds from the sale of bonds shall be deposited in
2634 the special fund created in Section 57-1-303. Any investment
2635 earnings on amounts deposited into the special fund created in
2636 Section 57-1-303 shall be used to pay debt service on bonds issued
2637 under Sections 57-1-307 through 57-1-335, in accordance with the
2638 proceedings authorizing issuance of such bonds.



2639 **SECTION 88.** Section 57-1-309, Mississippi Code of 1972, is
2640 brought forward as follows:

2641 57-1-309. The principal of and interest on the bonds
2642 authorized under Section 57-1-307 shall be payable in the manner
2643 provided in this section. Such bonds shall bear such date or
2644 dates, be in such denomination or denominations, bear interest at
2645 such rate or rates (not to exceed the limits set forth in Section
2646 75-17-101, Mississippi Code of 1972), be payable at such place or
2647 places within or without the State of Mississippi, shall mature
2648 absolutely at such time or times not to exceed twenty-five (25)
2649 years from date of issue, be redeemable before maturity at such
2650 time or times and upon such terms, with or without premium, shall
2651 bear such registration privileges, and shall be substantially in
2652 such form, all as shall be determined by resolution of the State
2653 Bond Commission.

2654 **SECTION 89.** Section 57-1-311, Mississippi Code of 1972, is
2655 brought forward as follows:

2656 57-1-311. The bonds authorized by Section 57-1-307 shall be
2657 signed by the Chairman of the State Bond Commission, or by his
2658 facsimile signature, and the official seal of the commission shall
2659 be affixed thereto, attested by the Secretary of the State Bond
2660 Commission. The interest coupons, if any, to be attached to such
2661 bonds may be executed by the facsimile signatures of such
2662 officers. Whenever any such bonds shall have been signed by the
2663 officials designated to sign the bonds who were in office at the



2664 time of such signing but who may have ceased to be such officers
2665 before the sale and delivery of such bonds, or who may not have
2666 been in office on the date such bonds may bear, the signatures of
2667 such officers upon such bonds and coupons shall nevertheless be
2668 valid and sufficient for all purposes and have the same effect as
2669 if the person so officially signing such bonds had remained in
2670 office until their delivery to the purchaser, or had been in
2671 office on the date such bonds may bear. However, notwithstanding
2672 anything herein to the contrary, such bonds may be issued as
2673 provided in the Registered Bond Act of the State of Mississippi.

2674 **SECTION 90.** Section 57-1-313, Mississippi Code of 1972, is
2675 brought forward as follows:

2676 57-1-313. All bonds and interest coupons issued under the
2677 provisions of Sections 57-1-307 through 57-1-335 have all the
2678 qualities and incidents of negotiable instruments under the
2679 provisions of the Uniform Commercial Code, and in exercising the
2680 powers granted by this chapter, the State Bond Commission shall
2681 not be required to and need not comply with the provisions of the
2682 Uniform Commercial Code.

2683 **SECTION 91.** Section 57-1-315, Mississippi Code of 1972, is
2684 brought forward as follows:

2685 57-1-315. The State Bond Commission shall act as issuing
2686 agent for the bonds authorized under Section 57-1-307, prescribe
2687 the form of the bonds, determine the appropriate method for sale
2688 of the bonds, advertise for and accept bids or negotiate the sale



2689 of the bonds, issue and sell the bonds so authorized to be sold,
2690 pay all fees and costs incurred in such issuance and sale, and do
2691 any and all other things necessary and advisable in connection
2692 with the issuance and sale of such bonds. The State Bond
2693 Commission is authorized and empowered to pay the costs that are
2694 incident to the sale, issuance and delivery of the bonds
2695 authorized under Sections 57-1-307 through 57-1-335 from the
2696 proceeds derived from the sale of such bonds. The State Bond
2697 Commission may sell such bonds on sealed bids at public sale or
2698 may negotiate the sale of the bonds for such price as it may
2699 determine to be for the best interest of the State of Mississippi.
2700 All interest accruing on such bonds so issued shall be payable
2701 semiannually or annually.

2702 If such bonds are sold by sealed bids at public sale, notice
2703 of the sale shall be published at least one time, not less than
2704 ten (10) days before the date of sale, and shall be so published
2705 in one or more newspapers published or having a general
2706 circulation in the City of Jackson, Mississippi, selected by the
2707 commission.

2708 The State Bond Commission, when issuing any bonds under the
2709 authority of Sections 57-1-307 through 57-1-335, may provide that
2710 bonds, at the option of the State of Mississippi, may be called in
2711 for payment and redemption at the call price named therein and
2712 accrued interest on such date or dates named therein.



2713 **SECTION 92.** Section 57-1-317, Mississippi Code of 1972, is
2714 brought forward as follows:

2715 57-1-317. The bonds issued under the provisions of Sections
2716 57-1-307 through 57-1-335 are general obligations of the State of
2717 Mississippi, and for the payment thereof the full faith and credit
2718 of the State of Mississippi is irrevocably pledged. If the funds
2719 appropriated by the Legislature are insufficient to pay the
2720 principal of and the interest on such bonds as they become due,
2721 then the deficiency shall be paid by the State Treasurer from any
2722 funds in the State Treasury not otherwise appropriated. All such
2723 bonds shall contain recitals on their faces substantially covering
2724 the provisions of this section.

2725 **SECTION 93.** Section 57-1-319, Mississippi Code of 1972, is
2726 brought forward as follows:

2727 57-1-319. Upon the issuance and sale of bonds under the
2728 provisions of Sections 57-1-307 through 57-1-335, the State Bond
2729 Commission shall transfer the proceeds of any such sale or sales
2730 to the special fund created in Section 57-1-303. The proceeds of
2731 such bonds shall be disbursed solely upon the order of the * * *
2732 Mississippi Development Authority under such restrictions, if any,
2733 as may be contained in the resolution providing for the issuance
2734 of the bonds.

2735 **SECTION 94.** Section 57-1-321, Mississippi Code of 1972, is
2736 brought forward as follows:



2737 57-1-321. The bonds authorized under Sections 57-1-307
2738 through 57-1-335 may be issued without any other proceedings or
2739 the happening of any other conditions or things other than those
2740 proceedings, conditions and things which are specified or required
2741 by Sections 57-1-307 through 57-1-335. Any resolution providing
2742 for the issuance of bonds under the provisions of Sections
2743 57-1-307 through 57-1-335 shall become effective immediately upon
2744 its adoption by the State Bond Commission, and any such resolution
2745 may be adopted at any regular or special meeting of the State Bond
2746 Commission by a majority of its members.

2747 **SECTION 95.** Section 57-1-323, Mississippi Code of 1972, is
2748 brought forward as follows:

2749 57-1-323. The bonds authorized under the authority of
2750 Sections 57-1-307 through 57-1-335 may be validated in the
2751 Chancery Court of the First Judicial District of Hinds County,
2752 Mississippi, in the manner and with the force and effect provided
2753 by Chapter 13, Title 31, Mississippi Code of 1972, for the
2754 validation of county, municipal, school district and other bonds.
2755 The notice to taxpayers required by such statutes shall be
2756 published in a newspaper published or having a general circulation
2757 in the City of Jackson, Mississippi.

2758 **SECTION 96.** Section 57-1-325, Mississippi Code of 1972, is
2759 brought forward as follows:

2760 57-1-325. Any holder of bonds issued under the provisions of
2761 Sections 57-1-307 through 57-1-335 or of any of the interest



2762 coupons pertaining thereto may, either at law or in equity, by
2763 suit, action, mandamus or other proceeding, protect and enforce
2764 any and all rights granted under Sections 57-1-307 through
2765 57-1-335, or under such resolution, and may enforce and compel
2766 performance of all duties required by Sections 57-1-307 through
2767 57-1-335 to be performed, in order to provide for the payment of
2768 bonds and interest thereon.

2769 **SECTION 97.** Section 57-1-327, Mississippi Code of 1972, is
2770 brought forward as follows:

2771 57-1-327. All bonds issued under the provisions of Sections
2772 57-1-307 through 57-1-335 shall be legal investments for trustees
2773 and other fiduciaries, and for savings banks, trust companies and
2774 insurance companies organized under the laws of the State of
2775 Mississippi, and such bonds shall be legal securities which may be
2776 deposited with and shall be received by all public officers and
2777 bodies of this state and all municipalities and political
2778 subdivisions for the purpose of securing the deposit of public
2779 funds.

2780 **SECTION 98.** Section 57-1-329, Mississippi Code of 1972, is
2781 brought forward as follows:

2782 57-1-329. Bonds issued under the provisions of Sections
2783 57-1-307 through 57-1-335 and income therefrom shall be exempt
2784 from all taxation in the State of Mississippi.

2785 **SECTION 99.** Section 57-1-331, Mississippi Code of 1972, is
2786 brought forward as follows:



2787 57-1-331. The proceeds of the bonds issued under Sections
2788 57-1-307 through 57-1-335 shall be used solely for the purposes
2789 herein provided, including the costs incident to the issuance and
2790 sale of such bonds.

2791 **SECTION 100.** Section 57-1-333, Mississippi Code of 1972, is
2792 brought forward as follows:

2793 57-1-333. The State Treasurer is authorized to certify to
2794 the Department of Finance and Administration the necessity for
2795 warrants, and the Executive Director of the Department of Finance
2796 and Administration is authorized and directed to issue such
2797 warrants, in such amounts as may be necessary to pay when due the
2798 principal of, premium, if any, and interest on, or the accreted
2799 value of, all bonds issued under Sections 57-1-307 through
2800 57-1-335; and the State Treasurer shall forward the necessary
2801 amount to the designated place or places of payment of such bonds
2802 in ample time to discharge such bonds, or the interest thereon, on
2803 the due dates thereof.

2804 **SECTION 101.** Section 57-1-335, Mississippi Code of 1972, is
2805 brought forward as follows:

2806 57-1-335. Sections 57-1-307 through 57-1-335 shall be deemed
2807 to be full and complete authority for the exercise of the powers
2808 herein granted, but Sections 57-1-307 through 57-1-335 shall not
2809 be deemed to repeal or to be in derogation of any existing law of
2810 this state.



2811 **SECTION 102.** Section 57-1-351, Mississippi Code of 1972, is
2812 brought forward as follows:

2813 57-1-351. Words and phrases used in Sections 57-1-351
2814 through 57-1-369 shall have meanings as follows, unless the
2815 context clearly indicates a different meaning:

2816 (a) "Bonds" means general obligation bonds, interim
2817 notes and other evidences of debt of the State of Mississippi
2818 issued pursuant to Sections 57-1-351 through 57-1-369.

2819 (b) " * * * MDA" means the * * * Mississippi Development
2820 Authority.

2821 (c) "Facility related to the project" means and
2822 includes any of the following, as the same may pertain to the
2823 project within the project area: (i) facilities to provide
2824 potable and industrial water supply systems, sewage and waste
2825 disposal systems and water, natural gas and electric transmission
2826 systems to the site of the project; (ii) airports, airfields and
2827 air terminals; (iii) rail lines; (iv) port facilities; (v)
2828 highways, streets and other roadways; (vi) public school
2829 buildings, classrooms and instructional facilities, including any
2830 functionally related facilities; (vii) parks, outdoor recreation
2831 facilities and athletic facilities; (viii) auditoriums, pavilions,
2832 campgrounds, art centers, cultural centers, folklore centers and
2833 other public facilities; and (ix) health care facilities, public
2834 or private.



2835 (d) "Person" means any natural person, corporation,
2836 association, partnership, receiver, trustee, guardian, executor,
2837 administrator, fiduciary, governmental unit, public agency,
2838 political subdivision, or any other group acting as a unit, and
2839 the plural as well as the singular.

2840 (e) "Project" means any private company developed under
2841 the name "Project Cougar" that is a heavy manufacturing enterprise
2842 which will be located on more than two hundred fifty (250) acres
2843 of land, will require a building that contains in excess of five
2844 hundred thousand (500,000) square feet and will employ in excess
2845 of one thousand (1,000) people at the facility in a full-time
2846 capacity.

2847 (f) "Project area" means the project site, together
2848 with any area or territory within the state lying within fifteen
2849 (15) miles of any portion of the project site whether or not such
2850 area or territory be contiguous. The project area shall also
2851 include all territory within a county if any portion of such
2852 county lies within fifteen (15) miles of any portion of the
2853 project site. "Project site" means the real property on which the
2854 principal facilities of the enterprise will operate.

2855 (g) "Public agency" means:

2856 (i) Any department, board, commission, institution
2857 or other agency or instrumentality of the state;

2858 (ii) Any city, town, county, political
2859 subdivision, school district or other district created or existing



2860 under the laws of the state or any public agency of any such city,
2861 town, county, political subdivision or district;

2862 (iii) Any department, commission, agency or
2863 instrumentality of the United States of America; and

2864 (iv) Any other state of the United States of
2865 America which may be cooperating with respect to location of the
2866 project within the state, or any agency thereof.

2867 (h) "State" means State of Mississippi.

2868 **SECTION 103.** Section 57-1-353, Mississippi Code of 1972, is
2869 brought forward as follows:

2870 57-1-353. * * * MDA is hereby designated and empowered to
2871 act on behalf of the state in submitting a siting proposal for the
2872 project eligible for assistance under this act. * * * MDA is
2873 empowered to take all steps appropriate or necessary to effect the
2874 siting, development, and operation of the project within the
2875 state. If the state is selected as the preferred site for the
2876 project, * * * MDA is hereby designated and empowered to act on
2877 behalf of the state and to represent the state in the planning,
2878 financing, development, construction and operation of the project
2879 or any facility related to the project, with the concurrence of
2880 the affected public agency. * * * MDA may take affirmative steps
2881 to coordinate fully all aspects of the submission of a siting
2882 proposal for the project and, if the state is selected as the
2883 preferred site, to coordinate fully, with the concurrence of the
2884 affected public agency, the development of the project or any



2885 facility related to the project with private business, the United
2886 States government and other public agencies. All public agencies
2887 are encouraged to cooperate to the fullest extent possible to
2888 effectuate the duties of * * * MDA; however, the development of
2889 the project or any facility related to the project by * * * MDA
2890 may be done only with the concurrence of the affected public
2891 agency.

2892 **SECTION 104.** Section 57-1-355, Mississippi Code of 1972, is
2893 brought forward as follows:

2894 57-1-355. * * * MDA, in addition to any and all powers now
2895 or hereafter granted to it, is empowered and shall exercise
2896 discretion and the use of these powers depending on the
2897 circumstances of the project or projects:

2898 (a) To employ or contract with architects, engineers,
2899 attorneys, accountants, construction and financial experts and
2900 such other advisors, consultants and agents as may be necessary in
2901 its judgment and to fix and pay their compensation.

2902 (b) To make such applications and enter into such
2903 contracts for financial assistance as may be appropriate under
2904 applicable federal or state law.

2905 (c) To apply for, accept and utilize grants, gifts and
2906 other funds or aid from any source for any purpose contemplated by
2907 Sections 57-1-351 through 57-1-369, and to comply, subject to the
2908 provisions of Sections 57-1-351 through 57-1-369, with the terms
2909 and conditions thereof.



2910 (d) To acquire by purchase or lease any public lands
2911 and public property, including sixteenth section lands and lieu
2912 lands, within the project area, which are necessary for the
2913 project. Sixteenth section lands or lieu lands acquired under
2914 Sections 57-1-351 through 57-1-369 shall be deemed to be acquired
2915 for the purposes of industrial development thereon and such
2916 acquisition will serve a higher public interest in accordance with
2917 the purposes of Sections 57-1-351 through 57-1-369.

2918 (e) If * * * MDA identifies any land owned by the state
2919 as being necessary, for the location or use of the project, or any
2920 facility related to the project, to recommend to the Legislature
2921 the conveyance of such land or any interest therein, as the
2922 Legislature deems appropriate.

2923 (f) To make or cause to be made such examinations and
2924 surveys as may be necessary to the planning, design, construction
2925 and operation of the project.

2926 (g) From and after the date of notification to * * *
2927 MDA by the enterprise that the state has been finally selected as
2928 the site of the project, to acquire by condemnation and to own,
2929 maintain, use, operate and convey or otherwise dispose of any and
2930 all property of any kind, real, personal or mixed, or any interest
2931 or estate therein, within the project area, necessary for the
2932 project or any facility related to the project, with the
2933 concurrence of the affected public agency, and the exercise of the
2934 powers granted by Sections 57-1-351 through 57-1-369, according to



2935 the procedures provided by Chapter 27, Title 11, Mississippi Code
2936 of 1972, except as modified by Sections 57-1-351 through 57-1-369.

2937 (i) In acquiring lands by condemnation, * * * MDA
2938 shall not acquire minerals or royalties in minerals unless a
2939 competent registered professional engineer shall have certified
2940 that the acquisition of such minerals and royalties in minerals is
2941 necessary for purposes of the project; provided that limestone,
2942 clay, chalk, sand and gravel shall not be considered as minerals
2943 within the meaning of this section; and

2944 (ii) Unless minerals or royalties in minerals have
2945 been acquired by condemnation or otherwise, no person or persons
2946 owning the drilling rights or the right to share in production of
2947 minerals shall be prevented from exploring, developing, or
2948 producing oil or gas with necessary rights-of-way for ingress and
2949 egress, pipelines and other means of transporting interests on any
2950 land or interest therein of the authority held or used for the
2951 purposes of Sections 57-1-351 through 57-1-369; but any such
2952 activities shall be under such reasonable regulation by * * * MDA
2953 as will adequately protect the project contemplated by Sections
2954 57-1-351 through 57-1-369 as provided in paragraph (r) of this
2955 section.

2956 (h) To negotiate the necessary relocation or rerouting
2957 of roads and highways, railroad, telephone and telegraph lines and
2958 properties, electric power lines, pipelines and related
2959 facilities, or to require the anchoring or other protection of any



2960 of these, provided due compensation is paid to the owners thereof
2961 or agreement is had with such owners regarding the payment of the
2962 cost of such relocation, and to acquire by condemnation or
2963 otherwise easements or rights-of-way for such relocation or
2964 rerouting and to convey the same to the owners of the facilities
2965 being relocated or rerouted in connection with the purposes of
2966 Sections 57-1-351 through 57-1-369.

2967 (i) To negotiate the necessary relocation of cemeteries
2968 and to pay all reasonable costs thereof.

2969 (j) To perform or have performed any and all acts and
2970 make all payments necessary to comply with all applicable federal
2971 laws, rules or regulations including, but not limited to, the
2972 Uniform Relocation Assistance and Real Property Acquisition
2973 Policies Act of 1970 (42 * * * USCS 4601, 4602, 4621 to 4638, and
2974 4651 to 4655) and relocation rules and regulations promulgated by
2975 any agency or department of the federal government.

2976 (k) To construct, extend, improve, maintain, and
2977 reconstruct, to cause to be constructed, extended, improved,
2978 maintained, and reconstructed, and to use and operate any and all
2979 components of the project or any facility related to the project,
2980 with the concurrence of the affected public agency, within the
2981 project area, necessary to the project and to the exercise of such
2982 powers, rights, and privileges granted * * * MDA.



2983 (1) To incur or defray any designated portion of the
2984 cost of any component of the project or any facility related to
2985 the project acquired or constructed by any public agency.

2986 (m) To lease, sell or convey any or all property
2987 acquired by * * * MDA under the provisions of Sections 57-1-351
2988 through 57-1-369 to the enterprise, its successors or assigns, and
2989 in connection therewith to pay the costs of title search,
2990 perfection of title, title insurance and recording fees as may be
2991 required. * * * MDA may provide in the instrument conveying such
2992 property a provision that such property shall revert to * * * MDA
2993 if, as and when the property is declared by the enterprise to be
2994 no longer needed.

2995 (n) To enter into contracts with any person or public
2996 agency including, but not limited to, contracts authorized by
2997 Section 57-1-363, in furtherance of any of the purposes authorized
2998 by Sections 57-1-351 through 57-1-369 upon such consideration
2999 as * * * MDA and such person or public agency may agree. Any such
3000 contract may extend over any period of time, notwithstanding any
3001 rule of law to the contrary, may be upon such terms as the parties
3002 thereto shall agree, and may provide that it shall continue in
3003 effect until bonds specified therein, refunding bonds issued in
3004 lieu of such bonds, and all other obligations specified therein
3005 are paid or terminated. Any such contract shall be binding upon
3006 the parties thereto according to its terms. Such contracts may
3007 include an agreement to reimburse the enterprise, its successors



3008 and assigns for any assistance provided by the enterprise in the
3009 acquisition of real property for the project or any facility
3010 related to the project.

3011 (o) To establish and maintain reasonable rates and
3012 charges for the use of any facility within the project area owned
3013 or operated by * * * MDA, and from time to time to adjust such
3014 rates and to impose penalties for failure to pay such rates and
3015 charges when due.

3016 (p) To adopt and enforce with the concurrence of the
3017 affected public agency all necessary and reasonable rules and
3018 regulations to carry out and effectuate the implementation of the
3019 project and any land use plan or zoning classification adopted for
3020 the project area, including, but not limited to, rules,
3021 regulations, and restrictions concerning mining, construction,
3022 excavation or any other activity the occurrence of which may
3023 endanger the structure or operation of the project. Such rules
3024 may be enforced within the project area and without the project
3025 area as necessary to protect the structure and operation of the
3026 project. * * * MDA is authorized to plan or replan, zone or
3027 rezone, and make exceptions to any regulations, whether local or
3028 state, with the concurrence of the affected public agency which
3029 are inconsistent with the design, planning, construction or
3030 operation of the project and facilities related to the project.



3031 (q) To plan, design, coordinate and implement measures
3032 and programs to mitigate impacts on the natural environment caused
3033 by the project or any facility related to the project.

3034 (r) To develop plans for technology transfer activities
3035 to ensure private sector conduits for exchange of information,
3036 technology and expertise related to the project to generate
3037 opportunities for commercial development within the state.

3038 (s) To consult with the State Department of Education
3039 and other public agencies for the purpose of improving public
3040 schools and curricula within the project area.

3041 (t) To consult with the State Board of Health and other
3042 public agencies for the purpose of improving medical centers,
3043 hospitals and public health centers in order to provide
3044 appropriate health care facilities within the project area.

3045 (u) To consult with the Office of Minority Business
3046 Enterprise Development and other public agencies for the purpose
3047 of developing plans for technical assistance and loan programs to
3048 maximize the economic impact related to the project for minority
3049 business enterprises within the State of Mississippi.

3050 (v) To promulgate rules and regulations necessary to
3051 effectuate the purposes of Sections 57-1-351 through 57-1-369.

3052 **SECTION 105.** Section 57-1-357, Mississippi Code of 1972, is
3053 brought forward as follows:

3054 57-1-357. The Board of Trustees of State Institutions of
3055 Higher Learning is hereby authorized to support the project by



3056 creating institutes and developing curricula of direct benefit to
3057 the enterprise. Upon notification to * * * MDA by the enterprise
3058 that the state has been selected as the site of the project, the
3059 Board of Trustees of State Institutions of Higher Learning may
3060 establish and create programs to enhance the project's success.

3061 **SECTION 106.** Section 57-1-359, Mississippi Code of 1972, is
3062 brought forward as follows:

3063 57-1-359. * * * MDA shall utilize not more than the amount
3064 of the proceeds of the bonds authorized to be issued under Section
3065 6(3)(b) of this act [Laws, 1998, Chapter 301], for the purpose of
3066 making interest-bearing loans to counties or municipalities in
3067 order for such counties or municipalities to lend to the private
3068 company that falls under the definition of the term "project," the
3069 proceeds of the loan from * * * MDA to any such county or
3070 municipality.

3071 **SECTION 107.** Section 57-1-363, Mississippi Code of 1972, is
3072 brought forward as follows:

3073 57-1-363. For the purpose of aiding in the planning, design,
3074 undertaking and carrying out of the project or any facility
3075 related to the project, any public agency is authorized and
3076 empowered upon such terms, with or without consideration, as it
3077 may determine:

3078 (a) To enter into agreements, which may extend over any
3079 period, with * * * MDA respecting action to be taken by such
3080 public agency with respect to the acquisition, planning,



3081 construction, improvement, operation, maintenance or funding of
3082 the project or any such facility, and which agreements may include
3083 (i) the appropriation or payment of funds to * * * MDA or to a
3084 trustee in amounts which shall be sufficient to enable * * * MDA
3085 to defray any designated portion or percentage of the expenses of
3086 administering, planning, designing, constructing, acquiring,
3087 improving, operating, and maintaining the project or any facility
3088 related to the project, (ii) the appropriation or payment of funds
3089 to * * * MDA or to a trustee to pay interest and principal
3090 (whether at maturity or upon sinking fund redemption) on bonds
3091 issued pursuant to Sections 57-1-351 through 57-1-369 and to fund
3092 reserves for debt service, for operation and maintenance and for
3093 renewals and replacements, and to fulfill requirements of any
3094 covenant with respect to debt service contained in any resolution,
3095 trust indenture or other security agreement relating to the bonds
3096 issued pursuant to Sections 57-1-351 through 57-1-369, and (iii)
3097 the furnishing of other assistance in connection with the project
3098 or facility related to the project;

3099 (b) To dedicate, sell, donate, convey or lease any
3100 property or interest in property to * * * MDA or grant easements,
3101 licenses or other rights or privileges therein to * * * MDA;

3102 (c) To incur the expense of any public improvements
3103 made or to be made by such public agency in exercising the powers
3104 granted in this section;

3105 (d) To lend, grant or contribute funds to * * * MDA;



3106 (e) To cause public buildings and public facilities,
3107 including parks, playgrounds, recreational areas, community
3108 meeting facilities, water, sewer or drainage facilities, or any
3109 other works which it is otherwise empowered to undertake, to be
3110 furnished to or with respect to the project or any such facility;

3111 (f) To furnish, dedicate, close, vacate, pave, install,
3112 upgrade or improve highways, streets, roads, sidewalks, airports,
3113 railroads, or ports;

3114 (g) To plan or replan, zone or rezone any parcel of
3115 land within the public agency or make exceptions from land use,
3116 building and zoning regulations; and

3117 (h) To cause administrative and other services to be
3118 furnished to * * * MDA, including services pertaining to the
3119 acquisition of real property and the furnishing of relocation
3120 assistance.

3121 Any contract between a public agency entered into with * * *
3122 MDA pursuant to any of the powers granted by Sections 57-1-351
3123 through 57-1-369 shall be binding upon the public agency according
3124 to its terms, and such public agency shall have the power to enter
3125 into such contracts as in the discretion of the governing
3126 authorities thereof would be to the best interest of the people of
3127 such public agency. Such contracts may include within the
3128 discretion of such governing authorities of public agencies
3129 defined under Section 57-1-351(g)(ii) a pledge of the full faith
3130 and credit of such public agency for the performance thereof. If



3131 at any time title to or possession of the project or any such
3132 facility is held by any public body or governmental agency other
3133 than * * * MDA, including any agency or instrumentality of the
3134 United States of America, the agreements referred to in this
3135 section shall inure to the benefit of and may be enforced by such
3136 public body or governmental agency.

3137 Notwithstanding any provisions of Sections 57-1-351 through
3138 57-1-369 to the contrary, any contract entered into between * * *
3139 MDA and any public agency for the appropriation or payment of
3140 funds to * * * MDA under paragraph (a)(ii) of this section shall
3141 contain a provision therein requiring monthly payments by the
3142 public agency to pay its indebtedness and, if the public agency is
3143 not a county or municipality, such contract shall include as an
3144 additional party to the contract the county or municipality
3145 (referred to in this paragraph as "levying authority") that levies
3146 and collects taxes for the contracting public agency. If the
3147 public agency fails to pay its indebtedness for any month, * * *
3148 MDA shall certify to the * * * Department of Revenue, or other
3149 appropriate agency, the amount of the delinquency, and the * * *
3150 Department of Revenue shall deduct such amount from the public
3151 agency's or levying authority's, as the case may be, next
3152 allocation of sales taxes, petroleum taxes, highway privilege
3153 taxes, severance taxes, Tennessee Valley Authority payments in
3154 lieu of taxes and homestead exemption reimbursements in that order
3155 of priority. The * * * Department of Revenue, or other



3156 appropriate agency, shall pay the sums so deducted to * * * MDA to
3157 be applied to the discharge of the contractual obligation.

3158 **SECTION 108.** Section 57-1-365, Mississippi Code of 1972, is
3159 brought forward as follows:

3160 57-1-365. * * * MDA shall not undertake to develop any
3161 project or facility related to the project within a county,
3162 municipality and/or school district without the concurrence of the
3163 affected county, municipality and/or school district.

3164 **SECTION 109.** Section 57-1-367, Mississippi Code of 1972, is
3165 brought forward as follows:

3166 57-1-367. (1) (a) * * * MDA shall set a goal to expend not
3167 less than ten percent (10%) of the total amounts expended by * * *
3168 MDA on planning, construction, training, research, development,
3169 testing, evaluation, personal services, procurement, and for the
3170 operation and maintenance of any facilities or activities
3171 controlled by * * * MDA, with minority small business concerns
3172 owned and controlled by socially and economically disadvantaged
3173 individuals. For the purpose of determining the total amounts
3174 expended with such minority small business concerns, credit shall
3175 be given for that portion of any prime contract entered into
3176 with * * * MDA which inures to the benefit of such minority small
3177 business concern as a subcontractor thereunder.

3178 (b) For the purposes of this section, the term
3179 "socially and economically disadvantaged individuals" shall have
3180 the meaning ascribed to such term under Section 8(d) of the Small



3181 Business Act (15 * * * USCS, Section 637(d)) and relevant
3182 subcontracting regulations promulgated pursuant thereto.

3183 (c) For the purposes of this section, the term
3184 "minority small business concern" means any small business
3185 concern:

3186 (i) Which is at least fifty-one percent (51%)
3187 owned by one or more socially and economically disadvantaged
3188 individuals; or, in the case of any publicly owned businesses, at
3189 least fifty-one percent (51%) of the stock of which is owned by
3190 one or more socially and economically disadvantaged individuals;
3191 and

3192 (ii) Whose management and daily business
3193 operations are controlled by one or more of such individuals.

3194 (d) For the purpose of this section, the term "small
3195 business concern" shall mean "small business" as the latter term
3196 is defined in Section 57-10-155, Mississippi Code of 1972.

3197 (2) In order to comply in a timely manner with its minority
3198 small business participation mandate, * * * MDA shall set an
3199 annual goal to expend not less than ten percent (10%) of its
3200 aggregate yearly expenditures with minority small business
3201 concerns.

3202 (3) * * * MDA shall:

3203 (a) Monitor the minority small business concerns
3204 assistance programs prescribed in this section.



3205 (b) Review and determine the business capabilities of
3206 minority small business concerns.

3207 (c) Establish standards for a certification procedure
3208 for minority small business concerns seeking to do business
3209 with * * * MDA.

3210 (d) Provide technical assistance services to minority
3211 small business concerns. Such technical assistance shall include
3212 but not be limited to:

- 3213 (i) Research;
- 3214 (ii) Assistance in obtaining bonds;
- 3215 (iii) Bid preparation;
- 3216 (iv) Certification of business concerns;
- 3217 (v) Marketing assistance; and
- 3218 (vi) Joint venture and capital development.

3219 (e) Develop alternative bidding and contracting
3220 procedures for minority small business concerns in conjunction
3221 with the Department of Finance and Administration.

3222 (f) Utilize such alternative bidding and contracting
3223 procedures in lieu of those prescribed in Title 31, Chapters 5 and
3224 7, Mississippi Code of 1972, when contracting with minority small
3225 business concerns that have qualified to bid for contracts and
3226 have satisfied any other disclosure provisions required by * * *
3227 MDA.

3228 (g) Be authorized to accept in lieu of any bond
3229 otherwise required from minority small business concerns or small



3230 business concerns contracting with * * * MDA, in an amount equal
3231 to one hundred percent (100%) of the total cost of the contracted
3232 project, any combination of the following:

3233 (i) Cash;

3234 (ii) Certificates of deposit from any bank or
3235 banking corporation insured by the Federal Deposit Insurance
3236 Corporation or the Federal Savings and Loan Insurance Corporation;

3237 (iii) Federal treasury bills;

3238 (iv) Letters of credit issued by a bank as that
3239 term is defined in Section 81-3-1, Mississippi Code of 1972; or

3240 (v) Surety bonds issued by an insurance company
3241 licensed and qualified to do business in the State of Mississippi.

3242 (h) Be authorized, in its discretion, to waive any bond
3243 required on any project which does not exceed a total dollar value
3244 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall
3245 be held by the authority in an amount not to exceed fifteen
3246 percent (15%) from each draw according to American Institute of
3247 Architects (AIA) standards. Upon satisfactory completion of such
3248 project, ten percent (10%) of the total cost of the contract shall
3249 be held in an interest-bearing escrow account for one (1) year.
3250 Funds deposited in such escrow account shall stand as a surety for
3251 any defects in workmanship or materials detected within twelve
3252 (12) months of completion. The balance of all monies so escrowed
3253 including accrued interest shall be paid to the contractor at the
3254 end of such twelve-month period.



3255 (i) Be empowered to provide an incentive of bimonthly
3256 payments to any prime contractors utilizing minority small
3257 business concerns as subcontractors on twenty-five percent (25%)
3258 or more of the total dollar value of any single project or
3259 contract.

3260 (j) Submit an annual report on its progress concerning
3261 minority small business contracts to the Legislature by January 30
3262 of each year.

3263 (k) Take all steps necessary to implement the
3264 provisions of this section.

3265 **SECTION 110.** Section 57-1-369, Mississippi Code of 1972, is
3266 brought forward as follows:

3267 57-1-369. The provisions of Sections 57-1-351 through
3268 57-1-369 are cumulative of other statutes now or hereafter enacted
3269 relating to * * * MDA, and * * * MDA may exercise all presently
3270 held powers in the furtherance of Sections 57-1-351 through
3271 57-1-369. If any section, paragraph, sentence, clause, phrase or
3272 any part of the provisions of Sections 57-1-351 through 57-1-369
3273 is declared to be unconstitutional or void, or for any reason is
3274 declared to be invalid or of no effect, the remaining sections,
3275 paragraphs, sentences, clauses and phrases shall in no manner be
3276 affected thereby but shall remain in full force and effect.

3277 **SECTION 111.** Section 57-1-371, Mississippi Code of 1972, is
3278 brought forward as follows:



3279 57-1-371. Any business, enterprise or other entity that is
3280 criminally convicted by a court of competent jurisdiction of
3281 intentionally hiring illegal immigrants shall be ineligible to
3282 receive any loan, grant or other form of assistance made available
3283 under Section 57-93-1, Sections 2 through 37, Sections 57-1-10 and
3284 57-95-1, Sections 40 through 55 and Sections 27-7-22.28 and
3285 27-7-22.29 of Chapter 1, Laws of Third Extraordinary Session of
3286 2005. Any business, enterprise or other entity that receives any
3287 loan, grant or other form of assistance made available under
3288 Section 57-93-1, Sections 2 through 37, Sections 57-1-10 and
3289 57-95-1, Sections 40 through 55 and Sections 27-7-22.28 and
3290 27-7-22.29 of Chapter 1, Laws of Third Extraordinary Session of
3291 2005, and is criminally convicted by a court of competent
3292 jurisdiction of intentionally hiring illegal immigrants shall
3293 repay the full amount of such loan, grant or other form of
3294 assistance.

3295 **SECTION 112.** Section 57-1-373, Mississippi Code of 1972, is
3296 brought forward as follows:

3297 57-1-373. (1) No business, enterprise or other entity that
3298 is, or has ever been, criminally convicted by a court of competent
3299 jurisdiction of intentionally hiring illegal immigrants that
3300 develops or is located in a "project" as defined in Section
3301 57-75-5(f) (xx) shall be eligible to receive:



3302 (a) Any funds provided or derived from the issuance of
3303 any bonds under Sections 1 through 7, Chapter 2, Laws of First
3304 Extraordinary Session of 2006;

3305 (b) Any loan, grant or other form of assistance that
3306 may be made available under Sections 1 through 7, Chapter 2, Laws
3307 of First Extraordinary Session of 2006; or

3308 (c) Any funds, tax credit or other form of assistance
3309 that may be made available as an incentive payment under Sections
3310 1 through 7, Chapter 2, Laws of First Extraordinary Session of
3311 2006.

3312 (2) If a business, enterprise or other entity that develops
3313 or is located in a "project" as defined in Section 57-75-5(f) (xx)
3314 has received funds or assistance as described in paragraphs (a)
3315 through (c) of subsection (1) of this section, and thereafter is
3316 convicted by a court of competent jurisdiction of intentionally
3317 hiring illegal immigrants, then the business, enterprise or other
3318 entity shall repay the full amount of the funds or assistance
3319 received. The repayment shall be certified by the State
3320 Treasurer, who shall deposit such amounts into the specific
3321 special fund in the State Treasury from which the funds were
3322 awarded, or, in the case of incentive payments under Sections
3323 57-28-1 through 57-28-5, into the State General Fund.

3324 **SECTION 113.** Section 57-1-401, Mississippi Code of 1972, is
3325 brought forward as follows:



3326 57-1-401. (1) A special fund, to be designated as the
3327 "Mississippi Development Authority Workforce Training Fund," is
3328 created within the State Treasury into which shall be deposited
3329 money from any source that is designated for deposit therein. The
3330 fund shall be maintained by the State Treasurer as a separate and
3331 special fund, separate and apart from the General Fund of the
3332 state. Unexpended amounts remaining in the fund at the end of a
3333 fiscal year shall not lapse into the State General Fund, and any
3334 interest earned or investment earnings on amounts in the fund
3335 shall be deposited into such fund.

3336 (2) All money deposited into the Mississippi Development
3337 Authority Workforce Training Fund shall be disbursed by the
3338 Mississippi Development Authority to provide workforce training
3339 through state institutions of higher learning, community and
3340 junior colleges, and Workforce Investment Network job centers to
3341 meet workforce training needs not met by other resources.
3342 Employers may request training for existing employees and/or newly
3343 hired employees from the Mississippi Development Authority. The
3344 Mississippi Development Authority shall establish criteria for
3345 utilization of the money in the fund and be responsible for
3346 approving the training.

3347 **SECTION 114.** Section 57-1-421, Mississippi Code of 1972, is
3348 brought forward as follows:

3349 57-1-421. (1) As used in this subsection:



3350 (a) "Alternative fuel" means compressed natural gas and
3351 liquefied natural gas, as defined in Section 27-59-3, and propane
3352 fuel when used as a fuel in a motor vehicle or motor vehicles on
3353 the highways of the state.

3354 (b) "Alternative fuel school bus" means a school bus
3355 propelled by alternative fuel either as a dedicated alternative
3356 fuel vehicle, as a bi-fuel vehicle using alternative fuel as one
3357 of its fuels, or as a dual-fuel vehicle using alternative fuel as
3358 one of its fuels.

3359 (c) "Conversion kit" means the fuel system equipment
3360 necessary in order to retrofit a motor vehicle propelled by
3361 gasoline, diesel or other fuel so that the motor vehicle may be
3362 converted or modified into an alternative fuel motor vehicle.

3363 (d) "Cost of qualified alternative fuel motor vehicle
3364 fuel property" means any of the following:

3365 (i) The actual cost per school bus paid by the
3366 school district for the purchase and installation of qualified
3367 alternative fuel motor vehicle fuel property described in
3368 paragraph (1)(i) of this subsection.

3369 (ii) The incremental cost per school bus paid by
3370 the school district upon the purchase of an OEM alternative fuel
3371 school bus for the qualified alternative fuel motor vehicle fuel
3372 property (including installation) described in paragraph (1)(ii)
3373 of this subsection.



3374 (iii) The cost of the qualified alternative fuel
3375 motor vehicle fuel property described in paragraph (1)(iii) of
3376 this subsection and its installation.

3377 (iv) The cost of the qualified alternative fuel
3378 motor vehicle fuel property described in paragraph (1)(iv) of this
3379 subsection and its construction and installation. The cost
3380 directly related to a refueling station shall not include costs
3381 associated with exploration and development activities necessary
3382 for severing natural resources from the soil or ground.

3383 (e) "Fuel system equipment" means tanks, pumps, hoses,
3384 injectors, electronic controls and related supplies, materials,
3385 parts and components for the storage of alternative fuel as fuel
3386 for an alternative fuel school bus, the delivery of alternative
3387 fuel to the engine of an alternative fuel school bus, and the
3388 exhaust from an alternative fuel school bus of gases from
3389 combustion of alternative fuel used to propel an alternative fuel
3390 school bus, excluding equipment necessary for operation of a
3391 school bus on gasoline, diesel or any fuel other than alternative
3392 fuel.

3393 (f) "Incremental cost" means:

3394 (i) The stated MSRP of the fuel system equipment
3395 and its installation for an OEM alternative fuel school bus; or

3396 (ii) If no separate MSRP is stated, the difference
3397 between the MSRP of the OEM alternative fuel school bus and the



3398 MSRP of the same make and model of school bus manufactured without
3399 the fuel system equipment but otherwise identically equipped.

3400 When an OEM alternative fuel school bus is sold for less (or
3401 more) than its MSRP, the amount determined in subparagraph (i) or
3402 (ii) of this paragraph (f) shall be proportionately reduced (or
3403 increased) by the same percentage as the discount (or premium) on
3404 the MSRP, as applicable.

3405 (g) "School district" means a public school district.

3406 (h) "OEM alternative fuel motor vehicle" means an
3407 alternative fuel school bus manufactured by the original vehicle
3408 manufacturer (or its contractor) with the fuel system equipment
3409 installed as original equipment by the manufacturer (or its
3410 contractor) at the factory or at another installation site
3411 approved by the manufacturer (or its contractor).

3412 (i) "Motor vehicle" shall have the meaning ascribed to
3413 such term in Section 27-59-3.

3414 (j) "MSRP" means manufacturer's suggested retail price.

3415 (k) "Original purchase" means the purchase directly
3416 from a dealer at retail of a new OEM alternative fuel school bus
3417 which has never been titled.

3418 (l) "Qualified alternative fuel motor vehicle fuel
3419 property" means any of the following:

3420 (i) A conversion kit which has not previously been
3421 used to retrofit any motor vehicle and is installed and results in
3422 a reduction in emissions.



3423 (ii) The fuel system equipment on an OEM
3424 alternative fuel school bus which results in a reduction in
3425 emissions.

3426 (iii) A refueling system installed at a
3427 governmental entity location for the nonpublic refueling with
3428 alternative fuel of the governmental entity's alternative fuel
3429 school buses.

3430 (iv) A refueling station located in the state and
3431 operated by a school district for refueling of alternative fuel
3432 motor vehicles owned by the school district.

3433 (v) Upgrades to a refueling system included in
3434 subparagraphs (iii) and (iv) of this paragraph (1).

3435 (vi) Portable or mobile refueling systems.

3436 (m) "Reduction in emissions" means a reduction in
3437 atmospheric emissions from fuel consumption by an alternative fuel
3438 motor vehicle as demonstrated by certification of the fuel system
3439 equipment by the federal Environmental Protection Agency or the
3440 Mississippi Department of Environmental Quality or any other test
3441 or standard recognized by the Mississippi Department of
3442 Environmental Quality.

3443 (n) "Refueling system" means compressors (whether used
3444 separately or in combination with cascade tanks), process piping,
3445 hoses, dispensing units at the point where alternative fuel is
3446 delivered as a fuel, meters and other parts and equipment and
3447 installation supplies and materials therefor that constitute a



3448 refueling system capable of dispensing alternative fuel into fuel
3449 tanks of alternative fuel motor vehicles for use as a fuel.

3450 (o) "Refueling station" means property constituting a
3451 facility operated for dispensing alternative fuel into fuel tanks
3452 of alternative fuel motor vehicles, which shall include:

3453 (i) A refueling system; and

3454 (ii) A building or other structural components
3455 constructed or installed as part of and directly related to such
3456 refueling system.

3457 (p) "Retrofit" means the installation of a conversion
3458 kit in a school bus designed to operate on gasoline, diesel or
3459 other fuel in order to convert or modify the bus vehicle into an
3460 alternative fuel school bus.

3461 (q) "School bus" means a vehicle owned by a school
3462 district that is primarily used by the school district to
3463 transport students.

3464 (2) As used in this subsection:

3465 (a) "Alternative fuel" means compressed natural gas and
3466 liquefied natural gas, as defined in Section 27-59-3, and propane
3467 fuel when used as a fuel in a motor vehicle or motor vehicles on
3468 the highways of the state.

3469 (b) "Conversion kit" means the fuel system equipment
3470 necessary in order to retrofit a motor vehicle propelled by
3471 gasoline, diesel or other fuel so that the motor vehicle may be
3472 converted or modified into an alternative fuel motor vehicle.



3473 (c) "Cost of qualified alternative fuel motor vehicle
3474 fuel property" means any of the following:

3475 (i) The actual cost per vehicle paid by the
3476 municipality for the purchase and installation of qualified
3477 alternative fuel motor vehicle fuel property described in
3478 paragraph (1)(i) of this subsection.

3479 (ii) The incremental cost per vehicle paid by the
3480 municipality upon the purchase of an OEM alternative fuel motor
3481 vehicle for the qualified alternative fuel motor vehicle fuel
3482 property (including installation) described in paragraph (1)(ii)
3483 of this subsection.

3484 (iii) The cost of the qualified alternative fuel
3485 motor vehicle fuel property described in paragraph (1)(iii) of
3486 this subsection and its installation.

3487 (iv) The cost of the qualified alternative fuel
3488 motor vehicle fuel property described in paragraph (1)(iv) of this
3489 subsection and its construction and installation. The cost
3490 directly related to a refueling station shall not include costs
3491 associated with exploration and development activities necessary
3492 for severing natural resources from the soil or ground.

3493 (d) "Fuel system equipment" means tanks, pumps, hoses,
3494 injectors, electronic controls and related supplies, materials,
3495 parts and components for the storage of alternative fuel as fuel
3496 for an alternative fuel motor vehicle, the delivery of alternative
3497 fuel to the engine of an alternative fuel motor vehicle, and the



3498 exhaust from an alternative fuel motor vehicle of gases from
3499 combustion of alternative fuel used to propel an alternative fuel
3500 motor vehicle, excluding equipment necessary for operation of a
3501 motor vehicle on gasoline, diesel or any fuel other than
3502 alternative fuel.

3503 (e) "Incremental cost" means:

3504 (i) The stated MSRP of the fuel system equipment
3505 and its installation for an OEM alternative fuel motor vehicle; or

3506 (ii) If no separate MSRP is stated, the difference
3507 between the MSRP of the OEM alternative fuel motor vehicle and the
3508 MSRP of the same make and model of motor vehicle manufactured
3509 without the fuel system equipment but otherwise identically
3510 equipped.

3511 When an OEM alternative fuel motor vehicle is sold for less
3512 (or more) than its MSRP, the amount determined in subparagraph (i)
3513 or (ii) of this paragraph (e) shall be proportionately reduced (or
3514 increased) by the same percentage as the discount (or premium) on
3515 the MSRP, as applicable.

3516 (f) "Municipality" means an incorporated city, town or
3517 village in the State of Mississippi.

3518 (g) "OEM alternative fuel motor vehicle" means an
3519 alternative fuel motor vehicle manufactured by the original
3520 vehicle manufacturer (or its contractor) with the fuel system
3521 equipment installed as original equipment by the manufacturer (or



3522 its contractor) at the factory or at another installation site
3523 approved by the manufacturer (or its contractor).

3524 (h) "Motor vehicle" shall have the meaning ascribed to
3525 such term in Section 27-59-3.

3526 (i) "MSRP" means manufacturer's suggested retail price.

3527 (j) "Alternative fuel motor vehicle" means a motor
3528 vehicle propelled by alternative fuel either as a dedicated
3529 alternative fuel vehicle, as a bi-fuel vehicle using alternative
3530 fuel as one of its fuels, or as a dual fuel vehicle using
3531 alternative fuel as one of its fuels.

3532 (k) "Original purchase" means the purchase directly
3533 from a dealer at retail of a new OEM alternative fuel motor
3534 vehicle which has never been titled.

3535 (l) "Qualified alternative fuel motor vehicle fuel
3536 property" means any of the following:

3537 (i) A conversion kit which has not previously been
3538 used to retrofit any motor vehicle and is installed and results in
3539 a reduction in emissions.

3540 (ii) The fuel system equipment on an OEM
3541 alternative fuel motor vehicle which results in a reduction in
3542 emissions.

3543 (iii) A refueling system installed at a
3544 municipality location for the nonpublic refueling with alternative
3545 fuel of the municipality's alternative fuel motor vehicles.



3546 (iv) A refueling station located in the state and
3547 operated by a municipality for refueling of alternative fuel motor
3548 vehicles owned by the municipality.

3549 (v) Upgrades to a refueling system included in
3550 subparagraphs (iii) and (iv) of this paragraph (1).

3551 (vi) Portable or mobile refueling systems.

3552 (m) "Reduction in emissions" means a reduction in
3553 atmospheric emissions from fuel consumption by an alternative fuel
3554 motor vehicle as demonstrated by certification of the fuel system
3555 equipment by the federal Environmental Protection Agency or the
3556 Mississippi Department of Environmental Quality or any other test
3557 or standard recognized by the Mississippi Department of
3558 Environmental Quality.

3559 (n) "Refueling system" means compressors (whether used
3560 separately or in combination with cascade tanks), process piping,
3561 hoses, dispensing units at the point where alternative fuel is
3562 delivered as a fuel, meters and other parts and equipment and
3563 installation supplies and materials therefor that constitute a
3564 refueling system capable of dispensing alternative fuel into fuel
3565 tanks of alternative fuel motor vehicles for use as a fuel.

3566 (o) "Refueling station" means property constituting a
3567 facility operated for dispensing alternative fuel into fuel tanks
3568 of alternative fuel motor vehicles, which shall include:

3569 (i) A refueling system; and



3570 (ii) A building or other structural components
3571 constructed or installed as part of and directly related to such
3572 refueling system.

3573 (p) "Retrofit" means the installation of a conversion
3574 kit in a motor vehicle designed to operate on gasoline, diesel or
3575 other fuel in order to convert or modify such motor vehicle into
3576 an alternative fuel motor vehicle.

3577 (3) (a) The Mississippi Development Authority shall
3578 establish a revolving loan program to provide loans to (i) school
3579 districts for the purpose of assisting school districts with
3580 paying the cost of qualified alternative fuel motor vehicle fuel
3581 property and (ii) municipalities for the purpose of assisting
3582 municipalities with paying the cost of qualified alternative fuel
3583 motor vehicle fuel property. Loans made under this section shall
3584 bear no interest.

3585 (b) A school district or municipality desiring a loan
3586 under this section must submit an application to the Mississippi
3587 Development Authority. The application shall include:

3588 (i) A description of the purpose for which the
3589 loan is requested;

3590 (ii) The amount of the loan requested; and

3591 (iii) Any other information required by the
3592 Mississippi Development Authority.



3593 (c) Repayments of loans made under this section shall
3594 be deposited to the credit of the Mississippi Alternative Fuel
3595 School Bus and Municipal Motor Vehicle Revolving Loan Fund.

3596 (4) (a) There is created in the State Treasury a special
3597 fund to be designated as the "Mississippi Alternative Fuel School
3598 Bus and Municipal Motor Vehicle Revolving Loan Fund," which shall
3599 consist of funds appropriated or otherwise made available by the
3600 Legislature in any manner and funds from any other source
3601 designated for deposit into such fund. Unexpended amounts
3602 remaining in the fund at the end of a fiscal year shall not lapse
3603 into the State General Fund, and any investment earnings or
3604 interest earned on amounts in the fund shall be deposited to the
3605 credit of the fund. Monies in the fund shall be used by the
3606 Mississippi Development Authority for the purposes described in
3607 this section.

3608 (b) Monies in the fund which are derived from the
3609 proceeds of general obligation bonds may be used to reimburse
3610 reasonable actual and necessary costs incurred by the Mississippi
3611 Development Authority for the administration of the various grant,
3612 loan and financial incentive programs administered by the
3613 authority. Reimbursements made under this subsection shall
3614 satisfy any applicable federal tax law requirements.

3615 (5) The Mississippi Development Authority shall have all
3616 powers necessary to implement and administer the program
3617 established under this section, and the Mississippi Development



3618 Authority shall promulgate rules and regulations, in accordance
3619 with the Mississippi Administrative Procedures Law, necessary for
3620 the implementation of this section.

3621 **SECTION 115.** Section 57-1-451, Mississippi Code of 1972, is
3622 brought forward as follows:

3623 57-1-451. (1) There is created in the State Treasury a
3624 special fund to be known as the "Mississippi Development Authority
3625 Job Training Grant Fund" into which shall be deposited such money
3626 as provided in Section 27-65-75(21)(b). The money in the fund
3627 shall be used for the purpose of making job training grants to
3628 community and junior colleges, public universities and local
3629 workforce investment areas to pay a portion of the costs of
3630 providing training or retraining for employees of business
3631 enterprises that are eligible for the jobs tax credit authorized
3632 in Section 57-73-21. The fund shall be administered by the
3633 Mississippi Development Authority (MDA). Unexpended amounts
3634 remaining in the fund at the end of a fiscal year shall not lapse
3635 into the State General Fund, and any interest earned on or
3636 investment earnings on the amounts in the fund shall be deposited
3637 to the credit of the fund. The MDA may use not more than one
3638 percent (1%) of interest earned or investment earnings, or both,
3639 on amounts in the fund for administration and management of the
3640 incentive program authorized under this section.

3641 (2) Subject to the provisions of this section, job training
3642 grants may be made by the MDA to a community or junior college,



3643 public university or local workforce investment area to pay costs
3644 incurred in training or retraining employees for a business
3645 enterprise that is eligible for the jobs tax credit authorized in
3646 Section 57-73-21. A business enterprise that chooses to utilize a
3647 job training grant under this section shall not be eligible for
3648 the job tax credit authorized in Section 57-73-21. The election
3649 to utilize a job training grant shall be made by the business
3650 enterprise before the creation of any jobs. The grant payments
3651 may be made during a five-year period beginning with years two (2)
3652 through six (6) after the creation of the minimum number of jobs
3653 required by the MDA. The amount of the grants authorized by this
3654 section shall be seventy-five percent (75%) of the costs of
3655 training or retraining employees not to exceed:

3656 (a) One Thousand Dollars (\$1,000.00) per job in
3657 counties designated as Tier One areas under Section 57-73-21;

3658 (b) One Thousand Five Hundred Dollars (\$1,500.00) per
3659 job in counties designated as Tier Two areas under Section
3660 57-73-21; and

3661 (c) Two Thousand Dollars (\$2,000.00) per job in
3662 counties designated as Tier Three areas under Section 57-73-21.

3663 (3) The MDA shall cease making job training grant payments
3664 if it determines the required number of jobs are not being
3665 maintained by the business enterprise.

3666 (4) The MDA shall require that the business enterprise shall
3667 enter into binding commitments requiring that:



3668 (a) A minimum number of jobs be maintained that shall
3669 not be less than the number of jobs required to be eligible for
3670 the jobs tax credit authorized in Section 57-73-21; and

3671 (b) That if the minimum number of jobs are not
3672 maintained, all or a portion of the grant funds paid under this
3673 section, as determined by the MDA, shall be repaid by the business
3674 enterprise.

3675 (5) The MDA shall develop, implement and administer the job
3676 training grant program authorized under this section and shall
3677 promulgate rules and regulations necessary for the development,
3678 implementation and administration of the program.

3679 (6) A business enterprise desiring to utilize job training
3680 grants under this section must submit requests for job training
3681 grants to the MDA. The MDA shall review the request and determine
3682 if the business enterprise is eligible and if a payment shall be
3683 made from the fund. The liability of the State of Mississippi to
3684 make the job training grants authorized under this section shall
3685 be limited to the balance contained in the fund.

3686 **SECTION 116.** Section 57-1-471, Mississippi Code of 1972, is
3687 brought forward as follows:

3688 57-1-471. (1) This section shall be known and may be cited
3689 as the "Mississippi Air Service Development Program Act."

3690 (2) There is created in the State Treasury a fund designated
3691 as the "Mississippi Air Service Development Program Fund" referred
3692 to in this section as "fund."



3693 (3) (a) The fund shall be used to provide grants to
3694 commercial service airports, as provided in this section, for one
3695 or more of the following air service development goals:

3696 (i) Adding air service to a new destination;
3697 (ii) Adding frequencies to current services;
3698 (iii) Lowering fares/introducing new competitive
3699 service;

3700 (iv) Upgauging aircraft; and

3701 (v) Adding a new Federal Aviation Administration
3702 (FAA) Part 121 commercial air carrier.

3703 (b) Eligible projects for grants shall include
3704 marketing and advertising of new service and routes and additional
3705 frequencies, as well as other risk abatement plans; however, use
3706 of grant funds to purchase airline passenger seats is prohibited.

3707 (4) (a) The fund shall be administered by the Mississippi
3708 Development Authority which shall promulgate reasonable
3709 regulations consistent with the purposes of this section.

3710 (b) The Mississippi Development Authority shall monitor
3711 and evaluate the Air Service Development Program and shall also
3712 report its evaluation of the program to the Governor, Lieutenant
3713 Governor and the Speaker of the House on an annual basis.

3714 (5) (a) Airline grant recipients shall be limited to
3715 scheduled air carriers that hold a Federal Aviation Administration
3716 (FAA) Part 121 Certificate and that provide scheduled air service
3717 at Mississippi airports that maintain FAA Part 139 Certification.



3718 An airport grant recipient shall only utilize grant funds in
3719 accordance with FAA regulation.

3720 (b) The amount of a grant shall be based on a formula
3721 of Ten Dollars (\$10.00) per seat per day calculation, not to
3722 exceed an annual total of Five Hundred Thousand Dollars
3723 (\$500,000.00) per grant per FAA Part 139 airport. In no instance
3724 will a combination of airline or airport grants exceed a combined
3725 total of Five Hundred Thousand Dollars (\$500,000.00) per year per
3726 airport.

3727 (c) Seasonal service is also eligible for grants based
3728 on the per seat per day calculation provided in paragraph (b) of
3729 this subsection (5). For the purposes of this subsection (5),
3730 "seasonal service" means any service flown which lasts less than
3731 twelve (12) months and more than two (2) months in length.
3732 Multiple seasons may be flown by a particular air carrier within a
3733 twelve (12) month period with a gap in service between seasons of
3734 not less than two (2) months.

3735 (d) (i) Except as otherwise provided in this section,
3736 grants shall be disbursed by the Mississippi Development Authority
3737 within twelve (12) consecutive months as follows:

3738 1. Thirty-five percent (35%) at the end of
3739 the first three (3) months of service;

3740 2. Twenty-five percent (25%) at the end of
3741 the second three (3) months of service;



3742 3. Twenty-five percent (25%) at the end of
3743 the third three (3) months of service; and

3744 4. Fifteen percent (15%) at the end of the
3745 fourth three (3) months of service.

3746 (ii) Grants for seasonal service shall be
3747 disbursed by the Mississippi Development Authority at the rate of
3748 one hundred percent (100%) at the end of the seasonal service.

3749 (e) (i) Each grant shall require a forty percent (40%)
3750 match, which may be provided by private sources and/or public
3751 sources.

3752 (ii) Of the forty percent (40%) match prescribed
3753 under this subsection, only one-half (1/2) or twenty percent (20%)
3754 of the grant may derive from in-kind sources.

3755 (f) All expenditures of the fund by airport or airline
3756 grant recipients shall be utilized for the purposes prescribed
3757 under subsection (3) of this section.

3758 **SECTION 117.** Section 57-1-501, Mississippi Code of 1972, is
3759 brought forward as follows:

3760 57-1-501. (1) There is created in the State Treasury a
3761 special fund to be designated as the "Economic Development and
3762 Infrastructure Fund." The special fund shall consist of monies
3763 deposited into the fund from any source that is designated for
3764 deposit into such fund. Unexpended amounts remaining in the fund
3765 at the end of a fiscal year shall not lapse into the State General
3766 Fund, and any interest earned or investment earnings on amounts in



3767 the fund shall be deposited to the credit of the fund. Monies in
3768 the fund shall be used by the Mississippi Development Authority
3769 for the purposes authorized in subsection (2) of this section.

3770 (2) (a) The Mississippi Development Authority shall
3771 establish a program to provide grants (i) to assist with
3772 construction and repair of infrastructure in counties in this
3773 state where legal gaming is being conducted or is authorized and
3774 for structures designed to promote the gaming and entertainment
3775 industry in such counties, and (ii) to aid in increasing
3776 commercial air service at existing commercial service airports in
3777 counties in this state in which legal gaming is being conducted or
3778 is authorized by offering to assist Part 121 carriers through the
3779 following air service development methods: revenue guaranty, seat
3780 guaranty, seat cost mitigation, ground handling and marketing.

3781 (b) The Mississippi Development Authority shall
3782 establish a procedure for accepting and reviewing applications for
3783 grants under this section.

3784 (c) If funds are available in the fund created under
3785 this section, not less than Two Million Five Hundred Thousand
3786 Dollars (\$2,500,000.00) shall be used annually for grants provided
3787 for under paragraph (a)(ii) of this subsection (2). Thereafter,
3788 the funds may be used for grants provided for under paragraph
3789 (a)(i) of this subsection (2).

3790 (3) The Mississippi Development Authority shall have all
3791 powers necessary to implement and administer the program



3792 established under this section, and the Mississippi Development
3793 Authority shall promulgate rules and regulations, in accordance
3794 with the Mississippi Administrative Procedures Law, necessary for
3795 the implementation of this section.

3796 **SECTION 118.** Section 57-1-601, Mississippi Code of 1972, is
3797 brought forward as follows:

3798 57-1-601. (1) For the purposes of this section, the
3799 following words shall have the following meanings ascribed in this
3800 section, unless the context clearly otherwise requires:

3801 (a) "MDA" means the Mississippi Development Authority.

3802 (b) "Municipality" means the City of Senatobia,
3803 Mississippi.

3804 (c) "Revitalization zone" means an area in the
3805 municipality officially designated by ordinance or resolution of
3806 the governing authorities of the municipality as a revitalization
3807 zone and approved and certified by the MDA as meeting the
3808 requirements of this section.

3809 (2) (a) There is created in the State Treasury a special
3810 fund to be designated as the "Mississippi Main Street Investment
3811 Grant Fund" which shall consist of funds from any source
3812 designated for deposit into the fund. Unexpended amounts
3813 remaining in the fund at the end of a fiscal year shall not lapse
3814 into the State General Fund, and any interest earned on amounts in
3815 the fund shall be deposited to the credit of the fund. Monies in



3816 the fund shall be used by the MDA for the purposes authorized in
3817 subsection (3) of this section.

3818 (b) Monies in the fund which are derived from the
3819 proceeds of general obligation bonds may be used to reimburse
3820 reasonable actual and necessary costs incurred by the MDA in
3821 providing grants under this section through the use of proceeds of
3822 such general obligation bonds. An accounting of actual costs
3823 incurred for which reimbursement is sought shall be maintained for
3824 the program. Reimbursement of reasonable actual and necessary
3825 costs for assistance shall not exceed three percent (3%) of the
3826 proceeds of bonds issued for such assistance. Reimbursements made
3827 under this subsection shall satisfy any applicable federal tax law
3828 requirements.

3829 (3) The MDA shall establish a program to make grants to the
3830 municipality to assist with maintaining and improving the
3831 viability of revitalization zones. The proceeds of a grant made
3832 to the municipality under this section may be used for maintaining
3833 and/or improving the viability of a revitalization zone through
3834 means deemed appropriate by the governing authorities of the
3835 municipality, including, but not limited to, making loans, grants
3836 and/or other forms of assistance to any person or public or
3837 private association or other entity for use for infrastructure
3838 projects, improvements to properties, signage and other purposes
3839 related to maintaining and/or improving the viability of the
3840 revitalization zone.



3841 (4) (a) If the municipality desires a grant under this
3842 section, the municipality shall submit an application to the MDA
3843 seeking (i) approval and certification of the proposed
3844 revitalization zone and (ii) a grant for the purposes authorized
3845 in this section. The application shall include, at a minimum:

3846 1. The name of the proposed revitalization
3847 zone, together with the words, "revitalization zone";

3848 2. A description of the revitalization zone
3849 by metes and bounds;

3850 3. A map showing the parcels of real property
3851 included in the revitalization zone and the present use of such
3852 parcels;

3853 4. A master plan for the revitalization zone
3854 that has been approved by sixty percent (60%) of the property
3855 owners within the zone at the time the municipality submits the
3856 application; and

3857 5. Any other information required by the MDA.
3858 The governing authorities of the municipality may designate the
3859 boundaries of a proposed revitalization zone by adoption of an
3860 ordinance or resolution that is spread upon its minutes and
3861 describes the boundaries of the zone.

3862 (b) The MDA shall review the application to confirm
3863 that the revitalization zone meets the requirements of this
3864 section. A revitalization zone may embrace two (2) or more
3865 separate parcels of real property, and such property may be



3866 publicly and/or privately owned. Each revitalization zone shall
3867 be of such size and form as to include all properties that, in the
3868 determination of the municipality and the MDA, constitute an
3869 integral part of the revitalization zone. If the MDA determines
3870 that the boundaries of the proposed revitalization zone exceed the
3871 area that is reasonably deemed to be integral to the
3872 revitalization zone, the MDA may reduce the boundaries of the
3873 proposed area. Upon the approval and selection of a municipal
3874 revitalization zone project, the MDA shall certify the
3875 revitalization zone.

3876 (5) The MDA shall have all powers necessary to implement and
3877 administer the program established under this section, and the MDA
3878 shall promulgate rules and regulations, in accordance with the
3879 Mississippi Administrative Procedures Law, necessary for the
3880 implementation of this section.

3881 **SECTION 119.** Section 57-1-701, Mississippi Code of 1972, is
3882 brought forward as follows:

3883 57-1-701. (1) For the purposes of this section, the
3884 following words and phrases shall have the meanings ascribed in
3885 this subsection unless the context clearly indicates otherwise:

3886 (a) "Eligible entity" means any (i) county, (ii)
3887 municipality or (iii) public or private nonprofit local economic
3888 development entity including, but not limited to, local
3889 authorities, commissions, or other entities created by local and
3890 private legislation or pursuant to Section 19-5-99.



3891 (b) "Eligible expenditures" means:
3892 (i) Fees for architects, engineers, environmental
3893 consultants, attorneys, and such other advisors, consultants and
3894 agents that MDA determines are necessary to complete site due
3895 diligence associated with site development improvements located on
3896 industrial property that is publicly owned; and/or
3897 (ii) Contributions toward site development
3898 improvements, as approved by MDA, located on industrial property
3899 that is publicly owned.
3900 (c) "MDA" means the Mississippi Development Authority.
3901 (d) "Site development improvements" means site
3902 clearing, grading, and environmental mitigation; improvements to
3903 drainage systems; easement and right-of-way acquisition; sewer
3904 systems; transportation directly affecting the site, including
3905 roads, bridges or rail; bulkheads; land reclamation; water supply
3906 (storage, treatment and distribution); aesthetic improvements; the
3907 dredging of channels and basins; or other improvements as approved
3908 by MDA.
3909 (2) (a) There is hereby created in the State Treasury a
3910 special fund to be designated as the "Mississippi Site Development
3911 Grant Fund," which shall consist of funds made available by the
3912 Legislature in any manner and funds from any other source
3913 designated for deposit into such fund. Unexpended amounts
3914 remaining in the fund at the end of a fiscal year shall not lapse
3915 into the State General Fund, and any investment earnings or



3916 interest earned on amounts in the fund shall be deposited to the
3917 credit of the fund. Monies in the fund shall be used to make
3918 grants to assist eligible entities as provided in this section.

3919 (b) Monies in the fund which are derived from proceeds
3920 of bonds issued under Section 2 of Chapter 390, Laws of 2017,
3921 Section 5 of Chapter 412, Laws of 2018, or Section 1 of Chapter
3922 421, Laws of 2019, may be used to reimburse reasonable actual and
3923 necessary costs incurred by MDA for the administration of the
3924 various grant, loan and financial incentive programs administered
3925 by MDA. An accounting of actual costs incurred for which
3926 reimbursement is sought shall be maintained by MDA. Reimbursement
3927 of reasonable actual and necessary costs shall not exceed three
3928 percent (3%) of the proceeds of bonds issued. Reimbursements
3929 under this subsection shall satisfy any applicable federal tax law
3930 requirements.

3931 (3) (a) MDA shall establish a program to make grants to
3932 eligible entities to match local or other funds associated with
3933 improving the marketability of publicly owned industrial property
3934 for industrial economic development purposes and other property
3935 improvements as approved by MDA. An eligible entity may apply to
3936 MDA for a grant under this program in the manner provided for in
3937 this section. An eligible entity desiring assistance under this
3938 section must provide matching funds in an amount determined by
3939 MDA. Matching funds may be provided in the form of cash and/or
3940 in-kind services as determined by MDA.



3941 (b) An eligible entity desiring assistance under this
3942 section must submit an application to MDA. The application must
3943 include:

3944 (i) A description of the eligible expenditures for
3945 which assistance is requested;

3946 (ii) The amount of assistance requested;

3947 (iii) The amount and type of matching funds to be
3948 provided by the eligible entity; and

3949 (iv) Any other information required by MDA.

3950 (c) Upon request by MDA, an eligible entity shall
3951 provide MDA with access to all studies, reports, documents and/or
3952 plans developed as a result of or related to an eligible entity
3953 receiving assistance under this section.

3954 (4) MDA shall have all powers necessary to implement and
3955 administer the program established under this section, and the
3956 department shall promulgate rules and regulations, in accordance
3957 with the Mississippi Administrative Procedures Law, necessary for
3958 the implementation of this section.

3959 (5) MDA shall file an annual report with the Governor, the
3960 Secretary of the Senate and the Clerk of the House of
3961 Representatives not later than December 1 of each year, describing
3962 all assistance provided under this section.

3963 **SECTION 120.** Section 57-1-731, Mississippi Code of 1972, is
3964 brought forward as follows:



3965 57-1-731. (1) (a) There is created a special fund in the
3966 State Treasury to be known as the Mississippi Ports Improvements
3967 Fund which shall consist of monies from any source designated for
3968 deposit into the fund. Unexpended amounts remaining in the fund
3969 at the end of a fiscal year shall not lapse into the State General
3970 Fund, and any investment earnings or interest earned on amounts in
3971 the fund shall be deposited to the credit of the fund. Monies in
3972 the fund shall be disbursed by the Mississippi Development
3973 Authority (MDA) for the purposes authorized in subsection (2) of
3974 this section.

3975 (b) Monies in the fund that are derived from the
3976 proceeds of general obligation bonds may be used to reimburse
3977 reasonable actual and necessary costs incurred by the MDA in
3978 providing grants under this section using general obligation
3979 bonds. An accounting of actual costs incurred for which
3980 reimbursement is sought shall be maintained for each grant by the
3981 MDA. Reimbursement of reasonable actual and necessary costs for
3982 assistance shall not exceed two percent (2%) of the proceeds of
3983 bonds issued for such assistance. Reimbursements made under this
3984 paragraph shall satisfy any applicable federal tax law
3985 requirements.

3986 (2) The MDA shall establish a program to make grants from
3987 the Mississippi Ports Improvements Fund to assist in paying a
3988 portion of the costs associated with the repair, rehabilitation,
3989 construction, reconstruction, upgrading and improvement of



3990 existing port facilities, including projects necessary to ensure
3991 safety and structural integrity of such facilities.

3992 (3) (a) An entity desiring a grant under this section shall
3993 submit an application to the MDA which shall include, at a
3994 minimum:

3995 (i) A description, including the cost, of the
3996 requested assistance;

3997 (ii) A description of the purpose for which the
3998 assistance is requested; and

3999 (iii) Any other information required by the MDA.

4000 (b) There is hereby created the Ports Improvements Fund
4001 Advisory Committee whose membership shall consist of:

4002 (i) Six (6) directors of ports, appointed by the
4003 President of the Mississippi Ports Council, or his or her
4004 designee, as follows: two (2) directors of the coastal ports, two
4005 (2) directors of inland river ports located on the Mississippi
4006 River and two (2) directors of inland ports located on the
4007 Tennessee-Tombigbee Waterway; and

4008 (ii) The Executive Director of the MDA, or his or
4009 her designee.

4010 (c) The MDA, in consultation with the Ports
4011 Improvements Fund Advisory Committee, shall provide grants under
4012 this section. The terms of a grant shall be within the discretion
4013 of the MDA.



4014 (4) The MDA shall have all powers necessary to implement and
4015 administer the program established under this section, including
4016 the establishing of requirements for matching funds and criteria
4017 regarding the evaluation of applications for assistance. The MDA
4018 shall promulgate rules and regulations, in accordance with the
4019 Administrative Procedures Law, necessary for the implementation
4020 and administration of this section.

4021 **SECTION 121.** Section 57-3-1, Mississippi Code of 1972, is
4022 brought forward as follows:

4023 57-3-1. It is hereby declared that the state public welfare
4024 demands, and the state public policy requires:

4025 (a) That a balanced economic development of this state
4026 is essential.

4027 (b) That the present and prospective health, safety,
4028 morals, pursuit of happiness, right of gainful employment and the
4029 general welfare of the citizens demand as a public purpose, the
4030 development within Mississippi of commercial, industrial,
4031 agricultural and manufacturing enterprises, herein called
4032 "enterprises" by the several counties, supervisors districts and
4033 municipalities, all herein called "municipalities."

4034 (c) That the means and measures herein authorized to
4035 promote said enterprises are as a matter of public policy, for the
4036 public purposes of the several counties, supervisors districts,
4037 municipalities, and of the State of Mississippi.



4038 (d) That the present and prospective promotion of
4039 health, safety, morals, pursuit of happiness, right to gainful
4040 employment, and the general welfare of the state requires that
4041 herein and hereby authorized, and to that end the provisions
4042 hereof will help afford ready and attractive markets for farm and
4043 garden products, for the development of natural resources, and for
4044 the conversion of raw materials of farm, mine and forest into
4045 finished products for the general welfare of each of said
4046 municipalities, and of the entire people of the state.

4047 (e) That the accomplishment of the things herein
4048 authorized to be done by the several municipalities will give to
4049 them local benefits peculiar to each, and will accomplish the
4050 purposes set forth in this section.

4051 **SECTION 122.** Section 57-3-3, Mississippi Code of 1972, is
4052 brought forward as follows:

4053 57-3-3. It is the intent of the Legislature by the passage
4054 of this chapter to authorize municipalities to acquire, own and
4055 lease projects for the purpose of promoting industry and trade by
4056 inducing manufacturing, and industrial enterprises to locate in
4057 this state, promoting the use of agricultural products and natural
4058 resources of this state, and promoting a sound and proper balance
4059 in this state between agriculture, commerce and industry. It is
4060 intended that each project be self-liquidating. This chapter shall
4061 be liberally construed in conformity with the said intent. The
4062 powers conferred upon the municipalities hereby shall be exercised



4063 only after such municipality has obtained a certificate of public
4064 convenience and necessity from the Mississippi Agricultural and
4065 Industrial Board in the manner and form as provided in Sections
4066 57-1-19, 57-1-21, 57-1-23 and 57-1-27, with the exception that
4067 such board shall not be required to adjudicate either "that there
4068 are adequate property values and suitable financial conditions so
4069 that the total bonded indebtedness of the municipality, solely for
4070 the purposes authorized by this chapter, shall not exceed twenty
4071 percent (20%) of the total assessed valuation of the property in
4072 the municipality," nor that the enterprise "will not become a
4073 burden upon the taxpayers of the municipality," the bonds
4074 authorized under this chapter being solely revenue bonds.

4075 **SECTION 123.** Section 57-3-5, Mississippi Code of 1972, is
4076 brought forward as follows:

4077 57-3-5. Wherever used in this chapter, unless a different
4078 meaning clearly appears in the context, the following terms,
4079 whether used in the singular or plural, shall be given the
4080 following respective interpretations:

4081 (1) "Municipality" means any county, supervisors district,
4082 incorporated city, town or village in the State of Mississippi;

4083 (2) "Project" means land, buildings, improvements, fixtures,
4084 machinery, equipment and furnishings, and all real and personal
4085 properties deemed necessary in connection therewith, or any part
4086 or combination of parts of the foregoing, whether or not now in



4087 existence, which shall be suitable for use by any of the following
4088 or by any combination thereof:

4089 (a) Any industrial enterprise for the manufacturing,
4090 processing or assembling of any products of agriculture, mining or
4091 industry;

4092 (b) Any industrial enterprise for storing or
4093 warehousing products of agriculture, mining or industry;

4094 (c) Any industrial or commercial enterprise for
4095 distributing any products of agriculture, mining or industry;

4096 (d) Any enterprise for the purpose of research in
4097 connection with:

4098 (i) Any of the foregoing;

4099 (ii) The development of new products or processes;

4100 or

4101 (iii) The improvement of existing products or
4102 known processes;

4103 (e) Any industrial enterprise for national, regional or
4104 divisional offices or facilities in connection with the
4105 management, supervision or service of its manufacturing,
4106 processing, assembling, storing, warehousing, distribution or
4107 research operations, wherever located; but does not include
4108 facilities designed for the sale or distribution to the public of
4109 electricity, gas, water, telephone or other services commonly
4110 classified as public utilities;



4111 (f) Any enterprise allowed under Section 144(a) of the
4112 Internal Revenue Code of 1986;

4113 (g) Any conference center, or any final destination or
4114 resort hotel having a minimum of one hundred fifty (150) rooms, or
4115 any combination of the foregoing; or

4116 (h) Any theme park or movie industry production studio,
4117 or any combination thereof, which would employ a minimum of two
4118 hundred (200) net full-time employees.

4119 (3) "Governing body" means the board or body in which the
4120 legislative powers of the municipality are vested, and as to
4121 supervisors districts such board or body shall be the county board
4122 of supervisors, acting with the consent of the member from the
4123 district affected;

4124 (4) "Mortgage" means a mortgage, indenture of trust, deed of
4125 trust or any other instrument securing bonds.

4126 **SECTION 124.** Section 57-3-7, Mississippi Code of 1972, is
4127 brought forward as follows:

4128 57-3-7. Neither this chapter nor anything herein contained
4129 shall be construed as a restriction or limitation upon any powers
4130 which a municipality might otherwise have under laws of this state
4131 nor to limit or change the provisions of Sections 57-1-1 through
4132 57-1-51, but shall be construed as cumulative; nor shall the bonds
4133 issued hereunder be affected by or counted in connection with any
4134 statutory limitation upon the amount of bonds which otherwise may
4135 be issued by such municipality. The bonds herein authorized may be



4136 issued in addition to any bonds issued under Sections 57-1-1
4137 through 57-1-51, and without regard to the amount of any other
4138 bonds issued or outstanding.

4139 **SECTION 125.** Section 57-3-9, Mississippi Code of 1972, is
4140 brought forward as follows:

4141 57-3-9. In addition to any other powers which it may now
4142 have, each municipality shall have the following powers: (a) to
4143 acquire, whether by construction, purchase, gift or lease, one or
4144 more projects, which shall be located within the State of
4145 Mississippi and may be located within or without the municipality,
4146 or partially within or partially without the municipality, but
4147 which shall not be located more than fifteen (15) miles outside of
4148 the boundary limits of the municipality; provided, however, that
4149 when any such project shall be located in whole or in part outside
4150 the municipal or incorporated boundaries of any city, town or
4151 village of this state the powers granted under this chapter shall
4152 not be exercised by a city, town or village until a resolution
4153 approving such project has been duly adopted and spread upon the
4154 official minutes of the board of supervisors of the county in
4155 which such city, town or village is located. The municipality is
4156 authorized to negotiate a contract for the acquisition,
4157 construction and erection of a project or any portion of a project
4158 hereunder (i) where the municipality finds that, because of the
4159 secret nature of such project or any portion thereof, or because
4160 such project or any portion thereof will be used for the



4161 manufacture of products to be utilized by the United States of
4162 America in the national defense, public bidding thereon, pursuant
4163 to advertisement therefor, is not in the public interest; and
4164 provided, further, such finding is approved, through issuance of
4165 appropriate certificate or resolution of approval, by the * * *
4166 Mississippi Development Authority, or (ii) where the municipality
4167 finds that, because of the particular nature of said project or
4168 any portion thereof, it would be in the best public interest of
4169 the municipality so to negotiate, and such finding is approved,
4170 through issuance of appropriate certificate or resolution of
4171 approval, by the * * * Mississippi Development Authority; (b) to
4172 lease or sell to others any or all of its projects for such
4173 rentals and upon such terms and conditions as the governing body
4174 may deem advisable and as shall not be in conflict with the
4175 provisions of this chapter; and (c) to issue revenue bonds for the
4176 purposes of defraying the cost of acquiring any project, and to
4177 secure the payment of such bonds, as hereinafter provided.

4178 No municipality shall have the power to operate any project
4179 as a business or in any manner under this chapter except as a
4180 lessor thereof.

4181 The municipality issuing bonds to acquire a project under
4182 this chapter shall maintain a record of the location of projects
4183 for which the proceeds of such bonds are expended and the amount
4184 expended at each location. Such record shall indicate the
4185 purpose, amount, date and recipient of each expenditure made out



4186 of the proceeds of such bonds. If a trustee has been named
4187 pursuant to Section 57-3-21, the trustee shall make timely reports
4188 to the clerk of the municipality setting forth the details
4189 required in the preceding sentence with respect to the expenditure
4190 of bond proceeds. Such records shall be maintained as public
4191 records in the office of the clerk of the municipality and shall
4192 be available for inspection and duplication during the regular
4193 office hours of the municipality.

4194 **SECTION 126.** Section 57-3-11, Mississippi Code of 1972, is
4195 brought forward as follows:

4196 57-3-11. Before issuing any bonds hereunder the governing
4197 body, as hereinbefore defined, of any municipality, as
4198 hereinbefore defined, shall adopt a resolution declaring its
4199 intention so to do stating the amount of bonds proposed to be
4200 issued, the purpose for which the bonds are to be issued, and the
4201 date upon which the governing body proposes to direct the issuance
4202 of such bonds. Such resolution shall be published once a week for
4203 at least three (3) consecutive weeks in at least one (1) newspaper
4204 published in the county in which such municipality is located.
4205 The first publication of such resolution shall be made not less
4206 than twenty-one (21) days prior to the date fixed in such
4207 resolution for the issuance of the bonds and the last publication
4208 shall be made not more than seven (7) days prior to such date. If
4209 no newspaper be published in such county, then such notice shall
4210 be given by publishing the resolution for the required time in



4211 some newspaper having a general circulation in such county, and,
4212 in addition, by posting a copy of such resolution for at least
4213 twenty-one (21) days next preceding the date fixed therein at
4214 three (3) public places in such county. If twenty per centum
4215 (20%) of the qualified electors of the municipality shall file a
4216 written protest against the issuance of such bonds on or before
4217 the date specified in such resolution, then an election on the
4218 question of the issuance of such bonds shall be called and held as
4219 herein provided. If no such protest be filed, then such bonds may
4220 be issued without an election on the question of the issuance
4221 thereof, at any time within a period of two (2) years after the
4222 date specified in the above-mentioned resolution. However, the
4223 governing body of such municipality, in its discretion, may
4224 nevertheless call an election on such question, in which event it
4225 shall not be necessary to publish the resolution declaring its
4226 intention to issue bonds as herein provided.

4227 **SECTION 127.** Section 57-3-13, Mississippi Code of 1972, is
4228 brought forward as follows:

4229 57-3-13. Where an election is to be called as provided in
4230 Section 57-3-11, notice of such election shall be signed by the
4231 clerk of the governing body of any municipality, and shall be
4232 published once a week for at least three (3) consecutive weeks, in
4233 at least one (1) newspaper published in such county. The first
4234 publication of such notice shall be made not less than twenty-one
4235 (21) days prior to the date fixed for such election and the last



4236 publication shall be made not more than seven (7) days prior to
4237 such date. If no newspaper is published in such county, then such
4238 notice shall be given by publishing the same for the required time
4239 in some newspaper having a general circulation in such county,
4240 and, in addition, by posting a copy of such notice for at least
4241 twenty-one (21) days next preceding such election at three (3)
4242 public places in such county.

4243 **SECTION 128.** Section 57-3-15, Mississippi Code of 1972, is
4244 brought forward as follows:

4245 57-3-15. The election provided for in Section 57-3-11 shall
4246 be held, as far as is practicable, in the same manner as other
4247 elections are held in municipalities. At such election, all
4248 qualified electors of such municipality may vote, and the ballots
4249 used at such election shall have printed thereon a brief statement
4250 of the amount and purpose of the proposed bond issue and the words
4251 "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the voter
4252 shall vote by placing a cross (x) or check mark (✓) opposite his
4253 choice on the proposition.

4254 **SECTION 129.** Section 57-3-17, Mississippi Code of 1972, is
4255 brought forward as follows:

4256 57-3-17. When the results of the election on the question of
4257 the issuance of such bonds as hereinabove provided for shall have
4258 been canvassed by the election commissioners of such municipality
4259 and certified by them to the governing body of such municipality,
4260 it shall be the duty of such governing body to determine and



4261 adjudicate whether or not a majority of the qualified electors who
4262 voted thereon in such election voted in favor of the issuance of
4263 such bonds, and unless a majority of the qualified electors who
4264 voted thereon in such election shall have voted in favor of the
4265 issuance of such bonds, then such bonds shall not be issued.
4266 Should a majority of the qualified electors who vote thereon in
4267 such election vote in favor of the issuance of such bonds, then
4268 the governing body of the municipality may issue such bonds,
4269 either in whole or in part, within two (2) years from the date of
4270 such election, or within two (2) years after the final favorable
4271 termination of any litigation affecting the issuance of such
4272 bonds, as such governing body shall deem best.

4273 **SECTION 130.** Section 57-3-19, Mississippi Code of 1972, is
4274 brought forward as follows:

4275 57-3-19. (1) All bonds issued by a municipality under
4276 authority of this chapter shall be limited obligations of the
4277 municipality, the principal of and interest on which shall be
4278 payable solely out of the revenue derived from the leasing of the
4279 project to finance which bonds are issued. Bonds and interest
4280 coupons issued under authority of this chapter shall never
4281 constitute an indebtedness of the municipality within the meaning
4282 of any state constitutional provision or statutory limitation, and
4283 shall never constitute nor give rise to a pecuniary liability of
4284 the municipality or a charge against its general credit or taxing
4285 powers, and such fact shall be plainly stated in the face of each



4286 such bond. Such bonds may be executed and delivered at any time
4287 and from time to time, may be in such form and denominations and
4288 may bear interest irrespective of any interest rate limitation;
4289 may be of such tenor, may be in registered or bearer form either
4290 as to principal or interest or both, may be payable in such
4291 installments and at such time or times not exceeding thirty (30)
4292 years from their date, may be payable at such place or places and
4293 evidenced in such manner, and may contain such provisions not
4294 inconsistent herewith, all as shall be provided in the proceedings
4295 of the governing body whereunder the bonds shall be authorized to
4296 be issued. Any bonds issued under the authority of this chapter
4297 may be sold at public or private sale from time to time in such
4298 manner and at such price as may be determined by the governing
4299 body to be most advantageous, and the municipality may pay all
4300 expenses, premiums and commissions which the governing body may
4301 deem necessary or advantageous in connection with the
4302 authorization, sale and issuance thereof. All bonds issued under
4303 the authority of this chapter and all interest coupons applicable
4304 thereto shall be construed to be negotiable instruments, despite
4305 the fact that they are payable solely from a specified source.

4306 (2) Any funds received from the sale of bonds issued under
4307 this chapter, including accrued interest thereon, which are not
4308 required for immediate disbursement for the purpose for which
4309 issued may be invested at the direction of the enterprise in any
4310 one or more of the following:



4311 (a) Bonds or other obligations of the United States;
4312 (b) Bonds or other obligations, the payment of the
4313 principal and interest of which is unconditionally guaranteed by
4314 the United States;
4315 (c) Direct obligations issued by the United States of
4316 America or obligations guaranteed in full as to principal and
4317 interest by the United States of America, maturing or subject to a
4318 repurchase agreement with a qualified state depository bank
4319 maturing on or before the date when such funds will be required
4320 for disbursement;
4321 (d) Certificates of deposit issued by qualified
4322 depositories of the State of Mississippi as approved by the
4323 State * * * Treasurer;
4324 (e) Prime commercial paper;
4325 (f) Bankers' acceptances drawn on and accepted by
4326 commercial banks * * *;
4327 (g) Any other investment authorized by any bank,
4328 savings bank, savings and loan association, insurance company or
4329 similar institutional investor, or combination thereof, which, at
4330 the time of authorization, is the owner of all of the bonds.

4331 **SECTION 131.** Section 57-3-21, Mississippi Code of 1972, is
4332 brought forward as follows:

4333 57-3-21. The principal of, redemption premium, if any, and
4334 interest on any bonds issued under the authority of this chapter
4335 shall be secured by a pledge of the revenues derived from the



4336 lease or sale of the project, may be secured by a mortgage
4337 covering all or any part of the project or any additional property
4338 granted as security for the bonds, may be secured by a pledge of
4339 the lease of such project and may be secured by such additional
4340 security as the governing body shall require. The proceedings
4341 under which such bonds are authorized to be issued or any such
4342 mortgage may contain any agreements and provisions customarily
4343 contained in instruments securing bonds, including, without
4344 limitation, the generality of the foregoing provisions respecting
4345 the fixing and collection of rents for any projects, covered by
4346 such proceedings or mortgage, the terms to be incorporated in the
4347 lease of such project, the maintenance and insurance of such
4348 project, to include the establishment of an escrow or reserve fund
4349 for deposits of advance insurance premiums, the creation and
4350 maintenance of special funds from revenues from such project, and
4351 rights and remedies available in event of default to the
4352 bondholders or to the trustee under a mortgage, all as the
4353 governing body shall deem advisable and as shall not be in
4354 conflict with the provisions of this chapter. However, in making
4355 such agreements or provisions, a municipality shall not have the
4356 power to obligate itself except with respect to the project and
4357 application of revenues therefrom and shall not have the power to
4358 incur a pecuniary liability or a charge upon its general credit or
4359 against its taxing powers. The proceedings authorizing any bonds
4360 hereunder and any mortgage securing such bonds may provide that,



4361 in the event of default in payment of principal of, or the
4362 interest on, such bonds, or in the performance of any agreement
4363 contained in such proceedings or mortgage, such payment and
4364 performance may be enforced by mandamus or by the appointment of a
4365 receiver in equity with power to charge and collect rents and to
4366 apply the revenues from the project in accordance with such
4367 proceedings or the provisions of such mortgage. Any such mortgage
4368 may provide also that, in the event of default in such payment or
4369 the violation of any agreement contained therein, it may be
4370 foreclosed either by sale at public outcry or by proceedings in
4371 equity, and may provide that any trustee under such mortgage or
4372 the holder of any of the bonds secured thereby may become the
4373 purchaser at any foreclosure sale if the highest bidder therefor.
4374 No breach of any such agreement shall impose any pecuniary
4375 liability upon a municipality or any charge upon its general
4376 credit or against its taxing powers. The trustee or any trustees
4377 under any mortgage or any depository specified by such mortgage
4378 may be such persons or corporations as the governing body shall
4379 designate, including nonresidents of Mississippi and banks or
4380 trust companies incorporated under the laws of the United States
4381 or the laws of other states of the United States. When any
4382 municipal property acquired under the authority of this chapter
4383 becomes vacant, through unforeseen circumstances, such as default
4384 by the lessee, the municipality may exercise the authority
4385 contained in Sections 19-7-7 and 21-37-45, Mississippi Code of



4386 1972, to have this property insured and the cost thereof paid out
4387 of the municipal treasury until such a time as the property is
4388 again leased.

4389 **SECTION 132.** Section 57-3-23, Mississippi Code of 1972, is
4390 brought forward as follows:

4391 57-3-23. Prior to the leasing of any project, the governing
4392 body must determine and find the following: the amount necessary
4393 in each year to pay the principal of and the interest on the bonds
4394 proposed to be issued to finance such project; the amount
4395 necessary to be paid each year into any reserve funds, which
4396 amounts may include deposits in escrow or reserve amounts as
4397 advance sums for the payment of insurance, which the governing
4398 body may deem it advisable to establish in connection with the
4399 retirement of the proposed bonds and the maintenance of the
4400 project; and, unless the terms under which the project is to be
4401 leased provide that the lessee shall maintain the project and
4402 carry all proper insurance with respect thereto, the estimated
4403 cost of maintaining the project in good repair and keeping it
4404 properly insured. The determinations and findings of the governing
4405 body required to be made in the preceding sentence shall be set
4406 forth in the proceedings under which the proposed bonds are to be
4407 issued; and prior to the issuance of such bonds, the municipality
4408 shall lease the project to a lessee under an agreement conditioned
4409 upon completion of the project and providing for payment to the
4410 municipality of such rentals as, upon the basis of such



4411 determinations and findings, will be sufficient (a) to pay the
4412 principal of and interest on the bonds issued to finance the
4413 project, (b) to build up and maintain any reserve deemed by the
4414 governing body to be advisable in connection therewith, and (c)
4415 unless the agreement of lease obligated the lessee to pay for the
4416 maintenance and insurance of the project, to pay the cost of
4417 maintaining the project in good repair and keeping it properly
4418 insured. Such lease shall be made upon such other terms and
4419 conditions and for the time which may be determined by the
4420 municipality and may contain provisions authorizing the purchase
4421 of the entire project or any portion thereof by the industry or
4422 its assignee after all bonds (if any) issued thereunder have been
4423 paid in full, for such consideration and upon such terms and
4424 conditions as the municipality may determine.

4425 **SECTION 133.** Section 57-3-25, Mississippi Code of 1972, is
4426 brought forward as follows:

4427 57-3-25. Any bonds issued hereunder and at any time
4428 outstanding may at any time and from time to time be refunded by a
4429 municipality by the issuance of its refunding bonds in such amount
4430 as the governing body may deem necessary but not exceeding an
4431 amount sufficient to refund the principal of the bonds so to be
4432 refunded, together with any unpaid interest thereon and any
4433 premiums and commissions necessary to be paid in connection
4434 therewith. Any such refunding may be effected whether the bonds to
4435 be refunded shall have been matured or shall thereafter mature,



4436 either by sale of the refunding bonds and the application of the
4437 proceeds thereof for the payment of the bonds to be refunded
4438 thereby, or by exchange of the refunding bonds for the bonds to be
4439 refunded thereby, provided that the holders of any bonds so to be
4440 refunded shall not be compelled without their consent to surrender
4441 their bonds for payment or exchange prior to the date on which
4442 they are payable or, if they are called for redemption, prior to
4443 the date on which they are by their terms subject to redemption.
4444 Any refunding bonds issued under the authority of this section
4445 shall be payable solely from the revenues out of which the bonds
4446 to be refunded hereby were payable, and shall be subject to the
4447 provisions contained in Section 57-3-11, and may be secured in
4448 accordance with the provisions of Section 57-3-21.

4449 **SECTION 134.** Section 57-3-27, Mississippi Code of 1972, is
4450 brought forward as follows:

4451 57-3-27. The proceeds from the sale of any bonds issued
4452 under authority of this chapter shall be applied only for the
4453 purpose for which the bonds were issued. However, any accrued
4454 interest and premium received in any such sale shall be applied to
4455 the payment of the principal of or the interest on the bonds sold;
4456 and, if for any reason, any portion of such proceeds shall not be
4457 needed for the purpose for which the bonds were issued, then such
4458 unneeded portion of said proceeds shall be applied to the payment
4459 of the principal of or the interest on said bonds. The cost of
4460 acquiring any project shall be deemed to include the following:



4461 the actual cost of the construction of any part of a project which
4462 may be constructed, including equipment, machinery, facilities,
4463 attorney's, architect's and engineer's fees; abstracts, cost of
4464 preparing and recording warranty deeds; the purchase price of any
4465 part of a project that may be acquired by purchase; the deposit
4466 into a reserve or escrow fund advance payments for insurance, in
4467 the event that the prospective lessee shall be in default of any
4468 payments and the municipality has to take over the operation of
4469 said project; all expenses in connection with the authorization,
4470 sale and issuance of the bonds to finance such acquisition; and
4471 the interest on such bonds for a reasonable time prior to
4472 construction, during construction, and for not exceeding six (6)
4473 months after completion of construction. Proceeds of said bonds
4474 shall be placed in the municipal treasury or with the trustee
4475 named in the mortgage or indentured trust as provided in Section
4476 57-3-21 as a special fund and shall be used for no other purpose
4477 than the purpose set forth in the original resolution, and any
4478 officer diverting or assisting to divert any such fund to any
4479 other purpose than the purpose originally set forth in said
4480 resolution of the governing authority of said municipality shall
4481 be guilty of a misdemeanor, shall be punished accordingly, and
4482 shall also be liable both personally and on his official bond for
4483 such diversion, together with the costs of collection and
4484 reasonable attorney's fees. The Mississippi Agricultural and
4485 Industrial Board is authorized to employ necessary competent



4486 attorneys to proceed by action for injunction or mandamus to
4487 require compliance with said original resolution by any officer or
4488 municipal board.

4489 **SECTION 135.** Section 57-3-29, Mississippi Code of 1972, is
4490 brought forward as follows:

4491 57-3-29. No municipality shall have the power to pay out of
4492 its general funds or otherwise contribute any part of the costs of
4493 acquiring a project, but, the entire cost of acquiring any project
4494 must be paid out of the proceeds from the sale of bonds issued
4495 under the authority of this chapter. This provision shall not be
4496 construed to prevent a municipality from accepting donation of
4497 property to be used as a part of any such project or money to be
4498 used for defraying any part of the cost of any such project.

4499 **SECTION 136.** Section 57-3-31, Mississippi Code of 1972, is
4500 brought forward as follows:

4501 57-3-31. Bonds issued under the provisions of this chapter
4502 shall be legal investments for savings banks and insurance
4503 companies organized under the laws of this state.

4504 **SECTION 137.** Section 57-3-33, Mississippi Code of 1972, is
4505 brought forward as follows:

4506 57-3-33. The bonds authorized by this chapter, the income
4507 therefrom, all mortgages or deeds of trust executed as security
4508 therefor, all lease or purchase agreements made pursuant to the
4509 provisions hereof, and all purchases required to establish the
4510 enterprise and financed by bond proceeds shall be exempt from all



4511 taxation in the State of Mississippi except the contractors' tax
4512 imposed by Section 27-65-21 and the tax levied by Section
4513 27-65-24(1)(b) and all projects and the revenue derived from any
4514 lease thereof shall be exempt from all taxation in the State of
4515 Mississippi, except the tax levied by Sections 27-65-21 and
4516 27-65-24(1)(b). From and after July 1, 1989, there shall be no
4517 new exemption under this section or under Chapter 10, Title 57,
4518 Mississippi Code of 1972, from ad valorem taxes levied for school
4519 district purposes. The time of any ad valorem tax exemption
4520 provided for hereunder shall not exceed a total of ten (10) years,
4521 which shall run from the date of completion of the project. In no
4522 event shall the term of the ad valorem tax exemption provided for
4523 hereunder be limited, terminated or otherwise affected by payment
4524 in full of the bonds issued under this chapter or by the change
4525 from a leasehold to a fee title in the enterprise financed with
4526 bonds issued under this chapter.

4527 **SECTION 138.** Section 57-4-1, Mississippi Code of 1972, is
4528 brought forward as follows:

4529 57-4-1. There is hereby established in the State Treasury a
4530 revolving fund to be designated as the "Industrial Development
4531 Fund." Such funds as may be deposited in the fund shall be used,
4532 either as loans or grants, for the purpose of making the state's
4533 contribution for matching federal grants available under the
4534 provisions of Section 304, Public Works and Economic Development



4535 Act of 1965, as amended, for political subdivisions of the state
4536 as hereinafter set forth.

4537 **SECTION 139.** Section 57-4-3, Mississippi Code of 1972, is
4538 brought forward as follows:

4539 57-4-3. Any state contribution made as a loan on behalf of a
4540 political subdivision under the provisions of this chapter is
4541 hereby made a full faith and credit obligation of such political
4542 subdivision to the State of Mississippi, and binding on the
4543 governing body obtaining such state contribution and their
4544 successors in office until repaid in full as to principal and
4545 interest thereon, without regard to existing statutory
4546 limitations.

4547 **SECTION 140.** Section 57-4-5, Mississippi Code of 1972, is
4548 brought forward as follows:

4549 57-4-5. The agricultural and industrial board shall require
4550 a certified copy of a resolution, order or other appropriate
4551 excerpt of the official minutes of the governing authority, to be
4552 of such general form and content as the board may deem
4553 appropriate, together with application forms for such state
4554 contribution.

4555 **SECTION 141.** Section 57-4-7, Mississippi Code of 1972, is
4556 brought forward as follows:

4557 57-4-7. All contributions made as loans by the state under
4558 the provisions of this chapter shall be evidenced by negotiable
4559 promissory notes of the political subdivision to be in such



4560 standard form and content of acceptable banking standards, shall
4561 mature at such time, to bear interest as hereinafter provided, and
4562 shall bear the signature of the president or presiding officer and
4563 the clerk or secretary of the political subdivision and the
4564 official seal.

4565 **SECTION 142.** Section 57-4-9, Mississippi Code of 1972, is
4566 brought forward as follows:

4567 57-4-9. The indebtedness for a loan incurred hereunder shall
4568 bear interest at the rate of five percent (5%) per annum.

4569 **SECTION 143.** Section 57-4-11, Mississippi Code of 1972, is
4570 brought forward as follows:

4571 57-4-11. Indebtedness incurred as a loan under the
4572 provisions of this chapter shall not exceed five (5) years from
4573 the date of the contribution by the state, and any such
4574 indebtedness shall be repaid in equal annual installments. Any
4575 indebtedness incurred as a loan under the provisions of this
4576 chapter shall not be included in computing the debt limit under
4577 any other statute.

4578 **SECTION 144.** Section 57-4-13, Mississippi Code of 1972, is
4579 brought forward as follows:

4580 57-4-13. The governing authority of any county or
4581 municipality incurring indebtedness under this chapter is hereby
4582 authorized to annually levy a millage on all of the taxable
4583 property of such political subdivision at any time after the
4584 indebtedness is incurred in an amount sufficient to repay any such



4585 indebtedness, and it shall not be charged against the existing
4586 authority as to limitations of millage for local governmental
4587 purposes. In the event that such indebtedness has not been repaid
4588 in accordance with the contract, the agricultural and industrial
4589 board shall determine that there is a default in the terms of the
4590 promissory note, including interest due thereon, shall enter an
4591 order to that effect upon its official minutes, and shall send a
4592 certified copy of said order by certified mail to the governing
4593 authority of such political subdivision and to the State Tax
4594 Commission. If the default is not satisfied within ninety (90)
4595 days after such certified notice, the State Tax Commission shall
4596 deduct from any funds held by the state for disbursement to said
4597 political subdivision such amount as is in default, and shall
4598 remit it to the agricultural and industrial board for deposit into
4599 the industrial development fund.

4600 **SECTION 145.** Section 57-4-15, Mississippi Code of 1972, is
4601 brought forward as follows:

4602 57-4-15. The proceeds of all state contributions as a loan
4603 or grant shall be used only for matching federal funds as provided
4604 under the provisions of this chapter. The federal funds may also
4605 be matched by the provision of in-kind services, equipment,
4606 personnel, supplies or other in-kind matching.

4607 **SECTION 146.** Section 57-4-17, Mississippi Code of 1972, is
4608 brought forward as follows:



4609 57-4-17. The agricultural and industrial board shall require
4610 governing authorities to keep such records as are necessary to
4611 assure that the funds are spent in accordance with this chapter.

4612 **SECTION 147.** Section 57-4-19, Mississippi Code of 1972, is
4613 brought forward as follows:

4614 57-4-19. All funds received by the Board of Economic
4615 Development in repayment of state contributions or unused funds
4616 from any project approved by the board shall be promptly deposited
4617 into the Industrial Development Fund.

4618 **SECTION 148.** Section 57-4-21, Mississippi Code of 1972, is
4619 brought forward as follows:

4620 57-4-21. All expenditures for approved state contributions
4621 shall be paid upon warrants drawn on the industrial development
4622 fund as created pursuant to this chapter, and the State Auditor of
4623 Public Accounts shall issue warrants upon requisitions signed by
4624 the director of the agricultural and industrial board, after
4625 approval of such state contributions by the board.

4626 **SECTION 149.** Section 57-4-23, Mississippi Code of 1972, is
4627 brought forward as follows:

4628 57-4-23. The state participation shall be used only for the
4629 purposes of Title I, Public Works and Economic Development Act of
4630 1965, as amended, and expenditures from the industrial development
4631 fund shall be used primarily for the development of industrial
4632 parks, exclusive of land purchases. If the board determines that
4633 such funds will serve a more useful purpose when expended for



4634 other purposes approved under said Title I, it shall have the
4635 authority to approve applications for such additional purposes and
4636 make contributions in accordance with the provisions of this
4637 chapter. Prior to the approval of any application for a purpose
4638 other than development of an industrial park, the board shall
4639 spread upon its minutes the reasons for its determination that the
4640 additional purpose will be a better use of the available funds.

4641 No funds shall be expended from the fund for any projects
4642 other than those approved by the board, and only after such
4643 approval has been spread on the minutes of the board. In the event
4644 the board receives applications which would exceed the funds
4645 available, it shall approve those projects which appear to have
4646 the greatest potential for immediate benefit to the areas most in
4647 need of an improved economy.

4648 No applicant shall receive a state contribution in excess of
4649 ten percent (10%) of the amount appropriated to the industrial
4650 development fund by the 1977 regular session of the Mississippi
4651 Legislature.

4652 **SECTION 150.** Section 57-5-1, Mississippi Code of 1972, is
4653 brought forward as follows:

4654 57-5-1. It is hereby declared that the state public welfare
4655 demands and the state public policy requires legislation to
4656 encourage the establishment of standard industrial parks or
4657 districts by various subdivisions of the state in order to further
4658 stimulate the industrial development of the state.



4659 **SECTION 151.** Section 57-5-3, Mississippi Code of 1972, is
4660 brought forward as follows:

4661 57-5-3. The Mississippi Agricultural and Industrial Board,
4662 hereinafter referred to as the "board," shall be and is hereby
4663 authorized, empowered and directed to encourage the establishment
4664 of such industrial parks or districts where said parks or
4665 districts are found to be necessary to the development of the
4666 several municipalities of this state, including counties,
4667 supervisors districts, cities, towns or villages, or combinations
4668 thereof lying in the same or in adjacent counties, all hereinafter
4669 referred to as "municipalities."

4670 **SECTION 152.** Section 57-5-5, Mississippi Code of 1972, is
4671 brought forward as follows:

4672 57-5-5. The board shall establish, adopt and promulgate
4673 certain specific minimum requirements that will clearly describe
4674 and define the minimum requirements for an industrial park or
4675 district within the meaning of this chapter. Such minimum
4676 requirements shall, in all cases, include a complete engineering
4677 study composed of maps of the proposed park or district, details
4678 of proposed development, and itemized estimate of all costs
4679 involved in acquiring and developing such industrial park or
4680 district. Such engineering study, including the details of the
4681 proposed development and the cost estimates shall be made by a
4682 reputable engineer or engineering firm licensed to do business in



4683 Mississippi and qualified to make a survey or study of the cost
4684 and feasibility of such an industrial park or district.

4685 **SECTION 153.** Section 57-5-7, Mississippi Code of 1972, is
4686 brought forward as follows:

4687 57-5-7. When any municipality shall desire to have a study
4688 made to determine the cost and feasibility of establishing a
4689 standard industrial park or district, the governing body of such
4690 municipality may, by resolution, make application to the
4691 agricultural and industrial board for the assistance to the
4692 municipality provided by this chapter. Upon receipt of a written
4693 request for such assistance from the governing body of such
4694 municipality, the board is authorized and empowered to jointly
4695 undertake the study by mutual and written consent with the
4696 municipality, and to jointly employ an engineer or engineering
4697 firm to make the study. In case of such joint action by the board
4698 and the municipality, the board is authorized and empowered to pay
4699 up to twenty-five percent (25%) of the cost of such jointly
4700 authorized engineering study. However, the amount to be paid by
4701 the board shall not exceed a total of Two Thousand Dollars
4702 (\$2,000.00) for any one municipality.

4703 **SECTION 154.** Section 57-5-9, Mississippi Code of 1972, is
4704 brought forward as follows:

4705 57-5-9. The board is charged with the duty of making
4706 effective the declared public policy of the state and
4707 municipalities as hereinabove set forth, and for that purpose is



4708 hereby authorized and empowered to determine whether the public
4709 convenience and necessity require that any municipality shall have
4710 the right to acquire lands, and thereon to bring into completion
4711 such "standard" industrial districts or parks and to dispose of or
4712 rent, let or lease any part or parts or all of such developed
4713 parks or districts for industrial purposes.

4714 **SECTION 155.** Section 57-5-11, Mississippi Code of 1972, is
4715 brought forward as follows:

4716 57-5-11. Each municipality within this state shall have the
4717 right to apply to the board for a certificate of public
4718 convenience and necessity from the board as to whether the general
4719 welfare requires that such municipality enter into the development
4720 of such a "standard" industrial park or district. In determining
4721 whether such certificate shall be issued, the board may hold
4722 hearings, make such investigation as may be desired, and shall
4723 have power to summon witnesses, administer oaths, hear testimony
4724 and make a record of all things had and done at such hearings or
4725 investigations, and to order issued such certificates of
4726 convenience and necessity as to the board may seem advisable.

4727 **SECTION 156.** Section 57-5-13, Mississippi Code of 1972, is
4728 brought forward as follows:

4729 57-5-13. The board shall investigate, find and determine,
4730 upon application of any municipality therefor, as to whether a
4731 certificate of public convenience and necessity shall be issued to
4732 such municipality to engage in the acquisition and development of



4733 a "standard" industrial park or district deemed essential under
4734 the above declared public policy for the economic development and
4735 advancement of said municipality, and in considering and
4736 determining whether or not such certificate shall be issued, the
4737 board shall find and determine affirmatively the following:

4738 (1) That there are sufficient natural resources readily
4739 and economically available to attract industrial plants to sites
4740 within said municipality or (in the case of a city, town or
4741 village constituting a municipality as defined in this chapter)
4742 situate in reasonable proximity thereto.

4743 (2) That there is available a labor supply to furnish
4744 workers to plants that might be induced to locate in such
4745 industrial park or district.

4746 (3) That there are adequate property values and
4747 suitable financial conditions so that the total bonded
4748 indebtedness of the municipality, solely for the purposes
4749 authorized by this chapter, shall not exceed ten percent (10%) of
4750 the total assessed valuation of all the property in the
4751 municipality.

4752 (4) That the complete engineering study reveals that a
4753 suitable site for a "standard" industrial park or district does
4754 exist within the municipality or (in the case of a city, town or
4755 village constituting a municipality as defined in this chapter)
4756 situate in reasonable proximity thereto, and that it can be



4757 properly developed at costs that will make sites in the proposed
4758 district attractive to prospective new industries.

4759 When the board shall have determined said facts favorably, it
4760 is authorized and empowered to issue or refuse to issue a
4761 certificate of public convenience and necessity to said
4762 municipality to acquire and properly develop the said "standard"
4763 industrial park or district. If and when such certificate is
4764 issued, it shall authorize the particular municipality to acquire,
4765 to own, to develop, to sell, to convey, to let, to lease or to
4766 rent any part, or parts, or all of said industrial district but
4767 said certificate shall expire in twelve (12) months from its date
4768 unless within said time such industrial park or district shall
4769 have been established; subject, however, to any delays
4770 necessitated by any litigation, or acts of God, delaying the
4771 establishment of said development.

4772 Should any municipality sell, convey, let, lease or rent any
4773 part or parcel of an industrial park established under this
4774 chapter, the municipality must receive a consideration therefor,
4775 equal to an amount which said part or parcel so sold, conveyed,
4776 let, leased or rented bears to its proportionate part of the total
4777 cost of the entire industrial park. Any sums received by said
4778 municipality from the sale or lease of any part or parcel of said
4779 industrial park shall be paid into a sinking fund to be designated
4780 and used for the payment of both principal and interest on all



4781 bonds issued by the municipality for the purpose of acquiring and
4782 developing said industrial park or parks.

4783 **SECTION 157.** Section 57-5-15, Mississippi Code of 1972, is
4784 brought forward as follows:

4785 57-5-15. If and when the certificate is issued, the board
4786 therein shall fix and determine: (1) The extent and the amount to
4787 which the municipality may issue bonds or make expenditures for
4788 such development; (2) what property may be acquired therefor; (3)
4789 the terms upon which such acquisition may be had; (4) what
4790 expenditures may be made to properly develop said property into a
4791 "standard" industrial park or district; and, (5) the method of
4792 operation of said industrial park by the municipality.

4793 **SECTION 158.** Section 57-5-17, Mississippi Code of 1972, is
4794 brought forward as follows:

4795 57-5-17. Municipalities of this state, including counties,
4796 judicial districts of counties having two judicial districts in
4797 which State Highways No. 18 and 15 intersect or in which State
4798 Highway No. 6 and Interstate Highway No. 55 intersect, supervisors
4799 districts, cities, towns or villages whether existing under
4800 special charters or otherwise, hereinabove called "municipalities"
4801 acting severally or jointly with one or more other municipalities,
4802 be and each of them is hereby authorized and empowered to make
4803 effective the provisions herein contained, for the general welfare
4804 of the state and the several municipalities thereof. When and
4805 after such municipality shall have obtained therefor a certificate



4806 of public convenience and necessity, under the provisions of this
4807 chapter, then it may acquire land by purchase, gift or otherwise
4808 for the "standard" industrial park or district thus approved, and
4809 may directly or by contract, such contract to be entered into and
4810 governed as now provided by law for other public contracts entered
4811 into by boards of supervisors, grade, level, drain, build streets,
4812 wharf, dock and water terminal facilities, install water and
4813 sewage facilities, erect fences, establish an office, obtain and
4814 install such essential facilities, equipment or appliances,
4815 construct railroad spurs, contribute toward making rail and
4816 utility services available to the district subject to the
4817 provisions of Sections 77-3-1 through 77-3-89, Mississippi Code of
4818 1972, and do such other things as may be essential to the complete
4819 development of said industrial district, including the right to
4820 operate the district, and with concurrence of the board, to sell,
4821 to convey, to let, to lease or to rent any part, or parts, or all
4822 of said district. The power thus to do is hereby generally
4823 conferred upon all such municipalities and shall be in addition to
4824 all other powers now possessed without in anywise limiting or
4825 circumscribing them.

4826 Any city or town in this state situated in a county bordering
4827 on the Mississippi River and situated not more than five miles
4828 from the proposed site of any industrial park or district proposed
4829 to be created and established under the provisions of this
4830 chapter, such distance to be measured between the corporate line



4831 of any such city or town nearest such proposed site and the
4832 boundary of such proposed site nearest such corporate line, is
4833 hereby authorized and empowered to join with another municipality,
4834 as defined herein, in the creation, establishment, acquisition,
4835 ownership, control, sale, lease, disposition and disposal of any
4836 such industrial park or district, and the property, real and
4837 personal, acquired, owned or otherwise possessed and controlled by
4838 or for such industrial park or district under the authority of
4839 this chapter, notwithstanding the fact that the industrial park or
4840 district, or the proposed industrial park or district, and the
4841 property thereof, is situated in another supervisors district
4842 other than the supervisors district in which such city or town is
4843 situated. In all cases provided for in this paragraph, all
4844 authority, powers, privileges and rights provided for in this
4845 chapter shall be and are hereby conferred upon and vested in such
4846 city or town and such other municipality as may join therewith, as
4847 herein authorized.

4848 **SECTION 159.** Section 57-5-19, Mississippi Code of 1972, is
4849 brought forward as follows:

4850 57-5-19. The board is hereby authorized and empowered to
4851 adopt and put into effect all reasonable rules and regulations
4852 that it may deem necessary to carry out the provisions of this
4853 chapter, not inconsistent therewith, and the board and the
4854 municipalities receiving certificates of convenience and necessity
4855 under this chapter, shall be governed in holding municipal



4856 elections, in the issuance of municipal bonds, their forms, terms,
4857 the necessary tax levies, the exemption of bonds from taxation and
4858 the joining of various municipalities in establishing said
4859 industrial districts, by the same conditions, terms and laws
4860 applicable to the issuance of industrial bonds as authorized and
4861 provided by Sections 57-1-1 through 57-1-51, 57-1-101 through
4862 57-1-107 and 57-1-131 through 57-1-145.

4863 **SECTION 160.** Section 57-5-21, Mississippi Code of 1972, is
4864 brought forward as follows:

4865 57-5-21. The several municipalities of this state, including
4866 counties, supervisors districts, cities, towns or villages, or
4867 combinations thereof contiguous to and lying in the same or
4868 adjacent counties, all hereinafter referred to as
4869 "municipalities," shall have all the rights, powers and duties as
4870 contained in Sections 57-5-1 through 57-5-19, plus the right of
4871 eminent domain in the acquisition of up to twenty-five percent
4872 (25%) of the land for a "standard" industrial park if and when the
4873 owner or owners of at least seventy-five percent (75%) of the
4874 acreage involved have either sold such acreage to the municipality
4875 or placed such acreage under option to said municipality.

4876 **SECTION 161.** Section 57-5-23, Mississippi Code of 1972, is
4877 brought forward as follows:

4878 57-5-23. The Mississippi Agricultural and Industrial Board,
4879 hereinafter referred to as the "board," in issuing a certificate
4880 of public convenience and necessity to a municipality to engage in



4881 the acquisition and development of a "standard" industrial park or
4882 district shall be advised by the municipality of its need to use
4883 the power of eminent domain in the acquisition of a part of the
4884 acreage involved, not to exceed twenty-five percent (25%), and the
4885 board shall so specify in said certificate, which shall be the
4886 municipality's evidence of authority to use the power of eminent
4887 domain as above specifically defined.

4888 **SECTION 162.** Section 57-7-1, Mississippi Code of 1972, is
4889 brought forward as follows:

4890 57-7-1. In the event that any municipality, county,
4891 supervisors district, municipal airport authority, regional
4892 airport authority or other governmental subdivision shall have
4893 surplus airport land or other lands which are not needed for
4894 airport purposes or for other governmental purposes, then such
4895 property so designated and described may be set aside and improved
4896 for industrial and commercial purposes and the same may thereafter
4897 be operated or the same may be leased or sold upon such terms and
4898 conditions as a municipality, county, municipal airport authority,
4899 regional airport authority or governmental subdivision shall
4900 prescribe.

4901 In order to provide for the improvement of such property for
4902 industrial and commercial purposes, the municipality or other
4903 authority shall be authorized to provide all necessary utilities
4904 therefor and to lay out, construct and/or improve and hard-surface
4905 roadways, streets, driveways and access roads, railroads and spur



4906 tracks, and provide for the grading, drainage, sewer, lights and
4907 water, and all other necessary or proper utilities as may be
4908 necessary or proper to make such land desirable or useful as a
4909 site or sites for industrial and commercial enterprises. The cost
4910 and expense of such improvements to said real estate shall be paid
4911 for from funds made available from the lease or sale of such lands
4912 to the extent such funds are available.

4913 **SECTION 163.** Section 57-7-3, Mississippi Code of 1972, is
4914 brought forward as follows:

4915 57-7-3. For the purpose of providing funds to defray the
4916 expenses of improving and developing the airport properties as set
4917 forth in Section 57-7-1, the said municipality or other authority
4918 shall have the right to borrow money for the industrial
4919 improvement of its lands and property, and to issue revenue bonds
4920 therefor, payable out of any revenues derived from such property,
4921 including grants or contributions from the federal government or
4922 other sources. Such bonds may be sold at public or private sale
4923 at not less than par and shall bear interest at a rate or rates
4924 not exceeding that allowed in Section 75-17-103. Any such bonds
4925 so issued shall not constitute a debt of any municipality, the
4926 state, or any political subdivision thereof, other than the
4927 municipality or other authority.

4928 **SECTION 164.** Section 57-7-5, Mississippi Code of 1972, is
4929 brought forward as follows:



4930 57-7-5. All bonds issued under the authority of this chapter
4931 shall bear such date or dates, shall be in such form or
4932 denomination, shall bear such rate of interest, and shall mature
4933 at such times as the said municipality or other authority shall
4934 determine, but no bonds issued under the authority of this chapter
4935 shall mature more than twenty-five (25) years from the date of the
4936 issuance thereof and none of said bonds shall be sold for less
4937 than par and accrued interest. All such bonds shall be sold in the
4938 manner now provided by law for the sale of bonds without any
4939 restrictions, limitations, requirements or conditions applicable
4940 to the borrowing of such money and the issuance of such bonds
4941 which are not herein contained. The denomination, form, place of
4942 payment and other details of such bonds may be determined by
4943 resolution or order of the municipality or other authority, and
4944 shall be executed on behalf of the municipality or other authority
4945 as is now provided by law.

4946 **SECTION 165.** Section 57-7-7, Mississippi Code of 1972, is
4947 brought forward as follows:

4948 57-7-7. Before issuing any bonds under the provisions of
4949 this chapter, the municipality or other authority shall, by
4950 resolution spread upon the minutes, declare its intention to issue
4951 such bonds for the purposes authorized by this chapter and shall
4952 state in said resolution the amount of bonds proposed to be issued
4953 and shall likewise fix in said resolution the date upon which the
4954 said municipality or other authority proposes to direct the



4955 issuance of such bonds. Notice of such intention shall be
4956 published once a week for at least three (3) consecutive weeks in
4957 a newspaper published or having a general circulation in the
4958 municipality or the governmental subdivision issuing the bonds,
4959 with the first publication of said notice to be made not less than
4960 twenty-one (21) days prior to the date fixed in the resolution for
4961 the issuance of said bonds and the last publication to be made not
4962 more than seven (7) days prior to such date. If, on or before the
4963 date specified in the resolution, twenty percent (20%) of the
4964 qualified electors of the municipality or other governmental
4965 subdivision shall file a written protest against the issuance of
4966 such bonds, then an election upon the issuance thereof shall be
4967 called, and held, as is hereby provided. If no such protest shall
4968 be filed, then the said municipality or other authority may issue
4969 such bonds without an election on the question of the issuance
4970 thereof at any time within a period of two (2) years after the
4971 date specified in the resolution.

4972 **SECTION 166.** Section 57-7-9, Mississippi Code of 1972, is
4973 brought forward as follows:

4974 57-7-9. If an election shall be called under the provisions
4975 of this chapter on the question of the issuance of bonds, the
4976 election shall be held, insofar as practicable, in the same manner
4977 as other elections are held in said municipality or other
4978 governmental subdivision. At such election, all qualified electors
4979 of the municipality or other governmental subdivision may vote and



4980 the ballots used in such election shall have printed thereon a
4981 brief statement of the amount and purposes of the proposed bond
4982 issue and the words "FOR THE BOND ISSUE" and the words "AGAINST
4983 THE BOND ISSUE," and the voters shall vote by placing a cross (X)
4984 or check mark (✓) opposite their choice on the proposition.

4985 **SECTION 167.** Section 57-7-11, Mississippi Code of 1972, is
4986 brought forward as follows:

4987 57-7-11. When the results of any election hereinabove
4988 provided for shall have been canvassed by the election
4989 commissioners of said municipality or governmental district and
4990 certified by them to the proper authorities, it shall be the duty
4991 of the municipality or other authority involved to determine and
4992 adjudicate whether or not a majority of the qualified electors who
4993 voted in such election voted in favor of such bonds and unless a
4994 majority of the qualified electors who voted in said election
4995 shall have voted in favor of such bonds, then the same shall not
4996 be issued. Should a majority of the qualified electors who vote in
4997 such election vote in favor of said bonds, the municipality or
4998 other authority may issue said bonds, either in whole or in part,
4999 within two (2) years from the date of such election, or within two
5000 (2) years after final favorable determination of any litigation
5001 affecting the issuance of such bonds at such time or times, and in
5002 such amount or amounts, not exceeding that specified in the notice
5003 of the election, as shall be deemed proper.



5004 **SECTION 168.** Section 57-7-13, Mississippi Code of 1972, is
5005 brought forward as follows:

5006 57-7-13. This chapter, without reference to any other
5007 statute, shall be deemed to be full and complete authority for the
5008 issuance of bonds and borrowing of money as hereby authorized by
5009 municipalities or other governmental authority, and shall be
5010 construed as an additional and alternate method therefor. The
5011 bonds hereby authorized shall not constitute an indebtedness
5012 within the meaning of any constitutional or statutory limitation
5013 or restriction.

5014 **SECTION 169.** Section 57-9-1, Mississippi Code of 1972, is
5015 brought forward as follows:

5016 57-9-1. This chapter may be cited as the "Industrial
5017 Training Law of 1964."

5018 **SECTION 170.** Section 57-9-3, Mississippi Code of 1972, is
5019 brought forward as follows:

5020 57-9-3. It is hereby declared that the state public welfare
5021 demands, and the state public policy requires:

5022 (a) That a balanced economic development of this state
5023 is essential.

5024 (b) That the present and prospective health, safety,
5025 morals, pursuit of happiness, right of gainful employment and the
5026 general welfare of the citizens demand as a public purpose, the
5027 development within Mississippi of trade preparatory or industrial



5028 plant training and recruitment program for the various commercial,
5029 industrial, agricultural and manufacturing enterprises.

5030 (c) That the means and measures herein authorized to
5031 promote said commercial, industrial, agricultural and
5032 manufacturing enterprises, are as a matter of public policy, for
5033 the public purposes of increasing gainful employment and business
5034 activities of the municipalities, counties, and supervisors
5035 districts of Mississippi, hereinafter called "municipalities."

5036 (d) That the currently existing critical gap in the
5037 employment and use of skilled and semiskilled residents of the
5038 state resulting from deficient training programs and facilities be
5039 eliminated, and that the proper promotion of the health, safety,
5040 morals, pursuit of happiness, right of gainful employment, and the
5041 general welfare of the state demands the enactment of the program
5042 herein authorized.

5043 (e) That the accomplishment of the things herein
5044 authorized will stimulate and provide ready and attractive
5045 employment for the skilled and semiskilled residents of the state
5046 through the proper increase of the skilled and semiskilled labor
5047 force available which will further develop the agricultural,
5048 commercial, industrial and other resources of the state for the
5049 general welfare.

5050 **SECTION 171.** Section 57-9-5, Mississippi Code of 1972, is
5051 brought forward as follows:



5052 57-9-5. The Mississippi Agricultural and Industrial Board,
5053 hereinafter referred to as the "board," is hereby authorized and
5054 empowered to formulate and place into existence, plans for
5055 industrial plant training and recruitment for new and expanded
5056 industries, or both, in Mississippi. To that end, there is hereby
5057 created and provided within the board, in addition to all other
5058 funds that may be appropriated to the board, an "industrial
5059 revolving fund," and all sums of monies received or obtained by
5060 the board under the provisions of this chapter, by appropriation
5061 or otherwise, shall be paid into the State Treasury, and the State
5062 Treasurer shall deposit said monies into the industrial revolving
5063 fund. All expenditures therefrom shall be authorized by the board
5064 in the manner hereinafter set forth and such expenditures shall be
5065 paid therefrom by the State Treasurer on warrants of the auditor
5066 of public accounts; and said auditor shall issue his warrant upon
5067 requisition properly signed by the director and secretary of the
5068 board.

5069 **SECTION 172.** Section 57-9-7, Mississippi Code of 1972, is
5070 brought forward as follows:

5071 57-9-7. Any municipality, hereinafter referred to as "the
5072 applicant," may, on behalf of any new or expanded industry, or
5073 both, in Mississippi, apply to the board for a loan, not to exceed
5074 twenty thousand dollars (\$20,000.00) for any one (1) new or one
5075 (1) expanded industry, which funds shall be used exclusively for
5076 the purposes of preparatory or industrial plant training and



5077 recruitment. The board is authorized and empowered to determine
5078 whether the public convenience and necessity requires that the
5079 application therefor be approved or denied, and what amount, if
5080 any, should be loaned by the board to the applicant for said new
5081 or expanded industry. For the purpose of administering provisions
5082 of this chapter, the board shall establish reasonable rules and
5083 regulations to be followed by the applicant in making application
5084 for loans hereby authorized. The board shall investigate, find and
5085 determine as to whether a certificate of public convenience and
5086 necessity shall be issued and contract for a loan of funds to the
5087 applicant shall be made. In considering and determining whether or
5088 not such certificate of public convenience and necessity shall be
5089 issued and whether a loan shall be made or not, the board shall
5090 find and determine, to include, but not be limited to, the
5091 following:

5092 (a) That the net worth of the new or expanded industry,
5093 on behalf of which the municipality is making said application,
5094 meets the prerequisites and requirements of the board. The
5095 applicant shall furnish upon request to the board such information
5096 with regard to the new or expanded industry's net worth as may be
5097 required by the board.

5098 (b) That the new or expanded industry, on behalf of
5099 which the municipality is making such application, shall submit
5100 along with the applicant, a detailed and complete study of its
5101 training needs, plans, and total amount of funds to be used for



5102 industrial training and preparatory training only, and the same
5103 shall appear to be feasible and practicable to the board.

5104 (c) That the new or expanded industry, on behalf of
5105 which the municipality is making such application, shall submit a
5106 plan of repayment, along with the applicant, and which repayment
5107 shall be made within five (5) years after the loan, and such plan
5108 shall be approved by the board.

5109 When the board shall have determined said facts favorably, it
5110 is authorized and empowered, having due regard to the promotion of
5111 the public policy and general welfare herein declared, to issue or
5112 refuse to issue a certificate of public convenience and necessity
5113 to the applicant, approve or disapprove the loan of any part or
5114 all of the funds requested by the applicant. If and when said
5115 certificate is issued, and if and when said loan is approved, the
5116 board therein shall fix and determine:

5117 (a) The amount of monies to be loaned.

5118 (b) The time, amount, and method of repayment.

5119 (c) The method, manner, and what legally valid and
5120 enforceable documents, promissory notes, deeds of trust, or
5121 contracts, or any combination thereof, shall be executed by the
5122 applicant and the new or expanded industry.

5123 **SECTION 173.** Section 57-9-9, Mississippi Code of 1972, is
5124 brought forward as follows:

5125 57-9-9. In the event the board shall issue a certificate of
5126 public convenience and necessity to the applicant, and approve a



5127 loan of a sum, such sum as approved to be loaned, shall be
5128 disbursed to the applicant upon the execution of a legally valid
5129 and enforceable promissory note, deed of trust, or contract, or
5130 any combination thereof, by the new or expanded industry and the
5131 applicant, in accordance with the approved plan of repayment. In
5132 the event a contract is required by the plan of repayment, the
5133 board is authorized to join in the execution thereof. The board is
5134 further authorized to require such provisions and covenants in
5135 such promissory note, deed of trust, or contract, or any
5136 combination thereof, deemed reasonably necessary to carry out the
5137 provisions of this chapter and require the repayment of said
5138 loans. The board and municipalities are further authorized to
5139 institute suit, at law or equity, to cause the repayment of such
5140 loans, and to protect the interest of the State of Mississippi,
5141 and may employ private counsel to do so.

5142 **SECTION 174.** Section 57-10-1, Mississippi Code of 1972, is
5143 brought forward as follows:

5144 57-10-1. It is hereby declared to be the public policy of
5145 this state and the purpose of this article to improve and
5146 stimulate the state's economy in general, and the small business
5147 segment thereof in particular, by establishing a program to
5148 stimulate and supplement the flow of private equity capital and
5149 long-term loan funds which small business concerns of this state
5150 need for the sound financing of their business operations and for
5151 their growth, expansion and modernization, and which are not



5152 available in adequate supply. It is the intent of the legislature
5153 that this policy shall be carried out in such manner as to insure
5154 the maximum participation of private financing sources. It is
5155 further hereby declared that the public welfare of the state
5156 demands the establishment of such a program to provide for the
5157 maximum development of this state's agricultural, industrial and
5158 commercial resources, offering increased employment opportunities
5159 for all of the citizens of the state, encouraging the
5160 establishment of new agricultural, industrial and commercial
5161 enterprises and providing the citizens of the state of all races
5162 greater opportunities for entrepreneurship.

5163 **SECTION 175.** Section 57-10-3, Mississippi Code of 1972, is
5164 brought forward as follows:

5165 57-10-3. The * * * Mississippi Business Finance Corporation,
5166 created pursuant to Section 57-10-167, hereinafter referred to as
5167 the "corporation," shall exercise the powers and duties and
5168 discharge the responsibilities as provided herein.

5169 **SECTION 176.** Section 57-10-9, Mississippi Code of 1972, is
5170 brought forward as follows:

5171 57-10-9. This corporation is organized, and it shall be
5172 operated primarily for the purpose of providing financial
5173 resources necessary to implement the economic development of the
5174 state by creating a pool of capital assets to expand the
5175 agricultural, industrial and commercial enterprises of the state
5176 and to provide loan guaranties for term loans to improve the



5177 marketability of such loans, and to encourage the expansion of
5178 available equity financing through small business investment
5179 companies.

5180 **SECTION 177.** Section 57-10-17, Mississippi Code of 1972, is
5181 brought forward as follows:

5182 57-10-17. The board of directors of the corporation is
5183 hereby authorized, in its discretion, based on sound business
5184 principles, to:

5185 (a) Receive applications for and make direct term loans
5186 to small businesses, including any person, firm, corporation,
5187 joint-stock company, partnership, association or trust located
5188 within the state unable to obtain sufficient funds for the
5189 successful operation of such businesses from conventional
5190 commercial sources or other governmental agencies or in the event
5191 the financial needs of such businesses exceed the legal loan
5192 limits of local banks or other financial institutions or in the
5193 event the degree of risk involved in extending loans to such
5194 businesses exceed local standards;

5195 (b) Make direct equity investments and/or seed money
5196 loans to local economic development corporations;

5197 (c) Seek the participation of private banks or
5198 financial institutions, either within or without the state, in the
5199 term loans extended by the corporation;



5200 (d) Sell its own commercial paper and other evidences
5201 of indebtedness to obtain funds for the making of term loans to
5202 creditworthy businesses;

5203 (e) Provide a loan guaranty program for conventional
5204 loans extended to qualified small businesses in the State of
5205 Mississippi;

5206 (f) Sell its debenture bonds to banks and other
5207 financial institutions;

5208 (g) Apply for and receive funds in any amount from any
5209 private source or federal governmental entity, or the Small
5210 Businessman's Loan Fund or Guaranty Fee Fund as authorized by
5211 Sections 57-10-101 through 57-10-137, whether by way of grant,
5212 donation or loan;

5213 (h) Make contracts, including contracts for services,
5214 and incur liabilities for any of the purposes authorized herein;

5215 (i) Borrow money for any of the purposes authorized
5216 herein; incur debt, including the power to issue therefor its
5217 bonds, debentures, notes or other evidences of indebtedness,
5218 whether secured or unsecured; and secure the same by mortgage,
5219 pledge, deed of trust or other lien on its property, rights and
5220 privileges of every kind and nature, or any part thereof, or
5221 interest therein;

5222 (j) Purchase, receive, hold, lease or acquire by
5223 foreclosure, and sell, convey, transfer or lease real and personal
5224 property, together with such rights and privileges as may be



5225 incidental and appurtenant thereto and the use thereof, including,
5226 but not restricted to, any real or personal property acquired by
5227 the corporation from time to time in the satisfaction of debts or
5228 enforcement of obligations;

5229 (k) Make all expenditures and incur any obligations
5230 reasonably required in the exercise of sound business principles
5231 to secure possession of, preserve, maintain, insure and, if
5232 necessary, improve real and personal property acquired in the
5233 liquidation of investments in order to realize the maximum return
5234 for the corporation on any sale or disposition thereof;

5235 (l) Acquire, subscribe for, own, hold, sell, assign,
5236 transfer, mortgage or pledge the stock, shares, bonds, debentures,
5237 notes or other securities and evidences of interest in or
5238 indebtedness of any person, firm, corporation, joint-stock
5239 company, partnership, association or trust, and, while the owner
5240 or holder thereof, exercise all the rights, powers and privileges
5241 of ownership, including the right to vote thereon;

5242 (m) Mortgage, pledge or otherwise encumber any property
5243 right or thing of value acquired pursuant to the powers contained
5244 in paragraphs (j), (k) or (l) as security for the payment of any
5245 part of the purchase price thereof;

5246 (n) Cooperate with and assist and otherwise encourage
5247 agencies, organizations, local or regional, private or public, in
5248 the various communities of the state in the promotion, assistance



5249 and development of the business prosperity and economic welfare of
5250 such communities or of this state or of any part thereof;

5251 (o) Do all acts and things necessary and proper to
5252 create, form, participate in or fund a State SBA 503 program as
5253 authorized under Title V, Section 503 of the Small Business
5254 Investment Act of 1958, as amended, Section 697, Title XV, United
5255 States Code;

5256 (p) Do all acts and things necessary and proper to
5257 carry out the powers expressly granted in this article, including,
5258 but not limited to, employment of administrative and clerical
5259 staff, and such other employees as may be necessary in its
5260 judgment and to fix their compensation, and to perform its powers
5261 and functions through its officers, agents and employees;

5262 (q) Do all acts and things necessary and proper for the
5263 issuance of bonds for solid waste facilities;

5264 (r) Do all acts and things necessary to operate the
5265 Mississippi Development Bank pursuant to Section 31-25-1 et seq.;

5266 (s) Maintain an office in the name of the corporation
5267 at such place or places within this state as it may designate
5268 without the approval of any other state agency or department.

5269 **SECTION 178.** Section 57-10-19, Mississippi Code of 1972, is
5270 brought forward as follows:

5271 57-10-19. In addition to the other powers and authority
5272 prescribed by this article, the corporation may purchase
5273 debentures or the common stock of small business investment



5274 companies or minority enterprise small business investment
5275 companies, incorporated or domiciled in the state under the
5276 provisions of the Small Business Investment Law of 1958, as
5277 amended, which debentures may be subordinate to any other
5278 debenture bonds, promissory notes or other debts and obligations
5279 of such small business investment companies except for those
5280 purchased by the Small Business Administration in accordance with
5281 the Federal Small Business Investment Act of 1958, as amended (15
5282 USCS Section 661 et seq.); any purchases by the corporation of
5283 stock shall be made from funds derived from sources other than the
5284 State of Mississippi. The corporation is prohibited from
5285 investing in both the stock and evidences of indebtedness of any
5286 company.

5287 **SECTION 179.** Section 57-10-21, Mississippi Code of 1972, is
5288 brought forward as follows:

5289 57-10-21. Any loans by the corporation to a small business
5290 investment company or minority enterprise small business
5291 investment company, shall be conditioned on the following:

5292 (a) A loan to a small business investment company or
5293 minority enterprise small business investment company shall not
5294 exceed the amount of its outstanding portfolio investments or the
5295 amount of its private paid-in capital and paid-in surplus,
5296 whichever is less.



5297 (b) The small business investment company or minority
5298 enterprise small business investment company must agree that the
5299 entire loan will be invested in firms located in this state.

5300 (c) The repayment period for any such loan shall not
5301 exceed fifteen (15) years but such loans need not be amortized.

5302 (d) Such other conditions as may be prescribed by the
5303 board of directors of the corporation.

5304 **SECTION 180.** Section 57-10-23, Mississippi Code of 1972, is
5305 brought forward as follows:

5306 57-10-23. Any small business investment company or minority
5307 enterprise small business investment company wishing to
5308 participate under this article shall pay a five hundred dollar
5309 (\$500.00) fee annually on July 1 to the corporation which shall be
5310 deposited in a qualified state depository, to the credit of the
5311 "Mississippi Economic Development Corporation." The annual fee
5312 paid on its initial application shall be prorated according to the
5313 date of application.

5314 **SECTION 181.** Section 57-10-25, Mississippi Code of 1972, is
5315 brought forward as follows:

5316 57-10-25. It is the further intention of this article that
5317 the initial capital base of the corporation be raised from a
5318 combination of private foundation grants, any funds available from
5319 various federal programs, and such funds as may be appropriated by
5320 the state. Additional funding of the corporation may be derived
5321 from the sale of debenture bonds or long-term funding from the



5322 sale of the corporation's commercial paper and notes. Such
5323 additional funding and any guaranty executed by the corporation of
5324 any loan or investment, and any other obligations incurred by the
5325 corporation, shall be based solely on the credit of the
5326 corporation and shall not pledge or loan the credit of the state
5327 in aid of any person, association or corporation. Funds of the
5328 corporation shall be primarily invested in amortized loans of ten
5329 (10) years or shorter maturity. If feasible and possible, all
5330 loans extended by the corporation shall be made in participation
5331 with existing banks or other financial institutions.

5332 **SECTION 182.** Section 57-10-29, Mississippi Code of 1972, is
5333 brought forward as follows:

5334 57-10-29. All funds received by the corporation from any
5335 source whatsoever shall be deposited in a qualified state
5336 depository to the credit of the "Mississippi Economic Development
5337 Corporation," said funds to be disbursed therefrom upon checks
5338 drawn upon said account after approval of said board and signed by
5339 the chairman and treasurer of the corporation. The post audit
5340 division of state government shall audit said corporation's books
5341 not less than once each year.

5342 **SECTION 183.** Section 57-10-31, Mississippi Code of 1972, is
5343 brought forward as follows:

5344 57-10-31. No officer or director of this corporation shall
5345 ever be held personally liable for contracts, debts or defaults of
5346 this corporation nor shall any mere informality in organization



5347 have the effect of rendering these null or of exposing the
5348 officers or directors to any such liability or responsibility.
5349 However, the officers, directors, agents and employees of the
5350 corporation shall be liable for any fraudulent or illegal
5351 diversion or misappropriation of the funds of the corporation
5352 which any such person knowingly and willfully caused, permitted or
5353 conspired to permit to be made, and all such officers, directors,
5354 agents and employees entrusted with the custody of the securities
5355 of or authorized to disburse the funds of the corporation shall be
5356 bonded, either by a blanket bond or by individual bonds, with a
5357 surety bond or bonds with a minimum limitation of One Hundred
5358 Thousand Dollars (\$100,000.00) coverage for each person covered
5359 thereby, conditioned upon the faithful performance of their
5360 duties, the premium for which shall be paid out of the assets of
5361 the corporation.

5362 **SECTION 184.** Section 57-10-35, Mississippi Code of 1972, is
5363 brought forward as follows:

5364 57-10-35. All state agencies shall cooperate with the
5365 corporation, and all public institutions of higher education shall
5366 work with the corporation to facilitate the utilization of
5367 technological information by small businesses in this state.

5368 **SECTION 185.** Section 57-10-39, Mississippi Code of 1972, is
5369 brought forward as follows:

5370 57-10-39. An annual report concerning the operation of this
5371 article shall be submitted by the corporation to the Legislature.



5372 **SECTION 186.** Section 57-10-41, Mississippi Code of 1972, is
5373 brought forward as follows:

5374 57-10-41. In the event of dissolution and liquidation of the
5375 corporation, whether voluntary or involuntary or by reason of the
5376 repeal of this article and thereby terminating its corporate
5377 existence, any surplus assets of the corporation in excess of the
5378 corporation's outstanding liabilities shall be transferred to the
5379 State of Mississippi and shall automatically vest in said state,
5380 and the chairman and treasurer of the corporation shall execute
5381 and deliver such conveyances or documents as are necessary to show
5382 title in the state or to vest such assets in the state.

5383 **SECTION 187.** Section 57-10-101, Mississippi Code of 1972, is
5384 brought forward as follows:

5385 57-10-101. This article shall be called the "Small
5386 Businessman's Loan Assistance Law of 1972."

5387 **SECTION 188.** Section 57-10-103, Mississippi Code of 1972, is
5388 brought forward as follows:

5389 57-10-103. The increasing need for commercial financing at
5390 reasonable rates for the small businessman necessitates a new loan
5391 guaranty program in order that the economy of the state may
5392 continue to grow and prosper. It is the intent of this article to
5393 encourage small business loans by furnishing lending institutions
5394 additional security to place such loans on a sound, financial
5395 basis and reap statewide benefits resulting from an expanded
5396 economy. This article is intended to strengthen the economic



5397 security of this state and insure its permanent financial
5398 well-being.

5399 This article is hereby declared to be a public necessity, is
5400 remedial in purpose, and should be liberally construed to effect
5401 its purpose.

5402 **SECTION 189.** Section 57-10-105, Mississippi Code of 1972, is
5403 brought forward as follows:

5404 57-10-105. Whenever the following terms or similar terms are
5405 used herein they shall have the following meanings, unless the
5406 context clearly indicates otherwise:

5407 (a) "Borrower" means any individual, firm, partnership
5408 or corporation approved by the committee, residing in Mississippi
5409 who applies for or borrows money from any lender under the
5410 provisions of this article.

5411 (b) "Lender" shall mean any state or national bank,
5412 savings and loan association or insurance company doing business
5413 in Mississippi, which is approved by the committee.

5414 (c) "Manager" means the Executive Director of the
5415 Mississippi Business Finance Corporation.

5416 (d) "Committee" means the Certified Development Company
5417 of Mississippi, Inc., created pursuant to Section 57-10-167.

5418 (e) "Loan guaranty" means additional security to the
5419 lender by the state for loans to small businessmen in this state.

5420 (f) "Guaranty fee fund" means a revolving fund
5421 maintained in the State Treasury as a separate fund composed of



5422 guaranty fee payments from loans made under the provisions of this
5423 article.

5424 (g) "Small businessman's loan fund" means a separate
5425 and additional fund maintained in the State Treasury by
5426 appropriation from the State Legislature and used exclusively to
5427 guarantee loans as herein provided.

5428 (h) "Transfer" means to loan, to give, to make
5429 available or to pass control of any available funds held in
5430 paragraphs (f) and (g) above to the Mississippi Economic
5431 Development Corporation, or its successor.

5432 **SECTION 190.** Section 57-10-109, Mississippi Code of 1972, is
5433 brought forward as follows:

5434 57-10-109. The manager shall be required to have a surety
5435 bond in an amount to be fixed by the committee.

5436 The manager, subject to the approval of the committee, is
5437 authorized to employ such additional technical, clerical and
5438 stenographic assistance as may be necessary to carry out the
5439 provisions of this article. It is hereby made the duty of all of
5440 the departments and agencies of the state government to give aid
5441 and assistance to the manager in administering this program.

5442 **SECTION 191.** Section 57-10-111, Mississippi Code of 1972, is
5443 brought forward as follows:

5444 57-10-111. The committee is authorized and empowered to
5445 prepare and promulgate reasonable rules, regulations and policies
5446 for applications for loans, credit instruments, and any and all



5447 other forms, rules, policies, regulations or procedures desirable
5448 in order to carry out the provisions of this article. The
5449 committee shall determine the amount of the guaranty fee to be
5450 paid under the provisions of this article, subject to the
5451 limitations set forth in Section 57-10-115. Such guaranty fee
5452 payments shall be deposited in the Guaranty Fee Fund. It shall
5453 also be the duty of the committee to formulate the policies to be
5454 administered by the manager under the provisions of this article.
5455 The function of the committee shall be that of policy-making and
5456 the functions of the manager shall be administrative.

5457 In addition to the power and authority granted herein, the
5458 committee is hereby authorized to use any available funds in the
5459 Small Businessman's Loan Fund or the Guaranty Fee Fund to be used
5460 for any authorized and legal purposes as contained in Sections
5461 57-10-1 through 57-10-41, irrespective and notwithstanding any
5462 limitations, restrictions or other provisions of this article.

5463 It is the intent of this section and the 1982 and 1983
5464 amendments to Article 1 and Article 3 of this chapter, that the
5465 Small Businessman's Loan Program and the Mississippi * * *
5466 Development Authority program shall pool and combine the resources
5467 and efforts of each to make them more readily available to the
5468 needs of the small businessmen and women of this state.

5469 However, in the event a loan is made to the Mississippi * * *
5470 Development Authority or its successor, the maximum liability
5471 limit as expressed in Sections 57-10-115(3) and 57-10-133 shall



5472 automatically be reduced by an amount equal to five (5) times the
5473 amount of the loan.

5474 The committee is hereby authorized and empowered to establish
5475 and put in effect reasonable terms and conditions on any and all
5476 such transfers to the corporation regarding repayment of any
5477 transfers and security therefor, if applicable, default provisions
5478 and annual reporting on the status of any transfer.

5479 **SECTION 192.** Section 57-10-113, Mississippi Code of 1972, is
5480 brought forward as follows:

5481 57-10-113. A borrower may apply to the committee for a loan
5482 guaranty necessary to meet the lender's approval of the loan. The
5483 borrower must demonstrate his inability to obtain conventional
5484 financing, and thus the need for the state loan guaranty.

5485 **SECTION 193.** Section 57-10-115, Mississippi Code of 1972, is
5486 brought forward as follows:

5487 57-10-115. (1) On every loan, the borrower shall pay a
5488 nonrefundable guaranty fee of two percent (2%) of the guaranteed
5489 portion, to be paid at the time of disbursement of loan proceeds.
5490 Upon collection, the committee shall remit all such guaranty fees
5491 to a special fund for such fees created by the State Treasurer.

5492 (2) No loan guaranty made by the committee shall exceed
5493 seventy-five percent (75%) of the principal of the loan.

5494 (3) The amount of all outstanding loan guaranties shall not
5495 exceed five (5) times the combined total amount in the Small
5496 Businessman's Loan Fund, plus the Guaranty Fee Fund and accrued



5497 interest on both funds, provided the liability of the two (2)
5498 funds shall not exceed Fifteen Million Seven Hundred Fifty
5499 Thousand Dollars (\$15,750,000.00).

5500 (4) No guaranty made under the provisions of this article
5501 shall be an amount exceeding Three Hundred Seventy-five Thousand
5502 Dollars (\$375,000.00) principal, and the term thereof shall not
5503 exceed twenty (20) years.

5504 (5) More than one (1) loan may be outstanding to any one (1)
5505 borrower at any one (1) time; provided, however, that the
5506 aggregate amount of all loan guaranties to any one (1) borrower
5507 shall not exceed Three Hundred Seventy-five Thousand Dollars
5508 (\$375,000.00).

5509 (6) The total amount of a loan secured by any real and/or
5510 personal property, including any previous indebtedness incurred
5511 against real and/or personal property offered as security for such
5512 loan, shall not exceed ninety percent (90%) of the market value as
5513 determined by an appraisal made by the lender. In determining the
5514 amount of indebtedness to be incurred against any real or personal
5515 property securing such a loan, the lender may consider the
5516 enhanced value of the real property and any other additional
5517 capital assets accruing to the borrower through loans provided
5518 under this article.

5519 **SECTION 194.** Section 57-10-117, Mississippi Code of 1972, is
5520 brought forward as follows:



5521 57-10-117. If there is a corporate borrower, the committee
5522 shall require the personal guarantee or endorsement of any
5523 principal or entity owning at least twenty percent (20%) of the
5524 corporation that is borrowing money from any lender under the
5525 provisions of this article, and the committee may also require any
5526 other guarantees it deems appropriate.

5527 **SECTION 195.** Section 57-10-119, Mississippi Code of 1972, is
5528 brought forward as follows:

5529 57-10-119. If the loan is approved and the lender so
5530 desires, the loan, where feasible, may be advanced in installments
5531 under such rules and regulations as the committee may establish.

5532 **SECTION 196.** Section 57-10-121, Mississippi Code of 1972, is
5533 brought forward as follows:

5534 57-10-121. If the borrower defaults in the payment of any
5535 loan or any installments thereof, fails to follow his plan and
5536 applies any installment or installments of his loan to purposes
5537 other than those in his plan as certified by the committee,
5538 violates any of the covenants and conditions contained in the
5539 instrument securing the loan, or fails to comply with any other
5540 provision of this article, the lender shall proceed to collect the
5541 entire amount due under the loan.

5542 In the event the lender proceeds to collect the loan, he
5543 shall be required to follow the procedures as established by the
5544 committee and shall not have a claim against either the Guaranty
5545 Fee Fund or the Small Businessman's Loan Fund in the State



5546 Treasury unless or until he has first exhausted his legal rights
5547 and remedies in aid of the collection of the loan which include,
5548 but are not limited to, his rights under the following: (a)
5549 promissory note or notes and signers or endorsers thereon; (b)
5550 deeds of trust and mortgages; (c) security agreements; and (d) any
5551 set-offs or counterclaims which include the right to foreclose the
5552 deeds of trust or mortgages and to sell, or cause to be sold, the
5553 property secured thereby and obtain a judgment or decree for any
5554 balance remaining due on the loan after such foreclosures and sale
5555 of the property given as security.

5556 When the lender has obtained a judgment or decree against the
5557 borrower for any deficiency in the amount of the principal of the
5558 loan and interest not realized in the sale of the mortgaged
5559 property or otherwise, the lender must have execution issued on
5560 any such judgment or decree. If the judgment is not satisfied
5561 following execution, the lender shall then assign the judgment or
5562 decree to the State of Mississippi, using such form of assignment
5563 as may be prescribed by regulation promulgated by the committee,
5564 before either of the two (2) said funds in the State Treasury may
5565 be liable in anywise for the benefit of the lender; however, the
5566 committee may determine that it is economically or legally
5567 infeasible for the lender to obtain a judgment or decree against
5568 the borrower, such determination and the reasons therefor to be
5569 reflected in the minutes of the committee. Upon the making of



5570 such a determination, the committee will succeed to whatever
5571 rights the lender may possess in place of a judgment or decree.

5572 **SECTION 197.** Section 57-10-123, Mississippi Code of 1972, is
5573 brought forward as follows:

5574 57-10-123. If the requirements appearing heretofore in
5575 Section 57-10-121 have been met by the lender and any sum of money
5576 remains due on the principal of the loan, the lender must file
5577 with the manager, on the form prescribed by the committee, the
5578 lender's claim for the amount of principal remaining due and
5579 outstanding under the loan. The claim shall be accompanied by
5580 papers showing that the lender has exhausted his legal rights and
5581 remedies in an effort to collect the loan, or that such
5582 requirement was waived by the committee, and must include an
5583 assignment of the judgment from the lender to the State of
5584 Mississippi, or an assignment of rights that the lender may
5585 possess in the event requirement of judgment has been waived. In
5586 the event that the borrower has declared bankruptcy, then the
5587 lender must submit a final order of the bankruptcy court in that
5588 cause or such other documents that prove to the satisfaction of
5589 the committee that the lender has first exhausted his legal rights
5590 and remedies in aid of his collection of the loan. The committee
5591 shall review these papers and the claim by the lender and if the
5592 committee is satisfied that the same are in due form and meet the
5593 requirements under this article, the full committee shall allow
5594 the claim and issue its requisition according to law to the State



5595 Auditor against the Guaranty Fee Fund in the State Treasury for
5596 the balance of the principal under the loan. The State Auditor
5597 shall, after determination of the legal validity of the claim,
5598 issue a warrant therefor which shall be honored by the State
5599 Treasurer by payment out of said Guaranty Fee Fund in the State
5600 Treasury.

5601 If the balance remaining in the Guaranty Fee Fund of the
5602 State Treasury is insufficient to pay the amount of the principal
5603 of the loan remaining due, as shown by the written certificate of
5604 the State Treasurer to the manager, then the committee shall issue
5605 its requisition according to law, for the amount of the principal
5606 remaining due under the loan against the Small Businessman's Loan
5607 Fund on which the State Auditor shall issue his warrant, which
5608 shall be honored by the State Treasurer to the limit of the funds
5609 allowable in the Small Businessman's Loan Fund.

5610 **SECTION 198.** Section 57-10-125, Mississippi Code of 1972, is
5611 brought forward as follows:

5612 57-10-125. (1) If either the guaranty fee fund or the small
5613 businessman's loan fund becomes liable for any principal due under
5614 any loan and any payment is made from either fund to the lender in
5615 payment of the balance of the principal remaining due under such
5616 loan, the amount thus paid shall become a debt due the State of
5617 Mississippi in favor of the fund from which said balance for the
5618 principal of the loan was paid, or prorate with the balance of the
5619 principal that was paid from the guaranty fee fund and the small



5620 businessman's loan fund, which debt shall bear interest at the
5621 legal rate. It shall be the duty of the attorney, selected
5622 pursuant to subsection (2) of this section, to collect said debt
5623 with interest and the attorney shall also collect the balance of
5624 the loan, representing interest due the lender over and above the
5625 principal which will likewise bear interest at the legal rate
5626 after the judgment is obtained. The committee may authorize the
5627 attorney to settle and compromise any debt due under the
5628 provisions of this section.

5629 (2) In order to effect a collection pursuant to subsection
5630 (1) of this section, the committee is authorized and empowered,
5631 subject to the approval of the attorney general, to hire an
5632 attorney and compensate him on either a fixed or contingent fee
5633 basis.

5634 **SECTION 199.** Section 57-10-127, Mississippi Code of 1972, is
5635 brought forward as follows:

5636 57-10-127. Methods of distribution of all of the collections
5637 made by the district attorney or county attorney, where either or
5638 both of the funds in the state treasury have become liable for the
5639 principal due under any such loan and payment of the remaining
5640 balance due on the principal of the loan have been paid from
5641 either the guaranty fee fund or small businessman's loan fund,
5642 shall be as follows: (a) first, the amount of the principal of the
5643 loan which has been paid out of either the guaranty fee fund or
5644 the small businessman's loan fund shall be deposited to the fund



5645 from which it was withdrawn, or on a pro rata basis; (b) next, the
5646 interest due the lender on the loan unpaid up to and including the
5647 date of the assignment of the judgment from the lender to the
5648 State of Mississippi shall be paid to the lender; (c) then, the
5649 remainder of the proceeds, if any, shall be applied to the payment
5650 of interest to the guaranty fee fund or small businessman's loan
5651 fund, at the legal rate from the date that said fund was called
5652 upon to indemnify the lender.

5653 **SECTION 200.** Section 57-10-129, Mississippi Code of 1972, is
5654 brought forward as follows:

5655 57-10-129. The extent of the liability of either the
5656 guaranty fee fund or the small businessman's loan fund to the
5657 lender shall be seventy-five percent (75%) of the principal
5658 remaining due and unpaid after the lender has fully exhausted all
5659 remedies for recovery as provided herein, and neither of these
5660 funds shall be liable for interest which the borrower owes the
5661 lender under any such loan.

5662 **SECTION 201.** Section 57-10-131, Mississippi Code of 1972, is
5663 brought forward as follows:

5664 57-10-131. The small businessman's loan fund and at least
5665 three-fourths ($\frac{3}{4}$) of the guaranty fee fund shall be invested in
5666 interest-bearing notes or savings accounts for the highest
5667 possible yield as determined by the committee. However, not more
5668 than ten percent (10%) of the combined total of the two (2) funds
5669 shall be invested in interest-bearing notes or savings accounts of



5670 the banks from which the two (2) executive bank officers are
5671 chosen to be members of the small businessman's loan committee
5672 according to Section 57-10-107.

5673 **SECTION 202.** Section 57-10-133, Mississippi Code of 1972, is
5674 brought forward as follows:

5675 57-10-133. The committee is hereby authorized and empowered
5676 to accept federal and private grant funds and to use same for all
5677 purposes. The committee may use any such federal or private grant
5678 funds to establish a supplemental loan guaranty fund with the
5679 state treasury and may make additional loan guaranties on the
5680 basis of such fund; provided that the aggregate amount of such
5681 additional loan guaranties shall not at any time exceed five (5)
5682 times the amount on deposit in such supplemental loan guaranty
5683 fund; provided further, that the aggregate of the liability for
5684 such supplemental loan guaranty fund and the liability authorized
5685 by Section 57-10-115(3) shall not exceed seventeen million five
5686 hundred thousand dollars (\$17,500,000.00) at any one (1) time.

5687 **SECTION 203.** Section 57-10-135, Mississippi Code of 1972, is
5688 brought forward as follows:

5689 57-10-135. Obligations and guarantees assumed by the small
5690 businessman's loan fund and the guaranty fee fund under the
5691 provisions of the guaranty program shall not be in any way an
5692 obligation, loan, debt or liability of the State of Mississippi or
5693 of any political subdivision thereof other than the small
5694 businessman's loan fund and the guaranty fee fund. They shall not



5695 create or constitute any obligation, liability or indebtedness of
5696 the state or of any political subdivision, or be or constitute a
5697 pledge of the faith and credit of the state or of any political
5698 subdivision, and all indebtedness or obligations shall be payable
5699 solely from revenues or funds available for their payment as
5700 authorized herein.

5701 **SECTION 204.** Section 57-10-137, Mississippi Code of 1972, is
5702 brought forward as follows:

5703 57-10-137. If the program provided by this article is
5704 terminated or discontinued for any reason in the future, all
5705 monies in the guaranty fee fund and small businessman's loan fund
5706 in the state treasury shall, after payment of all outstanding
5707 indebtedness, be transferred to the general fund.

5708 **SECTION 205.** Section 57-10-151, Mississippi Code of 1972, is
5709 brought forward as follows:

5710 57-10-151. This article shall be known and may be cited as
5711 "The Comprehensive Small Business Act of 1983."

5712 **SECTION 206.** Section 57-10-153, Mississippi Code of 1972, is
5713 brought forward as follows:

5714 57-10-153. In order to stimulate the expansion of existing
5715 small businesses and to encourage the formation of new
5716 economically sound small business enterprises in this state, it is
5717 the intent of the Legislature to create a consortium of state
5718 agencies and educational institutions which provide services to
5719 the state's nonagricultural small businesses for the purpose of



5720 coordinating delivery and avoiding duplication of such services to
5721 the small business community.

5722 **SECTION 207.** Section 57-10-155, Mississippi Code of 1972, is
5723 brought forward as follows:

5724 57-10-155. Whenever the following terms are used herein they
5725 shall have the following meanings, unless the context clearly
5726 indicates otherwise:

5727 (a) "Small business" means a nonagricultural business
5728 as defined by the Small Business Administration's most current
5729 declaration of Small Business Size Standards.

5730 (b) "Nonagricultural business" means businesses
5731 classified by the Standard Industrial Classification Code (SIC
5732 code) as Major Groups 10 through 79. Agricultural production and
5733 services, forestry and fisheries (Major Groups 01 through 09) are
5734 excluded from the provisions of this act.

5735 (c) "Consortium" means the state agencies or
5736 educational institutions which provide services to small
5737 businesses and are so designated by this act.

5738 (d) "Consortium board" means the governing body of the
5739 consortium formed to set policy and ensure that there is a
5740 coordinated program of assistance to the state's small businesses.

5741 (e) "Coordinator" means a staff member of the
5742 consortium designated by the consortium board to coordinate
5743 delivery of services to small businesses.



5744 (f) " * * * Mississippi Business Finance Corporation"
5745 means the corporation organized pursuant to Section 57-10-167 as a
5746 not-for-profit and nonshare public corporation organized and
5747 chartered for the purpose of furthering the economic development
5748 of the state.

5749 **SECTION 208.** Section 57-10-157, Mississippi Code of 1972, is
5750 brought forward as follows:

5751 57-10-157. Member agencies and institutions which are
5752 included in the Small Business Consortium are as follows:

- 5753 (a) * * * Mississippi Development Authority;
- 5754 (b) * * * Department of Finance and Administration;
- 5755 (c) All state-supported universities; and
- 5756 (d) All public junior colleges.

5757 Other agencies or institutions serving small business may be
5758 added or deleted from the consortium by a two-thirds (2/3) vote of
5759 the consortium board.

5760 **SECTION 209.** Section 57-10-159, Mississippi Code of 1972, is
5761 brought forward as follows:

5762 57-10-159. There is hereby created the Small Business
5763 Consortium Board which shall be the policymaking body for the
5764 state's program of services to nonagricultural small businesses.
5765 The consortium board will be composed of the following seven (7)
5766 members: The Executive Director of the * * * Mississippi
5767 Development Authority; the Director of the University Research
5768 Center; the Director of the Department of Finance and



5769 Administration; the Director of the Enterprise Development
5770 Division of the * * * Mississippi Development Authority; the
5771 president of a public junior college appointed by the Mississippi
5772 Junior College Association; the President of the * * * Mississippi
5773 Business Finance Corporation; and the District Director of the
5774 Small Business Administration.

5775 Members of the consortium board shall receive no compensation
5776 for their services as members of the board. All consortium board
5777 members who are employees of the state or any entity thereof may
5778 receive reimbursement for actual and necessary traveling and
5779 subsistence expenses incurred, such reimbursement to be in the
5780 manner provided for in Section 25-3-41.

5781 A majority of the consortium board shall constitute a quorum,
5782 but less than a quorum may adjourn the meeting from time to time.
5783 The consortium board shall hold its meetings on at least a
5784 semiannual basis by call of the coordinator or a majority of the
5785 consortium board, and such meetings may be held at any place
5786 within the State of Mississippi acceptable to a majority of the
5787 board.

5788 **SECTION 210.** Section 57-10-161, Mississippi Code of 1972, is
5789 brought forward as follows:

5790 57-10-161. The duties and responsibilities of the consortium
5791 board shall be to set policy regarding delivery, and to implement
5792 delivery, of services to the state's nonagricultural small



5793 businesses, which services are provided by the consortium members
5794 or other state-supported agencies or institutions.

5795 In order to ensure that existing delivery systems for
5796 services to small businesses are utilized whenever possible and to
5797 avoid duplication of services, any proposals for programs, grants
5798 or funding intended to provide services to small business in the
5799 general population or targeted areas of the state which are under
5800 consideration by state agencies or institutions, not members of
5801 the consortium, shall be reviewed by the consortium board. The
5802 board shall determine whether to include a program within one (1)
5803 of the member agencies or delivery systems; include the agency or
5804 institution within the consortium; or disapprove the proposal.
5805 Excluded from this review process shall be any site-specific
5806 studies or fee-paid services provided by faculty members within
5807 the state university system and fee-paid services to small
5808 businesses provided by other state agencies or departments within
5809 the state university system.

5810 **SECTION 211.** Section 57-10-163, Mississippi Code of 1972, is
5811 brought forward as follows:

5812 57-10-163. (1) It shall be the responsibility of the
5813 Coordinator of the Small Business Consortium to preside at
5814 meetings of the consortium board and to bring to the attention of
5815 the board the changing and evolving problems and needs of
5816 Mississippi small businesses; the need for addition, modification,
5817 or deletion of particular services; the existence of duplication



5818 of effort; the need for coordination; and any other situations
5819 relative to the effective delivery of state-supported services to
5820 small businesses of the state.

5821 (2) The coordinator shall be required to maintain current
5822 descriptions of and familiarity with the technical service
5823 programs provided by the consortium members to small businesses.
5824 These programs include but are not limited to: providing direct
5825 counseling assistance to business people in the areas of
5826 management, marketing, finance, and production as it relates to
5827 establishing a new or operating an existing small business in the
5828 state; providing business data and information necessary to make
5829 informed management decisions; and conducting training seminars
5830 and workshops on topics vital to the small business community of
5831 the state. The coordinator shall advise the consortium board of
5832 the need for addition, modification or deletion of particular
5833 services; the existence of duplication of effort; and the need for
5834 coordination. It shall be the responsibility of the consortium
5835 board to implement such changes in technical assistance programs
5836 as it deems necessary to comply with the intent of this article.

5837 (3) The coordinator shall be selected by a two-thirds (2/3)
5838 majority vote of the consortium board and shall serve at the will
5839 and pleasure of the consortium board. The coordinator shall be a
5840 full-time staff member of one (1) of the consortium agencies or
5841 institutions or of the Small Business Administration, and shall be



5842 located in Jackson, Mississippi. The coordinator may from time to
5843 time call special meetings of the consortium board as needed.

5844 **SECTION 212.** Section 57-10-165, Mississippi Code of 1972, is
5845 brought forward as follows:

5846 57-10-165. There is hereby created a unit within the
5847 consortium to be known as the Small Business Clearinghouse which
5848 shall provide a single contact point for the state's small
5849 businesses seeking assistance, make them aware of programs
5850 available to them, and direct them to the appropriate delivering
5851 organization.

5852 The Small Business Clearinghouse shall be part of the
5853 Mississippi * * * Development Authority, and the Executive
5854 Director of the Mississippi * * * Development Authority shall be
5855 authorized to employ a full-time staff member and to expend such
5856 funds as necessary to effectively implement the duties assigned
5857 this unit.

5858 In order to ensure that the general small business public is
5859 informed of this single contact point for gaining access to
5860 state-supported services, the Small Business Clearinghouse shall
5861 establish and maintain an outreach program.

5862 **SECTION 213.** Section 57-10-167, Mississippi Code of 1972, is
5863 brought forward as follows:

5864 57-10-167. There is hereby established the Certified
5865 Development Company of Mississippi, a public corporation, which
5866 shall be an incorporated certified development company pursuant to



5867 Section 503 of the Small Business Investment Act of 1958, as
5868 amended.

5869 The Certified Development Company of Mississippi, Inc.,
5870 hereinafter referred to as the "committee" unless the context
5871 clearly indicates otherwise, shall be composed of twenty-five (25)
5872 members as follows:

5873 (a) The State Treasurer; the Executive Director of the
5874 University Research Center or his designee; the Executive Director
5875 of the Mississippi Development Authority; the Executive Director
5876 of the Small Business Development Center; six (6) persons
5877 associated with small business to be appointed by the Governor,
5878 one (1) for a term of one (1) year, one (1) for a term of two (2)
5879 years, one (1) for a term of three (3) years, one (1) for a term
5880 of four (4) years, one (1) for a term of five (5) years and one
5881 (1) for a term of six (6) years; three (3) persons associated with
5882 small business to be appointed by the Lieutenant Governor, one (1)
5883 for a term of one (1) year, one (1) for a term of two (2) years
5884 and one (1) for a term of three (3) years; five (5) persons
5885 involved in banking or small business to be appointed by the
5886 Governor, one (1) for a term of one (1) year, one (1) for a term
5887 of two (2) years, one (1) for a term of three (3) years, one (1)
5888 for a term of four (4) years and one (1) for a term of five (5)
5889 years; and two (2) persons involved in banking or small business
5890 to be appointed by the Lieutenant Governor, one (1) for a term of
5891 one (1) year and one (1) for a term of two (2) years. The members



5892 described above and serving on the committee on June 30, 1984,
5893 shall continue to serve on the committee until the expiration of
5894 their terms.

5895 (b) For terms to begin on July 1, 1984, the Governor
5896 shall appoint one (1) person associated with small business for a
5897 term of six (6) years; the Secretary of State shall appoint one
5898 (1) person associated with small business for a term of one (1)
5899 year; the Attorney General shall appoint one (1) person involved
5900 in banking or small business for a term of six (6) years; and the
5901 State Treasurer shall appoint two (2) persons, one (1) for a term
5902 of one (1) year and one (1) for a term of two (2) years, and after
5903 the expiration of the term of the person appointed hereinabove by
5904 the Attorney General, that vacancy shall be filled thereafter by a
5905 person involved in banking or small business appointed by the
5906 State Treasurer for a term of six (6) years.

5907 All appointments after the initial appointment shall be for
5908 terms of six (6) years each. All such appointments will be
5909 subject to the approval of the Senate. An appointment to fill a
5910 vacancy existing for any reason other than the expiration of a
5911 term shall be for the balance of the unexpired term. Members
5912 serving by reason of their ex officio designation shall continue
5913 to serve as long as they occupy the position which entitles them
5914 to membership.

5915 Members who are officers or employees of the state shall
5916 receive no compensation for their services, and other committee



5917 members shall receive a per diem as provided in Section 25-3-69,
5918 Mississippi Code of 1972. All members shall receive reimbursement
5919 for actual traveling and subsistence expenses incurred in the
5920 performance of their duties under this article, such reimbursement
5921 to be as provided in Section 25-3-41, Mississippi Code of 1972.

5922 The Certified Development Company of Mississippi, Inc., shall
5923 have an executive director who shall be appointed by the board of
5924 directors.

5925 The Certified Development Company of Mississippi, Inc., shall
5926 elect from among its membership a nine-member board of directors,
5927 a majority of whom shall be a quorum, a president and vice
5928 president and may appoint a secretary and a treasurer.

5929 From and after July 1, 1989, the Certified Development
5930 Company of Mississippi, Inc., shall be known as the Mississippi
5931 Business Finance Corporation, and wherever the term "Certified
5932 Development Company of Mississippi, Inc.," appears in the laws of
5933 this state it shall mean the Mississippi Business Finance
5934 Corporation.

5935 **SECTION 214.** Section 57-10-169, Mississippi Code of 1972, is
5936 brought forward as follows:

5937 57-10-169. From and after July 1, 1983, the
5938 Mississippi * * * Development Authority and the Small
5939 Businessman's Loan Committee shall be abolished and the powers,
5940 duties and authority granted the Mississippi * * * Development
5941 Authority and the Small Businessman's Loan Committee pursuant to



5942 Articles 1 and 3, Chapter 10, Title 57, Mississippi Code of 1972,
5943 shall at that time be transferred to the * * * Mississippi
5944 Business Finance Corporation.

5945 **SECTION 215.** Section 57-10-201, Mississippi Code of 1972, is
5946 brought forward as follows:

5947 57-10-201. This article shall be known and may be cited as
5948 the "Mississippi Business Financing Act."

5949 **SECTION 216.** Section 57-10-203, Mississippi Code of 1972, is
5950 brought forward as follows:

5951 57-10-203. The Legislature finds and determines that there
5952 exists in the state a need to assist business in the state in
5953 obtaining financing for new business or in the expansion of
5954 existing business in order to promote and develop industrial
5955 development and to further the long-term economic development of
5956 the state through the improvement of its tax base and the
5957 promotion of employment. The Legislature finds and determines
5958 that it is necessary to provide financial assistance to business
5959 in the state by providing loans, guarantees, insurance and other
5960 assistance to business, thereby encouraging the investment of
5961 private capital in business in the state. To assist in such
5962 matters is essential to the industrial development of the state.
5963 In making these determinations, the Legislature has considered and
5964 affirmatively expresses its policy to assist businesses,
5965 acknowledging that this determination has and will affect
5966 competition.



5967 It is hereby further declared that all of the foregoing are
5968 public purposes and will serve a public purpose in that they will
5969 promote industry, develop trade and increase employment
5970 opportunities for the benefit of the inhabitants of the state,
5971 either through the increase of commerce or through the promotion
5972 of safety, health, welfare, convenience or prosperity; and that
5973 the necessity of enacting the provisions herein set forth is in
5974 the public interest and is hereby so declared as a matter of
5975 express legislative determination.

5976 **SECTION 217.** Section 57-10-205, Mississippi Code of 1972, is
5977 brought forward as follows:

5978 57-10-205. As used in this article, unless the context
5979 otherwise requires:

5980 "Bonds" shall mean any bonds, refunding bonds, notes,
5981 debentures, interim certificates or any bond, grant, revenue
5982 anticipation notes or any other evidences of indebtedness of the
5983 company, whether in temporary or definitive form and whether or
5984 not exempt from federal taxation.

5985 "Company" shall mean the Mississippi Business Finance
5986 Corporation, formerly the Certified Development Company of
5987 Mississippi, Inc., created in Section 57-10-167, Mississippi Code
5988 of 1972.

5989 "Cost," as applied to the eligible business, shall mean and
5990 shall include, without limitation because of enumeration, the cost
5991 of construction; the cost of acquisition of all lands, structures,



5992 rights-of-way, franchises, easements and other property rights and
5993 interests; the cost of demolishing, removing, rehabilitating or
5994 relocating any buildings or structures on lands acquired,
5995 including the cost of acquiring any such lands to which such
5996 buildings or structures may be moved, rehabilitated or relocated;
5997 the cost of all labor, materials, machinery and equipment,
5998 financing charges, letter of credit or other credit enhancement
5999 fees, insurance premiums, interest on all bonds prior to and
6000 during construction or acquisition and for a period not exceeding
6001 one (1) year after completion of such construction or acquisition;
6002 cost of engineering, financial and legal services, plans,
6003 specifications, studies, surveys, estimates of cost and of
6004 revenues, commissions, guaranty fees, other expenses necessary or
6005 incident to determining the feasibility or practicality of
6006 constructing, financing or operating a project of an eligible
6007 business; administrative expenses, provisions for working capital,
6008 reserves for interest and for extensions, enlargements, additions,
6009 improvements and replacements, and such other expenses as may be
6010 necessary or incidental to the construction or acquisition of a
6011 project of an eligible business or the financing of such
6012 construction, acquisition or expansion and the placing of a
6013 project of an eligible business in operation. Any obligation or
6014 expense incurred by the state or any agency thereof, with the
6015 approval of the company, for studies, surveys, borings,
6016 preparation of plans and specifications or other work or materials



6017 in connection with the construction or acquisition of a project of
6018 an eligible business may be regarded as a part of the cost of a
6019 project of an eligible business and may be reimbursed to the state
6020 or any agency thereof out of the proceeds of the bonds issued
6021 therefor. The construction of railroad spur tracks shall be a
6022 cost of an eligible business for which financial assistance is
6023 available under this article; and such assistance may be provided
6024 to an existing eligible business whether or not the construction
6025 of such spur tracks is related to an expansion of such eligible
6026 business.

6027 "Eligible business" shall mean any person engaged in one or
6028 more business enterprises in the state who meets requirements the
6029 company shall determine from time to time if the company finds and
6030 determines such person is in need of its assistance.

6031 "Indenture" shall mean any trust agreement, deed of trust,
6032 mortgage or other security agreement under which bonds authorized
6033 pursuant to this article shall be issued or secured.

6034 "Lender" shall mean any federally or state chartered bank,
6035 federal land bank, production credit association, bank for
6036 cooperatives, state or federally chartered savings and loan
6037 association, building and loan association, small business
6038 investment company or any other financial institution qualified
6039 within the state to originate and service loans, including, but
6040 not limited to, insurance companies, credit unions, investment
6041 banking or brokerage companies and mortgage loan companies.



6042 "Loan" shall mean any lease, loan agreement or sales contract
6043 as hereinafter defined:

6044 (a) "Lease" shall mean any lease containing an option
6045 to purchase the project or projects of the eligible business being
6046 financed for a nominal sum upon payment in full, or provision
6047 thereof, of all bonds issued in connection with the eligible
6048 business and all interest thereon and principal of and premium, if
6049 any, thereon and all other expenses in connection therewith.

6050 (b) "Loan agreement" shall mean an agreement providing
6051 for a loan of proceeds from the sale and issuance of bonds by the
6052 company or by a lender with which the company has contracted to
6053 loan such proceeds to one or more contracting parties to be used
6054 to pay the cost of one or more projects of an eligible business
6055 and providing for the repayment of such loan, including, but not
6056 limited to, all interest thereon, and principal of and premium, if
6057 any, thereon and all other expenses in connection therewith, by
6058 such contracting party or parties and which may provide for such
6059 loans to be secured or evidenced by one or more notes, debentures,
6060 bonds or other secured or unsecured debt obligations of such
6061 contracting party or parties, delivered to the company or to a
6062 trustee under an indenture pursuant to which the bonds were
6063 issued.

6064 (c) "Sales contract" shall mean a contract providing
6065 for the sale of one or more projects of an eligible business to
6066 one or more contracting parties and includes, but is not limited



6067 to, a contract providing for payment of the purchase price,
6068 including, but not limited to, all interest thereon, and principal
6069 of and premium, if any, thereon and all other expenses in
6070 connection therewith, in one or more installments. If the sales
6071 contract permits title to a project being sold to an eligible
6072 business to pass to such contracting party or parties prior to
6073 payment in full of the entire purchase price, it also shall
6074 provide for such contracting party or parties to deliver to the
6075 company, or to the trustee under the indenture pursuant to which
6076 the bonds were issued, one or more notes, debentures, bonds or
6077 other secured or unsecured debt obligations of such contracting
6078 party or parties providing for timely payments of the purchase
6079 price thereof.

6080 "Municipality" shall mean any county or incorporated
6081 municipality in the state.

6082 "Person" shall mean a natural person, partnership,
6083 association, corporation, business trust or other business entity.

6084 "Revenue Code" shall mean the Internal Revenue Code of 1986,
6085 as amended.

6086 "Revenues" shall mean any and all fees, rates, rentals,
6087 profits and receipts collected by, payable to, or otherwise
6088 derived by, the company, and all other moneys and income of
6089 whatsoever kind or character collected by, payable to, or
6090 otherwise derived by, the company in connection with loans to any
6091 eligible business in furtherance of the purposes of this article.



6092 "Business enterprise" shall mean (a) any industry for the
6093 manufacturing, processing, assembling, storing, warehousing,
6094 servicing, distributing or selling of any products of agriculture,
6095 mining or industry or professional services; (b) any commercial
6096 enterprise; (c) enterprises for research and development,
6097 including, but not limited to, scientific laboratories; (d) any
6098 conference center, or any final destination or resort hotel having
6099 a minimum of one hundred fifty (150) rooms, or any combination of
6100 the foregoing; (e) any theme park or movie industry production
6101 studio, or any combination thereof, which would employ a minimum
6102 of two hundred (200) net full-time employees; or (f) such other
6103 businesses as will be in furtherance of the public purposes of
6104 this article as determined by the company.

6105 "State" shall mean the State of Mississippi.

6106 "Umbrella bonds" shall mean the bonds issued pursuant to
6107 Section 57-10-213 of this article.

6108 **SECTION 218.** Section 57-10-207, Mississippi Code of 1972, is
6109 brought forward as follows:

6110 57-10-207. In addition to those powers granted elsewhere by
6111 law, the board of directors of the company is hereby granted all
6112 powers necessary or appropriate to carry out and effectuate the
6113 purposes of this article, including, but not limited to, the
6114 following powers to:

6115 (a) Borrow money and issue bonds as provided by this
6116 article;



6117 (b) Procure insurance or guarantees from any public or
6118 private entities, including any department, agency or
6119 instrumentality of the United States of America, or, subject to
6120 the provisions of and to the extent monies are available in the
6121 fund created by Section 57-10-215, insure or guarantee the payment
6122 of any bonds issued by the company, including the power to pay
6123 premiums on any such insurance or guarantees or other instruments
6124 of indebtedness;

6125 (c) Receive and accept from any source aid or
6126 contributions of money, property, labor or other things of value
6127 to be held, used and applied to carry out the purposes of this
6128 article (subject, however, to any conditions upon which grants or
6129 contributions are made) including, but not limited to, gifts or
6130 grants from any department, agency or instrumentality of the
6131 United States of America;

6132 (d) Enter into agreements with any department, agency
6133 or instrumentality of the United States of America or of the state
6134 and with lenders and enter into loans with contracting parties for
6135 the purpose of planning, regulating and providing for the
6136 financing or assisting in the financing of any eligible business
6137 or any project thereof;

6138 (e) Enter into contracts or agreements with lenders for
6139 the servicing and/or processing of loans;

6140 (f) Provide technical assistance to local industrial
6141 development authorities and to profit and nonprofit entities in



6142 the development or operation by, or assistance to, persons engaged
6143 in business enterprises and distribute data and information
6144 concerning the encouragement and improvement of business
6145 enterprises in the state;

6146 (g) To the extent permitted in the proceedings pursuant
6147 to which the bonds of the company are issued, consent to any
6148 modification with respect to the rate of interest, time for, and
6149 payment of, any installment of principal or interest, or any other
6150 term of any contract, loan, sales contract, lease, indenture or
6151 agreement of any kind to which the company is a party;

6152 (h) To the extent permitted in the proceedings pursuant
6153 to which the bonds of the company are issued, enter into contracts
6154 with any lender containing provisions authorizing the lender to
6155 reduce the charges or fees, exclusive of loan payments, to persons
6156 unable to pay the regular schedule thereof when, by reason of
6157 other income or payment by any department, agency or
6158 instrumentality of the United States of America or the state, the
6159 reduction can be made without jeopardizing the economic stability
6160 of the eligible business being financed;

6161 (i) Allocate any of its property to the insurance or
6162 guaranty fund established by Section 57-10-215 or to any other
6163 fund of the company, such property consisting of:

6164 (i) Monies appropriated by the state;



6165 (ii) Premiums, fees and any other amounts received
6166 by the company with respect to financial assistance provided by
6167 the company;

6168 (iii) Proceeds as designated by the company from
6169 the loan or other disposition of property held or acquired by the
6170 company;

6171 (iv) Income from investments that were made by the
6172 company or on the behalf of the company from monies in one or more
6173 of its funds; or

6174 (v) Any other monies made available to the company
6175 consistent with this article;

6176 (j) Use any fund or funds of the company for any and
6177 all expenses to be paid by the company including, by way of
6178 example, but not by limitation: (i) any and all expenses for
6179 employment of administrative and clerical staff, legal, actuarial
6180 and other services; (ii) all costs, charges, fees and expenses of
6181 the company relating to the authorizing, preparing, printing,
6182 selling, issuing and insuring of bonds and the funding of
6183 reserves; and (iii) all expenses and costs relating to the
6184 guaranteeing, insuring or procurement of guarantees, insurance or
6185 other instruments providing credit or the enhancement of credit
6186 for the bonds;

6187 (k) Collect fees and charges, as the company determines
6188 to be reasonable, in connection with its loans, insurance,
6189 guarantees, commitments and servicing thereof;



6190 (l) Sell, at public or private sale, with or without
6191 public bidding, any obligation held by the company under this
6192 article;

6193 (m) Invest any funds not needed for immediate
6194 disbursement, including any funds held in reserve, in any
6195 obligations or securities which may be legally purchased by
6196 political subdivisions in the state or as may be otherwise
6197 permitted by Section 57-10-251; and

6198 (n) Take any action necessary or convenient for the
6199 exercise of the powers granted by this article or reasonably
6200 implied from them.

6201 **SECTION 219.** Section 57-10-209, Mississippi Code of 1972, is
6202 brought forward as follows:

6203 57-10-209. Upon receipt of a certificate of public
6204 convenience and necessity from the Executive Director of the
6205 Mississippi * * * Development Authority, the company shall have
6206 the power to borrow money and to issue from time to time its bonds
6207 to pay the cost of the projects for which such bonds have been
6208 issued, including, but not limited to, the power to issue from
6209 time to time bonds to renew or to pay bonds, including the
6210 interest thereon. Whenever bonds can be refunded to obtain
6211 interest rates on refunding bonds which are lower than the
6212 interest rates on the bonds to be refunded it shall have the power
6213 to refund any bonds by the issuance of new bonds, whether the
6214 bonds to be refunded have or have not matured, and to issue bonds



6215 partly to refund outstanding bonds. Refunding bonds may be sold
6216 and the proceeds applied to the purchase, redemption or payment of
6217 the bonds to be refunded, or exchanged for the bonds to be
6218 refunded. The company may undertake the financing of the cost of
6219 a project for an eligible business from the proceeds of its bonds
6220 by one or more of the following methods: (a) entering into a
6221 lease for the facilities of the eligible business being financed;
6222 (b) selling such facilities to the eligible business under a sales
6223 contract; (c) lending the proceeds of the sale of the bonds under
6224 a loan agreement with the eligible business; (d) entering into a
6225 loan to lenders transaction in the manner described in Section
6226 57-10-227; or (e) entering into such other transaction or
6227 transactions as the company deems appropriate to accomplish the
6228 purposes of this article.

6229 **SECTION 220.** Section 57-10-211, Mississippi Code of 1972, is
6230 brought forward as follows:

6231 57-10-211. In addition to and not as a limitation upon the
6232 powers to issue bonds as elsewhere expressed in this article, the
6233 company may, with proceeds of an issue of its bonds, participate
6234 with lenders in making or purchasing loans to eligible businesses
6235 to be serviced by such lenders, provided that:

6236 (a) The share of the company shall not exceed ninety
6237 percent (90%) of the total principal amount of any such loan, and
6238 such participation shall be payable with interest at the same
6239 times, but not necessarily at the same interest rate, as the share



6240 of the lender, and both shares shall be equally and ratably
6241 secured by a valid mortgage on, or security interest in, real or
6242 personal property or by any other security satisfactory to the
6243 company to secure payment of the loan; however, the company's
6244 share of any such loan may equal one hundred percent (100%) of the
6245 total principal amount of the business loan if the lender
6246 participating in the making or purchasing of such business loan by
6247 servicing the loan, purchased one hundred percent (100%) of the
6248 total amount of the bonds issued by the company in connection with
6249 or allocable to such business loan;

6250 (b) The total principal amount of the company's share
6251 shall not exceed ninety percent (90%) of the value of the property
6252 securing the business loan, unless the amount in excess of ninety
6253 percent (90%) is:

6254 (i) Loaned from available funds which are not
6255 proceeds received directly from the sale of the company's bonds
6256 and are not restricted under the terms of the resolution
6257 authorizing, or the indenture securing, such bonds; or

6258 (ii) Insured or guaranteed by a federal agency or
6259 by a private insurer qualified to write such insurance in the
6260 state, insuring a percentage of any claim for loss at least equal
6261 to that percentage of the value by which the business loan exceeds
6262 ninety percent (90%) thereof;

6263 (c) The value of the property securing the business
6264 loan is certified by the participating lender, on the basis of



6265 such appraisals, bids, purchase orders and engineers' certificates
6266 as the company may require; provided that the value of items
6267 purchased and constructed from the proceeds of the business loan
6268 shall not be deemed, for purposes of this section, to exceed the
6269 contract price in respect of purchase or construction;

6270 (d) The company shall not disburse funds under a
6271 commitment to participate in a business loan for the construction
6272 or substantial improvement of property until the construction or
6273 improvement has been completed, unless a lender furnishes an
6274 irrevocable letter of credit or a qualified corporate surety
6275 furnishes payment and performance bonds, in either event
6276 satisfactory to the company and in an aggregate amount equal to
6277 the cost of such construction or improvement;

6278 (e) No other indebtedness may be secured by a mortgage
6279 on, or security interest in, property securing a business loan
6280 made or purchased pursuant to this section without the prior
6281 express written authorization of the company; and

6282 (f) The participating lender agrees to use the proceeds
6283 of the business loan to lend to eligible businesses in the state.

6284 **SECTION 221.** Section 57-10-213, Mississippi Code of 1972, is
6285 brought forward as follows:

6286 57-10-213. In addition to, and not as a limitation upon, the
6287 powers of the company to issue bonds as elsewhere conferred in
6288 this article, and upon the receipt of a certificate of public
6289 convenience and necessity from the Executive Director of the



6290 Mississippi * * * Development Authority, the company also shall
6291 have the power to issue bonds, the proceeds of which, after
6292 payment of the costs of issuance thereof, will be used to make
6293 loans to finance or refinance the projects of eligible businesses.
6294 The company shall promulgate such rules and regulations as may be
6295 necessary to carry out the purposes of this section and to provide
6296 procedures for the making of such loans and the repayment thereof.

6297 **SECTION 222.** Section 57-10-215, Mississippi Code of 1972, is
6298 brought forward as follows:

6299 57-10-215. There is hereby created an insurance or guaranty
6300 fund of the company which may be used for any of the following
6301 purposes:

6302 (a) To insure the payment or repayment of all or any
6303 part of the principal of, redemption or prepayment premiums or
6304 penalties on, and interest on its bonds;

6305 (b) To insure the payment or repayment of all or any
6306 part of the principal of, redemption or prepayment premiums or
6307 penalties on, and interest on any instrument executed, obtained or
6308 delivered in connection with the issuance and sale of its bonds;
6309 and

6310 (c) To pay or insure the payment of any fees or
6311 premiums necessary to obtain insurance, guarantees or other
6312 instruments or enhancement of credit for or support from any
6313 person in connection with financing assistance provided by the



6314 company under this article, including, but not limited to, working
6315 capital loans made by a lender.

6316 **SECTION 223.** Section 57-10-217, Mississippi Code of 1972, is
6317 brought forward as follows:

6318 57-10-217. The bonds or instruments with respect to which
6319 financial assistance is provided by the company shall be secured
6320 or unsecured in a manner approved by the company.

6321 **SECTION 224.** Section 57-10-219, Mississippi Code of 1972, is
6322 brought forward as follows:

6323 57-10-219. The company may, in its discretion, set the
6324 premiums and fees to be paid to it for providing financial
6325 assistance under this article. The premiums and fees and expenses
6326 set by the company shall be payable in the amounts, at the time
6327 and in the manner that the company, in its discretion, requires.
6328 The premiums and fees need not be uniform among transactions and
6329 may vary in amount among transactions and at different stages
6330 during the terms of the transactions.

6331 **SECTION 225.** Section 57-10-221, Mississippi Code of 1972, is
6332 brought forward as follows:

6333 57-10-221. Bonds issued pursuant to the provisions of this
6334 article shall not constitute an indebtedness within the meaning of
6335 any debt limitation or restriction.

6336 **SECTION 226.** Section 57-10-223, Mississippi Code of 1972, is
6337 brought forward as follows:



6338 57-10-223. Whenever federal law requires public hearings and
6339 public approval as a prerequisite to obtaining federal tax
6340 exemption for the interest paid on industrial development bonds
6341 under Section 141 of the Revenue Code, unless otherwise specified
6342 by federal law or regulation, the public hearing for industrial
6343 development bonds of the company shall be conducted by the company
6344 and the procedure for the public hearing and public approvals
6345 shall be as follows:

6346 (a) For a public hearing by the company;

6347 (i) Notice of the hearing shall be published at
6348 least once in a newspaper published or having general circulation
6349 in the municipality in which the facility to be financed is to be
6350 located, or having general circulation in the state, of intention
6351 to provide financing for a named applicant. The applicant shall
6352 pay the cost of notification. The notice shall specify the time
6353 and place of hearing at which persons may appear and present their
6354 views. The hearing shall be held not less than fourteen (14) days
6355 after the notice shall appear in such newspaper. The hearing may
6356 be held at any place within the state determined by the company;

6357 (ii) The notice shall contain (A) the name and
6358 address of the company; (B) the name and address of the principal
6359 place of business, if any, of the applicant seeking financing; (C)
6360 the maximum dollar amount of financing sought; and (D) the type of
6361 business and purpose and specific location of the facility to be
6362 financed.



6363 (b) For public approval, the Governor or State
6364 Treasurer is appointed by this article as the applicable elected
6365 representative within the meaning of Section 147(f) of the Revenue
6366 Code.

6367 **SECTION 227.** Section 57-10-225, Mississippi Code of 1972, is
6368 brought forward as follows:

6369 57-10-225. The company may make, and undertake commitments
6370 to make, loans to lenders under terms and conditions requiring the
6371 proceeds thereof to be used by such lenders to make loans to
6372 eligible businesses. Loan commitments or actual loans may be
6373 originated through and serviced by any such lender. As a
6374 condition to a lender's participating in such loan, such lender
6375 shall agree to use the proceeds of such loan within a reasonable
6376 period of time to make loans or purchase loans to provide eligible
6377 businesses, or finance the projects of eligible businesses, in the
6378 state or, if such lender has made a commitment to make loans to
6379 provide eligible businesses on the basis of a commitment from the
6380 company to purchase such loans, such lender will make such loans
6381 within a reasonable period of time.

6382 **SECTION 228.** Section 57-10-227, Mississippi Code of 1972, is
6383 brought forward as follows:

6384 57-10-227. The company may invest in, purchase or make
6385 commitments to invest in or purchase, and take assignments or make
6386 commitments to take assignments, of loans made by lenders for the



6387 acquisition, construction, rehabilitation, expansion or purchase
6388 of a project or projects for eligible business.

6389 **SECTION 229.** Section 57-10-229, Mississippi Code of 1972, is
6390 brought forward as follows:

6391 57-10-229. Prior to carrying out the powers granted under
6392 Sections 57-10-225 and 57-10-227, the company shall promulgate
6393 rules and regulations governing its activities authorized
6394 thereunder, including, but not limited to, rules and regulations
6395 relating to the following:

6396 (a) Procedures for the submission of requests or
6397 invitations and proposals for making loans to lenders and the
6398 investment in, purchase, assignment and sale of loans;

6399 (b) The reinvestment by a lender of the proceeds, or an
6400 equivalent amount, from any loan to a lender in loans to provide
6401 financing for eligible business in the state;

6402 (c) Assurances that the eligible business to be
6403 financed will improve employment conditions or otherwise improve
6404 industrial development in the state;

6405 (d) Rates, fees, charges and other terms and conditions
6406 for originating or servicing loans in order to protect against
6407 realization of an excessive financial return or benefit by the
6408 originator or servicer;

6409 (e) The type and amount of collateral or security to be
6410 provided to assure repayment of loans to lenders made by the
6411 company;



6412 (f) The type of collateral, payment bonds, performance
6413 bonds or other security to be provided for any loans made by a
6414 lender for construction loans;

6415 (g) The nature and amount of fees to be charged by the
6416 company to provide for expenses and reserves of the company;

6417 (h) Standards and requirements for the allocation of
6418 available money among lenders and the determination of the
6419 maturities, terms, conditions and interest rates for loans made,
6420 purchased, sold, assigned or committed pursuant hereto;

6421 (i) Commitment requirements for financing by lenders
6422 involving money provided, directly or indirectly, by the company;
6423 or

6424 (j) Any other appropriate matters related to the duties
6425 or exercise of the company's powers hereunder.

6426 **SECTION 230.** Section 57-10-231, Mississippi Code of 1972, is
6427 brought forward as follows:

6428 57-10-231. Except as may otherwise be expressly provided by
6429 the company in proceedings relating to a particular issue of
6430 bonds, every issue of its bonds shall be payable solely out of any
6431 revenues of the company. The bonds additionally may be secured by
6432 a pledge of any grant, contribution or guarantee from the federal
6433 government or any person or a pledge by the company of any
6434 revenues from any source.

6435 **SECTION 231.** Section 57-10-233, Mississippi Code of 1972, is
6436 brought forward as follows:



6437 57-10-233. No bonds issued by the company under this article
6438 shall constitute a debt, liability or general obligation of the
6439 state or any political subdivision thereof (other than the
6440 company), or a pledge of the faith and credit of the state or any
6441 political subdivision thereof (other than the company), but shall
6442 be payable solely as provided by the company. No member or
6443 officer of the board of directors of the company nor any person
6444 executing the bonds shall be liable personally on the bonds by
6445 reason of the issuance thereof. Each bond issued under this
6446 article shall contain on the face thereof a statement that neither
6447 the state, nor any other political subdivision thereof, shall be
6448 obligated to pay the same or the interest thereon or other costs
6449 incident thereto except from the revenue or money pledged by the
6450 company and that neither the faith and credit nor the taxing power
6451 of the state or any political subdivision thereof is pledged to
6452 the payment of the principal of, or the interest on, such bond.

6453 **SECTION 232.** Section 57-10-235, Mississippi Code of 1972, is
6454 brought forward as follows:

6455 57-10-235. (1) The bonds shall be authorized by a
6456 resolution of the company, shall bear such date or dates, and
6457 shall mature at such time or times as such resolution may provide,
6458 except that no bond shall mature more than thirty (30) years from
6459 the date of issue. Bonds which are not subject to taxation shall
6460 bear interest at such rate or rates, be in such denominations, be
6461 in such form, carry such registration privileges, be executed in



6462 such manner, be payable in such medium of payment, at such place
6463 or places, and be subject to such terms of redemption, including
6464 redemption prior to maturity, as such resolution may provide.
6465 Except as expressly provided otherwise in this article, the
6466 provisions of other laws of the state relating to the issuance of
6467 revenue bonds shall not apply to bonds issued by the company. As
6468 to bonds issued hereunder and designated as taxable bonds by the
6469 company, any immunity to taxation by the United States government
6470 of interest on such bonds or notes is hereby waived. Bonds of the
6471 company may be sold by the company at public or private sale, from
6472 time to time, and at such price or prices as the company shall
6473 determine.

6474 (2) (a) The company shall make available from the proceeds
6475 of bonds issued the amount of One Million Dollars (\$1,000,000.00)
6476 to every certified development company created by a planning and
6477 development district in this state, which monies shall be used by
6478 such certified development companies to assist businesses within
6479 the planning and development districts in a manner consistent with
6480 the provisions of this chapter and with the provisions of the
6481 federal act.

6482 (b) The company shall promulgate rules and regulations
6483 governing the activities authorized herein, including, but not
6484 limited to:

6485 (i) Procedures for the submission of requests or
6486 proposals by the certified development companies;



6487 (ii) The reinvestment by the certified development
6488 companies of bond proceeds;
6489 (iii) Assurance that the eligible business to be
6490 financed will improve employment or otherwise improve industrial
6491 development in the state;
6492 (iv) Rates, fees, charges and other terms and
6493 conditions of loans between the certified development companies
6494 and the borrowers;
6495 (v) The type and amount of collateral or security
6496 to be provided to assure repayment of bond proceeds and interest;
6497 (vi) Standards and requirements for the allocation
6498 of available money among the certified development companies; and
6499 (vii) Any other appropriate matters related to the
6500 duties or exercise of the company's power hereunder.

6501 **SECTION 233.** Section 57-10-237, Mississippi Code of 1972, is
6502 brought forward as follows:

6503 57-10-237. Any resolution authorizing the issuance of bonds
6504 may contain provisions as to:

6505 (a) Pledging all or any part of the revenues of the
6506 company to secure the payment of the bonds subject to the terms of
6507 the proceedings relating to other bonds of the company as may then
6508 exist;

6509 (b) Pledging all or any part of the assets of the
6510 company, including loans and obligations securing the same, to
6511 secure the payment of the bonds, subject to the terms of the



6512 proceedings relating to other bonds of the company as may then
6513 exist;

6514 (c) The use and disposition of the gross income from
6515 loans owned by the company and payment of the principal of loans
6516 owned by the company;

6517 (d) The setting aside of reserves or sinking funds and
6518 the regulations and disposition thereof;

6519 (e) Limitations on the purposes to which the proceeds
6520 from the sale of bonds may be applied and pledging the proceeds to
6521 secure the payment of the bonds;

6522 (f) Limitations on the issuance of additional bonds,
6523 the terms upon which additional bonds may be issued and secured,
6524 and the refunding of outstanding or other bonds;

6525 (g) The procedure, if any, by which the terms of any of
6526 the proceedings under which the bonds are being issued may be
6527 amended or abrogated, the number or percentage of bondholders who
6528 or which must consent thereto, and the manner in which the consent
6529 may be given;

6530 (h) The vesting in a trustee or trustees of such
6531 property, rights, powers and duties in trust as the company may
6532 determine, and limiting or abrogating the right of bondholders to
6533 appoint a trustee or limiting the rights, powers and duties of the
6534 trustee;

6535 (i) Defining the act or omissions to act which shall
6536 constitute a default and the obligations or duties of the company



6537 to the holders of the bonds, and providing for the rights and
6538 remedies of the holders of the bonds in the event of default,
6539 which rights and remedies may include the general laws of the
6540 state and other provisions of this article; or

6541 (j) Any other matter, of like or different character,
6542 which in any way affects the security or protection of the holders
6543 of the bonds.

6544 **SECTION 234.** Section 57-10-239, Mississippi Code of 1972, is
6545 brought forward as follows:

6546 57-10-239. Any pledge made by the company shall be valid and
6547 binding from the time when the pledge was made. The revenues or
6548 properties so pledged and thereafter received by the company shall
6549 immediately be subject to the lien of such pledge without any
6550 physical delivery thereof or further act, and the lien of any such
6551 pledge shall be valid and binding as against all parties having
6552 claims of any kind in tort, contract or otherwise against the
6553 company, irrespective of whether the parties have notice thereof.
6554 Neither the resolution nor any other instrument by which a pledge
6555 is created need be recorded.

6556 **SECTION 235.** Section 57-10-241, Mississippi Code of 1972, is
6557 brought forward as follows:

6558 57-10-241. The company, subject to the provisions in
6559 proceedings relating to outstanding bonds as may then exist, may
6560 purchase bonds out of any funds available therefor, which shall
6561 thereupon be cancelled, at any reasonable price which, if the



6562 bonds are then redeemable, shall not exceed the redemption price
6563 (and premium, if any) then applicable plus accrued interest to the
6564 redemption date thereof.

6565 **SECTION 236.** Section 57-10-243, Mississippi Code of 1972, is
6566 brought forward as follows:

6567 57-10-243. The bonds may be secured by an indenture by and
6568 between the company and a corporate trustee which may be any bank
6569 or other corporation having the power of a trust company or any
6570 trust company within or without this state. Such indenture may
6571 contain such provisions for protecting and enforcing the rights
6572 and remedies of the bondholders as may be reasonable and proper
6573 and not in violation of law, including covenants setting forth the
6574 duties of the company in relation to the exercise of its powers
6575 and the custody, safekeeping and application of all money. The
6576 company may provide by the indenture for the payment of the
6577 proceeds of the bonds and revenues to the trustee under the
6578 indenture or other depository, and for the method of disbursement
6579 thereof, with such safeguards and restrictions as the company may
6580 determine. If the bonds shall be secured by an indenture, the
6581 bondholders shall have no authority to appoint a separate trustee
6582 to represent them.

6583 **SECTION 237.** Section 57-10-245, Mississippi Code of 1972, is
6584 brought forward as follows:

6585 57-10-245. In the event that any of the members or officers
6586 of the board of directors of the company shall cease to be members



6587 or officers of the board prior to the delivery of any bonds signed
6588 by them, their signatures or facsimiles thereof shall nevertheless
6589 be valid and sufficient for all purposes, the same as if such
6590 members or officers had remained in office until such delivery.

6591 **SECTION 238.** Section 57-10-247, Mississippi Code of 1972, is
6592 brought forward as follows:

6593 57-10-247. The company may create and establish such funds
6594 and accounts as may be necessary or desirable for its purposes.

6595 **SECTION 239.** Section 57-10-249, Mississippi Code of 1972, is
6596 brought forward as follows:

6597 57-10-249. The company shall have the power to contract with
6598 the holders of any of its bonds as to the custody, collection,
6599 securing, investment and payment of any money of the company, and
6600 of any money held in trust or otherwise for the payment of bonds,
6601 and to carry out such contract. Money held in trust or otherwise
6602 for the payment of bonds or in any way to secure bonds and
6603 deposits of money may be secured in the same manner as money of
6604 the company, and all banks and trust companies are authorized to
6605 give security for the deposits.

6606 **SECTION 240.** Section 57-10-251, Mississippi Code of 1972, is
6607 brought forward as follows:

6608 57-10-251. Subsequent amendments to this article shall not
6609 limit the rights vested in the company with respect to any
6610 agreements made with, or remedies available to, the holders of
6611 bonds issued under this article prior to the enactment of the



6612 amendments until the bonds, together with all interest thereon,
6613 and all costs and expenses in connection with any proceeding by or
6614 on behalf of the holders, are fully met and discharged.

6615 **SECTION 241.** Section 57-10-253, Mississippi Code of 1972, is
6616 brought forward as follows:

6617 57-10-253. All expenses incurred by the company in carrying
6618 out the provisions of this article shall be payable solely from
6619 funds provided under this article, and nothing in this article
6620 shall be construed to authorize the company to incur indebtedness
6621 or liability on behalf of or payable by the state or any other
6622 political subdivision thereof.

6623 **SECTION 242.** Section 57-10-255, Mississippi Code of 1972, is
6624 brought forward as follows:

6625 57-10-255. (1) The company is hereby declared to be
6626 performing a public function and to be a public body corporate and
6627 a political subdivision of the state. Accordingly, the income,
6628 including any profit made on the sale thereof from all bonds
6629 issued by the company, shall at all times be exempt from all
6630 taxation by the state or any public subdivision thereof. If,
6631 after all indebtedness and other obligations of the company are
6632 discharged the company is dissolved, its remaining assets shall
6633 inure to the benefit of the state.

6634 (2) All mortgages or deeds of trust executed as security
6635 therefor, all lease, loan or purchase agreements made pursuant to
6636 the provisions hereof, all purchases required to establish the



6637 enterprise and financed by proceeds from bonds issued pursuant to
6638 Chapter 10, Title 57, Mississippi Code of 1972, shall likewise be
6639 exempt from all taxation in the State of Mississippi except the
6640 contractors' tax imposed by Section 27-65-21 and the taxes levied
6641 by Section 27-65-24(1) (b), and all projects financed by the
6642 proceeds from such bonds and the revenue derived from any lease
6643 thereof shall be exempt from all taxation in the State of
6644 Mississippi, except the tax levied by Sections 27-65-21 and
6645 27-65-24(1) (b), and except the tax levied under Chapter 7, Title
6646 27, Mississippi Code of 1972. From and after July 1, 2002, there
6647 shall be no new ad valorem tax exemption authorized under this
6648 section unless approved by the appropriate local taxing authority.

6649 (3) The time of any ad valorem tax exemption provided for
6650 hereunder shall not exceed a total of ten (10) years, which shall
6651 run from the date of the completion of the project. In no event
6652 shall the term of the ad valorem tax exemption provided for
6653 hereunder be limited, terminated or otherwise affected by payment
6654 in full of the bonds issued under this chapter or by the change
6655 from a leasehold to a fee title in the enterprise financed with
6656 bonds issued under this chapter.

6657 (4) From and after July 1, 1990, there shall be no new
6658 exemption under this section from ad valorem taxes levied for
6659 school district purposes.

6660 **SECTION 243.** Section 57-10-257, Mississippi Code of 1972, is
6661 brought forward as follows:



6662 57-10-257. The bonds issued by and under the authority of
6663 this article by the company are declared to be legal investments
6664 in which all public officers or public bodies of the state, its
6665 political subdivisions, all municipalities and municipal
6666 subdivisions, all insurance companies and associations, and other
6667 persons carrying on insurance business, all banks, bankers,
6668 banking associations, trust companies, savings associations,
6669 including savings and loan associations, building and loan
6670 associations, investment companies, and other persons carrying on
6671 a banking business, all administrators, guardians, executors,
6672 trustees and other fiduciaries, and all other persons who are now
6673 or may later be authorized to invest in bonds or in other
6674 obligations of the state, may invest funds, including capital, in
6675 their control or belonging to them. Such bonds are also hereby
6676 made securities which may be deposited with and received by all
6677 public officers and bodies of the state or any agency or political
6678 subdivision of the state and all municipalities and public
6679 corporations for any purpose for which the deposit of bonds or
6680 other obligations of the state is now or may be later authorized
6681 by law.

6682 **SECTION 244.** Section 57-10-259, Mississippi Code of 1972, is
6683 brought forward as follows:

6684 57-10-259. The company shall, within one hundred twenty
6685 (120) days of the close of each fiscal year, submit an annual
6686 report of its activities for the preceding year to the Governor.



6687 The clerk of each house of the Legislature shall receive a copy of
6688 the report by making a request for it to the company. Each report
6689 shall set forth a complete operating and financial statement for
6690 the company during the fiscal year it covers.

6691 **SECTION 245.** Section 57-10-261, Mississippi Code of 1972, is
6692 brought forward as follows:

6693 57-10-261. Nothing contained in this article is to be
6694 construed as a restriction or limitation upon any powers which the
6695 company might otherwise have under any other law of the state.
6696 Insofar as the provisions of this article are inconsistent with
6697 the provisions of any other law, the provisions of this article
6698 shall be controlling, and the powers conferred by this article
6699 shall be regarded as supplemental and additional to powers
6700 conferred by any other laws. No proceedings, notice or approval
6701 shall be required for the issuance of any bonds or any instrument
6702 or the security therefor, except as provided in this article.

6703 The provisions of this article shall be liberally construed
6704 to accomplish the purposes of this article.

6705 The powers granted and the duties imposed in this article
6706 shall be construed to be independent and severable. If any one or
6707 more sections, subsections, sentences or parts of any of this
6708 article shall be adjudged unconstitutional or invalid, such
6709 adjudication shall not affect, impair or invalidate the remaining
6710 provisions thereof, but shall be confined in its operation to the
6711 specific provisions so held unconstitutional or invalid.



6712 **SECTION 246.** Section 57-10-301, Mississippi Code of 1972, is
6713 brought forward as follows:

6714 57-10-301. This article shall be entitled the "Mississippi
6715 Business Finance Corporation Beginning Farmer Program."

6716 **SECTION 247.** Section 57-10-303, Mississippi Code of 1972, is
6717 brought forward as follows:

6718 57-10-303. For the purposes of this article, the following
6719 words shall have the meanings ascribed herein, unless the context
6720 otherwise requires:

6721 (a) "Act" means the Mississippi Business Financing Act
6722 being Title 57, Chapter 10, Article 7, Mississippi Code of 1972.

6723 (b) "Agricultural land" means land suitable for use in
6724 farming.

6725 (c) "Agricultural improvements" means any improvements,
6726 buildings, structures or fixtures suitable for use in farming
6727 which are located on agricultural land. "Agricultural
6728 improvements" includes a single-family dwelling located on
6729 agricultural land which is or will be occupied by the beginning
6730 farmer and structures attached to or incidental to the use of the
6731 dwelling.

6732 (d) "Corporation" means the Mississippi Business
6733 Finance Corporation.

6734 (e) "Beginning farmer" means an individual or
6735 partnership with a low or moderate net worth that engages in
6736 farming or wishes to engage in farming.



6737 (f) "Bonds" means bonds issued by the corporation
6738 pursuant to the provisions of the Mississippi Business Financing
6739 Act.

6740 (g) "Depreciable agricultural property" means personal
6741 property suitable for use in farming for which an income tax
6742 deduction for depreciation is allowable in computing federal
6743 income tax under the Internal Revenue Code of 1986, as amended.

6744 (h) "Farming" means the cultivation of land for the
6745 production of agricultural crops, the raising of poultry, the
6746 production of eggs, the production of milk, the production of
6747 fruit or other horticultural crops, grazing, the production of
6748 livestock, aquaculture, hydroponics, the production of forest
6749 products or other activities designated by the corporation.

6750 (i) "Mortgage" means a mortgage, mortgage deed, deed of
6751 trust, or other instrument creating a first lien, subject only to
6752 title exceptions and encumbrances acceptable to the corporation,
6753 including any other mortgage liens of equal standing with or
6754 subordinate to the mortgage loan retained by a seller or conveyed
6755 to a mortgage lender, on a fee interest in agricultural land and
6756 agricultural improvements.

6757 (j) "Mortgage lender" means a bank, trust company,
6758 mortgage company, national banking association, savings and loan
6759 association, life insurance company, any state or federal
6760 governmental agency or instrumentality, including without
6761 limitation the Federal Land Bank or any of its local associations,



6762 or any other financial institution or entity authorized to make
6763 mortgage loans or secured loans in this state.

6764 (k) "Mortgage loan" means a financial obligation
6765 secured by a mortgage.

6766 (l) "Note" means a bond anticipation note or other
6767 obligation or evidence of indebtedness issued by the corporation
6768 pursuant to this article.

6769 (m) "Secured loan" means a financial obligation secured
6770 by a chattel mortgage, security agreement or other instrument
6771 creating a lien on an interest in depreciable agricultural
6772 property.

6773 (n) "State agency" means any board, commission,
6774 department, public officer or other agency or authority of the
6775 State of Mississippi.

6776 **SECTION 248.** Section 57-10-305, Mississippi Code of 1972, is
6777 brought forward as follows:

6778 57-10-305. The Legislature finds and determines as follows:

6779 (a) There exists a serious problem in the state
6780 regarding the ability of nonestablished farmers to acquire
6781 agricultural land and agricultural improvements and depreciable
6782 agricultural property in order to enter farming.

6783 (b) This barrier to entry into farming is conducive to
6784 consolidation of acreage of agricultural land with fewer
6785 individuals resulting in a grave threat to the traditional family
6786 farm.



6787 (c) These conditions result in a loss in population,
6788 unemployment and a movement of persons from rural communities to
6789 urban areas accompanied by added costs to communities for creation
6790 of new public facilities and services.

6791 (d) One major cause of this condition has been
6792 recurrent shortages of funds in private channels and the high
6793 interest cost of borrowing.

6794 (e) These shortages and costs have made the sale and
6795 purchase of agricultural land to beginning farmers a virtual
6796 impossibility in many parts of the state.

6797 (f) The ordinary operations of private enterprise have
6798 not in the past corrected these conditions.

6799 (g) A stable supply of adequate funds for agricultural
6800 financing is required to encourage beginning farmers in an orderly
6801 and sustained manner and to reduce the problems described in this
6802 section.

6803 (h) It is necessary that the corporation be given the
6804 authority to encourage ownership of farms by beginning farmers by
6805 providing purchase money loans to beginning farmers who are not
6806 able to obtain adequate capital elsewhere to provide such funds
6807 and to lower costs through the use of public financing.

6808 **SECTION 249.** Section 57-10-307, Mississippi Code of 1972, is
6809 brought forward as follows:

6810 57-10-307. (1) The corporation shall develop a beginning
6811 farmer loan program to facilitate the acquisition of agricultural



6812 land and improvements and depreciable agricultural property by
6813 beginning farmers. The corporation shall exercise the powers
6814 granted to it in Title 57, Chapter 10, Article 9, and Title 57,
6815 Chapter 10, Article 7, Mississippi Code of 1972, in order to
6816 fulfill the goal of providing financial assistance to beginning
6817 farmers in the acquisition of agricultural land and agricultural
6818 improvements and depreciable agricultural property. The
6819 corporation may participate in and cooperate with programs of the
6820 Farmers Home Administration, Federal Land Bank or any other agency
6821 or instrumentality of the federal government or with any program
6822 of any other state agency in the administration of the beginning
6823 farmer loan program and in the making or purchasing of mortgage or
6824 secured loans pursuant to this article.

6825 (2) The corporation may participate in any federal programs
6826 designed to assist beginning farmers or in any related federal or
6827 state programs.

6828 (3) Prior to carrying out the powers granted under Sections
6829 57-10-301 through 57-10-305, the corporation shall promulgate
6830 rules and regulations governing activities authorized hereunder,
6831 including, but not limited to, rules and regulations including the
6832 following:

6833 (a) The beginning farmer is a resident of the state. If
6834 the beginning farmer is a partnership, all partners shall be
6835 residents of the state.



6836 (b) The agricultural land and agricultural improvements
6837 or depreciable agricultural property the beginning farmer proposes
6838 to purchase will be located in the state.

6839 (c) The beginning farmer has sufficient education,
6840 training or experience in the type of farming for which the
6841 beginning farmer requests the mortgage or secured loan. If the
6842 beginning farmer is a partnership, all partners shall have
6843 sufficient education, training or experience in the type of
6844 farming for which the beginning farmer requests the mortgage or
6845 secured loan.

6846 (d) A loan to a beginning farmer for the acquisition of
6847 agricultural land and agricultural improvements does not exceed
6848 Two Hundred Fifty Thousand Dollars (\$250,000.00). A loan to a
6849 beginning farmer for the acquisition of depreciable agricultural
6850 property does not exceed One Hundred Twenty-five Thousand Dollars
6851 (\$125,000.00).

6852 (e) If the loan is for the acquisition of agricultural
6853 land, the beginning farmer has or will have access to adequate
6854 working capital, farm equipment, machinery or livestock. If the
6855 loan is for the acquisition of depreciable agricultural property,
6856 the beginning farmer has or will have access to adequate working
6857 capital or agricultural land.

6858 (f) The beginning farmer will materially and
6859 substantially participate in farming. If the beginning farmer is



6860 a partnership, each partner shall materially and substantially
6861 participate in farming.

6862 (g) If the beginning farmer is an individual, the
6863 agricultural land and agricultural improvements shall only be used
6864 for farming by the individual, the individual's spouse, the
6865 individual's minor children, or any of them. If the beginning
6866 farmer is a partnership, the agricultural land and agricultural
6867 improvements shall only be used for farming by the partners, each
6868 partner's spouse, each partner's minor children, or any of them.

6869 (h) The beginning farmer has not previously received
6870 financing under this article for the acquisition of property
6871 similar in nature to the property for which the loan is sought.
6872 However, this restriction shall not apply if the amount previously
6873 received plus the amount of the loan does not exceed Two Hundred
6874 Fifty Thousand Dollars (\$250,000.00) in the case of agricultural
6875 land and improvements or One Hundred Twenty-five Thousand Dollars
6876 (\$125,000.00) in the case of depreciable agricultural property.

6877 (4) The corporation may provide in a mortgage or secured
6878 loan made or purchased pursuant to this article that the loan may
6879 not be assumed or any interest in the agricultural land or
6880 improvements or depreciable agricultural property may not be
6881 leased, sold or otherwise conveyed without its prior written
6882 consent and may provide a due-on-sale clause with respect to the
6883 occurrence of any of the foregoing events without its prior
6884 written consent. The corporation may provide by rule the grounds



6885 for permitted assumptions of a mortgage or for the leasing, sale
6886 or other conveyance of any interest in the agricultural land or
6887 improvements. However, the corporation shall provide and state in
6888 a mortgage or secured loan that the corporation has the power to
6889 raise the interest rate of the loan to the prevailing market rate
6890 if the mortgage or secured loan is assumed by a farmer who is
6891 already established in that field at the time of the assumption of
6892 the loan.

6893 (5) The corporation may participate in any interest in any
6894 mortgage or secured loan made or purchased pursuant to this
6895 article with a mortgage lender. The participation interest may be
6896 on a parity with the interest in the mortgage or secured loan
6897 retained by the corporation, equally and ratably secured by the
6898 mortgage or securing agreement securing the mortgage or secured
6899 loan.

6900 **SECTION 250.** Section 57-10-309, Mississippi Code of 1972, is
6901 brought forward as follows:

6902 57-10-309. (1) The corporation may make mortgage or secured
6903 loans, including, but not limited to, mortgage or secured loans
6904 insured, guaranteed or otherwise secured by the federal government
6905 or a federal governmental agency or instrumentality, a state
6906 agency or private mortgage insurers, to beginning farmers to
6907 provide financing for agricultural land and agricultural
6908 improvements or depreciable agricultural property.



6909 (2) Mortgage or secured loans shall contain terms and
6910 provisions, including interest rates, and be in a form established
6911 by rules of the corporation. The corporation may require the
6912 beginning farmer to execute a note, loan agreement or other
6913 evidence of indebtedness and furnish additional assurances and
6914 guarantees, including insurance, reasonably related to protecting
6915 the security of the mortgage or secured loan, as the corporation
6916 deems necessary.

6917 (3) The corporation may enter into a loan agreement with a
6918 beginning farmer to finance in whole or in part the acquisition by
6919 construction or purchase of agricultural land, agricultural
6920 improvements or depreciable agricultural property. The repayment
6921 obligation of the beginning farmer may be unsecured, or may be
6922 secured by a mortgage or security agreement or by other security
6923 as the corporation deems advisable, and may be evidenced by one or
6924 more notes of the beginning farmer. The loan agreement may
6925 contain terms and conditions as the corporation deems advisable.

6926 (4) The corporation may issue its bonds and notes for the
6927 purposes set forth in this article and Title 57, Chapter 10,
6928 Article 7, Mississippi Code of 1972, relating to the issuance of
6929 bonds and notes by the corporation and may enter into a lending
6930 agreement or purchase agreement with one or more bondholders or
6931 noteholders containing the terms and conditions of the repayment
6932 of and the security for the bonds or notes. Bonds and notes must
6933 be authorized by a resolution of the corporation. The corporation



6934 and the bondholders or noteholders may enter into an agreement to
6935 provide for any of the following:

6936 (a) That the proceeds of the bonds and notes and
6937 investments thereon may be received, held and disbursed by the
6938 bondholders or noteholders, or by a trustee or agent designated by
6939 the corporation.

6940 (b) That the bondholders or noteholders or a trustee or
6941 agent designated by the corporation may collect, invest and apply
6942 the amounts payable under the loan agreement or any other security
6943 instrument securing the debt obligation of the beginning farmer.

6944 (c) That the bondholders or noteholders may enforce the
6945 remedies provided in the loan agreement or security instrument on
6946 their own behalf without the appointment or designation of a
6947 trustee and if there is a default in the principal of or interest
6948 on the bonds or notes or in the performance of any agreement
6949 contained therein, the payment or performance may be enforced in
6950 accordance with the provisions contained therein.

6951 (d) That if there is a default in the payment of the
6952 principal or interest on a mortgage or security instrument or a
6953 violation of an agreement contained in the mortgage or security
6954 instrument, the mortgage or security instrument may be foreclosed
6955 or enforced and any collateral sold under proceedings or actions
6956 permitted by law and a trustee under the mortgage or security
6957 agreement or the holder of any bonds or notes secured thereby may
6958 become a purchaser if it is the highest bidder.



6959 (e) Other terms and conditions.

6960 (5) The corporation shall provide in the resolution
6961 authorizing the issuance of the bonds or notes that the principal
6962 and interest shall be limited obligations payable solely out of
6963 the revenues derived from the debt obligation, collateral or other
6964 security furnished by or on behalf of the beginning farmer, and
6965 that the principal and interest does not constitute an
6966 indebtedness of the corporation, the state or any political
6967 subdivision thereof.

6968 **SECTION 251.** Section 57-10-401, Mississippi Code of 1972, is
6969 brought forward as follows:

6970 **[In cases involving an economic development project for which**
6971 **the Mississippi Business Finance Corporation has issued bonds for**
6972 **the purpose of financing the approved costs of such project prior**
6973 **to July 1, 1994, this section shall read as follows:]**

6974 57-10-401. As used in Sections 57-10-401 through 57-10-445,
6975 the following terms shall have the meanings ascribed to them
6976 herein unless the context clearly indicates otherwise:

6977 (a) "Approved company" means any eligible company
6978 seeking to locate an economic development project in a county,
6979 which eligible company is approved by the corporation.

6980 (b) "Approved costs" means:

6981 (i) Obligations incurred for equipment and labor
6982 and to contractors, subcontractors, builders and materialmen in



6983 connection with the acquisition, construction and installation of
6984 an economic development project;

6985 (ii) The cost of acquiring land or rights in land
6986 and any cost incidental thereto, including recording fees;

6987 (iii) The cost of contract bonds and of insurance
6988 of all kinds that may be required or necessary during the course
6989 of acquisition, construction and installation of an economic
6990 development project which is not paid by the contractor or
6991 contractors or otherwise provided for;

6992 (iv) All costs of architectural and engineering
6993 services, including test borings, surveys, estimates, plans and
6994 specifications, preliminary investigations, and supervision of
6995 construction, as well as for the performance of all the duties
6996 required by or consequent upon the acquisition, construction and
6997 installation of an economic development project;

6998 (v) All costs which shall be required to be paid
6999 under the terms of any contract or contracts for the acquisition,
7000 construction and installation of an economic development project;

7001 (vi) All costs, expenses and fees incurred in
7002 connection with the issuance of bonds pursuant to Sections
7003 57-10-401 through 57-10-445;

7004 (vii) All costs funded by a loan made under the
7005 Mississippi Small Enterprise Development Finance Act; and



7006 (viii) All costs of professionals permitted to be
7007 engaged under the Mississippi Small Enterprise Development Finance
7008 Act for a loan made under such act.

7009 (c) "Assessment" means the job development assessment
7010 fee authorized in Section 57-10-413.

7011 (d) "Bonds" means the revenue bonds, notes or other
7012 debt obligations of the corporation authorized to be issued by the
7013 corporation on behalf of an eligible company or other state
7014 agency.

7015 (e) "Corporation" means the Mississippi Business
7016 Finance Corporation created under Section 57-10-167, Mississippi
7017 Code of 1972.

7018 (f) "Economic development project" means and includes
7019 the acquisition of any equipment or real estate in a county and
7020 the construction and installation thereon, and with respect
7021 thereto, of improvements and facilities necessary or desirable for
7022 improvement of the real estate, including surveys, site tests and
7023 inspections, subsurface site work, excavation, removal of
7024 structures, roadways, cemeteries and other surface obstructions,
7025 filling, grading and provision of drainage, storm water detention,
7026 installation of utilities such as water, sewer, sewage treatment,
7027 gas, electricity, communications and similar facilities, off-site
7028 construction of utility extensions to the boundaries of the real
7029 estate, and the acquisition, construction and installation of
7030 manufacturing, telecommunications, data processing, distribution



7031 or warehouse facilities on the real estate, for lease or financial
7032 arrangement by the corporation to an approved company for use and
7033 occupancy by the approved company or its affiliates for
7034 manufacturing, telecommunications, data processing, distribution
7035 or warehouse purposes. Such term also includes, without
7036 limitation, any project the financing of which has been approved
7037 under the Mississippi Small Enterprise Development Finance Act.
7038 From and after January 1, 2014, such term also includes the
7039 economic development project of a related approved company that is
7040 merged into or consolidated with another approved company where
7041 the approved companies are engaged in a vertically integrated
7042 manufacturing or warehouse operation.

7043 (g) "Eligible company" means any corporation,
7044 partnership, sole proprietorship, business trust, or other entity
7045 which is:

7046 (i) Engaged in manufacturing which meets the
7047 standards promulgated by the corporation under Sections 57-10-401
7048 through 57-10-445;

7049 (ii) A private company approved by the corporation
7050 for a loan under the Mississippi Small Enterprise Development
7051 Finance Act;

7052 (iii) A distribution or warehouse facility
7053 employing a minimum of fifty (50) people or employing a minimum of
7054 twenty (20) people and having a capital investment in such
7055 facility of at least Five Million Dollars (\$5,000,000.00); or



7056 (iv) A telecommunications or data processing
7057 business.

7058 (h) "Executive director" means the Executive Director
7059 of the Mississippi Business Finance Corporation.

7060 (i) "Financing agreement" means any financing documents
7061 and agreements, indentures, loan agreements, lease agreements,
7062 security agreements and the like, entered into by and among the
7063 corporation, private lenders and an approved company with respect
7064 to an economic development project.

7065 (j) "Manufacturing" means any activity involving the
7066 manufacturing, processing, assembling or production of any
7067 property, including the processing resulting in a change in the
7068 conditions of the property and any activity functionally related
7069 thereto, together with the storage, warehousing, distribution and
7070 related office facilities in respect thereof as determined by the
7071 Mississippi Business Finance Corporation; however, in no event
7072 shall "manufacturing" include mining, coal or mineral processing,
7073 or extraction of Mississippi minerals.

7074 (k) "State agency" means any state board, commission,
7075 committee, council, university, department or unit thereof created
7076 by the Constitution or laws of this state.

7077 (l) "Revenues" shall not be considered state funds.

7078 (m) "State" means the State of Mississippi.



7079 (n) "Mississippi Small Enterprise Development Finance
7080 Act" means the provisions of law contained in Section 57-71-1 et
7081 seq.

7082 **[In cases involving an economic development project for which**
7083 **the Mississippi Business Finance Corporation has not issued bonds**
7084 **for the purpose of financing the approved costs of such project**
7085 **prior to July 1, 1994, this section shall read as follows:]**

7086 57-10-401. As used in Sections 57-10-401 through 57-10-445,
7087 the following terms shall have the meanings ascribed to them
7088 herein unless the context clearly indicates otherwise:

7089 (a) "Approved company" means any eligible company
7090 seeking to locate an economic development project in a county,
7091 which eligible company is approved by the corporation.

7092 (b) "Approved costs" means:

7093 (i) Obligations incurred for equipment and labor
7094 and to contractors, subcontractors, builders and materialmen in
7095 connection with the acquisition, construction and installation of
7096 an economic development project;

7097 (ii) The cost of acquiring land or rights in land
7098 and any cost incidental thereto, including recording fees;

7099 (iii) The cost of contract bonds and of insurance
7100 of all kinds that may be required or necessary during the course
7101 of acquisition, construction and installation of an economic
7102 development project which is not paid by the contractor or
7103 contractors or otherwise provided for;



7104 (iv) All costs of architectural and engineering
7105 services, including test borings, surveys, estimates, plans and
7106 specifications, preliminary investigations, and supervision of
7107 construction, as well as for the performance of all the duties
7108 required by or consequent upon the acquisition, construction and
7109 installation of an economic development project;

7110 (v) All costs which shall be required to be paid
7111 under the terms of any contract or contracts for the acquisition,
7112 construction and installation of an economic development project;

7113 (vi) All costs, expenses and fees incurred in
7114 connection with the issuance of bonds pursuant to Sections
7115 57-10-401 through 57-10-445;

7116 (vii) All costs funded by a loan made under the
7117 Mississippi Small Enterprise Development Finance Act; and

7118 (viii) All costs of professionals permitted to be
7119 engaged under the Mississippi Small Enterprise Development Finance
7120 Act for a loan made under such act.

7121 (c) "Assessment" means the job development assessment
7122 fee authorized in Section 57-10-413.

7123 (d) "Bonds" means the revenue bonds, notes or other
7124 debt obligations of the corporation authorized to be issued by the
7125 corporation on behalf of an eligible company or other state
7126 agency.



7127 (e) "Corporation" means the Mississippi Business
7128 Finance Corporation created under Section 57-10-167, Mississippi
7129 Code of 1972.

7130 (f) "Economic development project" means and includes
7131 the acquisition of any equipment or real estate in a county and
7132 the construction and installation thereon, and with respect
7133 thereto, of improvements and facilities necessary or desirable for
7134 improvement of the real estate, including surveys, site tests and
7135 inspections, subsurface site work, excavation, removal of
7136 structures, roadways, cemeteries and other surface obstructions,
7137 filling, grading and provision of drainage, storm water detention,
7138 installation of utilities such as water, sewer, sewage treatment,
7139 gas, electricity, communications and similar facilities, off-site
7140 construction of utility extensions to the boundaries of the real
7141 estate, and the acquisition, construction and installation of
7142 manufacturing, telecommunications, data processing, distribution
7143 or warehouse facilities on the real estate, for lease or financial
7144 arrangement by the corporation to an approved company for use and
7145 occupancy by the approved company or its affiliates for
7146 manufacturing, telecommunications, data processing, distribution
7147 or warehouse purposes. Such term also includes, without
7148 limitation, any project the financing of which has been approved
7149 under the Mississippi Small Enterprise Development Finance Act.

7150 If an eligible company closes a facility in this state and
7151 becomes an approved company under the provisions of Sections



7152 57-10-401 through 57-10-449, only that portion of the project for
7153 which such company is attempting to obtain financing that is in
7154 excess of the value of the closed facility shall be included
7155 within the definition of the term "economic development project."
7156 The Mississippi Business Finance Corporation shall promulgate
7157 rules and regulations to govern the determination of the
7158 difference between the value of the closed facility and the new
7159 facility.

7160 (g) "Eligible company" means any corporation,
7161 partnership, sole proprietorship, business trust, or other entity
7162 which:

7163 (i) Engaged in manufacturing which meets the
7164 standards promulgated by the corporation under Sections 57-10-401
7165 through 57-10-445;

7166 (ii) A private company approved by the corporation
7167 for a loan under the Mississippi Small Enterprise Development
7168 Finance Act;

7169 (iii) A distribution or warehouse facility
7170 employing a minimum of fifty (50) people or employing a minimum of
7171 twenty (20) people and having a capital investment in such
7172 facility of at least Five Million Dollars (\$5,000,000.00);

7173 (iv) A telecommunications or data/information
7174 processing business meeting criteria established by the
7175 Mississippi Business Finance Corporation;



7176 (v) National or regional headquarters meeting
7177 criteria established by the Mississippi Business Finance
7178 Corporation;

7179 (vi) Research and development facilities meeting
7180 criteria established by the Mississippi Business Finance
7181 Corporation; or

7182 (vii) Technology intensive enterprises or
7183 facilities meeting criteria established by the Mississippi
7184 Business Finance Corporation.

7185 (h) "Executive director" means the Executive Director
7186 of the Mississippi Business Finance Corporation.

7187 (i) "Financing agreement" means any financing documents
7188 and agreements, indentures, loan agreements, lease agreements,
7189 security agreements and the like, entered into by and among the
7190 corporation, private lenders and an approved company with respect
7191 to an economic development project.

7192 (j) "Manufacturing" means any activity involving the
7193 manufacturing, processing, assembling or production of any
7194 property, including the processing resulting in a change in the
7195 conditions of the property and any activity functionally related
7196 thereto, together with the storage, warehousing, distribution and
7197 related office facilities in respect thereof as determined by the
7198 Mississippi Business Finance Corporation; however, in no event
7199 shall "manufacturing" include mining, coal or mineral processing,
7200 or extraction of Mississippi minerals.



7201 (k) "State agency" means any state board, commission,
7202 committee, council, university, department or unit thereof created
7203 by the Constitution or laws of this state.

7204 (l) "Revenues" shall not be considered state funds.

7205 (m) "State" means the State of Mississippi.

7206 (n) "Mississippi Small Enterprise Development Finance
7207 Act" means the provisions of law contained in Section 57-71-1 et
7208 seq.

7209 **SECTION 252.** Section 57-10-403, Mississippi Code of 1972, is
7210 brought forward as follows:

7211 57-10-403. (1) The Legislature finds and declares that the
7212 general welfare and material well-being of citizens of the state
7213 depend in large measure upon the development and growth of
7214 industry in the state.

7215 (2) The Legislature finds and declares further that it is in
7216 the best interest of the state to induce the location or expansion
7217 of manufacturing facilities within this state in order to advance
7218 the public purposes of relieving unemployment by creating new jobs
7219 within this state that, but for the inducements to be offered by
7220 the corporation to approved companies as herein provided, would
7221 not exist, and of creating new sources of tax revenues for the
7222 support of the public services provided by this state and country.

7223 (3) The Legislature finds and declares further that the
7224 authority granted by this article and the purposes to be
7225 accomplished hereby are proper governmental and public purposes



7226 for which public monies may be expended, and that the inducement
7227 of the location or expansion of manufacturing facilities within
7228 the state is of paramount importance, mandating that the
7229 provisions of this article be liberally construed and applied in
7230 order to advance the public purposes.

7231 **SECTION 253.** Section 57-10-405, Mississippi Code of 1972, is
7232 brought forward as follows:

7233 57-10-405. In addition to its other powers and duties, the
7234 corporation shall have all the powers necessary or convenient to
7235 carry out and effectuate the purposes and provisions of Sections
7236 57-10-401 through 57-10-445, including, but without limiting the
7237 generality of the foregoing, the power:

7238 (a) To provide and finance economic development
7239 projects under the provisions of Sections 57-10-401 through
7240 57-10-445, and cooperate with counties, municipalities and
7241 eligible companies in order to promote, foster and support
7242 economic development within the counties and municipalities;

7243 (b) To conduct hearings and inquiries, in the manner
7244 and by the methods as it deems desirable, including, without
7245 limitation, appointment of special committees, for the purpose of
7246 gathering information with respect to counties, municipalities,
7247 eligible companies and economic development projects, for the
7248 purpose of making any determinations necessary or desirable in the
7249 furtherance of Sections 57-10-401 through 57-10-445;



7250 (c) To negotiate the terms of, and enter into financing
7251 agreements with, approved companies, and in connection therewith
7252 to acquire, convey, sell, own, lease, mortgage, finance, foreclose
7253 or otherwise dispose of any property, real or personal, in
7254 connection with an economic development project, and to pay, or
7255 cause to be paid, in accordance with the provisions of a financing
7256 agreement, the approved costs of an economic development project
7257 from any funds available therefor, including, without limitation,
7258 funds available as the result of the issuance of bonds under the
7259 Mississippi Small Enterprise Development Finance Act;

7260 (d) To delegate to the executive director the rights
7261 and powers of the corporation required for the proper and
7262 desirable execution of the purposes of this article;

7263 (e) To consent, if it deems it necessary or desirable
7264 in the fulfillment of its purposes, to the modification of the
7265 terms of any financing agreements of any kind to which the
7266 corporation is a party;

7267 (f) To include in any borrowing the amounts deemed
7268 necessary by the corporation to pay financing charges, consultant,
7269 advisory and legal fees, fees for bond insurance, letters of
7270 credit or other forms of credit enhancement, investment advisory
7271 fees, trustees' fees and other expenses necessary or incident to
7272 the borrowing;

7273 (g) To make and publish administrative regulations
7274 respecting its programs and other administrative regulations



7275 necessary or appropriate to effectuate the purposes of Sections
7276 57-10-401 through 57-10-445, and necessary to administer the
7277 procedures and program as provided for in Sections 57-10-401
7278 through 57-10-445;

7279 (h) To make, execute and effectuate any and all
7280 agreements or other documents with any governmental agency or any
7281 person, corporation, association, partnership, or other
7282 organization or entity, necessary or appropriate to accomplish the
7283 purposes of Sections 57-10-401 through 57-10-445, including any
7284 financing agreements with state agencies or any political
7285 subdivisions of the state under which funds may be pledged by or
7286 to the corporation for the payment of its bonds;

7287 (i) To accept gifts, devises, bequests, grants, loans,
7288 appropriations, revenue sharing, other financing and assistance
7289 and any other aid from any source and to agree to, and to comply
7290 with, conditions attached thereto;

7291 (j) To sue and be sued in its own name, plead and be
7292 impleaded; and

7293 (k) To invest any funds held by the corporation or its
7294 agents or trustees, under Sections 57-10-401 through 57-10-445,
7295 including, but not limited to, the proceeds of bonds issued under
7296 Sections 57-10-401 through 57-10-445, reserve or other funds, or
7297 any monies not required for immediate disbursement, and the
7298 investment income on any of the foregoing, in obligations
7299 authorized by Sections 57-10-401 through 57-10-445.



7300 **SECTION 254.** Section 57-10-407, Mississippi Code of 1972, is
7301 brought forward as follows:

7302 57-10-407. The corporation may accept and expend: (a)
7303 monies which may be appropriated from time to time by the
7304 Legislature; (b) monies which may be available under the
7305 Mississippi Small Enterprise Development Finance Act; or (c)
7306 monies which may be received from any source, including income
7307 from the corporation's operations, under Sections 57-10-401
7308 through 57-10-445, for effectuating the purposes of Sections
7309 57-10-401 through 57-10-445, including, without limitation, the
7310 payment of the expenses of administration and operation incurred
7311 pursuant to Sections 57-10-401 through 57-10-445 and the
7312 establishment and, if deemed desirable, maintenance of a reserve
7313 or contingency fund for the administration of Sections 57-10-401
7314 through 57-10-445.

7315 **SECTION 255.** Section 57-10-409, Mississippi Code of 1972, is
7316 brought forward as follows:

7317 **[In cases involving an economic development project for which**
7318 **the Mississippi Business Finance Corporation has issued bonds for**
7319 **the purpose of financing the approved costs of such project prior**
7320 **to July 1, 1994, this section shall read as follows:]**

7321 57-10-409. The corporation may enter into, with any approved
7322 company, a financing agreement with respect to its economic
7323 development project. The terms and provisions of each financing
7324 agreement shall be determined by negotiations between the



7325 corporation and the approved company, except that each financing
7326 agreement shall include the following provisions:

7327 (a) If the corporation issues any bonds in connection
7328 with an economic development project, the term of the financing
7329 agreement shall not be less than the last maturity of the bonds
7330 issued with respect to the economic development project, except
7331 that the financing agreement may terminate upon the earlier
7332 redemption of all of the bonds issued with respect to the economic
7333 development project and may grant to the approved company an
7334 option to purchase the economic development project from the
7335 corporation upon the termination of the financing agreement for
7336 such consideration and under such terms and conditions the
7337 corporation may approve. Nothing in this paragraph shall limit
7338 the extension of the term of a financing agreement if there is a
7339 refunding of the correlative bonds or otherwise.

7340 (b) If the corporation issues any bonds in connection
7341 with an economic development project, the financing agreement
7342 shall specify that the annual obligations of the approved company
7343 under Sections 57-10-401 through 57-10-445 shall equal in each
7344 year at least the annual debt service for that year on the bonds
7345 issued with respect to the economic development project; and the
7346 approved company shall pay such obligation of the financing
7347 agreement to the trustee for bonds issued for the benefit of the
7348 approved company, at such time and in such amounts sufficient to
7349 amortize such bonds.



7350 (c) If the corporation loans funds to an approved
7351 company that is a private company under the Mississippi Small
7352 Enterprise Development Finance Act, the financing agreement shall
7353 include the terms and conditions of the loan required by Section
7354 57-71-1 et seq.

7355 (d) (i) In consideration for financing agreement
7356 payment, the approved company may be permitted the following
7357 during the period of time in which the financing agreement is in
7358 effect, not to exceed twenty-five (25) years:

7359 1. A tax credit on the amount provided for in
7360 Section 27-7-22.3(2), Mississippi Code of 1972; plus

7361 2. The aggregate assessment withheld by the
7362 approved company in each year.

7363 (ii) The income tax credited to the approved
7364 company referred to herein shall be credited in the fiscal year of
7365 the financing agreement in which the tax return of the approved
7366 company is filed. The approved company shall not be required to
7367 pay estimated tax payments under Section 27-7-319, Mississippi
7368 Code of 1972.

7369 (e) (i) The financing agreement shall provide that the
7370 assessments, when added to the credit for the state corporate
7371 income tax herein granted, shall not exceed the total financing
7372 agreement annual payment by the approved company in any year;
7373 however, to the extent that financing agreement annual payments
7374 exceed credits received and assessments collected in any year, the



7375 excess payment may be recouped from excess credits or assessment
7376 collections in succeeding years.

7377 (ii) If during any fiscal year of the financing
7378 agreement the total of the income tax credit granted to the
7379 approved company plus the assessment collected from the wages of
7380 the employees equals the annual payment pursuant to the financing
7381 agreement, and if all excess payments pursuant to the financing
7382 agreement accumulated in prior years have been recouped, the
7383 assessment collected from the wages of the employees shall cease
7384 for the remainder of the fiscal year of the financing agreement.

7385 (f) The financing agreement shall provide that:

7386 (i) It may be assigned by the approved company
7387 only upon the prior written consent of the corporation following
7388 the adoption of a resolution by the corporation to such effect;
7389 and

7390 (ii) Upon the default by the approved company in
7391 the obligation to render its annual payment, the corporation shall
7392 have the right, at its option, to declare the financing agreement
7393 in default and to accelerate the total of all annual payments that
7394 are to be made or to terminate the financing agreement and cause
7395 to be sold the economic development project at public or private
7396 sale, or to pursue any other remedies available under the Uniform
7397 Commercial Code, as from time to time amended, or otherwise
7398 available in law or equity.



7399 **[In cases involving an economic development project for which**
7400 **the Mississippi Business Finance Corporation has not issued bonds**
7401 **for the purpose of financing the approved costs of such project**
7402 **prior to July 1, 1994, but has issued bonds for such project prior**
7403 **to July 1, 1997, or in cases involving an economic development**
7404 **project which has been induced by a resolution of the Board of**
7405 **Directors of the Mississippi Business Finance Corporation that has**
7406 **been filed with the State Tax Commission prior to July 1, 1997,**
7407 **this section shall read as follows:]**

7408 57-10-409. The corporation may enter into, with any approved
7409 company, a financing agreement with respect to its economic
7410 development project. The terms and provisions of each financing
7411 agreement shall be determined by negotiations between the
7412 corporation and the approved company, except that each financing
7413 agreement shall include the following provisions:

7414 (a) If the corporation issues any bonds in connection
7415 with an economic development project, the term of the financing
7416 agreement shall not be less than the last maturity of the bonds
7417 issued with respect to the economic development project, except
7418 that the financing agreement may terminate upon the earlier
7419 redemption of all of the bonds issued with respect to the economic
7420 development project and may grant to the approved company an
7421 option to purchase the economic development project from the
7422 corporation upon the termination of the financing agreement for
7423 such consideration and under such terms and conditions the



7424 corporation may approve. Nothing in this paragraph shall limit
7425 the extension of the term of a financing agreement if there is a
7426 refunding of the correlative bonds or otherwise.

7427 (b) If the corporation issues any bonds in connection
7428 with an economic development project, the financing agreement
7429 shall specify that the annual obligations of the approved company
7430 under Sections 57-10-401 through 57-10-445 shall equal in each
7431 year at least the annual debt service for that year on the bonds
7432 issued with respect to the economic development project; and the
7433 approved company shall pay such obligation of the financing
7434 agreement to the trustee for bonds issued for the benefit of the
7435 approved company, at such time and in such amounts sufficient to
7436 amortize such bonds.

7437 (c) If the corporation loans funds to an approved
7438 company that is a private company under the Mississippi Small
7439 Enterprise Development Finance Act, the financing agreement shall
7440 include the terms and conditions of the loan required by Section
7441 57-71-1 et seq.

7442 (d) (i) In consideration for financing agreement
7443 payment, the approved company may be permitted the following
7444 during the period of time in which the financing agreement is in
7445 effect, not to exceed twenty-five (25) years:

7446 1. A tax credit on the amount provided for in
7447 Section 27-7-22.3(2), Mississippi Code of 1972; plus



7448 2. The aggregate assessment withheld by the
7449 approved company in each year.

7450 (ii) The income tax credited to the approved
7451 company referred to herein shall be credited in the fiscal year of
7452 the financing agreement in which the tax return of the approved
7453 company is filed. The approved company shall not be required to
7454 pay estimated tax payments under Section 27-7-319, Mississippi
7455 Code of 1972.

7456 (e) (i) The financing agreement shall provide that the
7457 assessments, when added to the credit for the state corporate
7458 income tax herein granted, shall not exceed the total financing
7459 agreement annual payment by the approved company in any year;
7460 however, to the extent that financing agreement annual payments
7461 exceed credits received and assessments collected in any year, the
7462 excess payment may be recouped from excess credits or assessment
7463 collections in succeeding years not to exceed three (3) years
7464 following the termination of the period of time during which the
7465 financing agreement is in effect.

7466 (ii) If during any fiscal year of the financing
7467 agreement the total of the income tax credit granted to the
7468 approved company plus the assessment collected from the wages of
7469 the employees equals the annual payment pursuant to the financing
7470 agreement, and if all excess payments pursuant to the financing
7471 agreement accumulated in prior years have been recouped, the



7472 assessment collected from the wages of the employees shall cease
7473 for the remainder of the fiscal year of the financing agreement.

7474 (f) The financing agreement shall provide that:

7475 (i) It may be assigned by the approved company
7476 only upon the prior written consent of the corporation following
7477 the adoption of a resolution by the corporation to such effect;
7478 and

7479 (ii) Upon the default by the approved company in
7480 the obligation to render its annual payment, the corporation shall
7481 have the right, at its option, to declare the financing agreement
7482 in default and to accelerate the total of all annual payments that
7483 are to be made or to terminate the financing agreement and cause
7484 to be sold the economic development project at public or private
7485 sale, or to pursue any other remedies available under the Uniform
7486 Commercial Code, as from time to time amended, or otherwise
7487 available in law or equity.

7488 **[In cases involving an economic development project for which**
7489 **the Mississippi Business Finance Corporation has not issued bonds**
7490 **for the purpose of financing the approved costs of such project**
7491 **prior to July 1, 1997, or in cases involving an economic**
7492 **development project which has not been induced by a resolution of**
7493 **the Board of Directors of the Mississippi Business Finance**
7494 **Corporation that has been filed with the State Tax Commission**
7495 **prior to July 1, 1997, this section shall read as follows:]**



7496 57-10-409. The corporation may enter into, with any approved
7497 company, a financing agreement with respect to its economic
7498 development project. The terms and provisions of each financing
7499 agreement shall be determined by negotiations between the
7500 corporation and the approved company, except that each financing
7501 agreement shall include the following provisions:

7502 (a) If the corporation issues any bonds in connection
7503 with an economic development project, the term of the financing
7504 agreement shall not be less than the last maturity of the bonds
7505 issued with respect to the economic development project, except
7506 that the financing agreement may terminate upon the earlier
7507 redemption of all of the bonds issued with respect to the economic
7508 development project and may grant to the approved company an
7509 option to purchase the economic development project from the
7510 corporation upon the termination of the financing agreement for
7511 such consideration and under such terms and conditions the
7512 corporation may approve. Nothing in this paragraph shall limit
7513 the extension of the term of a financing agreement if there is a
7514 refunding of the correlative bonds or otherwise.

7515 (b) If the corporation issues any bonds in connection
7516 with an economic development project, the financing agreement
7517 shall specify that the annual obligations of the approved company
7518 under Sections 57-10-401 through 57-10-445 shall equal in each
7519 year at least the annual debt service for that year on the bonds
7520 issued with respect to the economic development project; and the



7521 approved company shall pay such obligation of the financing
7522 agreement to the trustee for bonds issued for the benefit of the
7523 approved company, at such time and in such amounts sufficient to
7524 amortize such bonds.

7525 (c) If the corporation loans funds to an approved
7526 company that is a private company under the Mississippi Small
7527 Enterprise Development Finance Act, the financing agreement shall
7528 include the terms and conditions of the loan required by Section
7529 57-71-1 et seq.

7530 (d) (i) In consideration for financing agreement
7531 payment, the approved company may be permitted a tax credit on the
7532 amount provided for in Section 27-7-22.3(2), Mississippi Code of
7533 1972, during the period of time in which the financing agreement
7534 is in effect, not to exceed twenty-five (25) years.

7535 (ii) The income tax credited to the approved
7536 company referred to herein shall be credited in the fiscal year of
7537 the financing agreement in which the tax return of the approved
7538 company is filed. The approved company shall not be required to
7539 pay estimated tax payments under Section 27-7-319, Mississippi
7540 Code of 1972.

7541 (e) The financing agreement shall provide that:

7542 (i) It may be assigned by the approved company
7543 only upon the prior written consent of the corporation following
7544 the adoption of a resolution by the corporation to such effect;
7545 and



7546 (ii) Upon the default by the approved company in
7547 the obligation to render its annual payment, the corporation shall
7548 have the right, at its option, to declare the financing agreement
7549 in default and to accelerate the total of all annual payments that
7550 are to be made or to terminate the financing agreement and cause
7551 to be sold the economic development project at public or private
7552 sale, or to pursue any other remedies available under the Uniform
7553 Commercial Code, as from time to time amended, or otherwise
7554 available in law or equity.

7555 **SECTION 256.** Section 57-10-411, Mississippi Code of 1972, is
7556 brought forward as follows:

7557 57-10-411. Ninety (90) days after the filing of the tax
7558 return of the approved company, the Department of Revenue shall
7559 certify to the corporation the state income tax liability for the
7560 preceding year of each approved company with respect to an
7561 economic development project financed under Sections 57-10-401
7562 through 57-10-445, and the amounts of any tax credits taken under
7563 Sections 57-10-401 through 57-10-445.

7564 **SECTION 257.** Section 57-10-413, Mississippi Code of 1972, is
7565 brought forward as follows:

7566 **[In cases involving an economic development project for which**
7567 **the Mississippi Business Finance Corporation has issued bonds for**
7568 **the purpose of financing the approved costs of such project prior**
7569 **to July 1, 1994, this section shall read as follows:]**



7570 57-10-413. (1) The approved company may require that each
7571 employee whose gross wages are equivalent to Five Dollars (\$5.00)
7572 or more per hour, as a condition of employment, agrees to pay a
7573 job development assessment fee not to exceed a certain percentage
7574 of the gross wages of each such employee whose job was created as
7575 a result of the economic development project, for the purpose of
7576 retiring the bonds which fund the economic development project or
7577 other indebtedness. The job development assessment fee shall not
7578 exceed the following percentages of the gross wages of the
7579 employee:

7580 (a) Two percent (2%), if the gross wages of the
7581 employee are equivalent to Five Dollars (\$5.00) or more per hour
7582 but less than Seven Dollars (\$7.00) per hour;

7583 (b) Four percent (4%), if the gross wages of the
7584 employee are equivalent to Seven Dollars (\$7.00) or more per hour
7585 but less than Nine Dollars (\$9.00) per hour; and

7586 (c) Six percent (6%), if the gross wages of the
7587 employee are equivalent to Nine Dollars (\$9.00) or more per hour.

7588 (2) Each employee so assessed shall be entitled to credits
7589 against Mississippi income taxes as provided in Section 27-7-22.3.

7590 (3) If an approved company shall elect to impose the
7591 assessment as a condition of employment, it shall deduct the
7592 assessment from each paycheck of each employee.

7593 (4) Any approved company collecting an assessment as
7594 provided in subsection (1) of this section shall make its payroll



7595 books and records available to the corporation at such reasonable
7596 times as the corporation shall request and shall file with the
7597 corporation documentation respecting the assessment as the
7598 corporation may require.

7599 (5) Any assessment of the wages of employees of an approved
7600 company in connection with their employment at an economic
7601 development project under subsection (1) of this section shall
7602 lapse on the date the bonds are retired.

7603 **[In cases involving an economic development project for which**
7604 **the Mississippi Business Finance Corporation has not issued bonds**
7605 **for the purpose of financing the approved costs of such project**
7606 **prior to July 1, 1994, but has issued bonds for such project prior**
7607 **to July 1, 1997, or in cases involving an economic development**
7608 **project which has been induced by a resolution of the Board of**
7609 **Directors of the Mississippi Business Finance Corporation that has**
7610 **been filed with the State Tax Commission prior to July 1, 1997,**
7611 **this section shall read as follows:]**

7612 57-10-413. (1) Except as otherwise provided for in
7613 subsection (6) of this section, the approved company may require
7614 that each employee whose gross wages are equivalent to Five
7615 Dollars (\$5.00) or more per hour, as a condition of employment,
7616 agrees to pay a job development assessment fee not to exceed a
7617 certain percentage of the gross wages of each such employee whose
7618 job was created as a result of the economic development project,
7619 for the purpose of retiring the bonds which fund the economic



7620 development project or other indebtedness. The job development
7621 assessment fee shall not exceed the following percentages of the
7622 gross wages of the employee:

7623 (a) Two percent (2%), if the gross wages of the
7624 employee are equivalent to Five Dollars (\$5.00) or more per hour
7625 but less than Seven Dollars (\$7.00) per hour;

7626 (b) Four percent (4%), if the gross wages of the
7627 employee are equivalent to Seven Dollars (\$7.00) or more per hour
7628 but less than Nine Dollars (\$9.00) per hour; and

7629 (c) Six percent (6%), if the gross wages of the
7630 employee are equivalent to Nine Dollars (\$9.00) or more per hour.

7631 (2) Each employee so assessed shall be entitled to credits
7632 against Mississippi income taxes as provided in Section 27-7-22.3.

7633 (3) If an approved company shall elect to impose the
7634 assessment as a condition of employment, it shall deduct the
7635 assessment from each paycheck of each employee.

7636 (4) Any approved company collecting an assessment as
7637 provided in subsection (1) of this section shall make its payroll
7638 books and records available to the corporation at such reasonable
7639 times as the corporation shall request and shall file with the
7640 corporation documentation respecting the assessment as the
7641 corporation may require.

7642 (5) Any assessment of the wages of employees of an approved
7643 company in connection with their employment at an economic



7644 development project under subsection (1) of this section shall
7645 lapse on the date the bonds are retired.

7646 (6) If an eligible company closes a facility in this state
7647 and becomes an approved company under the provisions of Sections
7648 57-10-401 through 57-10-449, only those jobs created in excess of
7649 those that existed at the closed facility at the time of the
7650 closure shall be eligible for the imposition of the job
7651 development assessment fee. The Mississippi Business Finance
7652 Corporation shall promulgate rules and regulations to govern the
7653 determination of the number of jobs upon which the job development
7654 assessment fee may be imposed.

7655 **SECTION 258.** Section 57-10-415, Mississippi Code of 1972, is
7656 brought forward as follows:

7657 57-10-415. Every issue of bonds under Sections 57-10-401
7658 through 57-10-445 shall be payable solely out of any revenues of
7659 the corporation as provided in Sections 57-10-401 through
7660 57-10-445. The bonds additionally may be secured by a pledge of
7661 any grant, contribution or guarantee from the federal government
7662 or any person or a pledge by the corporation of any revenues from
7663 any source.

7664 **SECTION 259.** Section 57-10-417, Mississippi Code of 1972, is
7665 brought forward as follows:

7666 57-10-417. The bonds issued by the corporation under
7667 Sections 57-10-401 through 57-10-445 shall be limited obligations
7668 of the corporation and shall not constitute a debt, liability or



7669 general obligation of the state or any political subdivision
7670 thereof (other than the corporation), or a pledge of the faith and
7671 credit of the state or any political subdivision thereof (other
7672 than the corporation), but shall be payable solely as provided by
7673 the corporation under Sections 57-10-401 through 57-10-445. No
7674 member or officer of the board of directors of the corporation nor
7675 any person executing the bonds shall be liable personally on the
7676 bonds by reason of the issuance thereof. Each bond issued under
7677 Sections 57-10-401 through 57-10-445 shall contain on the face
7678 thereof a statement that neither the state, nor any other
7679 political subdivision thereof, shall be obligated to pay the same
7680 or the interest thereon or other costs incident thereto except
7681 from the revenue or money pledged by the corporation and that
7682 neither the faith and credit nor the taxing power of the state or
7683 any political subdivision thereof is pledged to the payment of the
7684 principal of, or the interest on, such bond.

7685 **SECTION 260.** Section 57-10-419, Mississippi Code of 1972, is
7686 brought forward as follows:

7687 57-10-419. (1) The corporation may issue in its own name,
7688 from time to time, for the purpose of financing the approved costs
7689 of an economic development project, its bonds and may pledge for
7690 the payment thereof funds derived in respect of any financing
7691 agreement or other arrangement entered into by the corporation and
7692 an approved company under Sections 57-10-401 through 57-10-445.



7693 (2) In anticipation of the issuance of bonds, the
7694 corporation may provide for the issuance, at one time or from time
7695 to time, of bond anticipation notes. The principal of and the
7696 interest on the notes shall be payable solely from the funds
7697 herein provided for the payment. Any notes may be made payable
7698 from the proceeds of bonds or renewal notes; or, if bond or
7699 renewal note proceeds are not available, the notes may be paid
7700 from any available revenues or assets of the corporation.

7701 (3) The bonds issued under Sections 57-10-401 through
7702 57-10-445 shall be authorized by a resolution of the corporation,
7703 shall bear such date or dates, and shall mature at such time or
7704 times as such resolution may provide, except that no bond shall
7705 mature more than twenty-five (25) years from the date of issue.
7706 Bonds which are not subject to taxation shall bear interest at
7707 such rate or rates, be in such denominations, be in such form,
7708 carry such registration privileges, be executed in such manner, be
7709 payable in such medium of payment, at such place or places, and be
7710 subject to such terms of redemption, including redemption before
7711 maturity, as such resolution may provide. Except as expressly
7712 provided otherwise in Sections 57-10-401 through 57-10-445, the
7713 provisions of other laws of the state relating to the issuance of
7714 revenue bonds shall not apply to bonds issued by the corporation.
7715 As to bonds issued hereunder and designated as taxable bonds by
7716 the corporation, any immunity to taxation by the United States
7717 government of interest on such bonds or notes is hereby waived.



7718 Bonds of the corporation may be sold by the corporation at public
7719 or private sale, from time to time, and at such price or prices as
7720 the corporation shall determine.

7721 (4) The proceeds of any bonds shall be used solely for the
7722 purposes for which issued and shall be disbursed in the manner and
7723 under the restrictions, if any, that the corporation may provide
7724 in the resolution authorizing the issuance of the bonds or in a
7725 trust indenture securing the same.

7726 (5) The principal and interest on the bonds issued by the
7727 corporation shall be payable solely and only from proceeds derived
7728 under a financing agreement and shall be secured solely by the
7729 economic development project, the proceeds of the financing
7730 agreement, and such other assets as may be available, but not
7731 including revenues of the state.

7732 (6) Before the preparation of definitive certificates
7733 evidencing the bonds, the corporation may issue, under like
7734 restrictions, interim receipts or temporary certificates, with or
7735 without coupons, exchangeable for definitive certificates when the
7736 certificates have been executed and are available for delivery.
7737 The corporation may also provide for the replacement of any
7738 certificates which become mutilated or are destroyed or lost.

7739 **SECTION 261.** Section 57-10-421, Mississippi Code of 1972, is
7740 brought forward as follows:

7741 57-10-421. In addition to the requirements provided for in
7742 Section 57-10-419, any resolution authorizing the issuance of



7743 bonds under Sections 57-10-401 through 57-10-445 may contain
7744 provisions as to:

7745 (a) The setting aside of reserves or sinking funds and
7746 the regulations and disposition thereof;

7747 (b) Limitations on the issuance of additional bonds,
7748 the terms upon which additional bonds may be issued and secured,
7749 and the refunding of outstanding or other bonds;

7750 (c) The procedure, if any, by which the terms of any of
7751 the proceedings under which the bonds are being issued may be
7752 amended or abrogated, the number or percentage of bondholders who
7753 or which must consent thereto, and the manner in which the consent
7754 may be given;

7755 (d) The vesting in a trustee or trustees of such
7756 property, rights, powers and duties in trust as the company may
7757 determine, and limiting or abrogating the right of bondholders to
7758 appoint a trustee or limiting the rights, powers and duties of the
7759 trustee;

7760 (e) Defining the act or omissions to act which shall
7761 constitute a default and the obligations or duties of the
7762 corporation to the holders of the bonds, and providing for the
7763 rights and remedies of the holders of the bonds in the event of
7764 default, which rights and remedies may include the general laws of
7765 the state and other provisions of Sections 57-10-401 through
7766 57-10-445; or



7767 (f) Any other matter, of like or different character,
7768 which in any way affects the security or protection of the holders
7769 of the bonds.

7770 **SECTION 262.** Section 57-10-423, Mississippi Code of 1972, is
7771 brought forward as follows:

7772 57-10-423. Any pledge made by the corporation shall be valid
7773 and binding from the time when the pledge was made. The revenues
7774 or properties so pledged and thereafter received by the
7775 corporation shall immediately be subject to the lien of such
7776 pledge without any physical delivery thereof or further act, and
7777 the lien of any such pledge shall be valid and binding as against
7778 all parties having claims of any kind in tort, contract or
7779 otherwise against the corporation, irrespective of whether the
7780 parties have notice thereof. Neither the resolution nor any other
7781 instrument by which a pledge is created need be recorded.

7782 **SECTION 263.** Section 57-10-425, Mississippi Code of 1972, is
7783 brought forward as follows:

7784 57-10-425. The corporation, subject to the provisions in
7785 proceedings relating to outstanding bonds as may then exist, may
7786 purchase bonds out of any funds available therefor, which shall
7787 thereupon be canceled, at any reasonable price which, if the bonds
7788 are then redeemable, shall not exceed the redemption price (and
7789 premium, if any) then applicable plus accrued interest to the
7790 redemption date thereof.



7791 **SECTION 264.** Section 57-10-427, Mississippi Code of 1972, is
7792 brought forward as follows:

7793 57-10-427. The bonds may be secured by an indenture by and
7794 between the corporation and a corporate trustee which may be any
7795 bank or other corporation having the power of a trust company or
7796 any trust company within or without this state. Such indenture
7797 may contain such provisions for protecting and enforcing the
7798 rights and remedies of the bondholders as may be reasonable and
7799 proper and not in violation of law, including covenants setting
7800 forth the duties of the corporation in relation to the exercise of
7801 its powers and the custody, safekeeping and application of all
7802 money. The corporation may provide by the indenture for the
7803 payment of the proceeds of the bonds and revenues to the trustee
7804 under the indenture or other depository, and for the method of
7805 disbursement thereof, with such safeguards and restrictions as the
7806 corporation may determine. If the bonds shall be secured by an
7807 indenture, the bondholders shall have no authority to appoint a
7808 separate trustee to represent them.

7809 **SECTION 265.** Section 57-10-429, Mississippi Code of 1972, is
7810 brought forward as follows:

7811 57-10-429. In the event that any of the members or officers
7812 of the board of directors of the corporation shall cease to be
7813 members or officers of the board prior to the delivery of any
7814 bonds signed by them, their signatures or facsimiles thereof shall
7815 nevertheless be valid and sufficient for all purposes, the same as



7816 if such members or officers had remained in office until such
7817 delivery.

7818 **SECTION 266.** Section 57-10-431, Mississippi Code of 1972, is
7819 brought forward as follows:

7820 57-10-431. The corporation may create and establish such
7821 funds and accounts as may be necessary or desirable for its
7822 purposes under Sections 57-10-401 through 57-10-445.

7823 **SECTION 267.** Section 57-10-433, Mississippi Code of 1972, is
7824 brought forward as follows:

7825 57-10-433. The corporation shall have the power to contract
7826 with the holders of any of its bonds issued under Sections
7827 57-10-401 through 57-10-445 as to the custody, collection,
7828 securing, investment and payment of any money of the corporation,
7829 and of any money held in trust or otherwise for the payment of
7830 bonds, and to carry out such contract. Money held in trust or
7831 otherwise for the payment of bonds or in any way to secure bonds
7832 and deposits of money may be secured in the same manner as money
7833 of the corporation, and all banks and trust companies are
7834 authorized to give security for the deposits.

7835 **SECTION 268.** Section 57-10-435, Mississippi Code of 1972, is
7836 brought forward as follows:

7837 57-10-435. Amendments to Sections 57-10-401 through
7838 57-10-445, enacted after July 1, 1993, shall not limit the rights
7839 vested in the corporation with respect to any agreements made
7840 with, or remedies available to, the holders of bonds issued under



7841 this article or Section 27-7-22.3 prior to the enactment of the
7842 amendments until the bonds, together with all interest thereon,
7843 and all costs and expenses in connection with any proceeding by or
7844 on behalf of the holders, are fully met and discharged.

7845 **SECTION 269.** Section 57-10-437, Mississippi Code of 1972, is
7846 brought forward as follows:

7847 57-10-437. All expenses incurred by the corporation in
7848 carrying out the provisions of Sections 57-10-401 through
7849 57-10-445 shall be payable solely from funds provided under
7850 Sections 57-10-401 through 57-10-445, or other funds of the
7851 corporation. Nothing in Sections 57-10-401 through 57-10-445
7852 shall be construed to authorize the corporation to incur
7853 indebtedness or liability on behalf of or payable by the state or
7854 any other political subdivision thereof.

7855 **SECTION 270.** Section 57-10-439, Mississippi Code of 1972, is
7856 brought forward as follows:

7857 57-10-439. (1) The corporation is hereby declared to be
7858 performing a public function and to be a public body corporate and
7859 a political subdivision of the state. Accordingly, the income,
7860 including any profit made on the sale thereof from all bonds
7861 issued by the corporation, shall at all times be exempt from all
7862 taxation by the state or any political subdivision thereof. If,
7863 after all indebtedness and other obligations of the corporation
7864 are discharged, the corporation is dissolved, its remaining assets
7865 shall inure to the benefit of the state.



7866 (2) With the approval of the appropriate local taxing
7867 authority, all mortgages or deeds of trust executed as security
7868 therefor, all lease or purchase agreements made pursuant to the
7869 provisions hereof, and all purchases required to establish the
7870 industrial enterprise and financed by proceeds from bonds issued
7871 under Sections 57-10-401 through 57-10-445, shall likewise be
7872 exempt from all taxation in the State of Mississippi except the
7873 contractors' tax imposed by Section 27-65-21 and the tax levied by
7874 Section 27-65-24(1) (b), and except ad valorem taxes levied for
7875 school district purposes. All projects and the revenue derived
7876 therefrom from any lease thereof shall be exempt from all taxation
7877 in the State of Mississippi, except the tax levied by Sections
7878 27-65-21 and 27-65-24(1) (b), except the tax levied under Chapter
7879 7, Title 27, Mississippi Code of 1972, and except ad valorem taxes
7880 levied for school district purposes.

7881 **SECTION 271.** Section 57-10-441, Mississippi Code of 1972, is
7882 brought forward as follows:

7883 57-10-441. The bonds issued by and under the authority of
7884 Sections 57-10-401 through 57-10-445 by the corporation are
7885 declared to be legal investments in which all public officers or
7886 public bodies of the state, its political subdivisions, all
7887 municipalities and municipal subdivisions, all insurance companies
7888 and associations, and other persons carrying on insurance
7889 business, all banks, bankers, banking associations, trust
7890 companies, savings associations, including savings and loan



7891 associations, building and loan associations, investment
7892 companies, and other persons carrying on a banking business, all
7893 administrators, guardians, executors, trustees and other
7894 fiduciaries, and all other persons who are now or may later be
7895 authorized to invest in bonds or in other obligations of the
7896 state, may invest funds, including capital, in their control or
7897 belonging to them. Such bonds are also hereby made securities
7898 which may be deposited with and received by all public officers
7899 and bodies of the state or any agency or political subdivision of
7900 the state and all municipalities and public corporations for any
7901 purpose for which the deposit of bonds or other obligations of the
7902 state is now or may be later authorized by law.

7903 **SECTION 272.** Section 57-10-443, Mississippi Code of 1972, is
7904 brought forward as follows:

7905 57-10-443. The corporation, within one hundred twenty (120)
7906 days of the close of each fiscal year, shall submit an annual
7907 report of its activities in regard to Sections 57-10-401 through
7908 57-10-445 for the preceding year to the Governor. The Clerk of
7909 the House of Representatives and the Secretary of the Senate each
7910 shall receive a copy of the report by making a request for it to
7911 the corporation. Each report shall set forth a complete operating
7912 and financial statement in regard to Sections 57-10-401 through
7913 57-10-445 for the corporation during the fiscal year it covers.

7914 **SECTION 273.** Section 57-10-445, Mississippi Code of 1972, is
7915 brought forward as follows:



7916 57-10-445. Nothing contained in Sections 57-10-401 through
7917 57-10-445 is to be construed as a restriction or limitation upon
7918 any powers which the corporation might otherwise have under any
7919 other law of the state. Insofar as the provisions of Sections
7920 57-10-401 through 57-10-445 are inconsistent with the provisions
7921 of any other law, the provisions of Sections 57-10-401 through
7922 57-10-445 shall be controlling, and the powers conferred by
7923 Sections 57-10-401 through 57-10-445 shall be regarded as
7924 supplemental and additional to powers conferred by any other laws.
7925 No proceedings, notice or approval shall be required for the
7926 issuance of any bonds or any instrument or the security therefor,
7927 except as provided in Sections 57-10-401 through 57-10-445.

7928 The provisions of Sections 57-10-401 through 57-10-445 shall
7929 be liberally construed to accomplish the purposes of Sections
7930 57-10-401 through 57-10-445.

7931 The powers granted and the duties imposed in Sections
7932 57-10-401 through 57-10-445 shall be construed to be independent
7933 and severable. If any one or more sections, subsections,
7934 sentences or parts of any of Sections 57-10-401 through 57-10-445
7935 shall be adjudged unconstitutional or invalid, such adjudication
7936 shall not affect, impair or invalidate the remaining provisions
7937 thereof, but shall be confined in its operation to the specific
7938 provisions so held unconstitutional or invalid.

7939 **SECTION 274.** Section 57-10-447, Mississippi Code of 1972, is
7940 brought forward as follows:



7941 57-10-447. No elected or appointed official shall derive any
7942 pecuniary benefit, directly or indirectly, as a result of such
7943 elected or appointed official's duties under Sections 57-10-401
7944 through 57-10-445. Any member of the Legislature, any elected or
7945 appointed official, any member of the immediate family of a member
7946 of the Legislature, or any partner or associate of such a member
7947 of the Legislature or elected or appointed official, shall not
7948 derive any income from the issuance of any bonds under Sections
7949 57-10-401 through 57-10-445, contrary to the provisions of Section
7950 109, Mississippi Constitution of 1890, or Article 3, Chapter 4,
7951 Title 25, Mississippi Code of 1972. The provisions of this
7952 section shall not apply to any person performing clerical or
7953 administrative functions, which are other than legal services
7954 provided by an attorney, that are associated with the issuance of
7955 any bonds under Sections 57-10-401 through 57-10-445, such as the
7956 printing of bonds or other materials. Any person convicted of a
7957 violation of this section shall be punished by imprisonment for
7958 not less than one (1) year and not more than five (5) years and a
7959 fine of not less than Two Thousand Five Hundred Dollars
7960 (\$2,500.00) and not more than Ten Thousand Dollars (\$10,000.00).

7961 **SECTION 275.** Section 57-10-449, Mississippi Code of 1972, is
7962 brought forward as follows:

7963 57-10-449. Sections 57-10-401 through 57-10-445 and
7964 27-7-22.3 shall be repealed from and after October 1, 2022.



7965 **SECTION 276.** Section 57-10-501, Mississippi Code of 1972, is
7966 brought forward as follows:

7967 57-10-501. This article shall be known and may be cited as
7968 the Mississippi Small Business Assistance Act.

7969 **SECTION 277.** Section 57-10-503, Mississippi Code of 1972, is
7970 brought forward as follows:

7971 57-10-503. It is the purpose of this article to promote
7972 economic and community development in the State of Mississippi
7973 through the planning and development districts in Mississippi by
7974 providing assistance for job creation and retention and small
7975 business development and to authorize the issuance of state bonds
7976 or notes for funding such assistance.

7977 **SECTION 278.** Section 57-10-505, Mississippi Code of 1972, is
7978 brought forward as follows:

7979 57-10-505. The following words and phrases when used in this
7980 article shall have the meaning given to them in this section
7981 unless the context clearly indicates otherwise:

7982 (a) "Assistance" means a loan to a small business or an
7983 equity investment in a small business by a planning and
7984 development district in accordance with this article.

7985 (b) "DECD" means the Mississippi Development Authority.

7986 (c) "Equity investment" means an investment in the
7987 ownership of a small business incorporated in Mississippi by a
7988 planning and development district in accordance with this article.



7989 (d) "General Fund" means the General Fund of the State
7990 of Mississippi.

7991 (e) "Loan" means a loan by a planning and development
7992 district to a small business in accordance with this article.

7993 (f) "MDA" means the Mississippi Development Authority.

7994 (g) "Planning and development districts" means an
7995 organized planning and development district in Mississippi.

7996 (h) "Program" means the Mississippi Small Business
7997 Assistance Program established in this article.

7998 (i) "Qualified entities" means small business
7999 investment corporations, community development corporations and
8000 other similar entities approved by the Mississippi Business
8001 Finance Corporation to participate in the program.

8002 (j) "Seller" means the State Bond Commission.

8003 (k) "Small business" means any commercial enterprise
8004 with less than one hundred (100) full-time employees, less than
8005 Seven Million Dollars (\$7,000,000.00) in net worth or less than
8006 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net annual
8007 profit after taxes.

8008 **SECTION 279.** Section 57-10-507, Mississippi Code of 1972, is
8009 brought forward as follows:

8010 57-10-507. There is hereby established, under the direction
8011 of * * * MDA, a program to be known as the Mississippi Small
8012 Business Assistance Program for the purpose of making grants to
8013 the planning and development districts and qualified entities for



8014 their use in providing assistance to small businesses in
8015 accordance with this article for the purpose of creating and
8016 retaining jobs and small business development.

8017 **SECTION 280.** Section 57-10-509, Mississippi Code of 1972, is
8018 brought forward as follows:

8019 57-10-509. (1) Any planning and development district or
8020 qualified entity desiring to participate in the program shall make
8021 application for a grant to * * * MDA in a form satisfactory
8022 to * * * MDA.

8023 (2) The application must indicate that the planning and
8024 development district or qualified entity has established a small
8025 business assistance review board to review applications for
8026 assistance under the program and make recommendations thereon to
8027 the board of directors of the planning and development district or
8028 governing board of a qualified entity in accordance with this
8029 article. The planning and development district or qualified
8030 entity shall provide such other assurances of their ability to
8031 administer and manage the program in accordance with this article
8032 as may be reasonably required by * * * MDA. An eligible community
8033 development corporation shall execute a memorandum of agreement
8034 with the planning and development district(s) having such
8035 jurisdiction as may be concurrent with that of the community
8036 development corporation.

8037 **SECTION 281.** Section 57-10-511, Mississippi Code of 1972, is
8038 brought forward as follows:



8039 57-10-511. MDA shall grant funds under this article to a
8040 planning and development district or qualified entity in
8041 accordance with the following terms and conditions:

8042 (a) Grant funds received by a planning and development
8043 district or qualified entity in accordance with this article shall
8044 be used by the planning and development district or qualified
8045 entity to establish a revolving assistance fund for the purpose of
8046 providing assistance to small businesses in accordance with this
8047 article. Except as otherwise allowed in this article, all
8048 principal and interest payments by small businesses in repayment
8049 of such assistance shall be eligible for and used by the planning
8050 and development district or qualified entity for additional
8051 assistance to small businesses in accordance with this article.

8052 (b) Each planning and development district meeting the
8053 criteria set forth in this article shall receive an initial grant
8054 of not to exceed One Million Dollars (\$1,000,000.00) for the
8055 purpose of establishing the program within its area in accordance
8056 with this article. Each qualified entity meeting the criteria set
8057 forth in this article shall be eligible to receive an initial
8058 grant of Five Hundred Thousand Dollars (\$500,000.00) for the
8059 purpose of establishing the program within the area it serves in
8060 accordance with this article. The total amount of initial grants
8061 to planning and development districts shall not exceed Ten Million
8062 Dollars (\$10,000,000.00) and the total amount of initial grants
8063 for qualified entities shall not exceed Two Million Dollars



8064 (\$2,000,000.00). Each planning and development district or
8065 qualified entity receiving an initial grant shall have twelve (12)
8066 months in which to make binding commitments to provide assistance
8067 to small businesses in the principal amount of the initial grant
8068 in accordance with this article. Grant funds not committed to
8069 provide assistance to small businesses at the end of twelve (12)
8070 months after receipt thereof by the planning and development
8071 district or qualified entity shall be returned to MDA for
8072 placement in a pool to be redistributed by MDA to planning and
8073 development districts or qualified entities which have binding
8074 commitments to distribute as assistance all their initial grant
8075 funds and have pending applications for additional assistance in
8076 accordance with this article. Any planning and development
8077 district or qualified entity returning any such grant funds to MDA
8078 shall be required at the time such initial grant funds are
8079 returned to deliver to the State Treasury, for deposit in the
8080 General Fund, interest on the amount of such returned funds at the
8081 same rate as any bonds or notes of the State of Mississippi issued
8082 pursuant to this article to provide such grant funds.

8083 (c) After all of the initial grant funds have been
8084 provided as assistance to small businesses in accordance with this
8085 article, MDA shall distribute additional grant funds to each
8086 planning and development district or qualified entity qualified
8087 under this article to receive and requesting such funds in
8088 whatever amounts MDA deems appropriate and when needed by such



8089 planning and development districts or qualified entities to
8090 provide additional assistance to small businesses in accordance
8091 with this article. The schedule for distributing such funds shall
8092 be determined by MDA. Funds distributed to planning and
8093 development districts and qualified entities pursuant to this
8094 paragraph shall be in addition to funds distributed to planning
8095 and development districts and qualified entities pursuant to
8096 paragraph (b) of this section. The total amount of grants issued
8097 pursuant to this paragraph shall not exceed Twenty Million Dollars
8098 (\$20,000,000.00) for planning and development districts or
8099 qualified entities. Grant funds not committed to provide
8100 assistance to small businesses at the end of twelve (12) months
8101 after receipt thereof by the planning and development district or
8102 qualified entity shall be returned to MDA for placement in a pool
8103 to be redistributed by MDA to planning and development districts
8104 or qualified entities which have binding commitments to distribute
8105 as assistance all their initial grant funds and have pending
8106 applications for additional assistance in accordance with this
8107 article. Any planning and development district or qualified
8108 entity returning any such grant funds to MDA shall be required at
8109 the time such grant funds are returned to deliver to the State
8110 Treasury, for deposit in the General Fund, interest on the amount
8111 of such returned funds at the same rate as any bonds or notes of
8112 the State of Mississippi issued pursuant to this article to
8113 provide such grant funds.



8114 (d) A planning and development district or qualified
8115 entity participating in the program may utilize an amount equal to
8116 not more than fifty percent (50%) of interest earned on assistance
8117 provided to small businesses in accordance with this article or
8118 three percent (3%) of the current annual loans disbursed,
8119 whichever is the lesser amount, for administration and management
8120 of the program, unless specifically authorized to utilize more by
8121 MDA; however, any interest earned on grant funds held by a
8122 planning and development district or qualified entity prior to the
8123 utilization of such grant funds to provide assistance to small
8124 businesses shall be placed in the revolving assistance fund of the
8125 planning and development district or qualified entity and shall
8126 not be expended for administration or management costs. Planning
8127 and development districts and qualified entities may retain an
8128 amount equal to fifty percent (50%) of the interest earned on
8129 repayment funds that are being held on deposit in anticipation of
8130 relending, or three percent (3%) of the current annual loans
8131 disbursed, whichever is the lesser amount, to aid in the
8132 administration and management of the program. Each planning and
8133 development district and qualified entity shall file annually with
8134 the Secretary of the Senate and the Clerk of the House of
8135 Representatives not later than the first day of each regular
8136 legislative session a report which details any interest retained
8137 or utilized by the planning and development district or qualified
8138 entity pursuant to this paragraph (d).



8139 (e) If a planning and development district or qualified
8140 entity participating in the program experiences losses from
8141 assistance provided pursuant to the program in excess of sixty
8142 percent (60%) of the amount of grant funds received by the
8143 planning and development district or qualified entity, the
8144 planning and development district or qualified entity shall repay
8145 the State of Mississippi the amount of such losses in excess of
8146 sixty percent (60%) by delivering that amount to the State
8147 Treasury for deposit in the General Fund.

8148 (f) MDA shall assist each planning and development
8149 district or qualified entity participating in the program in
8150 connection with such planning and development district's or
8151 qualified entity's compliance with this article.

8152 (g) Each planning and development district or qualified
8153 entity participating in the program shall submit the following
8154 reports to * * * MDA:

8155 (i) An annual audit of grant funds received in
8156 connection with the program; and

8157 (ii) A semiannual report on July 30 and January 30
8158 of each year, describing all assistance provided to small
8159 businesses pursuant to the program, such reports to include,
8160 without limitation, the following: a description of each small
8161 business receiving assistance; the project to be assisted and
8162 purpose of assistance; a description of each loan and equity
8163 investment, including the terms and conditions thereof and use of



8164 the assistance funds by the small business; history of the
8165 assistance pool, including principal amount loaned, interest
8166 earned, interest expended for administration and management,
8167 principal amount of equity investments, assistance funds
8168 available, and losses; and a statement of jobs created or retained
8169 as a result of the assistance program.

8170 (h) If MDA determines that a district or entity has
8171 provided assistance to small businesses in a manner inconsistent
8172 with the provisions of this article, then the amount of such
8173 assistance so provided shall be withheld by MDA from any
8174 additional grant funds to which the district or entity becomes
8175 entitled under this article. If MDA determines, after notifying
8176 such district or entity twice in writing and providing such
8177 district or entity a reasonable opportunity to comply, that a
8178 planning and development district or qualified entity has
8179 consistently failed to comply with this article in connection with
8180 the program, MDA may declare such planning and development
8181 district or qualified entity in default under the program and,
8182 upon receipt of notice thereof from MDA, such planning and
8183 development district or qualified entity shall immediately cease
8184 providing assistance under the program, shall refund to MDA for
8185 distribution to other planning and development districts or
8186 qualified entities all funds held in its revolving assistance fund
8187 and, if required by MDA, shall convey to MDA all administrative



8188 and management control of assistance provided by it under the
8189 program.

8190 (i) If MDA determines, after notifying a planning and
8191 development district or qualified entity twice in writing and
8192 providing copies of such notification to each member of the
8193 Legislature in whose district or in a part of whose district such
8194 planning and development district or qualified entity is located
8195 and providing such district or entity a reasonable opportunity to
8196 take corrective action, that a planning and development district
8197 or a qualified entity administering a revolving assistance fund
8198 under the provisions of this article is not actively engaged in
8199 lending as defined by the rules and regulations of MDA, MDA may
8200 declare such planning and development district or qualified entity
8201 in default under the program and, upon receipt of notice thereof
8202 from MDA, such planning and development district or qualified
8203 entity shall immediately cease providing assistance under the
8204 program, shall refund to MDA for distribution to other planning
8205 and development districts or qualified entities all funds held in
8206 its revolving assistance fund and, if required by MDA, shall
8207 convey to MDA all administrative and management control of
8208 assistance provided by it under the program.

8209 (j) Notwithstanding any other provision of this article
8210 to the contrary, if federal funds are not available for
8211 commitments made by a planning and development district to provide
8212 assistance under any federal loan program administered by the



8213 planning and development district in coordination with the
8214 Appalachian Regional Commission or Economic Development
8215 Administration, or both, a planning and development district may
8216 use funds in its revolving assistance fund, which have not been
8217 committed otherwise to provide assistance, for the purpose of
8218 providing temporary funding for such commitments. If a planning
8219 and development district uses uncommitted funds in its revolving
8220 assistance fund to provide such temporary funding, the district
8221 shall use funds repaid to the district under the temporarily
8222 funded federal loan program to replenish the funds used to provide
8223 the temporary funding. Funds used by a planning and development
8224 district to provide temporary funding under this paragraph (j)
8225 must be repaid to the district's revolving assistance fund no
8226 later than twelve (12) months after the date the district provides
8227 the temporary funding. A planning and development district may
8228 not use uncommitted funds in its revolving assistance fund to
8229 provide temporary funding under this paragraph (j) on more than
8230 two (2) occasions during a calendar year. A planning and
8231 development district may provide temporary funding for multiple
8232 commitments on each such occasion. The maximum aggregate amount
8233 of uncommitted funds in a revolving assistance fund that may be
8234 used for such purposes during a calendar year shall not exceed
8235 seventy percent (70%) of the uncommitted funds in the revolving
8236 assistance fund on the date the district first provides temporary
8237 funding during the calendar year.



8238 **SECTION 282.** Section 57-10-513, Mississippi Code of 1972, is
8239 brought forward as follows:

8240 57-10-513. The planning and development districts and
8241 qualified entities are authorized, empowered and directed to
8242 deposit all grant funds received pursuant to this article in a
8243 revolving assistance fund and to provide assistance therefrom to
8244 small businesses in accordance with this article and the following
8245 criteria, terms and conditions:

8246 (a) To be eligible for assistance under this article,
8247 the small business and the project to be assisted must meet the
8248 following criteria:

8249 (i) Assistance must be in connection with an
8250 identifiable project or business plan, and the principal amount of
8251 all assistance may not exceed fifty percent (50%) of the total
8252 cost of said project or business plan;

8253 (ii) Assistance may be used in connection with the
8254 purchase or lease of land, buildings, equipment and inventory, and
8255 for working capital; provided, however, no more than one-third
8256 (1/3) of the total assistance to a small business pursuant to this
8257 article or Fifty Thousand Dollars (\$50,000.00), whichever is less,
8258 may be used for working capital;

8259 (iii) Assistance may not be provided for
8260 speculative land or real estate investments;

8261 (iv) Assistance may not be provided under the
8262 program to finance or satisfy any existing debt;



8263 (v) Assistance may not be provided to a small
8264 business unless at least sixty percent (60%) of the small business
8265 is owned, directly or indirectly, by individuals who have been
8266 residents of the State of Mississippi for two (2) years
8267 immediately prior to the application for assistance; and

8268 (vi) The project or business plan for which
8269 assistance is provided must create or retain full-time jobs, and
8270 the planning and development district or qualified entity must
8271 receive a certificate to that effect from the small business
8272 before any assistance is provided.

8273 (b) The interest rate on loans shall not be less than
8274 five percent (5%) per annum or more than four percent (4%) above
8275 the federal discount rate, plus the servicing fees established in
8276 this article.

8277 (c) As security for any loan under the program, the
8278 planning and development district or qualified entity shall take a
8279 security interest in assets of the small business and require
8280 personal guarantees of all persons and entities owning twenty
8281 percent (20%) or more of the small business. Such security
8282 interests may be subordinate to other security interests in such
8283 assets.

8284 (d) The maximum term of any loan under the program
8285 shall not exceed the following: fifteen (15) years if used to
8286 purchase or lease land or buildings, ten (10) years if used to



8287 purchase or lease equipment, five (5) years if used to provide
8288 working capital and three (3) years if used to purchase inventory.

8289 (e) In the event of a default by a small business on a
8290 loan under the program, the planning and development district or
8291 qualified entity shall foreclose and enforce its security
8292 interests and personal guarantees relating to such loan and take
8293 all necessary and appropriate action to recover all principal and
8294 interest owed, and all amounts so recovered shall be deposited in
8295 the revolving assistance fund administered by said planning and
8296 development district or qualified entity. Any small business
8297 which defaults on a loan under the program shall not be eligible
8298 for any other loan under the program.

8299 (f) A planning and development district or qualified
8300 entity may acquire, subscribe for, own, hold, sell, assign,
8301 transfer, mortgage or pledge an equity investment in a small
8302 business incorporated under the laws of the State of Mississippi,
8303 provided such equity investment constitutes less than fifty
8304 percent (50%) of the voting shares of the small business and does
8305 not exceed Fifty Thousand Dollars (\$50,000.00), and while the
8306 owner or holder thereof, the planning and development district or
8307 qualified entity may exercise all the rights, powers and
8308 privileges of ownership, including the right to vote thereon. Any
8309 such equity investment in a small business may be redeemed by such
8310 small business upon payment to the planning and development
8311 district or qualified entity of the principal amount of such



8312 equity investment, plus six percent (6%) interest, compounded
8313 annually from the date of such equity investment, provided such
8314 repayment is tendered within seven (7) years of the date of such
8315 equity investment.

8316 (g) A planning and development district or qualified
8317 entity shall not utilize more than one-third (1/3) of all grant
8318 funds received for equity investments in small businesses.

8319 (h) No small business shall receive assistance under
8320 the program in excess of Two Hundred Fifty Thousand Dollars
8321 (\$250,000.00).

8322 (i) All assistance applications must be reviewed by,
8323 and the terms and conditions of the assistance must be recommended
8324 to the planning and development district or qualified entity, by a
8325 small business assistance review board established by the planning
8326 and development district or qualified entity, consisting of the
8327 following members appointed by the planning and development
8328 district or qualified entity:

8329 (i) Two (2) individuals with current experience in
8330 banking or finance;

8331 (ii) Two (2) principal or majority owners of
8332 private, for-profit commercial enterprises qualifying as small
8333 businesses under this article;

8334 (iii) One (1) senior officer of a private,
8335 for-profit commercial enterprise not qualifying as a small



8336 business under this article or the executive director of an
8337 industrial or economic development foundation;

8338 (iv) One (1) individual who is a minority and who
8339 has current experience in banking or finance or who is the
8340 principal or majority owner of a private, for-profit commercial
8341 enterprise qualifying as a small business under this article; and

8342 (v) One (1) individual who is female and who has
8343 current experience in banking or finance or who is the principal
8344 or majority owner of a private, for-profit commercial enterprise
8345 qualifying as a small business under this article.

8346 As used in this paragraph, "minority" shall mean individuals
8347 who are Asian, Black, Hispanic or Native American as defined in
8348 Section 31-7-13(s), Mississippi Code of 1972.

8349 All members of such small business assistance review boards
8350 shall be residents of the area served by the planning and
8351 development district or qualified entity. Small business
8352 assistance review boards shall meet at least quarterly and shall
8353 meet anytime there are at least two (2) assistance applications
8354 pending that require review.

8355 (j) If the small business assistance review board
8356 recommends that assistance be provided, the planning and
8357 development district or qualified entity may either approve and
8358 provide the assistance on the exact terms and conditions
8359 recommended by the small business assistance review board or
8360 determine not to provide such assistance. Under no circumstances



8361 may the planning and development district or qualified entity
8362 provide such assistance on any terms or conditions not approved
8363 and recommended by the small business assistance review board. If
8364 the planning and development district or qualified entity
8365 determines not to provide the assistance that the small business
8366 assistance review board has recommended to be provided, the board
8367 of directors of such district or the governing body of such entity
8368 shall place in its minutes an explanation of the reasons for such
8369 refusal. If the small business assistance review board recommends
8370 against providing the assistance, the board of directors of the
8371 planning and development district or the governing body of the
8372 qualified entity may not determine to provide such assistance
8373 under any terms and conditions.

8374 **SECTION 283.** Section 57-10-515, Mississippi Code of 1972, is
8375 brought forward as follows:

8376 57-10-515. The planning and development districts and
8377 qualified entities are hereby authorized to engage legal counsel,
8378 accountants, financial advisors, appraisers, consultants and
8379 others as needed in connection with providing assistance to small
8380 businesses pursuant to this article, and to charge the costs of
8381 these services to the small businesses receiving such assistance
8382 or charge the proceeds of such assistance therefor. To the extent
8383 required by * * * MDA, such professional services shall be engaged
8384 on a statewide program basis.



8385 **SECTION 284.** Section 57-10-517, Mississippi Code of 1972, is
8386 brought forward as follows:

8387 57-10-517. (1) DECD shall adopt and publish the eligibility
8388 criteria for planning and development districts and qualified
8389 entities to participate in the program as set forth in this
8390 article, a timetable and process for review of applications from
8391 planning and development districts or qualified entities, and
8392 program report forms, all in accordance with this article, and
8393 such other rules and regulations as may be necessary and
8394 appropriate in carrying out its responsibilities under this
8395 article; provided, however, that planning and development
8396 districts or qualified entities shall have sole authority over the
8397 approval of assistance and the management of the assistance
8398 provided under this article.

8399 (2) The Mississippi Association of Planning and Development
8400 Districts shall prepare and adopt such uniform applications,
8401 forms, procedures and requirements for use in connection with the
8402 program as they deem necessary and appropriate.

8403 **SECTION 285.** Section 57-10-519, Mississippi Code of 1972, is
8404 brought forward as follows:

8405 57-10-519. No assistance shall be provided to a small
8406 business under this article unless the small business certifies to
8407 the planning and development district or qualified entity, in a
8408 form satisfactory to * * * MDA, that it will not discriminate



8409 against any employee or against any applicant for employment
8410 because of race, religion, color, national origin, sex or age.

8411 **SECTION 286.** Section 57-10-521, Mississippi Code of 1972, is
8412 brought forward as follows:

8413 57-10-521. (1) There is hereby created a special fund in
8414 the State Treasury to be known as the Mississippi Small Business
8415 Assistance Fund out of which grants and expenditures authorized in
8416 connection with the program shall be disbursed. All monies
8417 received by issuance of bonds to carry out the purposes of this
8418 article shall be deposited into the Mississippi Small Business
8419 Assistance Fund.

8420 (2) All funds repaid to the State Treasury under this
8421 article or designated hereunder for repayment of any bonds issued
8422 under this article shall be delivered to the State Treasurer for
8423 deposit in the General Fund.

8424 **SECTION 287.** Section 57-10-523, Mississippi Code of 1972, is
8425 brought forward as follows:

8426 57-10-523. (1) All bonds issued under the authority of this
8427 article shall be redeemed at maturity, together with all interest
8428 due, from time to time, on the bonds, and these principal and
8429 interest payments shall be paid from the General Fund.

8430 (2) In the event that all or any part of the bonds and notes
8431 are purchased, they shall be canceled and returned to the loan and
8432 transfer agent as canceled and paid bonds and notes; and
8433 thereafter all payments of interest thereon shall cease and the



8434 canceled bonds, notes and coupons, together with any other
8435 canceled bonds, notes and coupons, shall be destroyed as promptly
8436 as possible after cancellation but not later than two (2) years
8437 after cancellation. A certificate evidencing the destruction of
8438 the canceled bonds, notes and coupons shall be provided by the
8439 loan and transfer agent to the seller.

8440 (3) The State Treasurer shall determine and report to the
8441 Department of Finance and Administration and Legislative Budget
8442 Office by September 1 of each year the amount of money necessary
8443 for the payment of the principal of and interest on outstanding
8444 obligations for the following fiscal year and the times and
8445 amounts of the payments. It shall be the duty of the Governor to
8446 include in every executive budget submitted to the Legislature
8447 full information relating to the issuance of bonds and notes under
8448 the provisions of this article and the status of the General Fund
8449 for the payment of the principal of and interest on the bonds and
8450 notes.

8451 (4) Except as otherwise provided by law, the rate of
8452 interest on any assistance made using funds from the Mississippi
8453 Small Business Assistance Fund shall be in accordance with Section
8454 57-10-513. Notwithstanding the provisions of any other law to the
8455 contrary, the interest rate charged shall not be set such that the
8456 aggregate of the interest, penalties and other payments to the
8457 planning and development districts or qualified entities in
8458 connection with such assistance made using funds from the



8459 Mississippi Small Business Assistance Fund will cause the bonds
8460 issued pursuant to this article to be deemed arbitrage bonds
8461 pursuant to Section 148 of the Internal Revenue Code of 1986 and
8462 the regulations promulgated thereunder. In the case of assistance
8463 initially funded from the proceeds of notes and subsequently
8464 funded from renewal bonds and notes, the interest rate to be
8465 charged on the assistance shall be established in accordance with
8466 Section 57-10-513 upon the sale of bonds or notes, as the case may
8467 be, for such assistance.

8468 **SECTION 288.** Section 57-10-525, Mississippi Code of 1972, is
8469 brought forward as follows:

8470 57-10-525. (1) The seller is authorized to borrow, on the
8471 credit of the state, money not exceeding the aggregate sum of
8472 Thirty-two Million Dollars (\$32,000,000.00), not including money
8473 borrowed to refund outstanding bonds, notes or replacement notes,
8474 as may be necessary to carry out the purposes of this article.
8475 The rate of interest on any such bonds or notes which are not
8476 subject to taxation shall not exceed the rates set forth in
8477 Section 75-17-101, Mississippi Code of 1972, for general
8478 obligation bonds.

8479 (2) As evidence of indebtedness authorized in this article,
8480 general or limited obligation bonds of the state shall be issued
8481 from time to time to provide monies necessary to carry out the
8482 purposes of this article for such total amount, in such form, in
8483 such denominations, payable in such currencies (either domestic or



8484 foreign or both), and subject to such terms and conditions of
8485 issue, redemption and maturity, rate of interest and time of
8486 payment of interest as the seller directs, except that such bonds
8487 shall mature or otherwise be retired in annual installments
8488 beginning not more than five (5) years from the date thereof and
8489 extending not more than twenty (20) years from the date thereof.

8490 (3) All bonds and notes issued under authority of this
8491 article shall be signed by the chairman of the seller, or by his
8492 facsimile signature, and the official seal of the seller shall be
8493 affixed thereto, attested by the secretary of the seller.

8494 (4) All bonds and notes issued under authority of this
8495 article may be general or limited obligations of the state, and
8496 the full faith and credit of the State of Mississippi as to
8497 general obligation bonds, or the revenue derived from projects
8498 assisted as to limited obligation bonds, are hereby pledged for
8499 the payment of the principal of and interest on such bonds and
8500 notes.

8501 (5) Such bonds and notes and the income therefrom shall be
8502 exempt from all taxation in the State of Mississippi.

8503 (6) The bonds may be issued as coupon bonds or registered as
8504 to both principal and interest as the seller may determine. If
8505 interest coupons are attached, they shall contain the facsimile
8506 signature of the chairman and the secretary of the seller.

8507 (7) As to bonds issued hereunder and designated as taxable
8508 bonds by the seller, any immunity of the state to taxation by the



8509 United States government of interest on bonds or notes issued by
8510 the state is hereby waived.

8511 **SECTION 289.** Section 57-10-527, Mississippi Code of 1972, is
8512 brought forward as follows:

8513 57-10-527. (1) Whenever bonds are issued, they shall be
8514 offered for sale at not less than par value and accrued interest
8515 and shall be sold by the seller at public or private sale, from
8516 time to time, in such manner and at such price as may be
8517 determined by the seller to be most advantageous.

8518 (2) Any portion of any bond issue so offered and not sold or
8519 subscribed for at public sale may be disposed of by private sale
8520 by the seller in such manner and at such prices not less than par
8521 and accrued interest, as the seller shall direct.

8522 (3) When bonds are issued from time to time, the bonds of
8523 each issue shall constitute a separate series to be designated by
8524 the seller or may be combined for sale as one (1) series with
8525 other general obligation bonds of the State of Mississippi.

8526 (4) Until permanent bonds can be prepared, the seller may in
8527 its discretion issue, in lieu of permanent bonds, temporary bonds
8528 in such form and with such privileges as to registration and
8529 exchange for permanent bonds as may be determined by the seller.

8530 (5) Pending their application to the purposes authorized,
8531 bond proceeds held or deposited by the State Treasurer may be
8532 invested or reinvested as are other funds in the custody of the
8533 State Treasurer in the manner provided by law. All earnings



8534 received from the investment or deposit of such funds shall be
8535 paid into the State Treasury to the credit of the Mississippi
8536 Small Business Assistance Fund.

8537 (6) The State Treasurer shall prepare the necessary registry
8538 book to be kept in the office of the duly authorized loan and
8539 transfer agent of the state for the registration of any bonds, at
8540 the request of owners thereof, according to the terms and
8541 conditions of issue directed by the seller.

8542 (7) All costs and expenses in connection with the issue of
8543 and sale and registration of the bonds and notes in connection
8544 with this article, and all costs and expenses in connection with
8545 implementation of the program and development of application
8546 forms, procedures and requirements for use in connection with the
8547 program may be paid from the proceeds of bonds and notes issued
8548 under this article.

8549 (8) The seller may provide in the resolution authorizing the
8550 issuance of such bonds for the employment of one or more persons
8551 or firms to assist in the sale of the bonds; to enter into
8552 contracts with financial institutions located either within or
8553 without the State of Mississippi to act as registrar, paying
8554 agents, transfer agents or otherwise; for rating of the bonds; and
8555 to purchase insurance.

8556 **SECTION 290.** Section 57-10-529, Mississippi Code of 1972, is
8557 brought forward as follows:



8558 57-10-529. (1) Pending the issuance of bonds of the state
8559 as authorized under this article, the seller is hereby authorized
8560 in accordance with the provisions of this article and on the
8561 credit of the state, to make temporary borrowings not to exceed
8562 two (2) years in anticipation of the issue of bonds in order to
8563 provide funds in such amounts as may, from time to time, be deemed
8564 advisable prior to the issue of bonds. In order to provide for
8565 and in connection with such temporary borrowings, the seller is
8566 hereby authorized in the name and on behalf of the state to enter
8567 into any purchase, loan or credit agreement, or agreements, or
8568 other agreement or agreements with any financial institution or
8569 persons in the United States having power to enter into the same,
8570 which agreements may contain such provisions not inconsistent with
8571 the provisions of this article as may be authorized by the seller.

8572 (2) All temporary borrowings made under this section shall
8573 be evidenced by notes of the state which shall be issued, from
8574 time to time, for such amounts not exceeding in the aggregate the
8575 applicable statutory and constitutional debt limitation, in such
8576 form and in such denominations and subject to terms and conditions
8577 of sale and issue, prepayment or redemption and maturity, rate or
8578 rates of sale and time of payment of interest as the seller shall
8579 authorize and direct and in accordance with this article. Such
8580 authorization and direction may provide for the subsequent
8581 issuance of replacement notes to refund, upon issuance thereof,
8582 such notes, and may specify such other terms and conditions with



8583 respect to the notes and replacement notes thereby authorized for
8584 issuance as the seller may determine and direct.

8585 (3) When the authorization and direction of the seller
8586 provide for the issuance of replacement notes, the seller is
8587 hereby authorized in the name and on behalf of the state to enter
8588 into agreements with any financial institutions or persons in the
8589 United States having the power to enter into the same:

8590 (a) To purchase or underwrite an issue or series of
8591 issues of notes.

8592 (b) To enter into any purchase, loan or credit
8593 agreements, and to draw monies pursuant to any such agreements on
8594 the terms and conditions set forth therein and to issue notes as
8595 evidence of borrowings made under any such agreements.

8596 (c) To appoint or act as issuing and paying agent or
8597 agents with respect to notes.

8598 (d) To do such other acts as may be necessary or
8599 appropriate to provide for the payment, when due, of the principal
8600 of and interest on such notes.

8601 Such agreements may provide for the compensation of any
8602 purchasers or underwriters of notes or replacement notes by
8603 payment of a fixed fee or commission at the time of issuance
8604 thereof, and for all other costs and expenses, including fees for
8605 agreements related to the notes issuing and paying agent costs.
8606 Costs and expenses of issuance may be paid from the proceeds of
8607 the notes.



8608 (4) When the authorization and direction of the seller
8609 provides for the issuance of replacement notes, it shall, at or
8610 prior to the time of delivery of these notes or replacement notes,
8611 determine the principal amounts, dates of issue, interest rate or
8612 rates, rates of discount, denominations and all other terms and
8613 conditions relating to the issuance. The State Treasurer shall
8614 perform all acts and things necessary to pay or cause to be paid,
8615 when due, all principal of and interest on the notes being
8616 refunded by replacement notes and to assure that the same may draw
8617 upon any monies available for that purpose pursuant to any
8618 purchase loan or credit agreements established with respect
8619 thereto, all subject to the authorization and direction of the
8620 seller.

8621 (5) Outstanding notes evidencing such borrowings may be
8622 funded and retired by the issuance and sale of the bonds of the
8623 state as hereinafter authorized. The refunding bonds must be
8624 issued and sold not later than a date two (2) years after the date
8625 of issuance of the first notes evidencing such borrowings to the
8626 extent that payment of such notes has not otherwise been made or
8627 provided for by sources other than proceeds of replacement notes.

8628 (6) The proceeds of all such temporary borrowing shall be
8629 paid to the State Treasurer to be held and disposed of in
8630 accordance with the provisions of Section 57-10-521.

8631 **SECTION 291.** Section 57-10-531, Mississippi Code of 1972, is
8632 brought forward as follows:



8633 57-10-531. (1) The proceeds realized from the sale of bonds
8634 and notes under this article, other than refunding bonds and
8635 replacement notes, shall be paid to the State Treasurer and
8636 deposited into the Mississippi Small Business Assistance Fund and
8637 specifically dedicated to the purposes enumerated in this article.

8638 (2) All nonfederal funds which may become available for the
8639 purposes of this article shall be deposited in the Mississippi
8640 Small Business Assistance Fund and shall be allocated for the
8641 purposes of this article.

8642 (3) The proceeds of the sale of refunding bonds and
8643 replacement notes shall be applied solely to the payment of the
8644 principal of and the accrued interest on and premium, if any, and
8645 costs of redemption of the bonds and notes for which such
8646 obligations have been issued.

8647 **SECTION 292.** Section 57-10-533, Mississippi Code of 1972, is
8648 brought forward as follows:

8649 57-10-533. Except as otherwise authorized in Section 7-5-39,
8650 the Attorney General of the State of Mississippi shall represent
8651 the seller in issuing, selling and validating bonds or notes
8652 herein provided for, and the seller is hereby authorized and
8653 empowered to expend from the proceeds derived from the sale of the
8654 bonds or notes authorized hereunder all necessary administrative,
8655 legal and other expenses incidental and related to the issuance of
8656 bonds or notes authorized under this article.



8657 **SECTION 293.** Section 57-10-601, Mississippi Code of 1972, is
8658 brought forward as follows:

8659 57-10-601. (1) As used in this section:

8660 (a) "Act" means the State Small Business Credit
8661 Initiative Act of 2010 (Public Law 111-240).

8662 (b) "State program" has the meaning ascribed to such
8663 term in the State Small Business Credit Initiative Act of 2010
8664 (Public Law 111-240).

8665 (c) "MDA" means the Mississippi Development Authority.

8666 (2) The MDA is designated as the agency to implement a state
8667 program and participate in the State Small Business Credit
8668 Initiative established under the act.

8669 (3) The MDA is authorized and empowered to take any action
8670 necessary to establish and implement a state program that meets
8671 all the requirements of the act.

8672 (4) The MDA is authorized and empowered to administer funds
8673 transferred to the state under the act.

8674 (5) The Executive Director of MDA is authorized and
8675 empowered to promulgate and put into effect all reasonable rules
8676 and regulations that he may deem necessary to carry out the
8677 provisions of this section and comply with the act.

8678 **SECTION 294.** Section 57-10-701, Mississippi Code of 1972, is
8679 brought forward as follows:

8680 57-10-701. This article shall be known as the "Small
8681 Business and Grocer Investment Act."



8682 **SECTION 295.** Section 57-10-703, Mississippi Code of 1972, is
8683 brought forward as follows:

8684 57-10-703. The Legislature finds the following:

8685 (a) Developing quality retail food outlets creates
8686 jobs, expands markets for Mississippi farmers, and supports
8687 economic vitality in underserved communities.

8688 (b) Increasing access to retail food outlets that sell
8689 fresh fruits, vegetables and other healthy food is an important
8690 strategy for fighting the obesity epidemic and improving health.
8691 Studies have shown that people with better access to supermarkets
8692 and fresh produce tend to have healthier diets and lower levels of
8693 obesity.

8694 (c) The program established under this article is
8695 intended to provide a dedicated source of financing for healthy
8696 food retailers operating in underserved communities in
8697 Mississippi, in both urban and rural areas; to increase access to
8698 affordable healthy food so as to improve diets and health; to
8699 promote the sale and consumption of fresh fruits and vegetables,
8700 in natural and/or frozen form, particularly those that are
8701 Mississippi grown; and to support expanded economic opportunities
8702 in low-income and rural communities.

8703 **SECTION 296.** Section 57-10-705, Mississippi Code of 1972, is
8704 brought forward as follows:

8705 57-10-705. As used in this article:



8706 (a) "Agency" means the Mississippi Development
8707 Authority.
8708 (b) "Funding" means grants, loans, or a combination of
8709 grants and loans.
8710 (c) "Healthy food retailers" means retailers that sell
8711 quality fresh fruits and vegetables, in natural and/or frozen
8712 form, including, but not limited to, supermarkets, grocery stores,
8713 convenience stores and farmers' markets.
8714 (d) "Program" means technical assistance and a
8715 public-private partnership established in the state by the
8716 Mississippi Development Authority to identify and/or provide a
8717 dedicated source of funding and other financing for food retailers
8718 that increase access to fresh fruits and vegetables, in natural
8719 and/or frozen form, and other affordable healthy food for
8720 Mississippi residents overseen by the Mississippi Development
8721 Authority.
8722 (e) "Underserved community" means a geographic area
8723 that has limited access to healthy food retailers, or an area that
8724 is otherwise determined to have serious healthy food access
8725 limitations, that is located in a county that has been designated
8726 by the Department of Revenue as a Tier Two or Tier Three area
8727 under the provisions of Section 57-73-21(1).
8728 **SECTION 297.** Section 57-10-707, Mississippi Code of 1972, is
8729 brought forward as follows:



8730 57-10-707. (1) To the extent funds are available, the
8731 Mississippi Development Authority, in cooperation with public and
8732 private sector partners, is authorized to establish a program
8733 modeled on comparable initiatives throughout the nation that
8734 provides grants and loans and/or promotes access to healthy food
8735 retailers that increase access to fresh fruits and vegetables, in
8736 natural and/or frozen form, and other affordable healthy food in
8737 underserved communities.

8738 (2) The agency may contract with one or more qualified
8739 nonprofit organizations or community development financial
8740 institutions to administer the program described in this article
8741 through a public-private partnership, to raise matching funds,
8742 market the program statewide, evaluate applicants, make award
8743 decisions, underwrite loans and monitor compliance and impact.
8744 The agency and its partners shall coordinate with complementary
8745 nutrition assistance and education programs.

8746 (3) Any funding provided under the program shall be provided
8747 on a competitive, one-time basis as appropriate for the eligible
8748 project. No state funds shall be directly provided as a source of
8749 funding for any food retailer under this program, but may be used
8750 by the agency for its administrative duties in carrying out the
8751 provisions of this article.

8752 (4) (a) The program may provide technical assistance and/or
8753 funding for projects such as:

8754 (i) New construction of healthy food retailers.



8755 (ii) Store renovations, expansion and
8756 infrastructure upgrades that improve the availability and quality
8757 of fresh produce.

8758 (iii) Farmers' markets and public markets, food
8759 cooperatives, mobile markets and delivery projects and
8760 distribution projects that enable food retailers in underserved
8761 communities to regularly obtain fresh produce.

8762 (iv) Other projects that create or improve healthy
8763 food retail outlets that meet the intent of this article as
8764 determined by the agency.

8765 (b) Funding made available for projects included in
8766 paragraph (a) of this subsection may be used for the following
8767 purposes:

8768 (i) Site acquisition and preparation.

8769 (ii) Construction costs.

8770 (iii) Equipment and furnishings.

8771 (iv) Workforce training.

8772 (v) Security.

8773 (vi) Certain predevelopment costs such as market
8774 studies and appraisals.

8775 (vii) Working capital for initial inventory and
8776 costs.

8777 (5) An applicant for funding may include, but not be limited
8778 to, a sole proprietorship, partnership, limited liability company,
8779 corporation or cooperative.



8780 (6) In order to be considered for funding, an applicant
8781 shall meet the following eligibility criteria:

8782 (a) The project for which the applicant seeks funding
8783 shall benefit an underserved community.

8784 (b) The applicant shall demonstrate a meaningful
8785 commitment to sell fresh fruits and vegetables, in natural and/or
8786 frozen form, according to a measurable standard established by the
8787 agency.

8788 (c) The applicant shall not locate the project in an
8789 area where it would be directly competing against an existing food
8790 retailer.

8791 (7) Applicants shall be evaluated on the following financial
8792 criteria in order to determine the funding awarded:

8793 (a) Demonstrated capacity to successfully implement the
8794 project, including the applicant's relevant experience and the
8795 likelihood that the project will be economically self-sustaining.

8796 (b) The ability of the applicant to repay debt.

8797 (c) The degree to which the project requires an
8798 investment of public funding to move forward, create impact or be
8799 competitive, and the level of need in the area to be served.

8800 Additional factors that will improve or preserve retail access for
8801 low-income residents, such as proximity to public transit lines,
8802 also may be taken into account.



8803 (d) The degree to which the project will promote sales
8804 of fresh produce, particularly Mississippi-grown fruits and
8805 vegetables.

8806 (e) The degree to which the project will have a
8807 positive economic impact on the underserved community, including,
8808 creating or retaining jobs for local residents.

8809 (f) Other criteria that the agency determines to be
8810 consistent with the purposes of this article.

8811 (8) The agency shall establish program benchmarks and
8812 reporting processes to make certain that the program benefits the
8813 communities in the program area. The agency shall likewise
8814 establish monitoring and accountability mechanisms for projects
8815 receiving grants or loans, such as tracking fruit and vegetable
8816 sales data.

8817 (9) The agency shall prepare and submit an annual report to
8818 the Legislature on any projects funded and outcome data.

8819 (10) The agency shall establish rules for the implementation
8820 of this article.

8821 **SECTION 298.** Section 57-10-709, Mississippi Code of 1972, is
8822 brought forward as follows:

8823 57-10-709. Funding described in this article, to the extent
8824 practicable, may be used to leverage other sources of funds,
8825 including, but not limited to, New Markets Tax Credits, federal
8826 and foundation grant programs, incentives available to designated
8827 Enterprise Zones or Renewal Communities, operator equity and funds



8828 from private sector financial institutions under the federal
8829 Community Reinvestment Act.

8830 **SECTION 299.** Section 57-10-711, Mississippi Code of 1972, is
8831 brought forward as follows:

8832 57-10-711. Sections 57-10-701 through 57-10-709 shall stand
8833 repealed on July 1, 2022.

8834 **SECTION 300.** Section 57-11-3, Mississippi Code of 1972, is
8835 brought forward as follows:

8836 57-11-3. The duties and responsibilities of the council
8837 shall be to advise the division of marketing of the Mississippi
8838 Department of Economic Development regarding the development and
8839 execution of programs designed to carry out the purposes
8840 hereinbefore stated and to advise the governor and the Legislature
8841 regarding policies and laws bearing upon the marketing of products
8842 and services and the establishment of industries utilizing or
8843 otherwise relating to agricultural and forestry products.

8844 **SECTION 301.** Section 57-11-5, Mississippi Code of 1972, is
8845 brought forward as follows:

8846 57-11-5. The council shall consist of fifteen (15) members
8847 from the state at large, representative of the various segments of
8848 agriculture and forestry, to be selected and appointed by the
8849 governor, and who shall serve for a term of not more than four (4)
8850 years under each appointment, which term of office shall expire at
8851 the expiration of the term of office for which the governor
8852 appointing the members was elected, without regard for the date of



8853 actual appointment of the members. Such members shall continue to
8854 serve until their successors have been appointed and duly
8855 qualified. The governor shall appoint a chairman and a
8856 vice-chairman of the council, and nine (9) members shall
8857 constitute a quorum of the members thereof.

8858 **SECTION 302.** Section 57-11-15, Mississippi Code of 1972, is
8859 brought forward as follows:

8860 57-11-15. For the purpose of aiding, establishing and
8861 providing proper facilities for the efficient display and
8862 merchandising of crafts and arts in the interest of those
8863 individual citizens who are producing and are capable of producing
8864 various items of value and interest, the general public and the
8865 State of Mississippi, and to assist in the display, disposal and
8866 sale of such arts and crafts, there is hereby established under
8867 the supervision of the Mississippi Marketing Council the
8868 Mississippi Craft Stores.

8869 **SECTION 303.** Section 57-11-17, Mississippi Code of 1972, is
8870 brought forward as follows:

8871 57-11-17. The Mississippi Marketing Council is hereby
8872 authorized to acquire by donation or lease for and in the name of
8873 the State of Mississippi suitable and accessible facilities as may
8874 be necessary for the display, disposal and sale of those certain
8875 objects of crafts and arts set forth in Section 57-11-15. The
8876 marketing council is hereby authorized and empowered to lease, or
8877 rent, to any individual any part of the property under its



8878 jurisdiction acquired for such purposes. The funds derived from
8879 any lease, or rental contract, entered into under authority of
8880 this section shall be deposited in the state treasury to the
8881 credit of the general fund of the state.

8882 **SECTION 304.** Section 57-11-19, Mississippi Code of 1972, is
8883 brought forward as follows:

8884 57-11-19. The Mississippi Department of Wildlife, Fisheries
8885 and Parks, the Mississippi Arts Commission, the Mississippi
8886 Department of Education, the Department of Human Services, the
8887 Mississippi Extension Service, the Mississippi Department of
8888 Agriculture and Commerce, the Mississippi * * * Development
8889 Authority, and the Mississippi Fair Commission may cooperate with
8890 the marketing council in carrying out the purposes of Sections
8891 57-11-15 through 57-11-21.

8892 **SECTION 305.** Section 57-11-21, Mississippi Code of 1972, is
8893 brought forward as follows:

8894 57-11-21. No craft store shall have on display, for sale, or
8895 otherwise handle any merchandise commercially manufactured except
8896 soft drinks or other items related to snacks.

8897 **SECTION 306.** Section 57-11-31, Mississippi Code of 1972, is
8898 brought forward as follows:

8899 57-11-31. The Mississippi Agricultural and Industrial Board
8900 is hereby authorized and empowered to employ such a firm or firms
8901 which are experienced, competent and qualified in the field of
8902 market research, industrial research, plant design and engineering



8903 as may be necessary to accomplish the following work in the
8904 shortest time possible:

8905 (1) To make a broad, preliminary market study to reveal
8906 a wide range of products, both agricultural and nonagricultural,
8907 that can be manufactured in Mississippi from materials and
8908 resources available in or to Mississippi.

8909 (2) To make detailed market studies in connection with
8910 the favorable products revealed by the preliminary study above
8911 referred to, in order to determine with reasonable certainty those
8912 products for which a profitable and growing market exists.

8913 (3) Lay out, design and prepare plans and
8914 specifications of the plants, machinery, equipment and other
8915 facilities necessary to produce in profitable volume those
8916 products selected as a result of the detailed study authorized in
8917 the foregoing paragraph.

8918 (4) Prepare detailed cost estimates of the necessary
8919 land, buildings, machinery, equipment and other facilities and
8920 determine the amount of investment capital required to build and
8921 equip each plant.

8922 (5) Prepare an estimate of the number of jobs to be
8923 created by each plant designed pursuant to Sections 57-11-31
8924 through 57-11-39, the wage scale of the employees and the annual
8925 payroll of each plant.

8926 (6) Prepare a projected operating statement of each
8927 plant, showing the anticipated profits at the end of the first,



8928 third and fifth year of operation, based on maximum operating
8929 capacity. Prepare the same information based on the assumption
8930 that the plant will operate at minimum operating capacity. Provide
8931 the same information for such percentages of maximum operating
8932 capacity as the board may deem necessary to determine with
8933 reasonable certainty the capacity at which the plant must operate
8934 in order to show a profit and to attract investment capital. The
8935 aforesaid studies shall show the normal operating capital
8936 requirements of each plant for the first five (5) years.

8937 **SECTION 307.** Section 57-11-33, Mississippi Code of 1972, is
8938 brought forward as follows:

8939 57-11-33. The Mississippi Agricultural and Industrial Board
8940 is authorized and empowered to contract and pay for the services
8941 set out in the foregoing section, in such amount or amounts as may
8942 be necessary to attain the objectives of Sections 57-11-31 through
8943 57-11-39, provided such commitments and expenditures are not to
8944 exceed the sum of one hundred fifty thousand dollars (\$150,000.00)
8945 appropriated by the Mississippi Legislature for special market
8946 research and do not, at any time, exceed for plant design and
8947 engineering the amount or balance that may be available in a
8948 special "plant engineering revolving fund" maintained in the state
8949 treasury by an initial appropriation by the Mississippi
8950 Legislature in the amount of two hundred fifty thousand dollars
8951 (\$250,000.00).



8952 **SECTION 308.** Section 57-11-35, Mississippi Code of 1972, is
8953 brought forward as follows:

8954 57-11-35. The Mississippi Agricultural and Industrial Board
8955 is authorized and empowered to offer the market research
8956 information and such plant designs, blueprints, estimates of
8957 operation and other information obtained as the result of the
8958 surveys and studies authorized by Sections 57-11-31 through
8959 57-11-39 to any individual or group of individuals in Mississippi,
8960 including any governmental subdivision thereof. However, the
8961 Mississippi Agricultural and Industrial Board shall inform such
8962 individuals or group of individuals desiring to make use of such
8963 plans, specifications and other information that the cost of the
8964 actual design, engineering and other work connected with each
8965 proposed plant, but not the cost of the special market research,
8966 has come from a revolving fund established by the Mississippi
8967 Legislature under Sections 57-11-31 through 57-11-39, and that the
8968 cost of such plant engineering services must be included by such
8969 individuals or group of individuals in the total cost of the new
8970 plant and the amount repaid to the state treasurer, to be placed
8971 in the said revolving fund, and thereby made available to pay for
8972 the cost of additional engineering and other services in
8973 connection with the design of plants for the use by other
8974 individuals. The Mississippi Agricultural and Industrial Board,
8975 after having investigated and confirmed the financial
8976 responsibility of the applicant, shall require each individual or



8977 group of individuals building a plant by the plans and
8978 specifications so provided to enter into a valid, legal and
8979 binding obligation to repay the cost of such plant engineering to
8980 the "plant engineering revolving fund" maintained in the state
8981 treasury, in an amount each year and over a period of years to be
8982 fixed by the said board in its discretion. If the individual or
8983 group of individuals building a plant by the plans and
8984 specifications so provided shall enter into a contract with any
8985 municipality for the construction of a plant from the proceeds of
8986 bonds to be issued under the provisions of Sections 57-1-1 through
8987 57-1-51, known as the "Balance Agriculture With Industry Law,"
8988 then the cost of such plant engineering shall be included as a
8989 part of the initial cost of the building and shall be repaid to
8990 the state treasurer from the proceeds of the sale of said bonds.

8991 **SECTION 309.** Section 57-11-37, Mississippi Code of 1972, is
8992 brought forward as follows:

8993 57-11-37. The term "revolving fund" means a "plant
8994 engineering revolving fund" maintained in the state treasury as a
8995 separate fund which can be expended by the Mississippi
8996 Agricultural and Industrial Board for costs incurred in connection
8997 with the design engineering and projected operating estimates of
8998 the proposed industrial plants so long as there is a balance in
8999 the fund provided by the Mississippi Legislature. All moneys
9000 repaid by individuals or groups of individuals in return payment
9001 for such plant engineering will be credited to the "plant



9002 engineering revolving fund" so that additional studies can be made
9003 on the same basis and under the same conditions as provided in
9004 Sections 57-11-31 through 57-11-39.

9005 **SECTION 310.** Section 57-11-39, Mississippi Code of 1972, is
9006 brought forward as follows:

9007 57-11-39. If the program provided by Sections 57-11-31
9008 through 57-11-39 is terminated or discontinued for any reason in
9009 the future, all moneys in the "plant engineering revolving fund,"
9010 after the payment by the Mississippi Agricultural and Industrial
9011 Board of any outstanding costs in connection with said plant
9012 engineering, shall be transferred to the general fund of the state
9013 treasury on written certification of the director of the
9014 Mississippi Agricultural and Industrial Board that this program
9015 has been so discontinued or terminated, citing the statutory
9016 authority therefor.

9017 **SECTION 311.** Section 57-11-61, Mississippi Code of 1972, is
9018 brought forward as follows:

9019 57-11-61. Sections 57-11-61 through 57-11-69 may be cited as
9020 "The Selected Industrial Feasibility Law of 1964."

9021 **SECTION 312.** Section 57-11-63, Mississippi Code of 1972, is
9022 brought forward as follows:

9023 57-11-63. The Mississippi Agricultural and Industrial Board
9024 is hereby authorized and empowered to contract with a firm or
9025 firms which are experienced, competent and qualified to make



9026 market, operating and financial feasibility studies as may be
9027 necessary to accomplish the following:

9028 (a) To make specific marketing, operating and financial
9029 feasibility studies of selected heavy industries in the chemical,
9030 petrochemical, mineral, wood and pulp-using, and related fields
9031 that can properly be constructed and operated in the State of
9032 Mississippi to preempt markets that now exist or may exist.

9033 (b) To contract with the firm or firms making such
9034 feasibility studies on the basis that they will recommend methods
9035 which will promptly cause to be constructed and/or operated, such
9036 manufacturing and industrial facilities, or either, as may prove
9037 by these studies to be feasible.

9038 **SECTION 313.** Section 57-11-65, Mississippi Code of 1972, is
9039 brought forward as follows:

9040 57-11-65. (1) The Mississippi Agricultural and Industrial
9041 Board is authorized and empowered to contract and pay for the
9042 feasibility studies as set out in Section 57-11-63, in such amount
9043 or amounts as may be necessary to attain the objectives of
9044 Sections 57-11-61 through 57-11-69, provided such commitments and
9045 expenditures do not at any time exceed the amount or balance that
9046 may be available in a special "selected industrial feasibility
9047 fund" maintained in the state treasury through such appropriation
9048 as may be subsequently made by the Legislature for such purpose,
9049 or as received from contributions and funds from various political



9050 subdivisions, and area industrial development districts or
9051 organizations.

9052 (2) Cities, towns, municipalities, boards of supervisors,
9053 and any and all combinations thereof, and area industrial
9054 development districts or organizations, are hereby authorized, in
9055 the discretion of said political subdivisions and area industrial
9056 development districts and organizations, to make contributions to
9057 the Mississippi Agricultural and Industrial Board, such funds as
9058 said political subdivisions are authorized to use for advertising
9059 and industrial promotion purposes, to be deposited into the
9060 "Selected Industrial Feasibility Fund," and which contributions
9061 will be used by the Mississippi Agricultural and Industrial Board
9062 for the purposes of making the hereinabove designated feasibility
9063 studies, and said studies shall be made available to said
9064 contributing political subdivisions, and area industrial
9065 development districts or organizations.

9066 **SECTION 314.** Section 57-11-67, Mississippi Code of 1972, is
9067 brought forward as follows:

9068 57-11-67. The firm or firms which are under contract to make
9069 such feasibility studies shall submit progress reports to the
9070 Mississippi Agricultural and Industrial Board on each stage of the
9071 study, and should any stage of the progress report reflect that
9072 the stage or feasibility study shall not be feasible, then the
9073 entire study shall be terminated.



9074 **SECTION 315.** Section 57-11-69, Mississippi Code of 1972, is
9075 brought forward as follows:

9076 57-11-69. There shall be a "selected industrial feasibility
9077 fund," which fund shall be maintained in the state treasury as a
9078 separate fund. The Mississippi Agricultural and Industrial Board
9079 is authorized to receive appropriated funds from the Legislature
9080 of the State of Mississippi and contributions and funds from the
9081 different political subdivisions of this state and area industrial
9082 development districts or organizations, and shall deposit all of
9083 said funds and contributions into this "Selected Industrial
9084 Feasibility Fund," and said Mississippi Agricultural and
9085 Industrial Board shall, in the manner now required by law, expend
9086 from said fund such sums of money necessary for the payment of
9087 feasibility studies required in connection with the provisions of
9088 Sections 57-11-61 through 57-11-69, so long as there is a balance
9089 in the said fund.

9090 **SECTION 316.** Section 57-13-22, Mississippi Code of 1972, is
9091 brought forward as follows:

9092 57-13-22. (1) The Mississippi Research and Development
9093 Center is hereby abolished from and after July 1, 1988. All of
9094 the functions of the center shall be transferred on that date to
9095 the Mississippi * * * Development Authority or to the University
9096 Research Center which is created in Section 37-141-3.

9097 (2) (a) From and after July 1, 1988, the duties and
9098 responsibilities of the Research and Development Center which are



9099 depicted organizationally in the 1989 fiscal year budget request
9100 of the Research and Development Center and which are performed by
9101 the Forecast and Analysis Division, the Administration Division,
9102 the Government Services Division and the Data Services Division
9103 except as provided in subsection 3(b) shall be transferred to the
9104 University Research Center.

9105 (b) From and after July 1, 1988, the duties and
9106 responsibilities of the Research and Development Center not
9107 included in the transfer described in paragraph (a) except as
9108 provided in subsection (3)(c) of this section shall be transferred
9109 to the Mississippi * * * Development Authority.

9110 (3) (a) All personnel of the Mississippi Research and
9111 Development Center shall be transferred to the * * * Mississippi
9112 Development Authority or to the University Research Center
9113 according to the transfer of their duties pursuant to this
9114 section.

9115 (b) It is specifically provided that the positions
9116 identified in items (i), (ii) and (iii) below be transferred to
9117 the * * * Mississippi Development Authority unless the Director of
9118 the Research and Development Center and the Executive Director of
9119 the * * * Mississippi Development Authority make mutually
9120 agreeable substitutions:

9121 (i) Position identification numbers 60, 174, 244,
9122 98 and 177 of the Administration Unit shall be transferred June 1,
9123 1988.



9124 (ii) Position identification numbers 156, 27, 194,
9125 23, 307 and 308 of the Data Services Unit shall be transferred
9126 July 1, 1988.

9127 (iii) Position identification numbers 71, 104 and
9128 148 of the Government Services Division shall be transferred July
9129 1, 1988.

9130 (c) It is specifically provided that position
9131 identification numbers 30 and 76 of the Office of the Director of
9132 the Research and Development Center be transferred to the
9133 University Research Center on July 1, 1988.

9134 (d) It is the intention of the Legislature that there
9135 be a reduction in personnel where there is a duplication of effort
9136 as a result of the transfers required by this subsection.
9137 The * * * Mississippi Development Authority in its reorganization
9138 pursuant to this act [Laws, 1988, Chapter 518] may utilize savings
9139 realized from personnel attrition and other economies to
9140 reallocate and reclassify positions within the department, subject
9141 to the approval of the State Personnel Board.

9142 (e) All personnel transferred to the University
9143 Research Center shall become subject to all personnel and
9144 compensation policies of the Board of Trustees of State
9145 Institutions of Higher Learning; however, anyone so transferred
9146 shall retain all of the protection and benefits to which they have
9147 been entitled under the state personnel system.



9148 (4) All records, property, unexpended balances of
9149 appropriations or other funds, and all other resources of the
9150 Mississippi Research and Development Center shall be transferred
9151 to the * * * Mississippi Development Authority or to the
9152 University Research Center, as appropriate, pursuant to the
9153 transfer of duties and responsibilities in subsection (2) of this
9154 section.

9155 (5) (a) Each officer or agency subject to the provisions of
9156 this act [Laws, 1988, Chapter 518] shall assist with the fullest
9157 degree of reasonable cooperation any other officer or agency in
9158 carrying out the intent and purpose of this act [Laws, 1988,
9159 Chapter 518].

9160 (b) Each officer or agency subject to the provisions of
9161 this act [Laws, 1988, Chapter 518] is hereby authorized and
9162 empowered to promulgate all necessary rules and regulations not in
9163 conflict with this act [Laws, 1988, Chapter 518] necessary to
9164 accomplish an orderly transition pursuant to this act [Laws, 1988,
9165 Chapter 518].

9166 **SECTION 317.** Section 57-13-23, Mississippi Code of 1972, is
9167 brought forward as follows:

9168 57-13-23. (1) There is hereby created and established the
9169 Mississippi Automated Resource Information System (MARIS),
9170 (heretofore created by Executive Order No. 459, dated May 26,
9171 1983, as amended by Executive Order No. 562, dated January 15,
9172 1986), which shall be the mechanism within state government for



9173 the storing, processing, extracting and disseminating of useful
9174 data and information relating to the state's resources.

9175 (2) The goal of MARIS shall be to facilitate the achievement
9176 of state agencies' responsibilities as they relate to the
9177 development, management, conservation, protection and utilization
9178 of the resources of Mississippi by making usable resource data and
9179 information more readily available and in a format that is
9180 consistent throughout state departments, agencies and
9181 institutions, and, to the extent possible, with federal and
9182 privately generated resource data banks.

9183 (3) MARIS shall be under the supervision and general policy
9184 formulations of a policy committee as the cooperative effort of
9185 state departments, agencies and institutions for the sharing of
9186 useful data acquired and generated by state agencies in
9187 discharging their individual responsibilities.

9188 (4) There is hereby created and established the MARIS Policy
9189 Committee composed of the directors or their designees of the
9190 following departments, agencies and institutions:

9191 Center for Population Studies, University of Mississippi

9192 Central Data Processing Authority

9193 Department of Agriculture and Commerce

9194 Department of Archives and History

9195 * * *Mississippi Development Authority

9196 Department of Human Services

9197 Department of Environmental Quality



9198 Department of Wildlife, Fisheries and Parks
9199 Mississippi Department of Transportation
9200 Mississippi Emergency Management Agency
9201 Mississippi Mineral Resources Institute, University of
9202 Mississippi
9203 Department of Finance and Administration
9204 Office of the Secretary of State
9205 Public Service Commission
9206 Remote Sensing Center, Mississippi State University
9207 State Forestry Commission
9208 State Department of Health
9209 State Oil and Gas Board
9210 State Soil and Water Conservation Commission
9211 State Tax Commission
9212 University Research Center
9213 Water Management Council.

9214 (5) The MARIS Policy Committee shall elect a chairman, vice
9215 chairman and secretary, and it shall elect an executive committee
9216 from the membership of the policy committee to be composed of not
9217 less than five (5) nor more than nine (9) members, including the
9218 aforesaid officers. The policy committee may elect to the
9219 executive committee one (1) person other than from its membership.
9220 The policy committee shall determine the authority and
9221 responsibility to be exercised by the executive committee.



9222 (6) There is hereby created and established the MARIS Task
9223 Force which shall be composed of at least one (1) representative
9224 from each of the aforesaid agencies with knowledge in computer
9225 applications to natural, cultural, industrial or economic
9226 resources to be appointed by the respective directors thereof, and
9227 any other persons deemed advisable by the policy committee.

9228 (7) The University Research Center shall house the MARIS
9229 equipment and staff and shall provide administrative support for
9230 the policy committee and technical support to all member agencies.

9231 (8) It shall be the duty of every department, agency, office
9232 and institution of the State of Mississippi, and the officers
9233 thereof, to cooperate with and assist the MARIS Policy Committee
9234 in every reasonable way.

9235 **SECTION 318.** Section 57-26-1, Mississippi Code of 1972, is
9236 brought forward as follows:

9237 57-26-1. As used in Sections 57-26-1 through 57-26-5, the
9238 following terms and phrases shall have the meanings ascribed in
9239 this section unless the context clearly indicates otherwise:

9240 (a) "Approved project costs" means actual costs
9241 incurred by an approved participant for land acquisition,
9242 construction, engineering, design and other costs approved by the
9243 Mississippi Development Authority relating to a tourism project;
9244 however, for the purposes of a tourism project described in
9245 paragraph (d)(iv) of this section, such costs include only those
9246 incurred after January 1, 2011, relating to the hotel portion of



9247 the project consisting of facilities used for lodging and common
9248 areas in that portion of the project. All costs must be verified
9249 by an independent third party approved by the MDA. An approved
9250 participant shall pay the costs for the third-party verification
9251 of costs. Approved project costs may not increase regardless of
9252 the actual costs incurred by the project.

9253 (b) "Approved participant" means a person, corporation
9254 or other entity issued a certificate by the Mississippi
9255 Development Authority under Section 57-26-5.

9256 (c) "MDA" means the Mississippi Development Authority.

9257 (d) "Tourism project" shall include any of the
9258 following as may be approved by the MDA:

9259 (i) Theme parks, water parks, entertainment parks
9260 or outdoor adventure parks, cultural or historical interpretive
9261 educational centers or museums, motor speedways, indoor or outdoor
9262 entertainment centers or complexes, convention centers,
9263 professional sports facilities, spas, attractions created around a
9264 natural phenomenon or scenic landscape and marinas open to the
9265 public with a minimum private investment of not less than Ten
9266 Million Dollars (\$10,000,000.00);

9267 (ii) A hotel with a minimum private investment of
9268 Forty Million Dollars (\$40,000,000.00) in land, buildings,
9269 architecture, engineering, fixtures, equipment, furnishings,
9270 amenities and other related soft costs approved by the Mississippi
9271 Development Authority, and having a minimum private investment of



9272 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room
9273 which amount shall be included within the minimum private
9274 investment of Forty Million Dollars (\$40,000,000.00);

9275 (iii) A public golf course with a minimum private
9276 investment of Ten Million Dollars (\$10,000,000.00);

9277 (iv) A full service hotel with a minimum private
9278 investment of Fifteen Million Dollars (\$15,000,000.00) in land,
9279 buildings, architecture, engineering, fixtures, equipment,
9280 furnishings, amenities and other related soft costs approved by
9281 the Mississippi Development Authority, and having a minimum
9282 private investment of Two Hundred Thousand Dollars (\$200,000.00)
9283 per guest room or suite which amount shall be included within the
9284 minimum private investment of Fifteen Million Dollars
9285 (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or
9286 suites, and guest amenities such as restaurants, spas and other
9287 amenities as determined by the Mississippi Development Authority;
9288 however, in a county in which the Grammy Museum Mississippi or the
9289 Mississippi Arts and Entertainment Center is located, the minimum
9290 private investment per guest room or suite shall be One Hundred
9291 Fifty Thousand Dollars (\$150,000.00) which amount shall be
9292 included within the minimum private investment of Fifteen Million
9293 Dollars (\$15,000,000.00);

9294 (v) A tourism attraction located within an
9295 "entertainment district" as defined in Section 17-29-3 that is
9296 open to the public, has seating to accommodate at least forty (40)



9297 persons, is open at least five (5) days per week from at least
9298 6:00 p.m. until midnight, serves food and beverages, and provides
9299 live entertainment at least three (3) nights per week;

9300 (vi) A cultural retail attraction;

9301 (vii) A tourism attraction located within a
9302 historic district where the district is listed in the National
9303 Register of Historic Places, where the tourism attraction is open
9304 to the public, has seating to accommodate at least forty (40)
9305 persons, is open at least five (5) days per week from at least
9306 6:00 p.m. until midnight, serves food and beverages, and provides
9307 live entertainment at least three (3) nights per week.

9308 The term "tourism project" does not include any licensed
9309 gaming establishment owned, leased or controlled by a business,
9310 corporation or entity having a gaming license issued under Section
9311 75-76-1 et seq.; however, the term "tourism project" may include a
9312 project described in this paragraph (d) that is owned, leased or
9313 controlled by such a business, corporation or entity or in which
9314 the business, corporation or entity has a direct or indirect
9315 financial interest if the project is in excess of development that
9316 the State Gaming Commission requires for the issuance or renewal
9317 of a gaming license and is not part of a licensed gaming
9318 establishment in which gaming activities are conducted.

9319 The term "tourism project" does not include any facility
9320 within the project whose primary business is retail sales or any
9321 expansions of existing projects; however, pro shops, souvenir



9322 shops, gift shops, concessions and similar retail activities, and
9323 cultural retail attractions may be included within the definition
9324 of the term "tourism project." In addition, retail activities,
9325 regardless of whether the primary business is retail sales, that
9326 are part of a resort development may be included within the
9327 definition of "tourism project."

9328 (e) "Resort development" means a travel destination
9329 development with a minimum private investment of One Hundred
9330 Million Dollars (\$100,000,000.00) and which consists of (i) a
9331 hotel with a minimum of two hundred (200) guest rooms or suites
9332 and having a minimum private investment of Two Hundred Thousand
9333 Dollars (\$200,000.00) per guest room or suite, and (ii) guest
9334 amenities such as restaurants, golf courses, spas, fitness
9335 facilities, entertainment activities and other amenities as
9336 determined by the MDA. Not more than an amount equal to forty
9337 percent (40%) of the private investment required by this paragraph
9338 may be expended on facilities to house retail activity.

9339 (f) "Cultural retail attraction" means a project which
9340 combines destination shopping with cultural or historical
9341 interpretive elements specific to Mississippi with a minimum
9342 private investment of Fifty Million Dollars (\$50,000,000.00) in
9343 land, buildings, architecture, engineering, fixtures, equipment,
9344 furnishings, amenities and other related soft costs approved by
9345 the Mississippi Development Authority and which:



9346 (i) Is located in a qualified resort area as
9347 defined in Section 67-1-5;

9348 (ii) Is a part of a master-planned development
9349 with a total investment of not less than One Hundred Million
9350 Dollars (\$100,000,000.00) in land, buildings, architecture,
9351 engineering, fixtures, equipment, furnishings, amenities and other
9352 related soft costs approved by the Mississippi Development
9353 Authority;

9354 (iii) Has a minimum of fifty (50) retail tenants
9355 with a minimum of three hundred thousand (300,000) square feet of
9356 heated and cooled space; and

9357 (iv) Has a minimum investment of One Million
9358 Dollars (\$1,000,000.00) in one or more of the following:

9359 1. Art created by Mississippi artists or
9360 portraying themes specific to Mississippi;

9361 2. Memorabilia, signage or historical markers
9362 which serve to promote the State of Mississippi;

9363 3. Audio/visual equipment used to showcase
9364 Mississippi artists;

9365 4. A minimum of one thousand two
9366 hundred * * * fifty (1,250) square feet of heated and cooled space
9367 available to the Mississippi Development Authority or its assignee
9368 for a period of not less than ten (10) years.



9369 (g) "Retail activity" means businesses whose inventory
9370 consists primarily of upscale name brands or their equivalent as
9371 determined by the MDA.

9372 (h) "State" means the State of Mississippi.

9373 **SECTION 319.** Section 57-26-3, Mississippi Code of 1972, is
9374 brought forward as follows:

9375 57-26-3. (1) (a) There is created in the State Treasury a
9376 special fund to be known as the "Tourism Project Sales Tax
9377 Incentive Fund," into which shall be deposited such money as
9378 provided in Section 27-65-75(16). The monies in the fund shall be
9379 used for the purpose of making the incentive payments authorized
9380 in this section. The fund shall be administered by the MDA.
9381 Unexpended amounts remaining in the fund at the end of a fiscal
9382 year shall not lapse into the State General Fund, and any interest
9383 earned on or investment earnings on the amounts in the fund shall
9384 be deposited to the credit of the fund. The MDA may use not more
9385 than one percent (1%) of interest earned or investment earnings,
9386 or both, on amounts in the fund for administration and management
9387 of the incentive program authorized under Sections 57-26-1 through
9388 57-26-5.

9389 (b) Subject to the provisions of this section,
9390 incentive payments may be made by the MDA to an approved
9391 participant that incurs approved project costs to locate a tourism
9392 project in the state. The payments to an approved participant
9393 shall be for eighty percent (80%) of the amount of sales tax



9394 revenue collected from the operation of the tourism project, after
9395 making the diversions required in Section 27-65-75(7) and (8).
9396 The MDA shall make payments to an approved participant on a
9397 semiannual basis with payments being made in the months of January
9398 and July. The aggregate amount of incentive payments that an
9399 approved participant may receive shall not exceed thirty percent
9400 (30%) of the approved project costs incurred by the approved
9401 participant for the tourism project. Expansions, enlargements or
9402 additional investments made by an approved participant will not
9403 increase authorized incentive payments certified by the MDA. The
9404 MDA shall make the calculations necessary to make the payments
9405 provided for in this section. The MDA shall cease making
9406 incentive payments to an approved participant on the occurrence of
9407 the earlier of:

9408 (i) The date that an aggregate amount of thirty
9409 percent (30%) of the approved project costs incurred by the
9410 approved participant for the tourism project has been paid to the
9411 approved participant; or

9412 (ii) Fifteen (15) years after the date the tourism
9413 project opens for commercial operation.

9414 (2) At such time as incentive payments are no longer
9415 required to be made to an approved participant, the MDA shall
9416 notify the Department of Revenue and the sales tax revenue
9417 collected from the tourism project shall no longer be deposited
9418 into the Tourism Project Sales Tax Incentive Fund. Any amounts



9419 remaining in the fund that were collected from such project shall
9420 be transferred to the State General Fund.

9421 **SECTION 320.** Section 57-26-5, Mississippi Code of 1972, is
9422 brought forward as follows:

9423 57-26-5. (1) The MDA shall develop, implement and
9424 administer the incentive program authorized in Sections 57-26-1
9425 through 57-26-5 and shall promulgate rules and regulations
9426 necessary for the development, implementation and administration
9427 of such program.

9428 (2) A person, corporation or other entity desiring to
9429 participate in the incentive program authorized in Sections
9430 57-26-1 through 57-26-5 must submit an application and an
9431 application fee in the amount of Five Thousand Dollars (\$5,000.00)
9432 to the MDA. Such application must contain (a) plans for the
9433 proposed tourism project; (b) a detailed description of the
9434 proposed tourism project; (c) the method of financing the proposed
9435 tourism project and the terms of such financing; (d) an
9436 independent study that identifies the number of out-of-state
9437 visitors anticipated to visit the project and the ratio of
9438 out-of-state visitors to in-state visitors; and (e) any other
9439 information required by the MDA. The Executive Director of the
9440 MDA shall review the application and determine if it qualifies as
9441 a tourism project under this section and under the rules and
9442 regulations promulgated pursuant to this section. If the
9443 executive director determines the proposed tourism project



9444 qualifies as a tourism project under this section and under the
9445 rules and regulations promulgated pursuant to this section, he
9446 shall issue a certificate to the person, corporation or other
9447 entity designating such person, corporation or other entity as an
9448 approved participant and authorizing the approved participant to
9449 participate in the incentive program provided for in Sections
9450 57-26-1 through 57-26-5. No certificate designating an entity as
9451 an approved participant and authorizing the approved participant
9452 to participate in the incentive program shall be issued from and
9453 after July 1, 2014, for tourism projects that are cultural retail
9454 attractions, or from and after July 1, 2020, for other tourism
9455 projects.

9456 (3) The MDA shall cause a cost benefit analysis of the
9457 tourism project to be performed by a state institution of higher
9458 learning, the university research center or some other entity
9459 approved by the MDA.

9460 **SECTION 321.** Section 57-26-7, Mississippi Code of 1972, is
9461 brought forward as follows:

9462 57-26-7. The MDA shall not approve any application submitted
9463 after June 30, 2014, pursuant to Section 57-26-5 for a project
9464 that includes any resort development.

9465 **SECTION 322.** Section 57-27-1, Mississippi Code of 1972, is
9466 brought forward as follows:



9467 57-27-1. As used in this chapter, the following words and
9468 phrases shall have the following meanings, unless the context
9469 hereof clearly indicates otherwise:

9470 (a) "Regional tourist promotion council" shall mean a
9471 corporation organized pursuant to the provisions of the
9472 Mississippi Nonprofit Corporation Law established for the purposes
9473 authorized in this chapter, and which is recognized by the
9474 Mississippi Board of Economic Development as qualifying under the
9475 provisions of this chapter.

9476 (b) "Board" shall mean the Mississippi Board of
9477 Economic Development or any successor agency that may be
9478 designated by law to succeed to the duties of the Mississippi
9479 Board of Economic Development with respect to the promotion of
9480 tourist travel and vacation business in Mississippi.

9481 (c) "Natural promotion regions" shall consist of the
9482 following area tourist councils:

9483 (i) Area Tourist Council One: DeSoto, Tate,
9484 Panola, Yalobusha, Grenada, Calhoun, Lafayette, Marshall, Benton,
9485 Union, Pontotoc, Tippah, Alcorn, Tishomingo, Prentiss, Lee and
9486 Itawamba.

9487 (ii) Area Tourist Council Two: Tunica, Coahoma,
9488 Quitman, Bolivar, Tallahatchie, Sunflower, Leflore, Carroll,
9489 Washington, Humphreys, Holmes, Issaquena and Sharkey.

9490 (iii) Area Tourist Council Three: Chicasaw,
9491 Monroe, Montgomery, Webster, Clay, Choctaw, Oktibbeha, Lowndes,



9492 Attala, Winston, Noxubee, Leake, Neshoba, Kemper, Scott, Newton,
9493 Lauderdale, Smith, Jasper and Clarke.

9494 (iv) Area Tourist Council Four: Warren, Yazoo,
9495 Madison, Hinds, Rankin, Claiborne, Copiah, Simpson, Jefferson,
9496 Adams, Franklin, Lincoln, Lawrence, Wilkinson, Amite, Pike and
9497 Walthall.

9498 (v) Area Tourist Council Five: Jefferson Davis,
9499 Covington, Jones, Wayne, Marion, Lamar, Forrest, Perry, Greene,
9500 Pearl River, Stone, George, Hancock, Harrison and Jackson.

9501 Upon the approval of the Mississippi Board of Economic
9502 Development, the area tourist councils established by subsection
9503 (c) may reorganize in order to allow a county to join that council
9504 with which it feels most closely connected, taking into
9505 consideration such factors as common interests and compatibility
9506 with the member counties.

9507 **SECTION 323.** Section 57-27-3, Mississippi Code of 1972, is
9508 brought forward as follows:

9509 57-27-3. Any group of interested citizens and residents of
9510 counties comprising a natural promotion region of this state, and
9511 who are residents of counties representing not less than fifty
9512 percent (50%) of the total population of the region, but in no
9513 event less than fifteen (15) individuals, who shall form a
9514 nonprofit corporation pursuant to the provisions of the
9515 Mississippi Nonprofit Corporation Law for the purpose of promoting
9516 tourist travel and vacation business in the counties comprising



9517 the natural promotion region, and whose charter, bylaws and
9518 purpose are in compliance with the rules and regulations
9519 promulgated by the board pursuant to the provisions of this
9520 chapter, may apply for recognition by the board as a regional
9521 tourist promotion council under this chapter. Provided, that upon
9522 approval of the board, a county in one (1) natural promotion
9523 region of the state may be included within the area comprising a
9524 different and adjacent natural promotion region if, and when,
9525 experience establishes that the county tourist values are more
9526 closely identified with the other region.

9527 **SECTION 324.** Section 57-27-5, Mississippi Code of 1972, is
9528 brought forward as follows:

9529 57-27-5. The board, upon receipt of a copy of incorporation
9530 papers, constitution, bylaws and resolutions, if any, of a
9531 nonprofit corporation applying for recognition as a regional
9532 tourist promotion council under the provisions of this chapter is
9533 hereby authorized to designate such corporation as a regional
9534 tourist promotion council whenever the board shall determine:

9535 (1) that the applying agency is established under the
9536 Mississippi Nonprofit Corporation Law, and has a constitution and
9537 bylaws governing the activities and purposes of said corporation
9538 which are in compliance with the rules and regulations of the
9539 board;

9540 (2) that the charter, constitution or bylaws of the
9541 applying council provide for the selection of a board of



9542 directors, and successor members on said boards, of persons who
9543 have demonstrated knowledge of and interest in the tourist travel
9544 and vacation business in the various counties comprising the
9545 council to be served by the agency;

9546 (3) that the applying council has furnished a proposed
9547 plan and demonstration of financial resources to establish and
9548 promote an active tourist travel and vacation business promotion
9549 program within the region.

9550 Upon determining that an applying corporation is eligible for
9551 designation as a regional tourist promotion council, the
9552 Mississippi Agricultural and Industrial Board shall upon a
9553 majority vote of said board designate such council as the
9554 participating council for such region and shall certify same to
9555 the applying council. The board is hereby authorized to revoke or
9556 suspend its designation of any regional tourist promotion council
9557 whenever the board shall determine that said council is not
9558 complying with the rules and regulations of the board, or has
9559 failed to comply with the terms of any grant made to such council
9560 pursuant to the provisions of this chapter.

9561 **SECTION 325.** Section 57-27-7, Mississippi Code of 1972, is
9562 brought forward as follows:

9563 57-27-7. (1) The travel and tourism department of the board
9564 is hereby authorized, upon approval of the board, to make grants,
9565 from funds specifically appropriated for such purposes, to
9566 regional tourist promotion councils to assist such councils in the



9567 financing of promotional and advertising programs and to encourage
9568 and stimulate tourist travel and vacation business within the
9569 region. Provided, that before any such grant may be made, the
9570 regional tourist promotional council shall have made application
9571 to the board for such grant, and shall have set forth therein the
9572 promotion and advertising program and project, or projects,
9573 proposed to be undertaken for the purpose of encouraging and
9574 stimulating the tourist travel and vacation business within the
9575 region. The application shall further state, under oath or
9576 affirmation, the amount of funds held by or committed or
9577 subscribed to the regional tourist promotion council for
9578 application to the purposes herein described and the amount of the
9579 grant for which application is made.

9580 (2) The board, after review of the application, if satisfied
9581 that the program of the regional tourist promotion council appears
9582 to be in accord with the purposes of this chapter, shall authorize
9583 the making of a matching grant to such regional tourist promotion
9584 council equal to the funds of the council allocated by it to the
9585 program described in the application; provided, however, that the
9586 state grant shall not exceed an amount equal to the total amount
9587 apportioned to the region as outlined herein.

9588 **SECTION 326.** Section 57-27-9, Mississippi Code of 1972, is
9589 brought forward as follows:

9590 57-27-9. The board and/or regional tourist promotion council
9591 are hereby authorized to accept gifts, grants or donations from



9592 the federal government or agencies thereof, and from private
9593 individuals, foundations or concerns to be used in furtherance of
9594 the purposes of this chapter.

9595 The board shall annually review the amount of funds
9596 appropriated by the Mississippi Legislature, and other funds that
9597 may be available therefor, and shall apportion said funds to
9598 various participating regional tourist promotion councils for
9599 grant purposes on the following basis: Twenty percent (20%) shall
9600 be apportioned to each of the five (5) congressional districts.
9601 If, at the end of a six (6) month period, an area has not applied
9602 for the full amount allocated to it, the money shall be
9603 reallocated to the other areas during the last six (6) months of
9604 the fiscal year for use in compliance with the provisions of this
9605 chapter.

9606 **SECTION 327.** Section 57-27-11, Mississippi Code of 1972, is
9607 brought forward as follows:

9608 57-27-11. At least twenty-five percent (25%) of the total
9609 matching funds of any participating regional tourist promotion
9610 council shall be first used in the production, preparation and
9611 printing of a regional tourist promotion brochure, and the
9612 participating council shall thereafter allocate such funds, as may
9613 be designated by the board, for the revision, reproduction and
9614 printing of such regional promotion brochure as the board may
9615 designate. The balance of matched funds available to each regional
9616 tourist promotion council may be used for needed approved tourist



9617 promotion, advertising or research programs designated to
9618 encourage and stimulate the visitor and vacation business within
9619 the region as may have been approved by the board.

9620 No part of the matched funds provided by the participating
9621 council, or made available on a matching basis by the board, may
9622 be used by a regional tourist promotion council for administrative
9623 salaries or expenses, it being the intent hereof that all matched
9624 funds shall be used for the purposes for which the application and
9625 grant is made.

9626 **SECTION 328.** Section 57-27-13, Mississippi Code of 1972, is
9627 brought forward as follows:

9628 57-27-13. All grants under the provisions of this chapter
9629 shall be on a matching basis with the applying council furnishing
9630 fifty percent (50%) of the funds and the state grants in no event
9631 exceeding an amount equal to the funds supplied by the council.
9632 Upon approval of each application and the making of a grant by the
9633 board in accordance therewith, the board shall give notice to the
9634 applying regional tourist promotion council of such approval and
9635 grant, and shall direct the regional tourist promotion council to
9636 proceed with its promotional program as described in its
9637 application, and to use therefor funds allocated by the regional
9638 tourist promotion council for such purposes. Upon the furnishing
9639 of said evidence to the board that the particular regional tourist
9640 promotion council has proceeded in accordance with the terms of



9641 the application, the grant allocated to such agency shall be paid
9642 to the council by the board.

9643 The board may, from time to time, make such investigations
9644 and audits, and require each participating council to furnish such
9645 evidence or proof, to determine that all funds granted under the
9646 provisions of this chapter are being handled and expended for the
9647 purposes as approved by the board in awarding the grant.

9648 **SECTION 329.** Section 57-27-15, Mississippi Code of 1972, is
9649 brought forward as follows:

9650 57-27-15. The travel and tourism department of the board is
9651 hereby designated as the administrative agency of this state to
9652 act, under the authority of the board, in administering the
9653 provisions of this chapter.

9654 **SECTION 330.** Section 57-28-1, Mississippi Code of 1972, is
9655 brought forward as follows:

9656 57-28-1. As used in Sections 57-28-1 through 57-28-5, the
9657 following terms and phrases shall have the meanings ascribed in
9658 this section unless the context clearly indicates otherwise:

9659 (a) "Approved project costs" means actual costs
9660 incurred by an approved participant for land acquisition,
9661 construction, engineering, design and other costs approved by the
9662 Mississippi Development Authority relating to a tourism project.
9663 The term "approved project costs" also may include, if approved by
9664 the Mississippi Development Authority, costs described above that
9665 are incurred by an approved participant within three (3) months



9666 after the date a tourism project opens for commercial operation.
9667 All costs must be verified by an independent third party approved
9668 by the MDA. An approved participant shall pay the costs for the
9669 third-party verification of costs.

9670 (b) "Approved participant" means a person, corporation
9671 or other entity issued a certificate by the Mississippi
9672 Development Authority under Section 57-28-5.

9673 (c) "MDA" means the Mississippi Development Authority.

9674 (d) "Tourism project" shall include an entertainment
9675 district described below and may include any of the following as
9676 may be approved by the MDA:

9677 (i) A hotel with a minimum private investment of
9678 Forty Million Dollars (\$40,000,000.00) in land, buildings,
9679 architecture, engineering, fixtures, equipment, furnishings,
9680 amenities and other related soft costs approved by the Mississippi
9681 Development Authority, and having a minimum private investment of
9682 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room
9683 which amount shall be included within the minimum private
9684 investment of Forty Million Dollars (\$40,000,000.00);

9685 (ii) A nationally branded, themed entertainment
9686 district consisting of restaurants, bars, amphitheaters, live
9687 theaters, other entertainment venues and commercial improvements
9688 that the MDA determines to be tourism related located within the
9689 entertainment district, with a minimum private investment of
9690 Seventy-five Million Dollars (\$75,000,000.00);



9691 (iii) A nationally branded museum/aquarium with a
9692 minimum private investment of Forty Million Dollars
9693 (\$40,000,000.00); and

9694 (iv) A public golf course with a minimum private
9695 investment of Ten Million Dollars (\$10,000,000.00).

9696 In addition, in order for a tourism project to be eligible to
9697 qualify under the provisions of Sections 57-28-1 through 57-28-5,
9698 the tourism project must be located on a project site, and
9699 construction of the tourism project must begin no later than June
9700 1, 2017.

9701 (e) "Project site" means a planned mixed use
9702 development located on at least four thousand (4,000) acres of
9703 land that will consist of commercial, recreational, resort,
9704 tourism and residential development, for which the initial phase
9705 of development shall begin no later than June 1, 2007.

9706 (f) "State" means the State of Mississippi.

9707 **SECTION 331.** Section 57-28-3, Mississippi Code of 1972, is
9708 brought forward as follows:

9709 57-28-3. (1) (a) There is created in the State Treasury a
9710 special fund to be known as the "Tourism Sales Tax Incentive
9711 Fund," into which shall be deposited such money as provided in
9712 Section 27-65-75(20). The monies in the fund shall be used for
9713 the purpose of making the incentive payments authorized in this
9714 section. The fund shall be administered by the MDA. Unexpended
9715 amounts remaining in the fund at the end of a fiscal year shall



9716 not lapse into the State General Fund, and any interest earned on
9717 or investment earnings on the amounts in the fund shall be
9718 deposited to the credit of the fund. The MDA may use not more
9719 than one percent (1%) of interest earned or investment earnings,
9720 or both, on amounts in the fund for administration and management
9721 of the incentive program authorized under Sections 57-28-1 through
9722 57-28-5.

9723 (b) Subject to the provisions of this section,
9724 incentive payments may be made by the MDA to an approved
9725 participant that incurs approved project costs to locate a tourism
9726 project in the state. The payments to an approved participant
9727 shall be for eighty percent (80%) of the amount of sales tax
9728 revenue collected from the operation of the tourism project, after
9729 making the diversions required in Section 27-65-75(7) and (8).
9730 The MDA shall make payments to an approved participant on a
9731 semiannual basis with payments being made in the months of January
9732 and July. The aggregate amount of incentive payments that an
9733 approved participant may receive shall not exceed thirty percent
9734 (30%) of the approved project costs incurred by the approved
9735 participant for the tourism project. Expansions, enlargements or
9736 additional investments made by an approved participant will not
9737 increase authorized incentive payments certified by the MDA. The
9738 MDA shall make the calculations necessary to make the payments
9739 provided for in this section. The MDA shall cease making
9740 incentive payments to an approved participant on the occurrence of



9741 the earlier of (i) the date that an aggregate amount of thirty
9742 percent (30%) of the approved project costs incurred by the
9743 approved participant for the tourism project has been paid to the
9744 approved participant, or (ii) ten (10) years after the date the
9745 tourism project opens for commercial operation.

9746 (c) If an approved participant does not use or need all
9747 of the incentive payments approved by the MDA for a tourism
9748 project, then the approved participant may request that the MDA
9749 allow the approved participant to transfer or assign part of such
9750 incentive payments to another tourism project that, because of the
9751 sales tax revenue generated by the tourism project, will produce
9752 aggregate incentive payments over the ten-year period of less than
9753 thirty percent (30%) of approved project costs incurred by the
9754 approved participant for that tourism project. There may be only
9755 one (1) such request for transfer or assignment approved by the
9756 MDA for a project site.

9757 (d) The total amount of incentive payments authorized
9758 for all tourism projects located on a project site shall not
9759 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in the
9760 aggregate.

9761 (2) At such time as incentive payments are no longer
9762 required to be made to an approved participant, the MDA shall
9763 notify the State Tax Commission and the sales tax revenue
9764 collected from the tourism project shall no longer be deposited
9765 into the Tourism Sales Tax Incentive Fund. Any amounts remaining



9766 in the fund that were collected from such project shall be
9767 transferred to the State General Fund.

9768 **SECTION 332.** Section 57-28-5, Mississippi Code of 1972, is
9769 brought forward as follows:

9770 57-28-5. (1) The MDA shall develop, implement and
9771 administer the incentive program authorized in Sections 57-28-1
9772 through 57-28-5 and shall promulgate rules and regulations
9773 necessary for the development, implementation and administration
9774 of such program.

9775 (2) A person, corporation or other entity desiring to
9776 participate in the incentive program authorized in Sections
9777 57-28-1 through 57-28-5 must submit an application to the MDA.
9778 Such application must contain (a) plans for the proposed tourism
9779 project; (b) a detailed description of the proposed tourism
9780 project; (c) the method of financing the proposed tourism project
9781 and the terms of such financing; and (d) any other information
9782 required by the MDA. An application must be submitted no later
9783 than June 1, 2017. The Executive Director of the MDA shall review
9784 the application and determine if it qualifies as a tourism
9785 project. If the executive director determines the proposed
9786 tourism project qualifies as a tourism project, he shall issue a
9787 certificate to the person, corporation or other entity designating
9788 such person, corporation or other entity as an approved
9789 participant and authorizing the approved participant to



9790 participate in the incentive program provided for in Sections
9791 57-28-1 through 57-28-5.

9792 (3) If a person, entity or other person submits an
9793 application to the MDA to participate in the incentive program
9794 authorized in Sections 57-28-1 through 57-28-5, a gaming license
9795 may not be issued by the state for any establishment located in
9796 the project site.

9797 **SECTION 333.** Section 57-29-1, Mississippi Code of 1972, is
9798 brought forward as follows:

9799 57-29-1. As used in this section and Section 57-29-3, the
9800 following words and phrases shall have the meanings herein
9801 ascribed to them unless the context clearly indicates otherwise:

9802 (a) "Vacation Guide" shall mean a publication,
9803 compiled, edited and published by the Mississippi Agricultural and
9804 Industrial Board, distributed free to the members of the general
9805 public and containing no advertising and no photographs or
9806 listings of public officials.

9807 (b) "Board" shall mean the Mississippi Agricultural and
9808 Industrial Board or any successor agency that may be designated by
9809 law to succeed to the duties of the agricultural and industrial
9810 board with respect to the promotion of tourist travel and vacation
9811 business in Mississippi.

9812 (c) "Publication agency" shall mean any printer,
9813 photographer, publication designer, binder, or copywriter or any



9814 agency whose technical, production or supply services are a
9815 prerequisite to the support of the above functions.

9816 **SECTION 334.** Section 57-29-3, Mississippi Code of 1972, is
9817 brought forward as follows:

9818 57-29-3. The travel and tourism department of the board is
9819 hereby authorized, upon approval of the board, to solicit bids
9820 from competent publication agencies and to expend such funds as
9821 may be appropriated for the purpose of publishing a vacation
9822 guide.

9823 **SECTION 335.** Section 57-30-1, Mississippi Code of 1972, is
9824 brought forward as follows:

9825 57-30-1. As used in this chapter, the following terms and
9826 phrases shall have the meanings ascribed in this section unless
9827 the context clearly indicates otherwise:

9828 (a) "Approved participant" means a person, corporation
9829 or other entity issued a certificate by the Mississippi
9830 Development Authority under Section 57-30-3.

9831 (b) "MDA" means the Mississippi Development Authority.

9832 (c) "Project" means any family-oriented entertainment
9833 enterprise such as campgrounds and theme parks, as designated by
9834 the Mississippi Development Authority, with an initial capital
9835 investment of not less than Five Million Dollars (\$5,000,000.00)
9836 in federal, local and/or private funds if located in a county in a
9837 Tier One area, as designated under Section 57-73-21, or with an
9838 initial capital investment of not less than Three Million Dollars



9839 (\$3,000,000.00) in federal, local and/or private funds if located
9840 in a county in a Tier Two area or Tier Three area as designated in
9841 Section 57-73-21. Whether a county is in a Tier One area, Tier
9842 Two area or Tier Three area shall be determined by the
9843 classification of the area at the time the initial investment is
9844 made. The term "project" also means any of the following
9845 ancillary businesses if located on the project site or within one
9846 (1) mile of the project and owned by the owner of the
9847 family-oriented entertainment enterprise or owned by an entity
9848 legally affiliated with the owner of the family-oriented
9849 entertainment enterprise: (i) auditoriums, (ii) dining
9850 facilities, (iii) gift shops, and (iv) lodging facilities.
9851 However, the capital investment in any such dining facility or
9852 lodging facility shall not be included for purposes of meeting the
9853 minimum capital investment requirement for a project. The term
9854 "project" does not mean any business, corporation or entity having
9855 a gaming license issued under Section 75-76-1 et seq., Mississippi
9856 Code of 1972, but may include a family-oriented entertainment
9857 enterprise owned by such a business, corporation or entity that is
9858 in excess of development that the State Gaming Commission requires
9859 for the issuance or renewal of a gaming license.

9860 (d) "State" means the State of Mississippi.

9861 **SECTION 336.** Section 57-30-3, Mississippi Code of 1972, is
9862 brought forward as follows:



9863 57-30-3. (1) (a) There is created in the State Treasury a
9864 special fund to be known as the "Sales Tax Incentive Fund," into
9865 which shall be deposited such money as provided in Section
9866 27-65-75(16). The monies in the fund shall be used for the
9867 purpose of making the incentive payments authorized in this
9868 section. The fund shall be administered by the MDA. Unexpended
9869 amounts remaining in the fund at the end of a fiscal year shall
9870 not lapse into the General Fund, and any interest earned on or
9871 investment earnings on the amounts in the fund shall be deposited
9872 to the credit of the fund. The MDA may use not more than one
9873 percent (1%) of interest earned or investment earnings, or both,
9874 on amounts in the fund for administration and management of the
9875 incentive program.

9876 (b) Subject to the provisions of this section,
9877 incentive payments may be made by the MDA to an approved
9878 participant that incurs indebtedness or incurs capital costs, or
9879 both, to locate a project in the state. The payments to an
9880 approved participant shall be for the amount of sales tax revenue
9881 collected on the gross proceeds of sales of a project, after
9882 making the diversions required in Section 27-65-75, except the
9883 diversion provided for in Section 27-65-75(1). The MDA shall
9884 ensure that payments made pursuant to this section are utilized to
9885 pay the debt service incurred by the approved participant for the
9886 project as approved by the MDA or any project capital cost
9887 incurred by the approved participant for the project as approved



9888 by the MDA, or both. The MDA shall make payments to an approved
9889 participant on a semiannual basis with payments being made in the
9890 months of January and July. For the purposes of determining the
9891 amount of indebtedness or project capital costs, or both, incurred
9892 for any ancillary business, as described in Section 57-30-1(c),
9893 which is eligible for incentive payments under this section, the
9894 amount of such indebtedness or project capital costs, or both,
9895 shall be limited to an amount not greater than the indebtedness or
9896 project capital costs, or both, incurred for the primary project.
9897 The aggregate amount that an approved participant may receive
9898 shall not exceed thirty-five percent (35%) of the portion of the
9899 original indebtedness that is funded from private sources or
9900 project capital cost that is funded from private sources, or both,
9901 incurred by such participant for the project. The MDA shall make
9902 the calculations necessary to make the payments provided for in
9903 this section. The MDA shall cease making incentive payments to an
9904 approved participant on the occurrence of the earlier of (i) the
9905 date thirty-five percent (35%) of the portion of the original
9906 indebtedness that is funded from private sources, or any
9907 refinancing of the portion of the original indebtedness that is
9908 funded from private sources, incurred for the project or the
9909 portion of the original project capital cost that is funded from
9910 private sources incurred for the project, or both, is satisfied,
9911 (ii) ten (10) years from the date the original indebtedness for
9912 the project was incurred, without regard to any refinancing or



9913 additional financing for any addition to or expansion of the
9914 project, or (iii) the project ceases operations.

9915 (2) At such time as payments are no longer required to be
9916 made to an approved participant, the MDA shall notify the State
9917 Tax Commission and the sales tax revenue collected from such
9918 project shall no longer be deposited into the Sales Tax Incentive
9919 Fund, and any amounts remaining in the fund that were collected
9920 from such participant shall be transferred to the State General
9921 Fund; however, if the project is located in a municipality, a
9922 portion of such amount shall be paid to such municipality in the
9923 same manner and amounts as provided for in Section 27-65-75(1).

9924 **SECTION 337.** Section 57-39-1, Mississippi Code of 1972, is
9925 brought forward as follows:

9926 57-39-1. (1) The purpose of this chapter is to coordinate
9927 all energy-related needs and activities in Mississippi with the
9928 objective of providing an efficient and economical energy system
9929 through a statewide plan. To that end, the Mississippi
9930 Development Authority is directed to evaluate this state's energy
9931 needs and availability.

9932 (2) The powers, duties and responsibilities of the Board of
9933 Energy and Transportation with respect to the state's energy needs
9934 and activities are transferred to the Mississippi Development
9935 Authority, and wherever the word "board" appears in this chapter
9936 meaning the former Board of Energy and Transportation it shall
9937 mean the Mississippi Development Authority. Whenever the word



9938 "division" appears in this chapter, it shall mean the Mississippi
9939 Development Authority Energy and Natural Resources Division.

9940 **SECTION 338.** Section 57-39-9, Mississippi Code of 1972, is
9941 brought forward as follows:

9942 57-39-9. The powers and duties of the division shall
9943 include, but not be limited to, the following:

9944 (a) To promote Mississippi as a leader in energy
9945 development, job creation and research.

9946 (b) To contribute to economic development activities
9947 related to the energy production and manufacturing sectors.

9948 (c) To promote energy efficiency across state
9949 government and within the private sector and other sectors, so
9950 that the state can realize the monetary and environmental benefits
9951 of energy efficiency.

9952 (d) To prepare, when necessary, a Mississippi Energy Plan
9953 and a State Energy Management Plan as hereinafter set forth.

9954 (e) To develop policies and long-term strategic plans
9955 for the State of Mississippi to accomplish the duties hereinafter
9956 set forth.

9957 (f) To collect, maintain and provide analysis of data
9958 related to energy consumption, production and natural resources
9959 pertinent to the development of more energy opportunities within
9960 the state.

9961 (g) To promote the development, manufacturing and use
9962 of renewable technologies, processes and products in the state.



9963 (h) To serve as the State Energy Office for the State
9964 of Mississippi and fulfill requirements of the State Energy Office
9965 as mandated by the federal government or the Governor.

9966 (i) To prepare implementation programs in accordance
9967 with the requirements of the plan.

9968 (j) Upon request, to accept, receive and receipt for
9969 federal monies and other monies, either public or private, for and
9970 in behalf of this state. Upon request of any political
9971 subdivision of the state, to accept, receive and receipt for any
9972 designated purpose, federal monies and other monies, either public
9973 or private, for and in behalf of any such political subdivision.

9974 (k) To confer with or to hold joint hearings with any
9975 agency of the United States in connection with any matter arising
9976 under this chapter, or relating to the sound development of energy
9977 utilization.

9978 (l) To perform such acts, make, promulgate and amend
9979 such reasonable general or special rules, regulations and
9980 procedures as it shall deem necessary to carry out the provisions
9981 of this chapter and to perform its duties hereunder. No rules,
9982 regulations or procedures prescribed by the board shall be
9983 inconsistent with, or contrary to, any acts of the Congress of the
9984 United States or any regulations promulgated pursuant thereto, or
9985 to this chapter or any other statutes of the State of Mississippi.

9986 (m) To enter into contracts, grants and cooperative
9987 agreements with any federal or state agency, department or



9988 subdivision thereof, or any public or private institution located
9989 inside or outside the State of Mississippi, or any person,
9990 corporation or association in connection with carrying out the
9991 provisions of this chapter, provided the agreements do not have a
9992 financial cost in excess of the amounts appropriated for such
9993 purposes by the Legislature.

9994 (n) As required by the federal government or as
9995 directed by the Governor of the State of Mississippi, to establish
9996 a state program to administer the State Petroleum Set-Aside
9997 Program and to provide assistance in obtaining adjustments
9998 specified in orders issued by the Federal Energy Office.

9999 **SECTION 339.** Section 57-39-11, Mississippi Code of 1972, is
10000 brought forward as follows:

10001 57-39-11. The division shall be tasked with developing,
10002 implementing and refining over time the Mississippi Energy Plan.
10003 The Mississippi Energy Plan shall include, but not be limited to
10004 the following:

10005 (a) Efforts to promote Mississippi as a leader in
10006 energy development, job creation and research;

10007 (b) Plans to encourage the safe and responsible
10008 exploration and extraction of the state's natural resources;

10009 (c) Plans to add value and sustain resources through
10010 advances in manufacturing, conversion, and processing related to
10011 energy consumption and generation;



10012 (d) Expanding energy capacity and realizing savings
10013 through energy efficiency;

10014 (e) Encourage investments in the energy infrastructure
10015 of transmission and distribution to maintain the state's
10016 leadership in this area;

10017 (f) Plans to ensure the state competes in
10018 technology-based energy economic development, research and
10019 development, and commercialization;

10020 (g) Prepare a twenty-first century energy workforce;

10021 (h) Statewide forecasts of energy needs and
10022 deficiencies;

10023 (i) A program for directing the expenditure of local,
10024 state and federal energy funds in conformity with the statewide
10025 plan;

10026 (j) Statewide implementation program, including a
10027 schedule of improvement programs, an operations program, a
10028 financial plan, necessary policies and legislation for
10029 implementation of the energy plan; and

10030 (k) Financial impact statement.

10031 **SECTION 340.** Section 57-39-13, Mississippi Code of 1972, is
10032 brought forward as follows:

10033 57-39-13. Hearings shall be open to the public and shall be
10034 held upon such call or notice as the board shall deem advisable,
10035 in compliance with and as directed by federal and state statutes.
10036 The chairman, vice chairman or employee of the board designated by



10037 it to hold any inquiry, investigation or hearing shall have the
10038 power to administer oaths and affirmations and certify to all
10039 official acts.

10040 **SECTION 341.** Section 57-39-19, Mississippi Code of 1972, is
10041 brought forward as follows:

10042 57-39-19. (1) To ensure that state-owned facilities be
10043 operated in an energy-efficient manner to reduce operating costs
10044 to the General Fund and demonstrate successful energy consumption
10045 reduction strategies to other sectors of the state economy, the
10046 division shall coordinate the development and implementation of a
10047 general energy management plan for state-owned and operated
10048 facilities in conjunction with the Department of Finance and
10049 Administration, Bureau of Building, Grounds and Real Property
10050 Management. The general energy management plan shall include, but
10051 not be limited to, the following elements:

10052 (a) Gathering of energy-related data from state
10053 agencies, state institutions of higher learning, and community and
10054 junior colleges in a form and manner as required by the division;

10055 (b) Benchmarking of energy consumption and costs;

10056 (c) Use of a central system to aggregate and track
10057 energy consumption data for all state-owned facilities;

10058 (d) Model buildings and facilities energy audit
10059 procedures;

10060 (e) Model energy consumption reduction techniques;

10061 (f) Uniform data analysis procedures;



10062 (g) Model employee energy education program procedures;
10063 (h) Model training program for agency and institution
10064 personnel and energy coordinators;
10065 (i) Model guidelines for buildings and facilities
10066 managers;
10067 (j) Program monitoring and evaluation procedures.

10068 (2) The State Energy Management Plan shall also include a
10069 description of actions to reduce consumption of electricity and
10070 nonrenewable energy sources used for heating, cooling,
10071 ventilation, lighting and water heating. A designee of each of
10072 the following entities - the Board of Trustees of State
10073 Institutions of Higher Learning, the Community College Board, the
10074 Department of Education, and the Department of Finance and
10075 Administration shall assist in the preparation of the State Energy
10076 Management Plan and serve together on an advisory board; the
10077 director of the division shall serve as the head of this board and
10078 shall convene representatives of these institutions no fewer than
10079 once each year in order to review implementation of the State
10080 Energy Management Plan.

10081 (3) The State Energy Management Plan shall be developed and
10082 implemented with input and assistance from the Department of
10083 Finance and Administration, Bureau of Building, Grounds and Real
10084 Property Management, and the two (2) state agencies shall work
10085 together and pledge to use pertinent resources and programs in



10086 conjunction with one another to accomplish the goals described in
10087 this section.

10088 (4) The Department of Finance and Administration, Bureau of
10089 Building, Grounds and Real Property Management shall transmit to
10090 the division an updated state building inventory on an annual
10091 basis.

10092 (5) All state agencies having buildings on the inventory of
10093 buildings submitted to the Department of Finance and
10094 Administration as well as all institutions of higher learning and
10095 community and junior colleges (hereafter referred to as "covered
10096 entities"), shall submit energy consumption in a form and manner
10097 prescribed by the division.

10098 (6) Energy-related data may include, but shall not be
10099 limited to, the following:

- 10100 (a) Electrical consumption data;
- 10101 (b) Natural gas consumption; and
- 10102 (c) Fuel oil consumption.

10103 Any covered entity that does not enter its energy data in the
10104 form and manner prescribed by the division shall, at the
10105 discretion of the division, not be eligible to receive energy
10106 conservation funds from the Bureau of Building, Grounds and Real
10107 Property Management or be eligible to receive any state, federal
10108 or other funds from the division. The Mississippi Development
10109 Authority, in coordination with the Bureau of Building, Grounds



10110 and Real Property Management, shall promulgate rules pertaining to
10111 this section.

10112 (7) By September 1 of each year, the division shall provide
10113 to the Legislature and the Governor a report on the energy
10114 consumption of covered entities. This report shall include, but
10115 shall not be limited to, total energy consumption for the state,
10116 total costs related to the energy metrics being tracked, increases
10117 or decreases from year-to-year by the state and by each covered
10118 entity, and forecast models for the coming fiscal year. The
10119 Bureau of Building, Grounds and Real Property Management shall
10120 provide assistance in the development of this report, as needed.
10121 The division will also provide a list of covered entities that
10122 have not reported data in accordance with this section.

10123 (8) By November 1, 2014, and each subsequent five-year
10124 interval, each covered entity must submit a detailed energy
10125 management plan to the division. The detailed energy management
10126 plan shall describe specific measures to be taken to reduce the
10127 agency's energy consumption by energy unit measure over a
10128 five-year period. The plan shall also include a timetable to
10129 accomplish the agency's reduction goals. If the detailed energy
10130 management plan meets the criteria developed by the division, the
10131 division shall approve the plan. If the detailed energy
10132 management plan fails to meet the criteria, the division shall
10133 disapprove the detailed energy management plan and notify the
10134 submitting agency in writing, including the reasons for



10135 disapproval. Covered entities that do not submit an energy
10136 management plan by the deadline or fail to remedy changes
10137 subsequently required by the division shall, at the discretion of
10138 the division, not be eligible to receive energy conservation funds
10139 from the Bureau of Building, Grounds and Real Property Management
10140 or be eligible to receive capital improvement funds from the
10141 Bureau of Building, Grounds and Real Property Management or be
10142 eligible to receive any state, federal or other funds from the
10143 division until such time as the entity has an energy management
10144 plan approved by the division.

10145 **SECTION 342.** Section 57-39-21, Mississippi Code of 1972, is
10146 brought forward as follows:

10147 57-39-21. (1) The board, in consultation with other
10148 appropriate professional groups and organizations, and others
10149 knowledgeable in the subject, shall review, amend and adopt, in
10150 accordance with Standard 90.1-2010 of the American Society of
10151 Heating, Refrigeration and Air-Conditioning Engineers, energy code
10152 standards for building construction, standards for computer-based
10153 energy management systems, standards for systems for cogeneration
10154 of heating, cooling and electricity, and standards for design to
10155 use passive solar energy concepts, in order to promote the
10156 efficient use of energy. For the purposes of this section,
10157 "building" shall mean any structure which includes provisions for
10158 a heating or cooling system, or both, or for a hot water system,
10159 except exempted buildings. Unless it is an exempted building,



10160 each of the following are examples of buildings, within the
10161 meaning of this section:

10162 (a) Any building which provides facilities or shelter
10163 for public assembly, or which is used for educational, office or
10164 institutional purposes;

10165 (b) Any inn, hotel, motel, sports arena, supermarket,
10166 transportation terminal, retail store, restaurant or other
10167 commercial establishment which provides service or retail
10168 merchandise;

10169 (c) Any portion of an industrial plant building used
10170 primarily as office space; and

10171 (d) Any building owned by a state or political
10172 subdivision or instrumentality thereof, including libraries,
10173 museums, schools, hospitals, auditoriums, sports arenas and
10174 university buildings.

10175 (2) Exempt buildings shall include:

10176 (a) Buildings and structures or portions thereof whose
10177 peak design rate of energy usage is less than three and
10178 four-tenths (3.4) British thermal units per hour per square foot
10179 or one (1.0) watt per square foot of floor area for all purposes;

10180 (b) Buildings and structures or portions thereof which
10181 are neither heated nor cooled by fuel;

10182 (c) Any mobile home;



10183 (d) Any privately owned, noncommercial building or
10184 structure whose construction, heating, cooling or lighting
10185 arrangement is not in conflict with federal law;

10186 (e) Any building owned or leased, in whole or in part,
10187 by the United States government.

10188 (3) Beginning July 1, 2013, the design, direction,
10189 construction and alteration of any building for which the
10190 standards promulgated pursuant to subsection (1) of this section
10191 applies shall be accomplished so that the building or applicable
10192 portions thereof shall meet or conform to the standards. The
10193 board shall not have enforcement over this section. Local
10194 governing authorities shall adopt rules and regulations for the
10195 administration and enforcement of this section, and to adopt such
10196 penalties for violation of this section as they deem appropriate,
10197 except in regard to buildings owned by the state. In state-owned
10198 buildings, the building commission shall provide for the
10199 compliance with the standards adopted under this chapter. Local
10200 governing authorities are authorized to adopt rules and
10201 regulations as developed and promulgated by the commission for the
10202 administration and enforcement of these standards and to adopt
10203 such penalties for violations of the standards as they deem
10204 appropriate. Local governing authorities are authorized to
10205 establish an inspection fee for the inspection of thermal and
10206 lighting standards in an amount not to exceed One Hundred Fifty
10207 Dollars (\$150.00).



10208 (4) This section shall stand repealed from and after July 1,
10209 2023.

10210 **SECTION 343.** Section 57-39-39, Mississippi Code of 1972, is
10211 brought forward as follows:

10212 57-39-39. (1) There is hereby created in the State Treasury
10213 a fund to be known as the Energy Development Fund. Monies in such
10214 fund are reserved exclusively for:

10215 (a) Promoting the development of Mississippi's energy
10216 resources.

10217 (b) Developing projects under this section which will
10218 demonstrate a realistic promise of making a significant energy
10219 contribution to the State of Mississippi.

10220 (c) Effectively utilizing the state's existing
10221 alternative and conventional energy resources to foster economic
10222 and social improvements in the state.

10223 (2) The division will administer the fund. The division
10224 will establish policy and guidelines for use of the fund not later
10225 than one hundred twenty (120) days after July 1, 2013.

10226 (3) The division will submit to the Governor on or before
10227 December 31 of each year a comprehensive report on the operation
10228 of the fund.

10229 **SECTION 344.** Section 57-39-43, Mississippi Code of 1972, is
10230 brought forward as follows:

10231 57-39-43. (1) There is created in the State Treasury a fund
10232 to be designated as the "Mississippi Oil Overcharge Fund,"



10233 referred to in this section as "fund." Monies in the fund,
10234 referred to in this section as "oil overcharge funds," may be used
10235 for projects or programs authorized in accordance with appropriate
10236 federal court orders regarding the use of oil overcharge funds or
10237 by the United States Department of Energy, or both.

10238 (2) The Treasurer shall deposit or transfer into the fund
10239 any funds received as a result of federal statute or
10240 administrative or regulatory actions requiring the disbursement to
10241 states of refund monies for alleged overcharges for crude oil or
10242 refined petroleum products. The Treasurer may establish accounts
10243 within the fund as necessary for management of monies in the fund.

10244 (3) Expenditures may be made from the fund upon requisition
10245 to the Treasurer by the Executive Director of the Department of
10246 Economic and Community Development or the Executive Director of
10247 the Department of Human Services.

10248 (4) The fund shall be treated as a special trust fund.
10249 Interest earned on the principal in the fund shall be credited by
10250 the Treasurer to the fund.

10251 (5) In their annual budget request, the Department of
10252 Economic and Community Development and the Department of Human
10253 Services shall submit a list of projects or programs for which
10254 monies from the fund are requested to be used.

10255 **SECTION 345.** Section 57-39-45, Mississippi Code of 1972, is
10256 brought forward as follows:



10257 57-39-45. (1) The division shall be responsible for
10258 compiling on an ongoing basis data related to the energy
10259 resources, both natural and manmade, of the State of Mississippi.
10260 This information shall be compiled from trusted and verified
10261 sources for the purposes of aggregation for analysis and
10262 dissemination to partners and the public with the intent to
10263 maximize the energy resources of the state.

10264 (2) **Biomass resources.** The division shall be responsible
10265 for maintaining a current database and map of biomass feedstocks
10266 found in the State of Mississippi. The division shall work with
10267 the Mississippi Forestry Commission, the Department of
10268 Agriculture, the institutions of higher learning, and other
10269 knowledgeable partners to produce and maintain accurate data on
10270 the renewable biomass resources of the state. The division shall
10271 analyze the data and prepare reports on a regular basis in order
10272 to highlight and promote the biomass resources of the state.

10273 (3) **Energy infrastructure.** The division shall be
10274 responsible for maintaining a current database and map of the
10275 infrastructure that transports energy fuels and products across
10276 the state. The division shall analyze the data and prepare
10277 reports on a regular basis in order to highlight and promote the
10278 energy infrastructure of the state.

10279 (4) **Energy production and reserves.** The division shall be
10280 responsible for maintaining information from all readily available
10281 resources on the energy production capacity in the state. The



10282 division shall maintain information on the energy reserves of the
10283 state.

10284 (5) **Reports and publications.** The division shall produce
10285 reports, white papers, or articles for placement in targeted
10286 publications that include information to promote Mississippi as a
10287 leader in the energy sector.

10288 **SECTION 346.** Section 57-39-101, Mississippi Code of 1972, is
10289 brought forward as follows:

10290 57-39-101. Sections 57-39-101 through 57-39-117 may be cited
10291 as the "Mississippi Energy Management Law."

10292 **SECTION 347.** Section 57-39-103, Mississippi Code of 1972, is
10293 brought forward as follows:

10294 57-39-103. The purpose of Sections 57-39-103 through
10295 57-39-115 is to provide for development and implementation of a
10296 state energy management plan for all state-owned or state-leased
10297 buildings and facilities which will minimize energy consumption
10298 and insure that buildings and facilities are operated with maximum
10299 efficiency of energy use.

10300 **SECTION 348.** Section 57-39-109, Mississippi Code of 1972, is
10301 brought forward as follows:

10302 57-39-109. Any agency or institution designated by the
10303 division and funded in whole or in part by public funds shall
10304 appoint a coordinator from existing staff who shall advise the
10305 agency head or institution head on energy-related matters. The
10306 coordinator shall confer and cooperate with the board in



10307 developing, implementing and evaluating an energy management plan
10308 for the agency or institution. Any public school district may
10309 appoint a coordinator from its existing staff.

10310 **SECTION 349.** Section 57-39-112, Mississippi Code of 1972, is
10311 brought forward as follows:

10312 57-39-112. The division shall provide technical assistance
10313 to the Mississippi Department of Education so that the department
10314 can assist local school districts in developing a detailed energy
10315 management plan for that public school district. The purposes of
10316 the plan shall be to assist the public school district in reducing
10317 consumption of energy in its buildings and facilities and to
10318 maintain or reduce that level of energy consumption, subject to
10319 any allowances for building and facilities modernization,
10320 remodeling or upgrading for educational purposes, and for
10321 increased or decreased enrollment.

10322 **SECTION 350.** Section 57-40-1, Mississippi Code of 1972, is
10323 brought forward as follows:

10324 57-40-1. As used in this chapter:

10325 (a) "Project" means a facility constructed after July
10326 1, 2012, with a capital investment from private sources of not
10327 less than Fifty Million Dollars (\$50,000,000.00).

10328 (b) "MDA" means the Mississippi Development Authority.

10329 **SECTION 351.** Section 57-40-3, Mississippi Code of 1972, is
10330 brought forward as follows:



10331 57-40-3. There is established an Energy Infrastructure
10332 Revolving Loan Program to be administered by the MDA for the
10333 purpose of assisting counties and municipalities in:

10334 (a) Constructing, repairing or improving infrastructure
10335 related to a project, including, but not limited to, making a
10336 contribution in aid of construction to an energy-providing utility
10337 or cooperative for its constructing, repairing, improving and
10338 owning such infrastructure;

10339 (b) Site preparation related to a project on property
10340 owned by a county or municipality; and

10341 (c) Site preparation on property owned by the
10342 enterprise owning or operating a project.

10343 **SECTION 352.** Section 57-40-5, Mississippi Code of 1972, is
10344 brought forward as follows:

10345 57-40-5. (1) There is created a special fund in the State
10346 Treasury to be designated as the "Energy Infrastructure Revolving
10347 Loan Fund," which shall consist of such money authorized to be
10348 deposited into such fund from any source. The fund shall be
10349 maintained in perpetuity for the purposes established in this
10350 chapter. Unexpended amounts remaining in the fund at the end of a
10351 fiscal year shall not lapse into the State General Fund, and any
10352 interest earned or investment earnings on amounts in the fund
10353 shall be deposited to the credit of the fund. Money in the fund
10354 may not be used or expended for any purpose except as authorized
10355 under this chapter.



10356 (2) A county or an incorporated municipality may apply to
10357 the MDA for a loan under the energy infrastructure revolving loan
10358 program established under this chapter.

10359 (3) (a) The MDA shall establish a loan program by which
10360 loans, at the rate of interest set by the MDA, may be made
10361 available to counties and incorporated municipalities for the
10362 purposes provided in Section 57-40-3.

10363 (b) Loans from the revolving fund may be made to
10364 counties and municipalities as set forth in a loan agreement in
10365 amounts not to exceed one hundred percent (100%) of eligible costs
10366 as established by the MDA. The MDA may require county, municipal
10367 or private participation or funding from other sources, or
10368 otherwise limit the percentage of costs covered by loans from the
10369 revolving loan fund. The MDA may establish a maximum amount for
10370 any loan. Loan repayments shall be deposited into the revolving
10371 loan fund.

10372 (4) A county that receives a loan from the revolving fund
10373 shall pledge for repayment of the loan any part of the homestead
10374 exemption annual tax loss reimbursement to which it may be
10375 entitled under Section 27-33-77. An incorporated municipality
10376 that receives a loan from the revolving fund shall pledge for
10377 repayment of the loan any part of the sales tax revenue
10378 distribution to which it may be entitled under Section 27-65-75.
10379 Each loan agreement shall provide for (i) monthly payments, (ii)
10380 semiannual payments, or (iii) other periodic payments. The loan



10381 agreement shall provide for the repayment of all funds received
10382 within not more than twenty (20) years from the date of project
10383 completion.

10384 (5) Prior to the execution of a loan agreement, relevant
10385 parties to the project shall enter into an agreement, in a manner
10386 acceptable to MDA, that stipulates the terms of the energy
10387 infrastructure investment and responsibilities among parties.

10388 (6) The State Auditor, upon request of the MDA, shall audit
10389 the receipts and expenditures of a county or an incorporated
10390 municipality whose loan payments appear to be in arrears, and if
10391 he finds that the entity is in arrears in such payments, he shall
10392 immediately notify the Executive Director of the Department of
10393 Finance and Administration who shall withhold all future payments
10394 to the county of homestead exemption reimbursements under Section
10395 27-33-77 and all sums allocated to the county or the municipality
10396 under Section 27-65-75 until such time as the county or the
10397 municipality is again current in its loan payments as certified by
10398 the MDA.

10399 (7) Evidences of indebtedness which are issued pursuant to
10400 this chapter shall not be deemed indebtedness within the meaning
10401 specified in Section 21-33-303 with regard to cities or
10402 incorporated towns, and in Section 19-9-5 with regard to counties.

10403 **SECTION 353.** Section 57-40-7, Mississippi Code of 1972, is
10404 brought forward as follows:



10405 57-40-7. In administering the provisions of this chapter,
10406 the MDA shall have the following powers and duties:

10407 (a) To supervise the use of all funds made available
10408 under this chapter for infrastructure improvements;

10409 (b) To review and certify all projects for which funds
10410 are authorized to be made available under this chapter;

10411 (c) To requisition money in the Energy Infrastructure
10412 Revolving Loan Fund and distribute that money on a
10413 project-by-project basis in accordance with the provisions of this
10414 chapter;

10415 (d) To maintain an accurate record of all Energy
10416 Infrastructure Revolving Loan Program funds made available to
10417 counties and municipalities and the costs for each project; and

10418 (e) To adopt and promulgate such rules and regulations
10419 as may be necessary or desirable for the purpose of implementing
10420 the provisions of this chapter.

10421 **SECTION 354.** Section 57-41-1, Mississippi Code of 1972, is
10422 brought forward as follows:

10423 57-41-1. Wherever used in this chapter, unless a different
10424 meaning clearly appears in the context, the following terms,
10425 whether used in the singular or plural, shall be given the
10426 following respective interpretations:

10427 (a) "Municipality" means any county or incorporated
10428 city, town or village in the State of Mississippi;



10429 (b) "Project" means land, buildings, improvements,
10430 fixtures, machinery, equipment and furnishings, and all real and
10431 personal properties deemed necessary in connection therewith, or
10432 any part or combination of parts of the foregoing, whether or not
10433 now in existence, which shall be suitable for use by any
10434 industrial enterprise;

10435 (c) "Industrial enterprise" means a person,
10436 corporation, partnership or other legal entity authorized by law
10437 to engage in the business of manufacturing, processing or
10438 assembling any products of agriculture, mining or industry,
10439 excluding retail businesses;

10440 (d) "Governing body" means the board or body in which
10441 the legislative powers of the municipality are vested;

10442 (e) "Mortgage" means a mortgage, indenture of trust,
10443 deed of trust or any other instrument securing notes of an
10444 industrial enterprise;

10445 (f) "Loan agreement" means an agreement providing for
10446 the governing body to loan the proceeds derived from the issuance
10447 of notes pursuant to this chapter to one or more industrial
10448 enterprises to be used to pay the cost of one or more projects and
10449 providing for the repayment of such loans by the industrial
10450 enterprises, and which shall provide for such loans to be
10451 evidenced by one or more notes, and secured by a mortgage
10452 delivered to the municipality or to the assignee of the
10453 municipality's rights under the loan agreement.



10454 **SECTION 355.** Section 57-41-3, Mississippi Code of 1972, is
10455 brought forward as follows:

10456 57-41-3. The governing body is hereby granted the following
10457 powers, together with all powers incidental thereto or necessary
10458 for the performance of those hereinafter stated, in order to
10459 effectuate the purposes of this chapter:

10460 (a) To enter into loan agreements with an industrial
10461 enterprise with respect to one or more projects for such payments
10462 and upon such terms and conditions as the governing body may deem
10463 advisable in accordance with the provisions of this chapter;

10464 (b) To borrow money and issue its notes for the purpose
10465 of making loans to industrial enterprises to finance one or more
10466 projects; however, no loan shall exceed five hundred thousand
10467 dollars (\$500,000.00) for any one (1) project;

10468 (c) As security for the payment of the principal of and
10469 interest on any notes so issued, to assign and pledge all or any
10470 part of its interest in and rights under the loan agreements
10471 relating thereto to financial institutions purchasing the notes,
10472 together with all notes and deeds of trust delivered to the
10473 municipality pursuant thereto.

10474 The powers conferred upon the governing body of a
10475 municipality under this chapter may be exercised only after the
10476 governing body has obtained a certificate of public convenience
10477 and necessity from the Mississippi Board of Economic Development
10478 for each project of an industrial enterprise.



10479 **SECTION 356.** Section 57-41-5, Mississippi Code of 1972, is
10480 brought forward as follows:

10481 57-41-5. The principal of, redemption premium, if any, and
10482 interest on the notes of the municipality shall be payable solely
10483 out of, and shall be secured by a pledge of the revenues and
10484 receipts derived from the industrial enterprise as designated in
10485 the proceedings of the governing body under which the notes shall
10486 be authorized to be issued, including debt obligations of the
10487 industrial enterprises obtained from or in connection with the
10488 financing of a project, and from such other sources available to
10489 the municipality as may be designated by the governing body in its
10490 proceedings in connection with the issuance of the notes. Such
10491 notes may be executed and delivered by the governing body at any
10492 time and from time to time, may be in such form and denominations,
10493 may be subject to such terms of redemption, may mature at such
10494 time or times not exceeding ten (10) years; and may be in fully
10495 registered form or in bearer form registrable either as to
10496 principal or interest or both, may bear such conversion privileges
10497 and be payable in such installments and at such time or times, may
10498 be payable at such place or places, whether within or without the
10499 State of Mississippi, may bear interest irrespective of any
10500 interest rate limitation, payable at such time or times, and at
10501 such place or places and evidenced in such manner, and may contain
10502 such provisions not inconsistent herewith, all as shall be



10503 provided in the proceedings of the governing body whereunder the
10504 notes shall be authorized to be issued.

10505 Any notes of the governing body may be sold at public or
10506 private sale. The governing body may pay all expenses, premiums
10507 and commissions which its governing body may deem necessary or
10508 advantageous in connection with the issuance thereof, but solely
10509 from the proceeds of the notes. Bonds issued hereunder shall be
10510 validated in the manner provided by law in the chancery court of
10511 the county in which the municipality is located.

10512 **SECTION 357.** Section 57-41-7, Mississippi Code of 1972, is
10513 brought forward as follows:

10514 57-41-7. (1) The notes may be secured by a trust agreement
10515 by and between the municipality and a corporate trustee, which may
10516 be any trust company or bank incorporated under the laws of the
10517 United States or the laws of any state in the United States. Any
10518 such trust agreement may pledge or assign income, contract
10519 payments, fees or any other revenues and receipts to be received
10520 from an industrial enterprise, whether or not related to a
10521 project. The notes may be additionally secured by an assignment of
10522 a mortgage, deed of trust or other security interest upon all or
10523 any part of one or more projects, including any enlargements of
10524 and additions to a project, vesting in the trustee power to sell
10525 such project for the payment of indebtedness, power to operate a
10526 project and all other powers and authority and for the further
10527 security of the notes.



10528 (2) Any trust agreement made in accordance with the
10529 provisions of this chapter may contain a provision that, in the
10530 event of a default in the payment of the principal of, redemption
10531 premium, if any, or the interest on the notes issued in accordance
10532 with, or relating to, such agreement, or in the performance of any
10533 agreement contained in the proceedings, trust agreement or
10534 instruments relating to such notes, such payment and performance
10535 may be enforced by mandamus or by the appointment of a receiver in
10536 equity with power to charge and collect rates, rents or payments
10537 and to apply the revenues from the project in accordance with such
10538 proceedings, trust agreement or instruments.

10539 (3) Any mortgage or deed of trust to secure notes issued in
10540 accordance with the provisions of this chapter may also provide
10541 that in the event of a default in the payment thereof or the
10542 violation of any agreement contained in the mortgage or deed of
10543 trust, the property secured by the mortgage or deed of trust may
10544 be foreclosed and sold under proceedings in equity or in any other
10545 manner now or hereafter permitted by law. Such mortgage or deed of
10546 trust may also provide that any trustee under such mortgage or
10547 deed of trust or the holder of any of the notes secured thereby,
10548 may become the purchaser at any foreclosure sale if it is the
10549 highest bidder therefor.

10550 (4) The notes may be additionally secured by a guaranty
10551 agreement from an industrial enterprise to the trustee or to the
10552 holder of any note or by such other guaranty agreement, letter of



10553 credit or other arrangement as shall be acceptable to the
10554 municipality.

10555 **SECTION 358.** Section 57-41-9, Mississippi Code of 1972, is
10556 brought forward as follows:

10557 57-41-9. All notes issued by a municipality under authority
10558 of this chapter shall be limited obligations of the municipality,
10559 the principal of, redemption premium, if any, and interest on
10560 which shall be payable solely from revenues received by the
10561 municipality pursuant to the loan agreement or pursuant to notes
10562 and deeds of trust delivered to the municipality and from such
10563 other funds as may be made available to the municipality for such
10564 purpose by the terms of the trust agreement. Notes issued under
10565 authority of this chapter shall never constitute an indebtedness
10566 of the municipality within the meaning of any state constitutional
10567 provision or statutory limitation, and shall never constitute nor
10568 give rise to a pecuniary liability of the municipality or a charge
10569 against its general credit or taxing powers, and such fact shall
10570 be plainly stated on the face of each such note. The notes shall
10571 not be considered when computing any limitation of indebtedness of
10572 the municipality established by law. All notes issued under the
10573 authority of this chapter shall be construed to be negotiable
10574 instruments, despite the fact that they are payable solely from a
10575 specified source.

10576 **SECTION 359.** Section 57-41-11, Mississippi Code of 1972, is
10577 brought forward as follows:



10578 57-41-11. Notes issued under the provisions of this chapter
10579 shall be legal investments for commercial banks, savings and loan
10580 associations and insurance companies organized under the laws of
10581 this state.

10582 **SECTION 360.** Section 57-41-13, Mississippi Code of 1972, is
10583 brought forward as follows:

10584 57-41-13. The notes authorized by this chapter and the
10585 income therefrom shall be exempt from all taxation in the State of
10586 Mississippi, and the revenue derived by the issuer from the
10587 project shall be exempt from all taxation in the State of
10588 Mississippi. Any industrial enterprise shall not be exempt from ad
10589 valorem taxes on the project, except as is otherwise provided in
10590 Section 27-31-101 et seq., Mississippi Code of 1972, nor shall
10591 purchases required to establish projects and financed by note
10592 proceeds be exempt from taxation in the State of Mississippi.

10593 **SECTION 361.** Section 57-41-15, Mississippi Code of 1972, is
10594 brought forward as follows:

10595 57-41-15. This chapter, without reference to any other
10596 statute, shall be deemed to be full and complete authority for the
10597 issuance of the aforesaid notes, and shall be construed as an
10598 additional and alternative method therefor, and none of the
10599 present restrictions, requirements, conditions or limitations of
10600 law applicable to the issuance or sale of bonds, notes or other
10601 obligations by municipalities in this state shall apply to the
10602 issuance and sale of notes under this chapter, and no proceedings



10603 shall be required for the issuance of such notes other than those
10604 provided for and required herein, and all powers necessary to be
10605 exercised in order to carry out the provisions of this chapter are
10606 hereby conferred.

10607 **SECTION 362.** Section 57-41-17, Mississippi Code of 1972, is
10608 brought forward as follows:

10609 57-41-17. The Mississippi Board of Economic Development is
10610 authorized and empowered to adopt and put into effect all
10611 reasonable rules and regulations that it may deem necessary to
10612 carry out the provisions of this chapter not inconsistent
10613 therewith, including, but not limited to, eligible costs of a
10614 project and the financing thereof.

10615 **SECTION 363.** Section 57-44-1, Mississippi Code of 1972, is
10616 brought forward as follows:

10617 57-44-1. The implementation of freight rail service projects
10618 within the State of Mississippi develops and promotes, for the
10619 public good, safety and general welfare, trade, commerce,
10620 industry, and employment opportunities, and promotes the general
10621 welfare of the state by creating a climate favorable to the
10622 location of new industry, trade, and commerce and the development
10623 of existing industry, trade and commerce within the State of
10624 Mississippi. Implementation of freight rail service projects
10625 within this state will develop and promote, for the public good,
10626 safety and general welfare, trade, commerce, industry, and
10627 employment opportunities, and will promote the general welfare of



10628 the state. It is therefore in the public interest and is vital to
10629 the public welfare of the people of Mississippi, and it is
10630 declared to be the public purpose of this chapter to so develop
10631 freight rail service projects within this state.

10632 **SECTION 364.** Section 57-44-3, Mississippi Code of 1972, is
10633 brought forward as follows:

10634 57-44-3. As used in this chapter the term "freight rail
10635 service project" means the acquisition, construction,
10636 installation, operation, modification, renovation, or
10637 rehabilitation of any freight rail service facilities. A project
10638 may also include any fixtures, machinery, or equipment used on, in
10639 or in connection with any such facilities. A project may be for
10640 any freight transportation purpose, provided that the department
10641 determines that the project will further the public purposes of
10642 this act.

10643 **SECTION 365.** Section 57-44-5, Mississippi Code of 1972, is
10644 brought forward as follows:

10645 57-44-5. There is established a local governments freight
10646 rail service project revolving loan program to be administered by
10647 the * * * Mississippi Development Authority for the purpose of
10648 making loans to counties and municipalities that the governing
10649 authorities of such counties and municipalities may utilize to
10650 make loans to railroad corporations for freight rail service
10651 projects.



10652 **SECTION 366.** Section 57-44-7, Mississippi Code of 1972, is
10653 brought forward as follows:

10654 57-44-7. (1) There is created a special fund in the State
10655 Treasury to be designated as the "Local Governments Freight Rail
10656 Service Project Revolving Loan Fund," which fund shall consist of
10657 such monies as provided in Sections 57-44-11 through 57-44-39.
10658 The fund shall be maintained in perpetuity for the purposes
10659 established in this chapter. Unexpended amounts remaining in the
10660 fund at the end of a fiscal year shall not lapse into the State
10661 General Fund, and any interest earned on amounts in the fund shall
10662 be deposited to the credit of the fund. Monies in the fund may
10663 not be used or expended for any purpose except as authorized under
10664 this chapter. However, the Mississippi Development Authority, in
10665 order to promote the safety of the general public, shall establish
10666 a program to permit monies from the Local Governments Freight Rail
10667 Service Project Revolving Loan Fund to be provided to counties in
10668 the form of grants to assist counties in defraying expenses
10669 relating to the upgrading of railroad grade crossings. Only
10670 projects approved by the Mississippi Department of Transportation
10671 shall be eligible for such grants. The Mississippi Development
10672 Authority, by rule and regulation, shall establish the maximum
10673 amount of any grant awarded to a county and may establish such
10674 other rules and regulations as it deems appropriate or necessary
10675 to administer the grant program and ensure that monies in the fund
10676 are made available to all counties on an equitable basis. Federal



10677 funds shall be utilized to pay not less than five percent (5%) of
10678 the cost of each project. However, the maximum amount of such
10679 grants to all counties may not exceed Eight Million Dollars
10680 (\$8,000,000.00), in the aggregate.

10681 (2) The Mississippi Development Authority shall establish a
10682 loan program by which loans, at a rate of interest not to exceed
10683 one percent (1%) less than the federal reserve discount rate, may
10684 be made available to counties and incorporated municipalities to
10685 provide loans to counties and incorporated municipalities which
10686 may be used by the governing authorities of such counties and
10687 municipalities to provide loans to railroad corporations for
10688 freight rail service projects. Loans from the revolving fund may
10689 be made to counties and municipalities as set forth in a loan
10690 agreement in amounts established by the Mississippi Development
10691 Authority. The Mississippi Development Authority may establish a
10692 maximum amount for any loan in order to provide for broad and
10693 equitable participation in the program.

10694 (3) A county that receives a loan from the revolving fund
10695 shall pledge for repayment of the loan any part of the homestead
10696 exemption annual tax loss reimbursement to which it may be
10697 entitled under Section 27-33-77. An incorporated municipality
10698 that receives a loan from the revolving fund shall pledge for
10699 repayment of the loan any part of the sales tax revenue
10700 distribution to which it may be entitled under Section 27-65-75.
10701 Each loan agreement shall provide for (a) monthly payments, (b)



10702 semiannual payments, or (c) other periodic payments, the annual
10703 total of which shall not exceed the annual total for any other
10704 year of the loan by more than fifteen percent (15%). The loan
10705 agreement shall provide for the repayment of all funds received
10706 within not more than fifteen (15) years from the date of project
10707 completion.

10708 (4) The State Auditor, upon request of the Mississippi
10709 Development Authority, shall audit the receipts and expenditures
10710 of a county or an incorporated municipality whose loan payments
10711 appear to be in arrears, and if he finds that the county or
10712 municipality is in arrears in such payments, he shall immediately
10713 notify the Executive Director of the Department of Finance and
10714 Administration who shall withhold all future payments to the
10715 county of homestead exemption reimbursements under Section
10716 27-33-77 and all sums allocated to the county or the municipality
10717 under Section 27-65-75 until such time as the county or the
10718 municipality is again current in its loan payments as certified by
10719 the Mississippi Development Authority.

10720 (5) Evidences of indebtedness which are issued pursuant to
10721 this chapter shall not be deemed indebtedness within the meaning
10722 specified in Section 21-33-303 with regard to cities or
10723 incorporated towns, and in Section 19-9-5 with regard to counties.

10724 (6) The Mississippi Development Authority may, on a
10725 case-by-case basis, renegotiate the payment of principal and
10726 interest on loans made under this chapter to the six (6) most



10727 southern counties of the state covered by the Presidential
10728 Declaration of Major Disaster for the State of Mississippi
10729 (FEMA-1604-DR) dated August 29, 2005, and to incorporated
10730 municipalities located in such counties; however, the interest on
10731 the loans shall not be forgiven for a period of more than
10732 twenty-four (24) months and the maturity of the loans shall not be
10733 extended for a period of more than forty-eight (48) months.

10734 **SECTION 367.** Section 57-44-9, Mississippi Code of 1972, is
10735 brought forward as follows:

10736 57-44-9. In administering the provisions of this chapter,
10737 the * * * Mississippi Development Authority shall have the
10738 following powers and duties:

10739 (a) To supervise the use of all funds made available
10740 under this chapter;

10741 (b) To review all freight rail service projects for
10742 which loans are made under this chapter by local governments;

10743 (c) To requisition monies in the Local Governments
10744 Freight Rail Service Project Revolving Loan Fund and distribute
10745 those monies to counties and municipalities, on a
10746 project-by-project basis in accordance with the provisions of this
10747 chapter;

10748 (d) To insure that the funds made available to a county
10749 or an incorporated municipality under this chapter provide for an
10750 equitable distribution of projects and funds among the counties
10751 and incorporated municipalities;



10752 (e) To maintain an accurate record of all funds made
10753 available to counties and municipalities * * *;

10754 (f) To adopt and promulgate such rules and regulations
10755 as may be necessary or desirable for the purpose of implementing
10756 the provisions of this chapter; and

10757 (g) To file annually with the Legislature a report
10758 detailing how monies in the Revolving Loan Fund were spent during
10759 the preceding fiscal year in each county and incorporated
10760 municipality, the number of freight rail service projects
10761 constructed, and the cost of each project.

10762 **SECTION 368.** Section 57-44-11, Mississippi Code of 1972, is
10763 brought forward as follows:

10764 57-44-11. (1) The State Bond Commission, at one time, or
10765 from time to time, may declare by resolution the necessity for
10766 issuance of general obligation bonds of the State of Mississippi
10767 to provide funds for all costs incurred or to be incurred for the
10768 purposes described in Section 57-44-7. Upon the adoption of a
10769 resolution by the Mississippi Development Authority, declaring the
10770 necessity for the issuance of any part or all of the general
10771 obligation bonds authorized by this section, the Mississippi
10772 Development Authority shall deliver a certified copy of its
10773 resolution or resolutions to the State Bond Commission. Upon
10774 receipt of such resolution, the State Bond Commission, in its
10775 discretion, may act as the issuing agent, prescribe the form of
10776 the bonds, advertise for and accept bids, issue and sell the bonds



10777 so authorized to be sold and do any and all other things necessary
10778 and advisable in connection with the issuance and sale of such
10779 bonds. The total amount of bonds issued under Sections 57-44-11
10780 through 57-44-39 shall not exceed Eighteen Million Dollars
10781 (\$18,000,000.00).

10782 (2) Proceeds from the sale of bonds shall be deposited in
10783 the special fund created in Section 57-44-7. Any investment
10784 earnings on amounts deposited into the special fund created in
10785 Section 57-44-7 shall be used to pay debt service on bonds issued
10786 under Sections 57-44-11 through 57-44-39, in accordance with the
10787 proceedings authorizing issuance of such bonds.

10788 **SECTION 369.** Section 57-44-13, Mississippi Code of 1972, is
10789 brought forward as follows:

10790 57-44-13. The principal of and interest on the bonds
10791 authorized under Section 57-44-11 shall be payable in the manner
10792 provided in this section. Such bonds shall bear such date or
10793 dates, be in such denomination or denominations, bear interest at
10794 such rate or rates (not to exceed the limits set forth in Section
10795 75-17-101, Mississippi Code of 1972), be payable at such place or
10796 places within or without the State of Mississippi, shall mature
10797 absolutely at such time or times not to exceed twenty-five (25)
10798 years from date of issue, be redeemable before maturity at such
10799 time or times and upon such terms, with or without premium, shall
10800 bear such registration privileges, and shall be substantially in



10801 such form, all as shall be determined by resolution of the State
10802 Bond Commission.

10803 **SECTION 370.** Section 57-44-15, Mississippi Code of 1972, is
10804 brought forward as follows:

10805 57-44-15. The bonds authorized by Section 57-44-11 shall be
10806 signed by the Chairman of the State Bond Commission, or by his
10807 facsimile signature, and the official seal of the commission shall
10808 be affixed thereto, attested by the Secretary of the State Bond
10809 Commission. The interest coupons, if any, to be attached to such
10810 bonds may be executed by the facsimile signatures of such
10811 officers. Whenever any such bonds shall have been signed by the
10812 officials designated to sign the bonds who were in office at the
10813 time of such signing but who may have ceased to be such officers
10814 before the sale and delivery of such bonds, or who may not have
10815 been in office on the date such bonds may bear, the signatures of
10816 such officers upon such bonds and coupons shall nevertheless be
10817 valid and sufficient for all purposes and have the same effect as
10818 if the person so officially signing such bonds had remained in
10819 office until their delivery to the purchaser, or had been in
10820 office on the date such bonds may bear. However, notwithstanding
10821 anything herein to the contrary, such bonds may be issued as
10822 provided in the Registered Bond Act of the State of Mississippi.

10823 **SECTION 371.** Section 57-44-17, Mississippi Code of 1972, is
10824 brought forward as follows:



10825 57-44-17. All bonds and interest coupons issued under the
10826 provisions of Sections 57-44-11 through 57-44-39 have all the
10827 qualities and incidents of negotiable instruments under the
10828 provisions of the Uniform Commercial Code, and in exercising the
10829 powers granted by this chapter, the State Bond Commission shall
10830 not be required to and need not comply with the provisions of the
10831 Uniform Commercial Code.

10832 **SECTION 372.** Section 57-44-19, Mississippi Code of 1972, is
10833 brought forward as follows:

10834 57-44-19. The State Bond Commission shall act as the issuing
10835 agent for the bonds authorized under Section 57-44-11, prescribe
10836 the form of the bonds, advertise for and accept bids, issue and
10837 sell the bonds so authorized to be sold, pay all fees and costs
10838 incurred in such issuance and sale, and do any and all other
10839 things necessary and advisable in connection with the issuance and
10840 sale of such bonds. The State Bond Commission is authorized and
10841 empowered to pay the costs that are incident to the sale, issuance
10842 and delivery of the bonds authorized under Sections 57-44-11
10843 through 57-44-39 from the proceeds derived from the sale of such
10844 bonds. The State Bond Commission shall sell such bonds on sealed
10845 bids at public sale, and for such price as it may determine to be
10846 for the best interest of the State of Mississippi, but no such
10847 sale shall be made at a price less than par plus accrued interest
10848 to the date of delivery of the bonds to the purchaser. All
10849 interest accruing on such bonds so issued shall be payable



10850 semiannually or annually; however, the first interest payment may
10851 be for any period of not more than one (1) year.

10852 Notice of the sale of any such bond shall be published at
10853 least one (1) time, not less than ten (10) days before the date of
10854 sale, and shall be so published in one or more newspapers
10855 published or having a general circulation in the City of Jackson,
10856 Mississippi, and in one or more other newspapers or financial
10857 journals with a national circulation, to be selected by the State
10858 Bond Commission.

10859 The State Bond Commission, when issuing any bonds under the
10860 authority of Sections 57-44-11 through 57-44-39, may provide that
10861 bonds, at the option of the State of Mississippi, may be called in
10862 for payment and redemption at the call price named therein and
10863 accrued interest on such date or dates named therein.

10864 **SECTION 373.** Section 57-44-21, Mississippi Code of 1972, is
10865 brought forward as follows:

10866 57-44-21. The bonds issued under the provisions of Sections
10867 57-44-11 through 57-44-39 are general obligations of the State of
10868 Mississippi, and for the payment thereof the full faith and credit
10869 of the State of Mississippi is irrevocably pledged. If the funds
10870 appropriated by the Legislature are insufficient to pay the
10871 principal of and the interest on such bonds as they become due,
10872 then the deficiency shall be paid by the State Treasurer from any
10873 funds in the State Treasury not otherwise appropriated. All such



10874 bonds shall contain recitals on their faces substantially covering
10875 the provisions of this section.

10876 **SECTION 374.** Section 57-44-23, Mississippi Code of 1972, is
10877 brought forward as follows:

10878 57-44-23. Upon the issuance and sale of bonds under the
10879 provisions of Sections 57-44-11 through 57-44-39, the State Bond
10880 Commission shall transfer the proceeds of any such sale or sales
10881 to the special fund created in Section 57-44-7. The proceeds of
10882 such bonds shall be disbursed solely upon the order of the * * *
10883 Mississippi Development Authority under such restrictions, if any,
10884 as may be contained in the resolution providing for the issuance
10885 of the bonds.

10886 **SECTION 375.** Section 57-44-25, Mississippi Code of 1972, is
10887 brought forward as follows:

10888 57-44-25. The bonds authorized under Sections 57-44-11
10889 through 57-44-39 may be issued without any other proceedings or
10890 the happening of any other conditions or things other than those
10891 proceedings, conditions and things which are specified or required
10892 by Sections 57-44-11 through 57-44-39. Any resolution providing
10893 for the issuance of bonds under the provisions of Sections
10894 57-44-11 through 57-44-39 shall become effective immediately upon
10895 its adoption by the State Bond Commission, and any such resolution
10896 may be adopted at any regular or special meeting of the State Bond
10897 Commission by a majority of its members.



10898 **SECTION 376.** Section 57-44-27, Mississippi Code of 1972, is
10899 brought forward as follows:

10900 57-44-27. The bonds authorized under the authority of
10901 Sections 57-44-11 through 57-44-39 may be validated in the
10902 Chancery Court of the First Judicial District of Hinds County,
10903 Mississippi, in the manner and with the force and effect provided
10904 by Chapter 13, Title 31, Mississippi Code of 1972, for the
10905 validation of county, municipal, school district and other bonds.
10906 The notice to taxpayers required by such statutes shall be
10907 published in a newspaper published or having a general circulation
10908 in the City of Jackson, Mississippi.

10909 **SECTION 377.** Section 57-44-29, Mississippi Code of 1972, is
10910 brought forward as follows:

10911 57-44-29. Any holder of bonds issued under the provisions of
10912 Sections 57-44-11 through 57-44-39 or of any of the interest
10913 coupons pertaining thereto may, either at law or in equity, by
10914 suit, action, mandamus or other proceeding, protect and enforce
10915 any and all rights granted under Sections 57-44-11 through
10916 57-44-39, or under such resolution, and may enforce and compel
10917 performance of all duties required by Sections 57-44-11 through
10918 57-44-39 to be performed, in order to provide for the payment of
10919 bonds and interest thereon.

10920 **SECTION 378.** Section 57-44-31, Mississippi Code of 1972, is
10921 brought forward as follows:



10922 57-44-31. All bonds issued under the provisions of Sections
10923 57-44-11 through 57-44-39 shall be legal investments for trustees
10924 and other fiduciaries, and for savings banks, trust companies and
10925 insurance companies organized under the laws of the State of
10926 Mississippi, and such bonds shall be legal securities which may be
10927 deposited with and shall be received by all public officers and
10928 bodies of this state and all municipalities and political
10929 subdivisions for the purpose of securing the deposit of public
10930 funds.

10931 **SECTION 379.** Section 57-44-33, Mississippi Code of 1972, is
10932 brought forward as follows:

10933 57-44-33. Bonds issued under the provisions of Sections
10934 57-44-11 through 57-44-39 and income therefrom shall be exempt
10935 from all taxation in the State of Mississippi.

10936 **SECTION 380.** Section 57-44-35, Mississippi Code of 1972, is
10937 brought forward as follows:

10938 57-44-35. The proceeds of the bonds issued under Sections
10939 57-44-11 through 57-44-39 shall be used solely for the purposes
10940 herein provided, including the costs incident to the issuance and
10941 sale of such bonds.

10942 **SECTION 381.** Section 57-44-37, Mississippi Code of 1972, is
10943 brought forward as follows:

10944 57-44-37. The State Treasurer is authorized to certify to
10945 the Department of Finance and Administration the necessity for
10946 warrants, and the Executive Director of the Department of Finance



10947 and Administration is authorized and directed to issue such
10948 warrants, in such amounts as may be necessary to pay when due the
10949 principal of, premium, if any, and interest on, or the accreted
10950 value of, all bonds issued under Sections 57-44-11 through
10951 57-44-39; and the State Treasurer shall forward the necessary
10952 amount to the designated place or places of payment of such bonds
10953 in ample time to discharge such bonds, or the interest thereon, on
10954 the due dates thereof.

10955 **SECTION 382.** Section 57-44-39, Mississippi Code of 1972, is
10956 brought forward as follows:

10957 57-44-39. Sections 57-44-11 through 57-44-39 shall be deemed
10958 to be full and complete authority for the exercise of the powers
10959 herein granted, but this chapter shall not be deemed to repeal or
10960 to be in derogation of any existing law of this state.

10961 **SECTION 383.** Section 57-46-1, Mississippi Code of 1972, is
10962 brought forward as follows:

10963 57-46-1. (1) (a) There is created a special fund in the
10964 State Treasury to be known as the Mississippi Railroad
10965 Improvements Fund which shall consist of monies from any source
10966 designated for deposit into the fund. Unexpended amounts
10967 remaining in the fund at the end of a fiscal year shall not lapse
10968 into the State General Fund, and any investment earnings or
10969 interest earned on amounts in the fund shall be deposited to the
10970 credit of the fund. Monies in the fund shall be disbursed by the



10971 Mississippi Development Authority (MDA) for the purposes
10972 authorized in subsection (2) of this section.

10973 (b) Monies in the fund that are derived from the
10974 proceeds of general obligation bonds may be used to reimburse
10975 reasonable actual and necessary costs incurred by the MDA for the
10976 administration of the various grant, loan and financial incentive
10977 programs administered by the MDA. An accounting of actual costs
10978 incurred for which reimbursement is sought shall be maintained by
10979 the MDA. Reimbursement of reasonable actual and necessary costs
10980 shall not exceed three percent (3%) of the proceeds of bonds
10981 issued. Reimbursements made under this subsection shall satisfy
10982 any applicable federal tax law requirements.

10983 (2) The MDA shall establish a program to make grants from
10984 the Mississippi Railroad Improvements Fund to assist in paying a
10985 portion of the costs associated with the repair, rehabilitation,
10986 construction, reconstruction, upgrading and improvement of
10987 railroad lines and related facilities, including projects
10988 necessary to ensure safety and structural integrity of rail lines,
10989 rail beds and bridges.

10990 (3) (a) An entity desiring a grant under this section shall
10991 submit an application to the MDA which shall include, at a
10992 minimum:

10993 (i) A description, including the cost, of the
10994 requested assistance;



10995 (ii) A description of the purpose for which the
10996 assistance is requested; and

10997 (iii) Any other information required by the MDA.

10998 (b) The MDA shall have sole discretion in providing
10999 grants under this section. The terms of a grant shall be within
11000 the discretion of the MDA.

11001 (4) The MDA shall have all powers necessary to implement and
11002 administer the program established under this section, including
11003 the establishing of requirements for matching funds and criteria
11004 regarding the evaluation of applications for assistance. The MDA
11005 shall promulgate rules and regulations, in accordance with the
11006 Mississippi Administrative Procedures Law, necessary for the
11007 implementation and administration of this section.

11008 **SECTION 384.** Section 57-57-1, Mississippi Code of 1972, is
11009 brought forward as follows:

11010 57-57-1. This chapter may be cited as the "Mississippi
11011 Export Trade Development Act."

11012 **SECTION 385.** Section 57-57-3, Mississippi Code of 1972, is
11013 brought forward as follows:

11014 57-57-3. The Legislature of the State of Mississippi hereby
11015 finds and declares that the economy of the State of Mississippi is
11016 increasingly dependent upon the international export of
11017 Mississippi manufactured goods, commodities, and services, and the
11018 export of these products and services has become vital to the
11019 stimulation and development of the state's economy, and that



11020 expanding international export markets is essential to the
11021 creation of and increase in the number of jobs in these sectors of
11022 the state's economy. Therefore, it is declared to be the purpose
11023 of this chapter to promote the general welfare of all of the
11024 people of the state and increase job opportunities through the
11025 development and expansion of international export markets for
11026 Mississippi products and services, especially those of small and
11027 medium sized businesses, by assisting in the creation of an export
11028 trade company and by providing financial assistance and tax
11029 incentives for Mississippi businesses engaging in export sales.

11030 **SECTION 386.** Section 57-57-5, Mississippi Code of 1972, is
11031 brought forward as follows:

11032 57-57-5. For the purposes of this chapter, the following
11033 terms shall have the meanings ascribed to them in this section,
11034 unless the context clearly indicates otherwise:

11035 (a) "Committee" means a committee, consisting of the
11036 Chairman of the Certified Development Company of Mississippi,
11037 Inc., or his designee, two (2) bankers and two (2) Mississippi
11038 businessmen who are members of the Certified Development Company
11039 of Mississippi, Inc., created pursuant to Section 57-10-167, and
11040 actively involved in exporting.

11041 (b) "Company" means the Certified Development Company
11042 of Mississippi, Inc., created pursuant to Section 57-10-167.

11043 (c) "Bank" means any state or national bank doing
11044 business in Mississippi, which is approved by the company.



11045 (d) "Eligible export trade transaction" means a
11046 transaction consisting of a loan from any Mississippi bank to
11047 finance an international pre-export or export, which in the
11048 judgment of the company will create or maintain employment in
11049 Mississippi and shall contain at least fifty percent (50%) of
11050 value added in goods or services at a location in Mississippi.

11051 (e) "Guarantee" means additional security by the State
11052 of Mississippi for the eligible export trade transaction of any
11053 Mississippi business.

11054 (f) "Business" means any person, corporation,
11055 partnership, proprietorship, association, organization or agency
11056 domiciled in the State of Mississippi.

11057 (g) "Guarantee fee" means a fee charged by the
11058 Certified Development Company of Mississippi, Inc., for processing
11059 the guarantee.

11060 (h) "Board" means the Mississippi * * * Development
11061 Authority operating through its executive director.

11062 (i) "Commercial loss" means failure of the buyer to pay
11063 to the Mississippi business when due all or part of the gross
11064 invoice value of an eligible export trade transaction due to the
11065 insolvency of the buyer.

11066 (j) "Political loss" means failure of the buyer to pay
11067 to the Mississippi business when due all or part of the gross
11068 invoice value of an eligible export trade transaction due to



11069 dollar transfer delays, war, revolution, license revocation or
11070 diversion of goods.

11071 **SECTION 387.** Section 57-57-7, Mississippi Code of 1972, is
11072 brought forward as follows:

11073 57-57-7. The Certified Development Company of Mississippi,
11074 Inc., is hereby given the authority to create a committee to
11075 assist the company in implementing this chapter and establishing a
11076 source of guarantees and financial assistance to support export
11077 development, particularly to small business as defined in Section
11078 503 of the Small Business Investment Act of 1958, as amended. The
11079 company is hereby authorized to:

11080 (a) Utilize any funds not to exceed One Million Dollars
11081 (\$1,000,000.00), authorized to be expended under Chapter 10, Title
11082 57, Mississippi Code of 1972.

11083 (b) Provide a guarantee against political or commercial
11084 loss in whole or in part of the outstanding principal balance on
11085 any eligible export trade transaction. Such a guarantee may
11086 include, without limitation, the cost of insurance provided by the
11087 exporting business against loss up to a stated amount. The
11088 maximum amount payable under any guarantee shall be specifically
11089 set forth in writing, and shall not exceed seventy-five percent
11090 (75%) of the total principal amount. The amount of all
11091 outstanding loan guarantees shall not exceed Five Million Dollars
11092 (\$5,000,000.00) at any one (1) time. A reasonable and legal
11093 guarantee fee may be set by the company. Any guarantee entered



11094 into by the company hereunder shall not constitute a general
11095 obligation of the State of Mississippi. Any guarantee made by the
11096 company hereunder shall not be terminated, cancelled, or otherwise
11097 revoked except in accordance with the terms thereof; shall be
11098 conclusive evidence that such guarantee complies fully with the
11099 provisions of this chapter; and shall be valid and incontestable
11100 in the hands of a holder in due course of a guaranteed eligible
11101 export trade transaction.

11102 (c) Prior to providing a guarantee, the participating
11103 bank shall make a thorough credit investigation of the exporting
11104 business in order to determine its viability, the economic
11105 benefits to be derived therefrom, the prospects for repayment, and
11106 such other facts as it deems necessary in order to determine that
11107 such a guarantee is consistent with the purpose of this chapter.
11108 The company shall provide a guarantee if, and only if and to the
11109 extent that, it determines that such a guarantee is reasonably
11110 necessary in order to stimulate or facilitate the making of the
11111 eligible export trade transaction, upon terms which will enable
11112 the export transaction to be reasonably competitive with export
11113 transactions in other states or in foreign countries, or such
11114 guarantee is reasonably necessary in order to stimulate or
11115 facilitate the sale or resale of such eligible export trade
11116 transaction to a holder in due course which would not otherwise
11117 purchase such eligible export trade transaction; provided,
11118 however, that the guarantee provided by the company to the bank



11119 shall be loaned to the business at a fixed interest rate and term
11120 as the company may from time to time require. The interest rate
11121 and term of such loan shall not be in violation of the 1947
11122 General Agreement on Tariffs and Trade. The company may condition
11123 the provision of guarantee hereunder upon such terms and
11124 conditions as it may deem desirable to carry out the provisions of
11125 this chapter.

11126 **SECTION 388.** Section 57-57-9, Mississippi Code of 1972, is
11127 brought forward as follows:

11128 57-57-9. An annual report of the activities by the company
11129 and the committee under this chapter shall be submitted along with
11130 other annual reports of the Certified Development Company of
11131 Mississippi, Inc., to the board.

11132 **SECTION 389.** Section 57-57-11, Mississippi Code of 1972, is
11133 brought forward as follows:

11134 57-57-11. The board is hereby authorized to assist in the
11135 creation of and actively participate in an export trading company
11136 as defined in Title I, Section 103 of the United States Export
11137 Trading Company Act of 1982 to promote and facilitate increased
11138 exports in Mississippi.

11139 **SECTION 390.** Section 57-57-13, Mississippi Code of 1972, is
11140 brought forward as follows:

11141 57-57-13. The board may promulgate necessary rules and
11142 regulations and prescribe procedures to effectuate the purposes of
11143 this chapter.



11144 **SECTION 391.** Section 57-61-1, Mississippi Code of 1972, is
11145 brought forward as follows:

11146 57-61-1. This chapter shall be known and may be cited as the
11147 Mississippi Business Investment Act.

11148 **SECTION 392.** Section 57-61-3, Mississippi Code of 1972, is
11149 brought forward as follows:

11150 57-61-3. It is the purpose of this chapter to promote
11151 business and economic development in the State of Mississippi
11152 through job producing programs and by providing loans to
11153 municipalities as defined in this chapter; to assist in securing
11154 strategic investments and/or investments in small communities by
11155 private companies locating or expanding in the state; to promote
11156 the improvement and enhancement of facilities utilized in foreign
11157 and domestic commerce to and from Mississippi through state-owned
11158 ports and to provide loans to state agencies as defined in this
11159 chapter, for the construction and development of harbor, channel
11160 and port facilities; and to authorize the issuance of state bonds
11161 or notes for funding of said programs.

11162 **SECTION 393.** Section 57-61-5, Mississippi Code of 1972, is
11163 brought forward as follows:

11164 57-61-5. The following words and phrases when used in this
11165 chapter shall have the meanings given to them in this section
11166 unless the context clearly indicates otherwise:

11167 (a) "Department" means the Mississippi * * *
11168 Development Authority.



11169 (b) "Board" means the Mississippi * * * Development
11170 Authority operating through its executive director.

11171 (c) "Improvements" means the construction,
11172 rehabilitation or repair of drainage systems; energy facilities
11173 (power generation and distribution); fire safety facilities
11174 (excluding vehicles); sewer systems (pipe treatment);
11175 transportation directly affecting the site of the proposed
11176 investment, including roads, sidewalks, bridges, rail, port,
11177 river, airport or pipeline (excluding vehicles); bulkheads;
11178 buildings; and facilities necessary to accommodate a United States
11179 Navy home port; and means land reclamation; waste disposal; water
11180 supply (storage, treatment and distribution); land acquisition;
11181 and the dredging of channels and basins.

11182 (d) "Municipality" means any county or any incorporated
11183 city, or town, acting individually or jointly, or any agency of
11184 the State of Mississippi operating a state-owned port.

11185 (e) "Private company" means any agricultural,
11186 aquacultural, maricultural, industrial, manufacturing, service,
11187 tourism, or research and development enterprise or enterprises.
11188 The term "private company" shall not include any retail trade
11189 enterprise except regional shopping malls having a minimum capital
11190 investment of One Hundred Million Dollars (\$100,000,000.00). No
11191 more than fifteen percent (15%) of the aggregate funds made
11192 available under this chapter shall be used to fund aquacultural,
11193 maricultural and tourism enterprises. The funds made available to



11194 tourism enterprises under this chapter shall be limited to
11195 infrastructure improvements and to the acquisition of land and
11196 shall not be made available to fund tourism promotions or to fund
11197 the construction, improvement or acquisition of hotels and/or
11198 motels or to finance or refinance any obligations of hotels and/or
11199 motels.

11200 (f) "Governmental unit" means a department or
11201 subsidiary of the United States government, or an agency of the
11202 State of Mississippi operating a state-owned port.

11203 (g) "Private match" means any new private investment by
11204 the private company and/or governmental unit in land, buildings,
11205 depreciable fixed assets, and improvements of the project used to
11206 match improvements funded under this chapter. The term "private
11207 match" includes improvements made prior to the effective date of
11208 this chapter [Laws, 1986, Chapter 419, effective March 31, 1986]
11209 pursuant to contracts entered into contingent upon assistance
11210 being made available under this chapter.

11211 (h) "Publicly owned property" means property which is
11212 owned by the local, state or United States government and is not
11213 under the control of a private company.

11214 (i) "Director" means the Executive Director of
11215 the * * * Mississippi Development Authority.

11216 (j) "Small community" means a county with a population
11217 of twenty-five thousand (25,000) or less; or a municipality with a
11218 population of ten thousand (10,000) or less and any area within



11219 five (5) miles of the limits of such municipality, according to
11220 the most recent federal decennial census.

11221 (k) "Strategic investment" means an investment by the
11222 private and public sectors that will have a major impact on job
11223 creation and maintenance in the state of no less than one hundred
11224 fifty (150) jobs, that will have a major impact on enlargement and
11225 enhancement of international and foreign trade and commerce to and
11226 from the State of Mississippi, or which is considered to be unique
11227 to the state and have statewide or regional impact as determined
11228 by the department.

11229 (l) "Seller" means the State Bond Commission or the
11230 State Development Bank.

11231 **SECTION 394.** Section 57-61-7, Mississippi Code of 1972, is
11232 brought forward as follows:

11233 57-61-7. There is hereby established, under the direction of
11234 the department, a program to be known as the Business Investment
11235 Program for the purpose of making grants or loans to
11236 municipalities in order to install and effect specific
11237 improvements and projects necessary to complement industrial
11238 investment by private companies, the federal government or
11239 municipalities which increase Mississippi's share of domestic,
11240 international and foreign commerce to create and maintain new
11241 full-time jobs.

11242 **SECTION 395.** Section 57-61-9, Mississippi Code of 1972, is
11243 brought forward as follows:



11244 57-61-9. (1) Any private company desiring assistance from a
11245 municipality shall submit to the municipality a letter of intent
11246 to locate, expand or build a facility entirely or partially within
11247 the municipality or on land the municipality is authorized to own
11248 or otherwise acquire. The letter of intent shall include:

11249 (a) Except for strategic investments, a commitment that
11250 the proposed project will create and maintain a minimum of ten
11251 (10) net new full-time equivalent jobs, will create and maintain
11252 at least a five percent (5%) increase in full-time equivalent jobs
11253 in the case of expansion of an enterprise already located at the
11254 site or at least a twenty-five percent (25%) increase in full-time
11255 equivalent jobs pursuant to subsection (9) of Section 57-61-15 and
11256 will create and maintain at least one (1) net new full-time
11257 equivalent job for every Fifteen Thousand Dollars (\$15,000.00)
11258 either loaned or granted for the project. The commitment required
11259 by this paragraph (a) shall include any jobs created prior to
11260 March 31, 1986, resulting from contracts entered into contingent
11261 upon assistance being made available under this chapter. All jobs
11262 required to be maintained by this paragraph (a) shall be
11263 maintained until such time as any loan made under this chapter for
11264 the benefit of a private company is repaid.

11265 (b) A statement that the specific improvements are
11266 necessary for the efficient and cost-effective operation of the
11267 private company, together with supporting financial and
11268 engineering documentation.



11269 (c) Any commitment to pay rental on, or to make loan
11270 repayments related to, the improvements to be made with funds
11271 loaned to a municipality under this chapter.

11272 (d) If required by the Mississippi Development
11273 Authority, a notarized statement of willingness to grant a lien on
11274 the facility for which the improvement is being provided, in an
11275 amount and a manner to be determined by the Mississippi
11276 Development Authority, which lien may be foreclosed in the event
11277 that the private company fails to operate in the facility
11278 according to the terms of the agreement and/or to collateralize
11279 the loan made for the benefit of the private company for which the
11280 improvement is being provided in an amount and manner to be
11281 determined by the Mississippi Development Authority. In the event
11282 the contractual agreement is to be entered into with a department
11283 or subsidiary of the United States government, the Mississippi
11284 Development Authority shall determine that the governmental unit
11285 will operate the proposed project for a sufficient number of years
11286 to retire the loan based on increased revenue estimates by the
11287 University Research Center and any agreement entered into shall
11288 reflect that the interest paid on any loan for such purpose shall
11289 be included in Mississippi's contributory value in the project.
11290 In the event the private company requesting the assistance is a
11291 subsidiary of another corporation, if required by the Mississippi
11292 Development Authority, any contractual agreement entered into
11293 shall also require the parent company to unconditionally warrant



11294 the performance of the subsidiary in carrying out the terms of the
11295 agreement or it shall require the subsidiary and/or the parent
11296 company to pledge assets in an amount and a manner to be
11297 determined by the Mississippi Development Authority and/or to
11298 collateralize the loan in an amount and a manner to be determined
11299 by the Mississippi Development Authority to ensure the performance
11300 of the terms of the contract.

11301 (2) Upon receipt of the letter of intent from a private
11302 company, the municipality may apply to the Mississippi Development
11303 Authority for a loan or grant. The application from the
11304 municipality shall include, but not be limited to:

11305 (a) A statement of the purpose of the proposed loan or
11306 grant, including a list of eligible items and the cost of each.

11307 (b) A statement showing the sources of funding for the
11308 entire project, including the private company's or governmental
11309 unit's investment in the project and any public and other private
11310 sources of funding.

11311 (c) A certified copy of the signed letter of intent
11312 from a private company or governmental unit, as specified in this
11313 section.

11314 (d) Evidence that there will be a private match of at
11315 least Three Dollars (\$3.00) for every One Dollar (\$1.00) of state
11316 assistance, except:



11317 (i) In the case of ports the private match will be
11318 at least Two Dollars (\$2.00) for every One Dollar (\$1.00) of state
11319 assistance; and

11320 (ii) In the case where the Mississippi Development
11321 Authority determines that a private company is a high technology
11322 enterprise the private match will be at least Two Dollars (\$2.00)
11323 for every One Dollar (\$1.00) of state assistance.

11324 The Mississippi Development Authority shall establish
11325 criteria for determining whether a private company is a high
11326 technology enterprise.

11327 (e) Demonstration that the private company is
11328 financially sound and is likely to fulfill the commitments made in
11329 its letter of intent.

11330 (f) A proposed timetable for the provision of the
11331 improvements.

11332 (g) Evidence that the project will be expeditiously
11333 carried out and completed as planned.

11334 (h) A demonstration that insufficient local capital
11335 improvement funds at reasonable rates and terms are available
11336 within the necessary time to provide the needed improvement on
11337 public property. This includes local funds available through
11338 issuance of bonds or other means, state funds available through
11339 existing programs, and available federal program funds such as
11340 community development block grant funds, urban development action
11341 grant funds, and economic development administration funds.



11342 (i) A demonstration that insufficient private funds are
11343 available at reasonable rates and terms within the necessary time
11344 to fund improvement on property owned by the private company.

11345 (3) The Mississippi Development Authority shall consider
11346 grant and loan applications based on the following criteria:

11347 (a) The number of net new full-time equivalent jobs
11348 that will be provided and the amount of additional state and local
11349 tax revenue estimated by the University Research Center to be
11350 directly generated by the private company's new investment, and
11351 additionally, as to loan applications by state agencies, the
11352 extent to which shipping through the port will be increased by the
11353 proposed port development projects, the degree to which jobs will
11354 be increased in the port area and the impact on port revenues.

11355 (b) The ability to repay the principal and interest, in
11356 the case of a loan, based on increased revenue estimates and any
11357 revenue-producing provision of a contractual agreement.

11358 (c) The increase in the employment base of the state.

11359 The Mississippi Development Authority and the University
11360 Research Center may use the resources and capabilities of the
11361 planning and development districts in carrying out the provisions
11362 of this chapter.

11363 (4) No loan shall be made in excess of the amounts which can
11364 be repaid with the increased revenues estimated by the University
11365 Research Center, provided that this subsection (4) shall not apply
11366 to loans in connection with a United States Navy home port.



11367 (5) (a) Notwithstanding anything contained in this chapter,
11368 an agency of the State of Mississippi operating a state-owned
11369 port, and hereinabove identified as a "municipality" and
11370 "governmental unit" for purposes of this chapter, may make
11371 application for a loan or grant under the terms and provisions of
11372 this chapter. In addition, a public agency operating a port
11373 bordering on the Gulf of Mexico, which shall be considered to be a
11374 "municipality" or a "governmental unit" for the purposes of this
11375 chapter, may make application for a loan or grant under the terms
11376 and provisions of this chapter from funds other than those funds
11377 authorized for a state-owned port under paragraph (e)(iii) of
11378 Section 57-61-11. The application shall be initiated by
11379 submission of a letter of intent to engage in a project or
11380 projects for the purpose of effecting enlargement and improvement
11381 in all facilities used and useful in attracting international and
11382 foreign commerce through the port. Projects eligible for
11383 inclusion in the letter of intent may include, but not be
11384 restricted to:

11385 (i) Dredging and deepening the access channel and
11386 harbor basin of the port;

11387 (ii) Effecting the enlargement of the land area of
11388 the port by reclamation;

11389 (iii) Construction and installation of piling,
11390 bulkheads, docks, wharves, warehouses and appurtenances; and



11391 (iv) Acquisition of facilities and equipment for
11392 handling bulk and containerized cargo.

11393 (b) With respect to a state-owned port bordering on the
11394 Gulf of Mexico, the letter of intent shall include the following
11395 information and any other information required by the Mississippi
11396 Development Authority:

11397 (i) Present and future annual tonnages expected as
11398 a result of the improvements.

11399 (ii) Reasons why present facilities are inadequate
11400 to enable the port to compete, including limitations imposed by
11401 insufficient depth of channel and basin.

11402 (iii) Increased channel and basin depths necessary
11403 to accommodate modern shipping.

11404 (iv) Comparison of the percentage of the world's
11405 cargo shipping that can now be accommodated with what could be
11406 accommodated with project improvements.

11407 (v) Economic contribution to the region and state
11408 resulting from increased shipping activity.

11409 (vi) Statement of degree to which port revenues
11410 are expected to be increased as a result of projects.

11411 (vii) Financial data of port activities, including
11412 cost of project, degree of federal funding available and required
11413 local participation.

11414 On or before January 1, 1989, a state-owned port described in
11415 this paragraph (b) shall submit to the Senate Finance Committee



11416 and the House Ways and Means Committee of the Mississippi
11417 Legislature a comprehensive, written report updating for each
11418 committee the information listed in items (i) through (vii) of
11419 this paragraph (b) with particular emphasis on the economic
11420 contribution to the region and state by shipping activity at the
11421 port; on financial data with respect to the degree of federal
11422 funding available and local participation in funding port
11423 activities; and on progress made in dredging and completing other
11424 improvements necessary to accommodate modern shipping.

11425 (c) The Mississippi Development Authority shall
11426 consider grant and loan applications based on the following:

11427 (i) The extent to which shipping through the port
11428 will be increased by the proposed projects.

11429 (ii) The degree to which jobs will be increased in
11430 the port area.

11431 (iii) Impact on port revenues.

11432 (iv) The ability of the port to repay interest and
11433 principal in the case of a loan.

11434 (6) A municipality may apply to the Mississippi Development
11435 Authority for a grant under the terms and provisions of this
11436 chapter, and the Mississippi Development Authority may award
11437 grants to a municipality subject to limitations contained in this
11438 chapter. The application shall be initiated by submission of a
11439 letter of intent to engage in a project or projects for the



11440 purpose of providing improvements necessary to accommodate a
11441 United States Navy home port.

11442 (7) The Legislature hereby finds and determines that
11443 financing facilities necessary to accommodate a Navy home port
11444 serves a valid public purpose in that a Navy home port will
11445 significantly contribute to the employment base of the state which
11446 is in great need of assistance; provided, that in the event such
11447 facilities are no longer required for use by the Navy as a home
11448 port, such facilities shall revert as provided in Section 59-9-21.

11449 (8) Notwithstanding any provision or requirement of this
11450 chapter to the contrary, a municipality may make application for a
11451 loan under this chapter, in an amount not to exceed Five Million
11452 Dollars (\$5,000,000.00), for the purpose of acquiring and
11453 developing land to be used as a technology/industrial park for
11454 which there is a binding commitment by one or more private
11455 companies to create and maintain not less than an aggregate of
11456 three hundred (300) jobs meeting minimum criteria established by
11457 the Mississippi Development Authority. Such a commitment by a
11458 private company shall not disqualify the private company from
11459 obtaining assistance under this section. The match requirements
11460 of this section shall not apply to any loan made pursuant to this
11461 subsection (8).

11462 (9) Notwithstanding any provision or requirement of this
11463 chapter to the contrary, a municipality operating a county-owned
11464 port or municipally owned port may make application for a loan



11465 under this chapter, in an amount not to exceed Three Million
11466 Dollars (\$3,000,000.00), for the purpose of acquiring land,
11467 buildings and other improvements and for repairing, renovating,
11468 maintaining and improving such a port.

11469 (10) (a) A municipality is authorized to negotiate a
11470 contract for the acquisition, construction and erection of a
11471 project or any portion of a project hereunder where a municipality
11472 finds that, because of the particular nature of a project or any
11473 portion thereof, it would be in the best public interest of the
11474 municipality to negotiate.

11475 (b) Contracts by a private company for the acquisition,
11476 construction or erection of a project which receives assistance
11477 under this chapter shall be effected in the manner prescribed by
11478 law for public contracts, unless the Mississippi Development
11479 Authority makes a written finding that, because of special
11480 circumstances with respect to the projects or any portion thereof,
11481 it would better serve the public interest or more effectively
11482 achieve the purposes of this chapter to enter into such contracts
11483 based on negotiation.

11484 (11) A municipality is authorized upon such terms and
11485 conditions as the municipality may deem advisable, provided such
11486 terms and conditions shall not be in conflict with the provisions
11487 of this chapter, to (a) acquire, whether by construction,
11488 purchase, gift or lease, all of or any portion of a project
11489 hereunder; (b) to lease or sell to others all of or any portion of



11490 a project hereunder; and (c) to lend to the private company the
11491 proceeds of the loan from the board to such municipality.

11492 (12) All agreements between a municipality and a private
11493 company related directly or indirectly to a project or a portion
11494 of a project to be funded in whole or in part under this chapter
11495 are subject to approval by the Mississippi Development Authority.

11496 **SECTION 396.** Section 57-61-11, Mississippi Code of 1972, is
11497 brought forward as follows:

11498 57-61-11. The Mississippi Development Authority shall
11499 establish such guidelines, rules and regulations for the repayment
11500 of funds loaned pursuant to this chapter as may be necessary.

11501 These provisions shall include, but not be limited to, the
11502 following:

11503 (a) Funds may be loaned for a maximum of ten (10) years
11504 or the estimated useful life of the property as established by the
11505 United States Department of Treasury, whichever is greater.

11506 (b) The rate of interest charged by the Mississippi
11507 Development Authority for improvements not on publicly owned
11508 property may be negotiated by the Mississippi Development
11509 Authority.

11510 (c) For all improvements funded through this chapter
11511 which occur on publicly owned property, repayment of funds loaned
11512 may, in the discretion of the Mississippi Development Authority,
11513 involve only the principal amount loaned with no interest charged
11514 thereon.



11515 (d) An audit by a certified public accountant of all
11516 costs of a project hereunder must be submitted to the Mississippi
11517 Development Authority not later than ninety (90) days after a
11518 project's completion. Such an audit shall certify that all of the
11519 funds loaned or granted pursuant to this chapter were disbursed in
11520 accordance with the terms of this chapter and shall be paid for by
11521 the private company benefited by the project. In addition to the
11522 audit required under this paragraph, the State Auditor may conduct
11523 performance and compliance audits under this chapter according to
11524 Section 7-7-211(o) and may bill the oversight agency.

11525 (e) Notwithstanding the foregoing, in the case of an
11526 application under Section 57-61-9(5) (a), the guidelines shall
11527 include, but not be limited to, the following:

11528 (i) Funds may be loaned for a maximum of twenty
11529 (20) years, or the estimated useful life of improvements on the
11530 land areas of the port, whichever is greater.

11531 (ii) The rate of interest charged by the
11532 Mississippi Development Authority for loans for port projects may
11533 be negotiated by the Mississippi Development Authority and shall
11534 be consistent with Section 57-61-11(b) and (c).

11535 (iii) The total of grants and loans to any one (1)
11536 state-owned port made pursuant to an application under Section
11537 57-61-9(5) (a) shall not exceed Twenty Million Dollars
11538 (\$20,000,000.00).



11539 (iv) Before any loan or grant may be made under
11540 Section 57-61-9(5) (a) to a state-owned port bordering the Gulf of
11541 Mexico, the applicant shall make adequate assurance to the
11542 Mississippi Development Authority that federal participation in
11543 the cost of the project or projects has been committed contingent
11544 only upon availability of local participation in accordance with
11545 federal guidelines.

11546 (v) Notwithstanding any provision of this chapter
11547 to the contrary, the Mississippi Development Authority shall
11548 utilize not more than Four Million Dollars (\$4,000,000.00) out of
11549 the proceeds of bonds authorized to be issued in this chapter to
11550 be made available as interest-bearing loans to state-owned ports
11551 for the purpose of repairing, renovating, maintaining and
11552 improving the state-owned port. The Mississippi Development
11553 Authority shall establish an amortization schedule for the
11554 repayment of any loans made pursuant to this subparagraph. The
11555 state-owned port shall not spend any revenues for other purposes
11556 unless payments on the loan are being timely made according to the
11557 amortization schedule. The match requirements of this section and
11558 Section 57-61-9 shall not apply to any loan made pursuant to this
11559 subparagraph.

11560 (f) Notwithstanding any provision of this chapter to
11561 the contrary, the Mississippi Development Authority shall utilize
11562 not more than Three Million Dollars (\$3,000,000.00) out of the
11563 proceeds of bonds authorized to be issued in this chapter for the



11564 purpose of making loans to municipalities operating county-owned
11565 ports or municipally owned ports for the purpose of acquiring
11566 land, buildings and other improvements and for repairing,
11567 renovating, maintaining and improving such ports. The Mississippi
11568 Development Authority shall establish an amortization schedule for
11569 the repayment of any loans made pursuant to this paragraph (f). A
11570 municipality shall not spend any port revenues for other purposes
11571 unless payments on the loan are being timely made according to the
11572 amortization schedule.

11573 **SECTION 397.** Section 57-61-13, Mississippi Code of 1972, is
11574 brought forward as follows:

11575 57-61-13. Grants for improvements on publicly owned property
11576 necessary to complete eligible projects, consistent with the
11577 criteria set forth in this chapter, shall be given preference in
11578 enterprise zones designated as such by the board in the case of a
11579 strategic investment or in those municipalities which are
11580 experiencing three (3) or more of the following problems:

11581 (a) Twenty percent (20%) or more of the population with
11582 income below the poverty level as reported in the most recent
11583 federal decennial census.

11584 (b) The unemployment rate of the county is at least two
11585 percent (2%) greater than the state unemployment rate as reported
11586 by the Mississippi Employment Security Commission.



11587 (c) Five percent (5%) or more loss of population
11588 between 1970 and 1980 as reported by the Bureau of the Census of
11589 the United States Department of Commerce.

11590 (d) Significant business vacancy rate within the area,
11591 either in gross footage or acreage or in the number of business or
11592 industrial buildings.

11593 **SECTION 398.** Section 57-61-14, Mississippi Code of 1972, is
11594 brought forward as follows:

11595 57-61-14. In accordance with Section 27-65-111, purchases of
11596 tangible personal property or services by a private company, as
11597 defined in this chapter, with proceeds of bonds issued under this
11598 chapter, shall be exempt from sales tax.

11599 **SECTION 399.** Section 57-61-15, Mississippi Code of 1972, is
11600 brought forward as follows:

11601 **[Through June 30, 2010, this section shall read as follows:]**

11602 57-61-15. (1) Except for grants authorized for state-owned
11603 ports and for grants authorized under Section 57-61-32, Section
11604 57-61-33 and Section 57-61-36, Mississippi Code of 1972, no more
11605 than Seven Million Five Hundred Thousand Dollars (\$7,500,000.00)
11606 of the proceeds of bonds authorized to be issued under this
11607 chapter shall be made available for grants to municipalities;
11608 however, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)
11609 of such amount shall be made available for grants to small
11610 communities.



11611 (2) In no case shall any municipality receive more than one
11612 (1) grant in any single fiscal year. This subsection shall not
11613 apply to grants authorized under Section 57-61-36, Mississippi
11614 Code of 1972.

11615 (3) A minimum of fifteen percent (15%) of the aggregate
11616 funds made available under this chapter shall be allocated to
11617 small communities. For the purpose of determining the aggregate
11618 funds available to make the allocation established in this
11619 subsection, there shall be excluded from inclusion therein any
11620 funds specifically dedicated pursuant to Sections 57-61-11(e) (iii)
11621 and (v), 57-61-32, 57-61-33, 57-61-34, 57-61-36, 57-61-39,
11622 57-61-41 and 57-75-27, Mississippi Code of 1972.

11623 (4) No loan or grant shall be made without substantiation of
11624 the provisions of Section 57-61-9, Mississippi Code of 1972.

11625 (5) Except in the case of an application pursuant to Section
11626 57-61-9(5) (a), Mississippi Code of 1972, funds loaned shall be
11627 secured by a lien and/or collateralized consistent with Section
11628 57-61-9(1) (d), Mississippi Code of 1972, if required by the
11629 Mississippi Development Authority.

11630 (6) Except in the case of an application pursuant to Section
11631 57-61-9(5) (a), Mississippi Code of 1972, private companies which
11632 fail to create and maintain the number of jobs specified in an
11633 approved application shall be liable for, in the discretion of the
11634 Mississippi Development Authority, (a) a penalty equal to two
11635 percent (2%) greater than the current prime interest rate for the



11636 remainder of the loan made for their benefit, or (b) prepayment of
11637 the outstanding loan amount incurred by the municipality for their
11638 benefit, unless the penalty or a portion thereof is waived by the
11639 Mississippi Development Authority because the failure is due to
11640 circumstances outside the control of the private company. The
11641 penalty shall be payable in installments which the Mississippi
11642 Development Authority deems appropriate. Immediate notice of
11643 penalties and waivers of penalties, including the penalties in
11644 Section 57-61-9(1)(d), Mississippi Code of 1972, with the reasons
11645 thereof, shall be submitted by the Mississippi Development
11646 Authority to the Governor and the Legislature along with the
11647 Mississippi Development Authority's decision on the imposition of
11648 penalties and the reasons for this decision.

11649 (7) Except in the case of an application pursuant to Section
11650 57-61-9(5)(a), Mississippi Code of 1972, municipalities receiving
11651 loans which fail to meet their repayment obligations shall forfeit
11652 the right to receive their sales tax allocation and/or homestead
11653 exemption reimbursement in an amount sufficient to repay
11654 obligations due until such time as their indebtedness has been
11655 discharged or arrangements to discharge such indebtedness
11656 satisfactory to the Mississippi Development Authority have been
11657 made. Sales tax allocations and/or homestead exemption
11658 reimbursements forfeited hereby shall, upon demand by the
11659 Mississippi Development Authority made in writing upon the State
11660 Tax Commission, be paid to the Mississippi Development Authority



11661 and applied to the discharge of the obligation. The Mississippi
11662 Development Authority may prescribe such other penalties it deems
11663 necessary.

11664 (8) Any municipality which has forfeited its sales tax
11665 allocation and/or homestead exemption reimbursement for twelve
11666 (12) months may levy an ad valorem tax on the taxable property
11667 therein for the purpose of meeting its repayment obligation. The
11668 revenue produced from the tax levy shall not be included within
11669 the ten percent (10%) growth limitation on ad valorem tax receipts
11670 for its general budget.

11671 (9) This chapter is expressly not intended to encourage the
11672 relocation of a company from one jurisdiction within the state to
11673 another. Any request by a local sponsor for assistance to be
11674 provided a firm which currently operates a similar business in the
11675 state must be accompanied by a demonstration that the total net
11676 increase in and maintenance of full-time equivalent jobs, using
11677 the current number of jobs in all similar businesses operated by
11678 the private company in the state as a base, shall be at least
11679 twenty-five percent (25%). This requirement shall not apply to
11680 private companies relocating from small business incubators.

11681 **[From and after July 1, 2010, this section shall read as**
11682 **follows:]**

11683 57-61-15. (1) Except for grants authorized for state-owned
11684 ports and for grants authorized under Section 57-61-32, Section
11685 57-61-33 and Section 57-61-36, Mississippi Code of 1972, no more



11686 than Seven Million Five Hundred Thousand Dollars (\$7,500,000.00)
11687 of the proceeds of bonds authorized to be issued under this
11688 chapter shall be made available for grants to municipalities;
11689 however, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)
11690 of such amount shall be made available for grants to small
11691 communities.

11692 (2) In no case shall any municipality receive more than one
11693 (1) grant in any single fiscal year. This subsection shall not
11694 apply to grants authorized under Section 57-61-36, Mississippi
11695 Code of 1972.

11696 (3) A minimum of twenty-five percent (25%) of the aggregate
11697 funds made available under this chapter shall be allocated to
11698 small communities. For the purpose of determining the aggregate
11699 funds available to make the allocation established in this
11700 subsection, there shall be excluded from inclusion therein any
11701 funds specifically dedicated pursuant to Sections 57-61-11(e)(iii)
11702 and (v), 57-61-32, 57-61-33, 57-61-34, 57-61-36, 57-61-39,
11703 57-61-41 and 57-75-27, Mississippi Code of 1972.

11704 (4) No loan or grant shall be made without substantiation of
11705 the provisions of Section 57-61-9, Mississippi Code of 1972.

11706 (5) Except in the case of an application pursuant to Section
11707 57-61-9(5)(a), Mississippi Code of 1972, funds loaned shall be
11708 secured by a lien and/or collateralized consistent with Section
11709 57-61-9(1)(d), Mississippi Code of 1972, if required by the
11710 Mississippi Development Authority.



11711 (6) Except in the case of an application pursuant to Section
11712 57-61-9(5) (a), Mississippi Code of 1972, private companies which
11713 fail to create and maintain the number of jobs specified in an
11714 approved application shall be liable for, in the discretion of the
11715 Mississippi Development Authority, (a) a penalty equal to two
11716 percent (2%) greater than the current prime interest rate for the
11717 remainder of the loan made for their benefit, or (b) prepayment of
11718 the outstanding loan amount incurred by the municipality for their
11719 benefit, unless the penalty or a portion thereof is waived by the
11720 Mississippi Development Authority because the failure is due to
11721 circumstances outside the control of the private company. The
11722 penalty shall be payable in installments which the Mississippi
11723 Development Authority deems appropriate. Immediate notice of
11724 penalties and waivers of penalties, including the penalties in
11725 Section 57-61-9(1) (d), Mississippi Code of 1972, with the reasons
11726 thereof, shall be submitted by the Mississippi Development
11727 Authority to the Governor and the Legislature along with the
11728 Mississippi Development Authority's decision on the imposition of
11729 penalties and the reasons for this decision.

11730 (7) Except in the case of an application pursuant to Section
11731 57-61-9(5) (a), Mississippi Code of 1972, municipalities receiving
11732 loans which fail to meet their repayment obligations shall forfeit
11733 the right to receive their sales tax allocation and/or homestead
11734 exemption reimbursement in an amount sufficient to repay
11735 obligations due until such time as their indebtedness has been



11736 discharged or arrangements to discharge such indebtedness
11737 satisfactory to the Mississippi Development Authority have been
11738 made. Sales tax allocations and/or homestead exemption
11739 reimbursements forfeited hereby shall, upon demand by the
11740 Mississippi Development Authority made in writing upon the State
11741 Tax Commission, be paid to the Mississippi Development Authority
11742 and applied to the discharge of the obligation. The Mississippi
11743 Development Authority may prescribe such other penalties it deems
11744 necessary.

11745 (8) Any municipality which has forfeited its sales tax
11746 allocation and/or homestead exemption reimbursement for twelve
11747 (12) months may levy an ad valorem tax on the taxable property
11748 therein for the purpose of meeting its repayment obligation. The
11749 revenue produced from the tax levy shall not be included within
11750 the ten percent (10%) growth limitation on ad valorem tax receipts
11751 for its general budget.

11752 (9) This chapter is expressly not intended to encourage the
11753 relocation of a company from one (1) jurisdiction within the state
11754 to another. Any request by a local sponsor for assistance to be
11755 provided a firm which currently operates a similar business in the
11756 state must be accompanied by a demonstration that the total net
11757 increase in and maintenance of full-time equivalent jobs, using
11758 the current number of jobs in all similar businesses operated by
11759 the private company in the state as a base, shall be at least



11760 twenty-five percent (25%). This requirement shall not apply to
11761 private companies relocating from small business incubators.

11762 **SECTION 400.** Section 57-61-17, Mississippi Code of 1972, is
11763 brought forward as follows:

11764 57-61-17. (1) The board may prescribe such application
11765 forms and promulgate such guidelines, rules and regulations as may
11766 be necessary to carry out the provisions of this chapter with
11767 respect to loan and grant conditions and criteria for evaluation
11768 of the economic benefit of proposed loans and grants and for
11769 determining and evaluating compliance with all the criteria
11770 established in this chapter.

11771 (2) The board is authorized to engage legal services,
11772 financial advisors, appraisers and consultants, if needed, to
11773 review and close loans or grants made pursuant to this chapter.
11774 The cost of such professionals shall be paid by the borrower or
11775 from bond proceeds as determined and approved by the board.

11776 (3) On or before February 1, 1987, and on or before February
11777 1 in each succeeding year in which loans are outstanding, the
11778 board shall provide the Legislature with a report on its
11779 activities for the preceding calendar year. The report shall
11780 contain, at a minimum, the following information:

11781 (a) A list of the approved projects including the
11782 municipality, name of private company or governmental unit, cost
11783 of each project, amount of private investment, projected number of
11784 new jobs, location of each project, date of submission of the



11785 application by the local sponsor, type of project and estimated
11786 completion date of each project.

11787 (b) A list of applications not approved.

11788 (c) A list of pending applications.

11789 (d) A list of projects where job projections are not
11790 being met or the project is not being completed and the penalty
11791 being applied or the reason a penalty is not being applied.

11792 (e) Estimates of state and local tax revenue increases
11793 caused directly by projects.

11794 (f) A list of projects approved or completed in years
11795 prior to the preceding year.

11796 (g) Guidelines issued for the Business Investment
11797 Program.

11798 (h) An overall statement of the progress of the program
11799 during the preceding year, along with recommendations for
11800 improvements.

11801 (4) The board shall accumulate from the municipalities
11802 having approved projects the following data on an annual and
11803 cumulative basis:

11804 (a) The number of jobs actually created by these
11805 projects.

11806 (b) Estimated increased tax revenue caused by the
11807 projects.

11808 **SECTION 401.** Section 57-61-19, Mississippi Code of 1972, is
11809 brought forward as follows:



11810 57-61-19. No loan shall be made to a municipality under this
11811 chapter unless the municipality certifies to the department, in a
11812 form satisfactory to the department, that it shall not
11813 discriminate against any employee or against any applicant for
11814 employment because of race, religion, color, national origin, sex
11815 or age.

11816 **SECTION 402.** Section 57-61-21, Mississippi Code of 1972, is
11817 brought forward as follows:

11818 57-61-21. (1) There is hereby created a special fund in the
11819 State Treasury to be known as the Mississippi Business Investment
11820 Fund dedicated to the purpose of providing grants and/or loans to
11821 municipalities for the purpose of providing for improvements
11822 authorized by this chapter. All monies received by the board to
11823 carry out the purposes of this chapter, by legislative
11824 appropriation, issuance of bonds or otherwise, shall be deposited
11825 into the Mississippi Business Investment Fund. Expenditures
11826 authorized herein shall be paid by the State Treasurer upon
11827 warrants drawn from the Mississippi Business Investment Fund, and
11828 the State Auditor, or his successor to such duties, shall issue
11829 warrants upon requisitions signed by the Chairman or Executive
11830 Director of the Mississippi * * * Development Authority.

11831 (2) Any monies repaid to the state from loans funded through
11832 the Mississippi Business Investment Fund shall be deposited into
11833 the Mississippi Business Investment Sinking Fund, which is hereby
11834 created in the State Treasury. Funds required in excess of the



11835 amounts available in the Mississippi Business Investment Sinking
11836 Fund to retire bonds issued pursuant to this chapter shall be
11837 appropriated from the State General Fund.

11838 **SECTION 403.** Section 57-61-23, Mississippi Code of 1972, is
11839 brought forward as follows:

11840 57-61-23. (1) All bonds issued under the authority of this
11841 chapter shall be redeemed at maturity, together with all interest
11842 due, from time to time, on the bonds, and these principal and
11843 interest payments shall be paid by appropriation from the
11844 Mississippi Business Investment Sinking Fund, and/or the State
11845 General Fund. All * * * monies paid into the Mississippi Business
11846 Investment Sinking Fund not appropriated to pay accruing bonds and
11847 interest shall be invested by the State Treasurer in such
11848 securities as are provided by law for the investment of the
11849 sinking funds of the state.

11850 (2) In the event that all or any part of the bonds and notes
11851 are purchased, they shall be canceled and returned to the loan and
11852 transfer agent as canceled and paid bonds and notes and thereafter
11853 all payments of interest thereon shall cease and the canceled
11854 bonds, notes and coupons together with any other canceled bonds,
11855 notes and coupons shall be destroyed as promptly as possible after
11856 cancellation but not later than two (2) years after cancellation.
11857 A certificate evidencing the destruction of the canceled bonds,
11858 notes and coupons shall be provided by the loan and transfer agent
11859 to the seller.



11860 (3) The State Treasurer shall determine and report to
11861 the * * * Department of Finance and Administration and Legislative
11862 Budget Office by September 1 of each year the amount of money
11863 necessary for the payment of the principal of and interest on
11864 outstanding obligations for the following fiscal year and the
11865 times and amounts of the payments. It shall be the duty of the
11866 Governor to include in every executive budget submitted to the
11867 Legislature full information relating to the issuance of bonds and
11868 notes under the provisions of this chapter and the status of the
11869 Mississippi Business Investment Sinking Fund of the state for the
11870 payment of the principal of and interest on the bonds and notes.

11871 (4) Except as otherwise provided by law, the rate of
11872 interest on any loan made using funds from the Mississippi
11873 Business Investment Fund may be negotiated by the department and
11874 shall be consistent with Section 57-61-11(b) and (c), Mississippi
11875 Code of 1972. Notwithstanding the provisions of any other law to
11876 the contrary, the interest rate charged shall not be set such that
11877 the aggregate of the interest, penalties and other payments to the
11878 state on loans and other assistance made using funds from the
11879 Mississippi Business Investment Fund will cause the bonds issued
11880 pursuant to this chapter to be deemed arbitrage bonds pursuant to
11881 Section 103(c) of the Internal Revenue Code of 1954 and the
11882 regulations promulgated thereunder. In the case of loans
11883 initially funded from the proceeds of notes and subsequently
11884 funded from renewal bonds and notes, the interest rate to be



11885 charged on the loans shall be established in accordance with this
11886 subsection upon the sale of bonds or notes, as the case may be,
11887 for the loans. It is the intention of the Legislature that the
11888 penalties assessed for breach of program conditions imposed upon
11889 private companies shall not be treated as interest income for
11890 purposes of Section 103(c) of the Internal Revenue Code of 1954.

11891 **SECTION 404.** Section 57-61-25, Mississippi Code of 1972, is
11892 brought forward as follows:

11893 57-61-25. (1) The seller is authorized to borrow, on the
11894 credit of the state upon receipt of a resolution from the
11895 Mississippi Development Authority requesting the same, monies not
11896 exceeding the aggregate sum of Three Hundred Eighty-two Million
11897 Five Hundred Thousand Dollars (\$382,500,000.00), not including
11898 monies borrowed to refund outstanding bonds, notes or replacement
11899 notes, as may be necessary to carry out the purposes of this
11900 chapter. The rate of interest on any such bonds or notes which
11901 are not subject to taxation shall not exceed the rates set forth
11902 in Section 75-17-101, Mississippi Code of 1972, for general
11903 obligation bonds.

11904 (2) As evidence of indebtedness authorized in this chapter,
11905 general or limited obligation bonds of the state shall be issued,
11906 from time to time, to provide monies necessary to carry out the
11907 purposes of this chapter for such total amounts, in such form, in
11908 such denominations payable in such currencies (either domestic or
11909 foreign, or both) and subject to such terms and conditions of



11910 issue, redemption and maturity, rate of interest and time of
11911 payment of interest as the seller directs, except that such bonds
11912 shall mature or otherwise be retired in annual installments
11913 beginning not more than five (5) years from date thereof and
11914 extending not more than thirty (30) years from date thereof.

11915 (3) All bonds and notes issued under authority of this
11916 chapter shall be signed by the chairman of the seller, or by his
11917 facsimile signature, and the official seal of the seller shall be
11918 affixed thereto, attested by the secretary of the seller.

11919 (4) All bonds and notes issued under authority of this
11920 chapter may be general or limited obligations of the state, and
11921 the full faith and credit of the State of Mississippi as to
11922 general obligation bonds, or the revenues derived from projects
11923 assisted as to limited obligation bonds, are hereby pledged for
11924 the payment of the principal of and interest on such bonds and
11925 notes.

11926 (5) Such bonds and notes and the income therefrom shall be
11927 exempt from all taxation in the State of Mississippi.

11928 (6) The bonds may be issued as coupon bonds or registered as
11929 to both principal and interest, as the seller may determine. If
11930 interest coupons are attached, they shall contain the facsimile
11931 signature of the chairman and secretary of the seller.

11932 (7) The seller is authorized to provide, by resolution, for
11933 the issuance of refunding bonds for the purpose of refunding any
11934 debt issued under the provisions of this chapter and then



11935 outstanding, either by voluntary exchange with the holders of the
11936 outstanding debt or to provide funds to redeem and the costs of
11937 issuance and retirement of the debt, at maturity or at any call
11938 date. The issuance of the refunding bonds, the maturities and
11939 other details thereof, the rights of the holders thereof and the
11940 duties of the issuing officials in respect to the same shall be
11941 governed by the provisions of this section, insofar as they may be
11942 applicable.

11943 (8) As to bonds issued hereunder and designated as taxable
11944 bonds by the seller, any immunity of the state to taxation by the
11945 United States government of interest on bonds or notes issued by
11946 the state is hereby waived.

11947 (9) The proceeds of bonds issued under this chapter after
11948 April 9, 2002, may be used to reimburse reasonable actual and
11949 necessary costs incurred by the Mississippi Development Authority
11950 for the administration of the various grant, loan and financial
11951 incentive programs administered by the authority. An accounting
11952 of actual costs incurred for which reimbursement is sought shall
11953 be maintained by the Mississippi Development Authority.
11954 Reimbursement of reasonable actual and necessary costs shall not
11955 exceed three percent (3%) of the proceeds of bonds issued.
11956 Reimbursements under this subsection shall satisfy any applicable
11957 federal tax law requirements.

11958 **SECTION 405.** Section 57-61-27, Mississippi Code of 1972, is
11959 brought forward as follows:



11960 57-61-27. (1) Whenever bonds are issued, they shall be sold
11961 by the seller at a competitive or negotiated sale, from time to
11962 time, in such manner and at such price as may be determined by the
11963 seller to be most advantageous.

11964 (2) When bonds are issued from time to time, the bonds of
11965 each issue shall constitute a separate series to be designated by
11966 the seller or may be combined for sale as one (1) series with
11967 other general obligation bonds of the State of Mississippi.

11968 (3) Until permanent bonds can be prepared, the seller may in
11969 its discretion issue, in lieu of permanent bonds, temporary bonds
11970 in such form and with such privileges as to registration and
11971 exchange for permanent bonds as may be determined by the seller.

11972 (4) Pending their application to the purposes authorized,
11973 bond proceeds held or deposited by the State Treasurer may be
11974 invested or reinvested as are other funds in the custody of the
11975 State Treasurer in the manner provided by law. All earnings
11976 received from the investment or deposit of such funds shall be
11977 paid into the State Treasury to the credit of the Mississippi
11978 Business Investment Sinking Fund.

11979 (5) The State Treasurer shall prepare the necessary registry
11980 book to be kept in the office of the duly authorized loan and
11981 transfer agent of the state for the registration of any bonds, at
11982 the request of owners thereof, according to the terms and
11983 conditions of issue directed by the seller.



11984 (6) All costs and expenses in connection with the issue of
11985 and sale and registration of the bonds and notes in connection
11986 with this chapter may be paid from the proceeds of bonds and notes
11987 issued under this chapter.

11988 (7) The seller may provide in the resolution authorizing the
11989 issuance of such bonds the employment of one or more persons or
11990 firms to assist in the sale of the bonds; to enter into contracts
11991 for banks or trust companies located either within or without the
11992 State of Mississippi to act as registrars, paying agents, transfer
11993 agents or otherwise, for rating of the bonds, and to purchase
11994 insurance.

11995 **SECTION 406.** Section 57-61-29, Mississippi Code of 1972, is
11996 brought forward as follows:

11997 57-61-29. (1) Pending the issuance of bonds of the state as
11998 authorized under this chapter, the seller is hereby authorized in
11999 accordance with the provisions of this chapter and on the credit
12000 of the state, to make temporary borrowings not to exceed two (2)
12001 years in anticipation of the issue of bonds in order to provide
12002 funds in such amounts as may, from time to time, be deemed
12003 advisable prior to the issue of bonds. In order to provide for
12004 and in connection with such temporary borrowings, the seller is
12005 hereby authorized in the name and on behalf of the state, and in
12006 accordance with Section 57-61-27(1), Mississippi Code of 1972, to
12007 enter into any purchase, loan or credit agreement, or agreements,
12008 or other agreement or agreements with any banks or trust companies



12009 or other lending institutions, investment banking firms or persons
12010 in the United States having power to enter into the same, which
12011 agreements may contain such provisions not inconsistent with the
12012 provisions of this chapter as may be authorized by the seller.

12013 (2) All temporary borrowings made under this section shall
12014 be evidenced by notes of the state which shall be issued, from
12015 time to time, for such amounts not exceeding in the aggregate the
12016 applicable statutory and constitutional debt limitation, in such
12017 form and in such denominations and subject to terms and condition
12018 of sale and issue, prepayment or redemption and maturity, rate or
12019 rates of interest and time of payment of interest as the seller
12020 shall authorize and direct and in accordance with this chapter.
12021 Such authorization and direction may provide for the subsequent
12022 issuance of replacement notes to refund, upon issuance thereof,
12023 such notes, and may specify such other terms and conditions with
12024 respect to the notes and replacement notes thereby authorized for
12025 issuance as the seller may determine and direct.

12026 (3) When the authorization and direction of the seller
12027 provide for the issuance of replacement notes, the seller is
12028 hereby authorized in the name and on behalf of the state to enter
12029 into agreements with any banks, trust companies, investment
12030 banking firms or other institutions or persons in the United
12031 States having the power to enter the same:

12032 (a) To purchase or underwrite an issue or series of
12033 issues of notes.



12034 (b) To enter into any purchase, loan or credit
12035 agreements, and to draw monies pursuant to any such agreements on
12036 the terms and conditions set forth therein and to issue notes as
12037 evidence of borrowings made under any such agreements.

12038 (c) To appoint or act as issuing and paying agent or
12039 agents with respect to notes.

12040 (d) To do such other acts as may be necessary or
12041 appropriate to provide for the payment, when due, of the principal
12042 of and interest on such notes.

12043 Such agreements may provide for the compensation of any
12044 purchasers or underwriters of notes or replacement notes by
12045 payment of a fixed fee or commission at the time of issuance
12046 thereof, and for all other costs and expenses, including fees for
12047 agreements related to the notes issuing and paying agent costs.
12048 Costs and expenses of issuance may be paid from the proceeds of
12049 the notes.

12050 (4) When the authorization and direction of the seller
12051 provides for the issuance of replacement notes, it shall, at or
12052 prior to the time of delivery of these notes or replacement notes,
12053 determine the principal amounts, dates of issue, interest rate or
12054 rates, rates of discount, denominations and all other terms and
12055 conditions relating to the issuance. The State Treasurer shall
12056 perform all acts and things necessary to pay or cause to be paid,
12057 when due, all principal of and interest on the notes being
12058 refunded by replacement notes and to assure that the same may draw



12059 upon any monies available for that purpose pursuant to any
12060 purchase loan or credit agreements established with respect
12061 thereto, all subject to the authorization and direction of the
12062 seller.

12063 (5) Outstanding notes evidencing such borrowings may be
12064 funded and retired by the issuance and sale of the bonds of the
12065 state as hereinafter authorized. The refunding bonds must be
12066 issued and sold not later than a date two (2) years after the date
12067 of issuance of the first notes evidencing such borrowings to the
12068 extent that payment of such notes has not otherwise been made or
12069 provided for by sources other than proceeds of replacement notes.

12070 (6) The proceeds of all such temporary borrowing shall be
12071 paid to the State Treasurer to be held and disposed of in
12072 accordance with the provisions of Section 57-61-31, Mississippi
12073 Code of 1972.

12074 (7) Notes issued hereunder, and the income therefrom, shall
12075 be exempt from all taxation in the State of Mississippi.

12076 **SECTION 407.** Section 57-61-31, Mississippi Code of 1972, is
12077 brought forward as follows:

12078 57-61-31. (1) The proceeds realized from the sale of bonds
12079 and notes under this chapter, other than refunding bonds and
12080 replacement notes, shall be paid to the State Treasurer and
12081 deposited into the Mississippi Business Investment Fund and
12082 specifically dedicated to the purposes enumerated in this chapter.



12083 (2) All nonfederal funds which may become available for the
12084 purposes of this chapter shall be deposited in the Mississippi
12085 Business Investment Fund and shall be allocated for the purposes
12086 of this chapter.

12087 (3) The proceeds of the sale of refunding bonds and
12088 replacement notes shall be applied solely to the payment of the
12089 principal of and the accrued interest on and premium, if any, and
12090 costs of redemption of the bonds and notes for which such
12091 obligations have been issued.

12092 **SECTION 408.** Section 57-61-32, Mississippi Code of 1972, is
12093 brought forward as follows:

12094 57-61-32. (1) Notwithstanding any provision of this chapter
12095 to the contrary, the Commission on Wildlife, Fisheries and Parks
12096 shall certify to the department the amount of money necessary to
12097 defray the cost of the state's share in constructing the North
12098 Mississippi fish hatchery, which amount shall not be more than
12099 Four Million Dollars (\$4,000,000.00); and the department shall, if
12100 funds have not otherwise been made available, provide a grant for
12101 such amount out of the proceeds of bonds issued under this
12102 chapter. Of the funds provided hereunder, any amounts not
12103 expended on the fish hatchery shall be remitted to the department
12104 for deposit into the Mississippi Business Investment Sinking Fund.

12105 The private match requirements of Section 57-61-9(2) (d),
12106 Mississippi Code of 1972, shall not apply to any loan or grant
12107 made under this section.



12108 (2) Notwithstanding any provision of this chapter to the
12109 contrary, the Commission on Wildlife, Fisheries and Parks shall
12110 certify to the department the amount of money necessary to defray
12111 the costs of the state's share in constructing the water diversion
12112 project on the lower East Pearl River, beginning at the Wilson
12113 Slough Breakout down through the Farris Slough and Holmes Bayou to
12114 the Hobolochitto Creek, which amount shall not be more than Four
12115 Million Dollars (\$4,000,000.00); and if the United States Army
12116 Corps of Engineers receives approval for the construction of such
12117 project, and if the United States has committed funding for the
12118 project, then the department shall provide a grant for such amount
12119 out of the proceeds of bonds issued under this chapter. Of the
12120 funds provided in this subsection, any amounts not expended on the
12121 project described herein shall be remitted to the department for
12122 deposit into the Mississippi Business Investment Sinking Fund.
12123 The provisions of this subsection (2) shall stand repealed from
12124 and after December 31, 2002.

12125 **SECTION 409.** Section 57-61-33, Mississippi Code of 1972, is
12126 brought forward as follows:

12127 57-61-33. Notwithstanding any provision of this chapter to
12128 the contrary, the Bureau of Building, Grounds and Real Property
12129 Management of the Governor's Office of General Services shall
12130 certify to the * * * Mississippi Development Authority the amount
12131 of money necessary to complete the construction, furnishing and
12132 equipping of the Technology Transfer Center at the National Space



12133 Technology Laboratory site in Hancock County, which amount shall
12134 not be more than Three Million Two Hundred Thousand Dollars
12135 (\$3,200,000.00), and the board shall if funds have not otherwise
12136 been made available provide a grant to the bureau for such amount
12137 out of the proceeds of bonds authorized to be issued under this
12138 chapter. Any funds remaining unexpended upon completion of such
12139 project shall be deposited in the Mississippi Business Investment
12140 Sinking Fund.

12141 **SECTION 410.** Section 57-61-34, Mississippi Code of 1972, is
12142 brought forward as follows:

12143 57-61-34. (1) Notwithstanding any provision of this chapter
12144 to the contrary, the Mississippi Development Authority shall
12145 utilize not more than Sixteen Million Dollars (\$16,000,000.00) out
12146 of the proceeds of bonds authorized to be issued in this chapter
12147 to be made available as interest-bearing loans to municipalities
12148 or private companies to aid in the establishment of business
12149 incubation centers and the creation of new and expanding research
12150 and development and technology-based business and industry. In
12151 making loans under this section, the Mississippi Development
12152 Authority shall attempt to provide for an equitable distribution
12153 of such loans among each of the congressional districts of this
12154 state in order to promote economic development across the entire
12155 state.

12156 (2) The Mississippi Development Authority shall require that
12157 any private company receiving a loan under subsection (1) of this



12158 section enter into a binding commitment to meet the following
12159 minimum obligations, in return for obtaining a loan derived from
12160 the proceeds of any bonds issued under this section after July 1,
12161 2005:

12162 (a) The private company shall create a certain minimum
12163 number of jobs over a certain period of time, as determined by the
12164 authority, and such jobs must be held by persons eligible for
12165 employment in the United States under applicable state and federal
12166 law;

12167 (b) The private company shall invest, over a certain
12168 period of time, a certain minimum amount of capital within the
12169 state, as determined by the authority; and

12170 (c) The private company must meet such other
12171 requirements as the Mississippi Development Authority considers
12172 proper.

12173 If the private company fails to satisfy any commitment under
12174 this subsection, then the company must repay an amount equal to
12175 all or a portion of the funds loaned by the state under this
12176 subsection, as determined by the Mississippi Development
12177 Authority.

12178 (3) In exercising the power given it under this section, the
12179 Mississippi Development Authority shall work in conjunction with
12180 the University Research Center and may contract with the center to
12181 provide space and assistance to business incubation centers as the
12182 center is authorized to do pursuant to Section 57-13-13.



12183 (4) The requirements of Section 57-61-9 shall not apply to
12184 any loan made under this section. The Mississippi Development
12185 Authority shall establish criteria and guidelines to govern loans
12186 made pursuant to this section.

12187 **SECTION 411.** Section 57-61-35, Mississippi Code of 1972, is
12188 brought forward as follows:

12189 57-61-35. Except as otherwise authorized in Section 7-5-39,
12190 the Attorney General of the State of Mississippi shall represent
12191 the seller in issuing, selling and validating bonds herein
12192 provided for, and the seller is hereby authorized and empowered to
12193 expend from the proceeds derived from the sale of the bonds
12194 authorized hereunder all necessary administrative, legal and other
12195 expenses incidental and related to the issuance of bonds
12196 authorized under this chapter.

12197 **SECTION 412.** Section 57-61-36, Mississippi Code of 1972, is
12198 brought forward as follows:

12199 57-61-36. (1) Notwithstanding any provision of this chapter
12200 to the contrary, the Mississippi Development Authority shall
12201 utilize not more than Fourteen Million Five Hundred Thousand
12202 Dollars (\$14,500,000.00) out of the proceeds of bonds authorized
12203 to be issued in this chapter for the purpose of making grants to
12204 municipalities through a Development Infrastructure Grant Fund to
12205 complete infrastructure related to new or expanded industry.

12206 (2) [Repealed]



12207 (3) Notwithstanding any provision of this chapter to the
12208 contrary, the Mississippi Development Authority shall utilize the
12209 monies transferred from the Housing Development Revolving Loan
12210 Fund and not more than Eighty-nine Million One Hundred Thousand
12211 Dollars (\$89,100,000.00) out of the proceeds of bonds authorized
12212 to be issued in this chapter for the purpose of making grants or
12213 loans to municipalities through an equipment and public facilities
12214 grant and loan fund to aid in infrastructure-related improvements
12215 as determined by the Mississippi Development Authority, the
12216 purchase of equipment and in the purchase, construction or repair
12217 and renovation of public facilities. Any bonds previously issued
12218 for the Development Infrastructure Revolving Loan Program which
12219 have not been loaned or applied for are eligible to be
12220 administered as grants or loans. In making grants and loans under
12221 this section, the Mississippi Development Authority shall attempt
12222 to provide for an equitable distribution of such grants and loans
12223 among each of the congressional districts of this state in order
12224 to promote economic development across the entire state.

12225 The requirements of Section 57-61-9 shall not apply to any
12226 grant made under this subsection. The Mississippi Development
12227 Authority may establish criteria and guidelines to govern grants
12228 made pursuant to this subsection.

12229 (4) [Repealed]

12230 (5) (a) The Mississippi Development Authority may establish
12231 a Capital Access Program and may contract with any financial



12232 institution to participate in the program upon such terms and
12233 conditions as the authority shall consider necessary and proper.
12234 The Mississippi Development Authority may establish loss reserve
12235 accounts at financial institutions that participate in the program
12236 and require payments by the financial institution and the borrower
12237 to such loss reserve accounts. All monies in such loss reserve
12238 accounts is the property of the Mississippi Development Authority.

12239 (b) Under the Capital Access Program a participating
12240 financial institution may make a loan to any borrower the
12241 Mississippi Development Authority determines to be qualified under
12242 rules and regulations adopted by the authority and be protected
12243 against losses from such loans as provided in the program. Under
12244 such rules and regulations as may be adopted by the Mississippi
12245 Development Authority, a participating financial institution may
12246 submit claims for the reimbursement for losses incurred as a
12247 result of default on loans by qualified borrowers.

12248 (c) Under the Capital Access Program a participating
12249 financial institution may make a loan that is secured by the
12250 assignment of the proceeds of a contract between the borrower and
12251 a public entity if the Mississippi Development Authority
12252 determines the loan to be qualified under the rules and
12253 regulations adopted by the authority. Under such rules and
12254 regulations as may be adopted by the Mississippi Development
12255 Authority, a participating financial institution may submit an
12256 application to the authority requesting that a loan secured



12257 pursuant to this paragraph be funded under the Capital Access
12258 Program.

12259 (d) Notwithstanding any provision of this chapter to
12260 the contrary, the Mississippi Development Authority may utilize
12261 not more than One Million Five Hundred Fifty Thousand Dollars
12262 (\$1,550,000.00) out of the proceeds of bonds authorized to be
12263 issued in this chapter for the purpose of making payments to loan
12264 loss reserve accounts established at financial institutions that
12265 participate in the Capital Access Program established by the
12266 Mississippi Development Authority; however, any portion of the
12267 bond proceeds authorized to be utilized by this paragraph that are
12268 not utilized for making payments to loss reserve accounts may be
12269 utilized by the Mississippi Development Authority to advance funds
12270 to financial institutions that participate in the Capital Access
12271 Program pursuant to paragraph (c) of this subsection.

12272 (6) Notwithstanding any provision of this chapter to the
12273 contrary, the Mississippi Development Authority shall utilize not
12274 more than Two Hundred Thousand Dollars (\$200,000.00) out of the
12275 proceeds of bonds authorized to be issued in this chapter for the
12276 purpose of assisting Warren County, Mississippi, in the
12277 continuation and completion of the study for the proposed Kings
12278 Point Levee.

12279 (7) Notwithstanding any provision of this chapter to the
12280 contrary, the Mississippi Development Authority shall utilize not
12281 more than One Hundred Thousand Dollars (\$100,000.00) out of the



12282 proceeds of bonds authorized to be issued in this chapter for the
12283 purpose of developing a long-range plan for coordinating the
12284 resources of the state institutions of higher learning, the
12285 community and junior colleges, the Mississippi Development
12286 Authority and other state agencies in order to promote economic
12287 development in the state.

12288 (8) Notwithstanding any other provision of this chapter to
12289 the contrary, the Mississippi Development Authority shall use not
12290 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of
12291 the proceeds of bonds authorized to be issued in this chapter for
12292 the purpose of providing assistance to municipalities that have
12293 received Community Development Block Grant funds for repair,
12294 renovation and other improvements to buildings for use as
12295 community centers. Assistance provided to a municipality under
12296 this subsection shall be used by the municipality to match such
12297 Community Development Block Grant funds. The maximum amount of
12298 assistance that may be provided to a municipality under this
12299 subsection shall not exceed Seventy-five Thousand Dollars
12300 (\$75,000.00) in the aggregate.

12301 (9) Notwithstanding any provision of this chapter to the
12302 contrary, the Mississippi Development Authority shall utilize not
12303 more than Two Million Dollars (\$2,000,000.00) out of the proceeds
12304 of bonds authorized to be issued in this chapter for the purpose
12305 of assisting in paying the costs of constructing a new spillway
12306 and related bridge and dam structures at Lake Mary in Wilkinson



12307 County, Mississippi, including construction of a temporary dam and
12308 diversion canal, removing existing structures, removing and
12309 stockpiling riprap, spillway construction, dam embankment
12310 construction, road access, constructing bridges and related
12311 structures, design and construction engineering and field testing.

12312 (10) Notwithstanding any provision of this chapter to the
12313 contrary, the Mississippi Development Authority shall utilize not
12314 more than One Hundred Thousand Dollars (\$100,000.00) out of the
12315 proceeds of bonds authorized to be issued in this chapter for the
12316 purpose of assisting the City of Holly Springs, Mississippi, in
12317 providing water and sewer and other infrastructure services in the
12318 Marshall, Benton and Tippah Counties area.

12319 **SECTION 413.** Section 57-61-37, Mississippi Code of 1972, is
12320 brought forward as follows:

12321 57-61-37. (1) Each municipality is hereby authorized and
12322 empowered to borrow money from the board pursuant to the terms and
12323 provisions of this chapter. Each municipality is further
12324 authorized and empowered to pay to the board such fees and charges
12325 for services hereunder as the board may prescribe.

12326 (2) Each municipality is hereby authorized to evidence the
12327 borrowing of money from the board pursuant to this chapter by the
12328 issuance of evidences of indebtedness under the provisions of this
12329 section and to sell such evidences of indebtedness to the board to
12330 raise money for any purpose or purposes for which the board is
12331 authorized to loan money to such municipality under the terms of



12332 this chapter. Except as specifically provided in this chapter,
12333 such evidences of indebtedness shall be issued in accordance with
12334 the provisions of Sections 21-33-307, 21-33-309, 21-33-311,
12335 21-33-313, 21-33-315, 21-33-317, 21-33-319, 21-33-321 and
12336 21-33-323 in the case of cities or incorporated towns, and in
12337 accordance with the provisions of Sections 19-9-7, 19-9-9,
12338 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23,
12339 19-9-25 and 19-9-29 in the case of counties. Bonds or other
12340 evidences of indebtedness which are issued either pursuant to this
12341 chapter, or pursuant to any other law as evidence of loans made
12342 pursuant to this chapter, shall not be deemed indebtedness within
12343 the meaning specified in Section 21-33-303 with regard to cities
12344 or incorporated towns, and in Section 19-9-5 with regard to
12345 counties. The preceding sentence shall apply to all such bonds
12346 and evidences of indebtedness outstanding as of the effective date
12347 of this provision and to all such bonds and evidences of
12348 indebtedness hereafter issued.

12349 (3) In connection with the issuance of evidences of
12350 indebtedness under the provisions of this chapter by cities,
12351 incorporated towns and counties, the following provisions shall
12352 specifically apply:

12353 (a) When publishing notice of intent to issue bonds as
12354 required under the terms of Section 21-33-307 or Section 19-9-11,
12355 as the case may be, the municipality shall publish such notice
12356 once a week for three (3) consecutive weeks, the first publication



12357 to be not less than twenty-one (21) days prior to the date set for
12358 authorizing such issuance and the last publication to be not more
12359 than seven (7) days prior to such date.

12360 (b) Such evidences of indebtedness shall be secured:
12361 (i) by the revenues derived by the municipality from the
12362 ownership, operation or lease of the project or improvements
12363 funded with proceeds of the loan from the board to such
12364 municipality under the terms of this chapter or by loan repayments
12365 from the private company derived by the municipality from the loan
12366 to the private company of the proceeds of the loan from the board
12367 to such municipality under the terms of this chapter, but only to
12368 the extent, in whole or in part, pledged by the municipality,
12369 which pledge may be on a basis subordinate to other obligations or
12370 agreements of the municipality; (ii) by the sources of repayment
12371 provided for under the terms of subsections (7) and (8) of Section
12372 57-61-15 of this chapter; (iii) and as provided by Chapter 33,
12373 Title 21, Mississippi Code of 1972, in the case of cities and
12374 incorporated towns, and Chapter 9, Title 19, Mississippi Code of
12375 1972, in the case of counties but only in the event that the
12376 sources provided by items (i) and (ii) hereof are insufficient
12377 therefor. For the purposes of Section 27-39-321, the evidences of
12378 indebtedness issued hereunder shall be deemed to be "general
12379 obligation bonds."

12380 (c) Such evidences of indebtedness may be sold only to
12381 the board at private sale and may be sold at such price or prices,



12382 in such manner and at such times as may be agreed to by the
12383 municipality and the board, and the municipality may pay all
12384 expenses, premiums, fees and commissions which it may deem
12385 necessary and advantageous in connection with the issuance and
12386 sale thereof and such evidences of indebtedness shall mature at
12387 such time or times not exceeding thirty (30) years and in such
12388 amounts and shall bear interest at such rate or rates as required
12389 for loans made under the provisions of this chapter and as may be
12390 agreed upon by the board and the municipality; provided, that in
12391 connection with financing a Navy home port, the municipality may
12392 obtain a letter of credit and pledge to the repayment thereof the
12393 same sources pledged to such evidences of indebtedness or
12394 negotiate and enter into a credit agreement, trust indenture or
12395 other agreement with any bank, trust company or other lending
12396 institution for the purpose of making or receiving any payments
12397 required to be made to the United States Navy to accommodate a
12398 Navy home port.

12399 (d) The proceeds of such evidences of indebtedness
12400 shall be applied to the following: (i) the purpose for which such
12401 evidences of indebtedness were issued; (ii) the payment of all
12402 costs of issuance of such evidences of indebtedness; (iii) the
12403 payment of any fees and charges established by the board; (iv) the
12404 payment of interest on such evidences of indebtedness for a period
12405 of time not greater than the period of time estimated to be
12406 required to complete the purpose for which the evidences of



12407 indebtedness were issued or to the extent provided by resolution
12408 of the municipality and approved by the board; (v) the payment of
12409 any costs relating to obtaining or entering into a credit
12410 agreement, loan disbursement agreement, trust indenture or other
12411 agreement with any bank, trust company or other lending
12412 institution for the purpose of securing, making or receiving any
12413 payments required to be made to the United States Navy to
12414 accommodate a Navy home port.

12415 (e) Evidences of indebtedness issued under this section
12416 may be validated in the manner and with the force and effect
12417 provided in Section 31-13-1 et seq.

12418 (f) This section shall be deemed to provide an
12419 additional, alternate and complete method for the doing of the
12420 things authorized hereby and shall be deemed and construed to be
12421 supplemental to any provisions of any other laws and not in
12422 derogation of any such provisions. In connection with the
12423 issuance of evidences of indebtedness, a municipality shall not be
12424 required to comply with the provisions of any other law except as
12425 provided herein.

12426 **SECTION 414.** Section 57-61-41, Mississippi Code of 1972, is
12427 brought forward as follows:

12428 57-61-41. (1) Notwithstanding any provision of this chapter
12429 to the contrary, the Mississippi Development Authority shall
12430 utilize not more than Twelve Million Dollars (\$12,000,000.00) out
12431 of the proceeds of bonds authorized to be issued in this chapter



12432 to be made available to state, county or municipal port and
12433 airport authorities through a Port Revitalization Revolving Loan
12434 Fund for the purpose of making loans to port authorities for the
12435 improvement of port and airport facilities to promote commerce and
12436 economic growth. Proceeds shall not be made available to provide
12437 any facilities for utilization by a gaming vessel.

12438 (2) In exercising its authority, the Mississippi Development
12439 Authority shall work in conjunction with the Water Resources
12440 Council to establish criteria and guidelines to govern loans made
12441 pursuant to this section.

12442 (3) The Mississippi Development Authority may, on a
12443 case-by-case basis, renegotiate the payment of principal and
12444 interest on loans made under this section to state, county and
12445 municipal port and airport authorities located in the six (6) most
12446 southern counties of the state covered by the Presidential
12447 Declaration of Major Disaster for the State of Mississippi
12448 (FEMA-1604-DR) dated August 29, 2005; however, the interest on the
12449 loans shall not be forgiven for a period of more than twenty-four
12450 (24) months and the maturity of the loans shall not be extended
12451 for a period of more than forty-eight (48) months.

12452 **SECTION 415.** Section 57-61-43, Mississippi Code of 1972, is
12453 brought forward as follows:

12454 57-61-43. Notwithstanding any provision of this chapter to
12455 the contrary, the Department of Economic and Community Development
12456 shall utilize not more than One Million Five Hundred Thousand



12457 Dollars (\$1,500,000.00) out of the proceeds of bonds issued in
12458 this chapter to provide a grant to provide funds for the Small
12459 Farm Loan Program at Alcorn State University.

12460 The requirements of Section 57-61-9, Mississippi Code of
12461 1972, shall not apply to the grant made under this section.

12462 **SECTION 416.** Section 57-61-44, Mississippi Code of 1972, is
12463 brought forward as follows:

12464 57-61-44. Notwithstanding any provision of this chapter to
12465 the contrary, the Department of Economic and Community Development
12466 may deposit not more than Seven Hundred Fifty Thousand Dollars
12467 (\$750,000.00) out of the proceeds of bonds issued in this chapter
12468 into the revolving fund created in Section 43-3-103, Mississippi
12469 Code of 1972, for use by the Mississippi Industries for the Blind.

12470 **SECTION 417.** Section 57-62-1, Mississippi Code of 1972, is
12471 brought forward as follows:

12472 57-62-1. This chapter shall be known and may be cited as the
12473 "Mississippi Advantage Jobs Act."

12474 **SECTION 418.** Section 57-62-3, Mississippi Code of 1972, is
12475 brought forward as follows:

12476 57-62-3. It is the intent of the Legislature that:

12477 (a) The State of Mississippi provide appropriate
12478 incentives to support the establishment of quality business and
12479 industry that hold the promise of significant development of the
12480 economy of the State of Mississippi through the creation of
12481 quality jobs;



12482 (b) The amount of incentives provided under this
12483 chapter in connection with a particular establishment shall be
12484 directly related to the jobs created as a result of the
12485 establishment locating in the State of Mississippi;

12486 (c) The Mississippi Development Authority and the
12487 Department of Revenue shall implement the provisions of this
12488 chapter and exercise all powers as authorized in this chapter;
12489 however, the application of this chapter or the offering of any of
12490 its incentives as to any particular qualified business or industry
12491 shall be in the sole discretion of the Mississippi Development
12492 Authority. The exercise of powers conferred by this chapter shall
12493 be deemed and held to be the performance of essential public
12494 purposes; and

12495 (d) Nothing in this chapter shall be construed to
12496 constitute a guarantee or assumption by the State of Mississippi
12497 of any debt of any individual, company, corporation or association
12498 nor to authorize the credit of the State of Mississippi to be
12499 given, pledged or loaned to any individual, company, corporation
12500 or association. Also, nothing in this chapter gives any right to
12501 any qualified business or industry to the incentives contained
12502 herein unless said incentive is given by the Mississippi
12503 Development Authority pursuant to this chapter.

12504 **SECTION 419.** Section 57-62-5, Mississippi Code of 1972, is
12505 brought forward as follows:



12506 **[For businesses or industries that received or applied for**
12507 **incentive payments prior to July 1, 2005, this section shall read**
12508 **as follows:]**

12509 57-62-5. As used in this chapter, the following words and
12510 phrases shall have the meanings ascribed in this section unless
12511 the context clearly indicates otherwise:

12512 (a) "Qualified business or industry" means any
12513 corporation, limited liability company, partnership, sole
12514 proprietorship, business trust or other legal entity and subunits
12515 or affiliates thereof, pursuant to rules and regulations of the
12516 MDA, which provides an average annual salary, excluding benefits
12517 which are not subject to Mississippi income taxes, of at least one
12518 hundred twenty-five percent (125%) of the most recently published
12519 state average annual wage or the most recently published average
12520 annual wage of the county in which the qualified business or
12521 industry is located as determined by the Mississippi Department of
12522 Employment Security, whichever is the lesser. An establishment
12523 shall not be considered to be a qualified business or industry
12524 unless it offers, or will offer within one hundred eighty (180)
12525 days of the date it receives the first incentive payment pursuant
12526 to the provisions of this chapter, a basic health benefits plan to
12527 the individuals it employs in new direct jobs in this state which
12528 is approved by the MDA. Qualified business or industry does not
12529 include retail business or gaming business;



12530 (b) "New direct job" means full-time employment in this
12531 state in a qualified business or industry that has qualified to
12532 receive an incentive payment pursuant to this chapter, which
12533 employment did not exist in this state before the date of approval
12534 by the MDA of the application of the qualified business or
12535 industry pursuant to the provisions of this chapter. "New direct
12536 job" shall include full-time employment in this state of employees
12537 who are employed by an entity other than the establishment that
12538 has qualified to receive an incentive payment and who are leased
12539 to the qualified business or industry, if such employment did not
12540 exist in this state before the date of approval by the MDA of the
12541 application of the establishment;

12542 (c) "Full-time job" means a job of at least thirty-five
12543 (35) hours per week;

12544 (d) "Estimated direct state benefits" means the tax
12545 revenues projected by the MDA to accrue to the state as a result
12546 of the qualified business or industry;

12547 (e) "Estimated direct state costs" means the costs
12548 projected by the MDA to accrue to the state as a result of the
12549 qualified business or industry;

12550 (f) "Estimated net direct state benefits" means the
12551 estimated direct state benefits less the estimated direct state
12552 costs;



12553 (g) "Net benefit rate" means the estimated net direct
12554 state benefits computed as a percentage of gross payroll, provided
12555 that:

12556 (i) Except as otherwise provided in this paragraph
12557 (g), the net benefit rate may be variable and shall not exceed
12558 four percent (4%) of the gross payroll; and shall be set in the
12559 sole discretion of the MDA;

12560 (ii) In no event shall incentive payments,
12561 cumulatively, exceed the estimated net direct state benefits;

12562 (h) "Gross payroll" means wages for new direct jobs of
12563 the qualified business or industry; and

12564 (i) "MDA" means the Mississippi Development Authority.

12565 **[For businesses or industries that received or applied for**
12566 **incentive payments from and after July 1, 2005, but prior to July**
12567 **1, 2010, this section shall read as follows:]**

12568 57-62-5. As used in this chapter, the following words and
12569 phrases shall have the meanings ascribed in this section unless
12570 the context clearly indicates otherwise:

12571 (a) "Qualified business or industry" means any
12572 corporation, limited liability company, partnership, sole
12573 proprietorship, business trust or other legal entity and subunits
12574 or affiliates thereof, pursuant to rules and regulations of the
12575 MDA, which:

12576 (i) Is a data/information processing enterprise
12577 meeting minimum criteria established by the MDA that provides an



12578 average annual salary, excluding benefits which are not subject to
12579 Mississippi income taxes, of at least one hundred percent (100%)
12580 of the most recently published state average annual wage or the
12581 most recently published average annual wage of the county in which
12582 the qualified business or industry is located as determined by the
12583 Mississippi Department of Employment Security, whichever is the
12584 lesser, and creates not less than two hundred (200) new direct
12585 jobs if the enterprise is located in a Tier One or Tier Two area
12586 (as such areas are designated in accordance with Section
12587 57-73-21), or which creates not less than one hundred (100) new
12588 jobs if the enterprise is located in a Tier Three area (as such
12589 areas are designated in accordance with Section 57-73-21);

12590 (ii) Is a manufacturing or distribution enterprise
12591 meeting minimum criteria established by the MDA that provides an
12592 average annual salary, excluding benefits which are not subject to
12593 Mississippi income taxes, of at least one hundred ten percent
12594 (110%) of the most recently published state average annual wage or
12595 the most recently published average annual wage of the county in
12596 which the qualified business or industry is located as determined
12597 by the Mississippi Department of Employment Security, whichever is
12598 the lesser, invests not less than Twenty Million Dollars
12599 (\$20,000,000.00) in land, buildings and equipment, and creates not
12600 less than fifty (50) new direct jobs if the enterprise is located
12601 in a Tier One or Tier Two area (as such areas are designated in
12602 accordance with Section 57-73-21), or which creates not less than



12603 twenty (20) new jobs if the enterprise is located in a Tier Three
12604 area (as such areas are designated in accordance with Section
12605 57-73-21);

12606 (iii) Is a corporation, limited liability company,
12607 partnership, sole proprietorship, business trust or other legal
12608 entity and subunits or affiliates thereof, pursuant to rules and
12609 regulations of the MDA, which provides an average annual salary,
12610 excluding benefits which are not subject to Mississippi income
12611 taxes, of at least one hundred twenty-five percent (125%) of the
12612 most recently published state average annual wage or the most
12613 recently published average annual wage of the county in which the
12614 qualified business or industry is located as determined by the
12615 Mississippi Department of Employment Security, whichever is the
12616 lesser, and creates not less than twenty-five (25) new direct jobs
12617 if the enterprise is located in a Tier One or Tier Two area (as
12618 such areas are designated in accordance with Section 57-73-21), or
12619 which creates not less than ten (10) new jobs if the enterprise is
12620 located in a Tier Three area (as such areas are designated in
12621 accordance with Section 57-73-21). An establishment shall not be
12622 considered to be a qualified business or industry unless it
12623 offers, or will offer within one hundred eighty (180) days of the
12624 date it receives the first incentive payment pursuant to the
12625 provisions of this chapter, a basic health benefits plan to the
12626 individuals it employs in new direct jobs in this state which is



12627 approved by the MDA. Qualified business or industry does not
12628 include retail business or gaming business; or
12629 (iv) Is a research and development or a technology
12630 intensive enterprise meeting minimum criteria established by the
12631 MDA that provides an average annual salary, excluding benefits
12632 which are not subject to Mississippi income taxes, of at least one
12633 hundred fifty percent (150%) of the most recently published state
12634 average annual wage or the most recently published average annual
12635 wage of the county in which the qualified business or industry is
12636 located as determined by the Mississippi Department of Employment
12637 Security, whichever is the lesser, and creates not less than ten
12638 (10) new direct jobs.

12639 An establishment shall not be considered to be a qualified
12640 business or industry unless it offers, or will offer within one
12641 hundred eighty (180) days of the date it receives the first
12642 incentive payment pursuant to the provisions of this chapter, a
12643 basic health benefits plan to the individuals it employs in new
12644 direct jobs in this state which is approved by the MDA. Qualified
12645 business or industry does not include retail business or gaming
12646 business.

12647 (b) "New direct job" means full-time employment in this
12648 state in a qualified business or industry that has qualified to
12649 receive an incentive payment pursuant to this chapter, which
12650 employment did not exist in this state before the date of approval
12651 by the MDA of the application of the qualified business or



12652 industry pursuant to the provisions of this chapter. "New direct
12653 job" shall include full-time employment in this state of employees
12654 who are employed by an entity other than the establishment that
12655 has qualified to receive an incentive payment and who are leased
12656 to the qualified business or industry, if such employment did not
12657 exist in this state before the date of approval by the MDA of the
12658 application of the establishment.

12659 (c) "Full-time job" or "full-time employment" means a
12660 job of at least thirty-five (35) hours per week.

12661 (d) "Estimated direct state benefits" means the tax
12662 revenues projected by the MDA to accrue to the state as a result
12663 of the qualified business or industry.

12664 (e) "Estimated direct state costs" means the costs
12665 projected by the MDA to accrue to the state as a result of the
12666 qualified business or industry.

12667 (f) "Estimated net direct state benefits" means the
12668 estimated direct state benefits less the estimated direct state
12669 costs.

12670 (g) "Net benefit rate" means the estimated net direct
12671 state benefits computed as a percentage of gross payroll, provided
12672 that:

12673 (i) Except as otherwise provided in this paragraph
12674 (g), the net benefit rate may be variable and shall not exceed
12675 four percent (4%) of the gross payroll; and shall be set in the
12676 sole discretion of the MDA;



12677 (ii) In no event shall incentive payments,
12678 cumulatively, exceed the estimated net direct state benefits.

12679 (h) "Gross payroll" means wages for new direct jobs of
12680 the qualified business or industry.

12681 (i) "MDA" means the Mississippi Development Authority.

12682 **[For businesses or industries that apply for incentive**
12683 **payments from and after July 1, 2010, this section shall read as**
12684 **follows:]**

12685 57-62-5. As used in this chapter, the following words and
12686 phrases shall have the meanings ascribed in this section unless
12687 the context clearly indicates otherwise:

12688 (a) "Qualified business or industry" means any
12689 corporation, limited liability company, partnership, sole
12690 proprietorship, business trust or other legal entity and subunits
12691 or affiliates thereof, pursuant to rules and regulations of the
12692 MDA, which:

12693 (i) Is a data/information processing enterprise
12694 meeting minimum criteria established by the MDA that provides an
12695 average annual salary, excluding benefits which are not subject to
12696 Mississippi income taxes, of at least one hundred percent (100%)
12697 of the most recently published state average annual wage or the
12698 most recently published average annual wage of the county in which
12699 the qualified business or industry is located as determined by the
12700 Mississippi Department of Employment Security, whichever is the



12701 lesser, and creates not less than two hundred (200) new direct
12702 jobs;

12703 (ii) Is a corporation, limited liability company,
12704 partnership, sole proprietorship, business trust or other legal
12705 entity and subunits or affiliates thereof, pursuant to rules and
12706 regulations of the MDA, which provides an average annual salary,
12707 excluding benefits which are not subject to Mississippi income
12708 taxes, of at least one hundred ten percent (110%) of the most
12709 recently published state average annual wage or the most recently
12710 published average annual wage of the county in which the qualified
12711 business or industry is located as determined by the Mississippi
12712 Department of Employment Security, whichever is the lesser, and
12713 creates not less than twenty-five (25) new direct jobs; or

12714 (iii) Is a corporation, limited liability company,
12715 partnership, sole proprietorship, business trust or other legal
12716 entity and subunits or affiliates thereof, pursuant to rules and
12717 regulations of the MDA, which is a manufacturer that:

12718 1. Provides an average annual salary,
12719 excluding benefits which are not subject to Mississippi income
12720 taxes, of at least one hundred ten percent (110%) of the most
12721 recently published state average annual wage or the most recently
12722 published average annual wage of the county in which the qualified
12723 business or industry is located as determined by the Mississippi
12724 Department of Employment Security, whichever is the lesser;



12725 2. Has a minimum of five thousand (5,000)
12726 existing employees as of the last day of the previous calendar
12727 year; and

12728 3. MDA determines will create not less than
12729 three thousand (3,000) new direct jobs within forty-eight (48)
12730 months of the date the MDA determines that the applicant is
12731 qualified to receive incentive payments.

12732 An establishment shall not be considered to be a qualified
12733 business or industry unless it offers, or will offer within one
12734 hundred eighty (180) days of the date it receives the first
12735 incentive payment pursuant to the provisions of this chapter, a
12736 basic health benefits plan to the individuals it employs in new
12737 direct jobs in this state which is approved by the MDA. Qualified
12738 business or industry does not include retail business or gaming
12739 business.

12740 (b) "New direct job" means full-time employment in this
12741 state in a qualified business or industry that has qualified to
12742 receive an incentive payment pursuant to this chapter, which
12743 employment did not exist in this state before the date of approval
12744 by the MDA of the application of the qualified business or
12745 industry pursuant to the provisions of this chapter. "New direct
12746 job" shall include full-time employment in this state of employees
12747 who are employed by an entity other than the establishment that
12748 has qualified to receive an incentive payment and who are leased
12749 to the qualified business or industry, if such employment did not



12750 exist in this state before the date of approval by the MDA of the
12751 application of the establishment.

12752 (c) "Full-time job" or "full-time employment" means a
12753 job of at least thirty-five (35) hours per week.

12754 (d) "Gross payroll" means wages for new direct jobs of
12755 the qualified business or industry.

12756 (e) "MDA" means the Mississippi Development Authority.

12757 **SECTION 420.** Section 57-62-7, Mississippi Code of 1972, is
12758 brought forward as follows:

12759 57-62-7. The MDA shall determine, upon initial application
12760 on a form approved by the MDA, if an establishment is engaged in a
12761 qualified business or industry.

12762 **SECTION 421.** Section 57-62-9, Mississippi Code of 1972, is
12763 brought forward as follows:

12764 **[For businesses or industries that received or applied for**
12765 **incentive payments prior to July 1, 2005, this section shall read**
12766 **as follows:]**

12767 57-62-9. (1) Except as otherwise provided in this section,
12768 a qualified business or industry that meets the qualifications
12769 specified in this chapter may receive quarterly incentive payments
12770 for a period not to exceed ten (10) years from the Department of
12771 Revenue pursuant to the provisions of this chapter in an amount
12772 which shall be equal to the net benefit rate multiplied by the
12773 actual gross payroll of new direct jobs for a calendar quarter as
12774 verified by the Mississippi Department of Employment Security, but



12775 not to exceed the amount of money previously paid into the fund by
12776 the employer. A qualified business or industry that is a project
12777 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
12778 which the ten-year period will begin. Such date may not be later
12779 than sixty (60) months after the date the business or industry
12780 applied for incentive payments.

12781 (2) (a) A qualified business or industry that is a project
12782 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
12783 receive incentive payments for an additional period not to exceed
12784 five (5) years beyond the expiration date of the initial ten-year
12785 period if:

12786 (i) The qualified business or industry creates at
12787 least three thousand (3,000) new direct jobs within five (5) years
12788 after the date the business or industry commences commercial
12789 production;

12790 (ii) Within five (5) years after the date the
12791 business or industry commences commercial production, the average
12792 annual wage of the jobs is at least one hundred fifty percent
12793 (150%) of the most recently published state average annual wage or
12794 the most recently published average annual wage of the county in
12795 which the qualified business or industry is located as determined
12796 by the Mississippi Department of Employment Security, whichever is
12797 the lesser. The criteria for the average annual wage requirement
12798 shall be based upon the state average annual wage or the average
12799 annual wage of the county whichever is appropriate, at the time of



12800 creation of the minimum number of jobs, and the threshold
12801 established at that time will remain constant for the duration of
12802 the additional period; and

12803 (iii) The qualified business or industry meets and
12804 maintains the job and wage requirements of subparagraphs (i) and
12805 (ii) of this paragraph (a) for four (4) consecutive calendar
12806 quarters.

12807 (b) A qualified business or industry that is a project
12808 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
12809 incentive payments for the additional period provided in paragraph
12810 (a) of this subsection (2) may apply to the MDA to receive
12811 incentive payments for an additional period not to exceed ten (10)
12812 years beyond the expiration date of the additional period provided
12813 in paragraph (a) of this subsection (2) if:

12814 (i) The qualified business or industry creates at
12815 least four thousand (4,000) new direct jobs after qualifying for
12816 the additional incentive period provided in paragraph (a) of this
12817 subsection (2) but before the expiration of the additional period.
12818 For purposes of determining whether the business or industry meets
12819 the minimum jobs requirement of this subparagraph (i), the number
12820 of jobs the business or industry created in order to meet the
12821 minimum jobs requirement of paragraph (a) of this subsection (2)
12822 shall be subtracted from the minimum jobs requirement of this
12823 subparagraph (i);



12824 (ii) The average annual wage of the jobs is at
12825 least one hundred fifty percent (150%) of the most recently
12826 published state average annual wage or the most recently published
12827 average annual wage of the county in which the qualified business
12828 or industry is located as determined by the Mississippi Department
12829 of Employment Security, whichever is the lesser. The criteria for
12830 the average annual wage requirement shall be based upon the state
12831 average annual wage or the average annual wage of the county
12832 whichever is appropriate, at the time of creation of the minimum
12833 number of jobs, and the threshold established at that time will
12834 remain constant for the duration of the additional period; and

12835 (iii) The qualified business or industry meets and
12836 maintains the job and wage requirements of subparagraphs (i) and
12837 (ii) of this paragraph (b) for four (4) consecutive calendar
12838 quarters.

12839 (3) In order to receive incentive payments, an establishment
12840 shall apply to the MDA. The application shall be on a form
12841 prescribed by the MDA and shall contain such information as may be
12842 required by the MDA to determine if the applicant is qualified.

12843 (4) In order to qualify to receive such payments, the
12844 establishment applying shall be required to:

- 12845 (a) Be engaged in a qualified business or industry;
- 12846 (b) Provide an average salary, excluding benefits which
12847 are not subject to Mississippi income taxes, of at least one
12848 hundred twenty-five percent (125%) of the most recently published



12849 state average annual wage or the most recently published average
12850 annual wage of the county in which the qualified business or
12851 industry is located as determined by the Mississippi Department of
12852 Employment Security, whichever is the lesser. The criteria for
12853 this requirement shall be based upon the state average annual wage
12854 or the average annual wage of the county whichever is appropriate,
12855 at the time of application, and the threshold established upon
12856 application will remain constant for the duration of the project;

12857 (c) The business or industry must create and maintain a
12858 minimum of ten (10) full-time jobs in counties that have an
12859 average unemployment rate over the previous twelve-month period
12860 which is at least one hundred fifty percent (150%) of the most
12861 recently published state unemployment rate, as determined by the
12862 Mississippi Department of Employment Security or in Tier Three
12863 counties as determined under Section 57-73-21. In all other
12864 counties, the business or industry must create and maintain a
12865 minimum of twenty-five (25) full-time jobs. The criteria for this
12866 requirement shall be based on the designation of the county at the
12867 time of the application. The threshold established upon the
12868 application will remain constant for the duration of the project.
12869 The business or industry must meet its job creation commitment
12870 within twenty-four (24) months of the application approval.
12871 However, if the qualified business or industry is applying for
12872 incentive payments for an additional period under subsection (2)
12873 of this section, the business or industry must comply with the



12874 applicable job and wage requirements of subsection (2) of this
12875 section.

12876 (5) The MDA shall determine if the applicant is qualified to
12877 receive incentive payments. If the applicant is determined to be
12878 qualified by the MDA, the MDA shall conduct a cost/benefit
12879 analysis to determine the estimated net direct state benefits and
12880 the net benefit rate applicable for a period not to exceed ten
12881 (10) years and to estimate the amount of gross payroll for the
12882 period. If the applicant is determined to be qualified to receive
12883 incentive payments for an additional period under subsection (2)
12884 of this section, the MDA shall conduct a cost/benefit analysis to
12885 determine the estimated net direct state benefits and the net
12886 benefit rate applicable for the appropriate additional period and
12887 to estimate the amount of gross payroll for the additional period.
12888 In conducting such cost/benefit analysis, the MDA shall consider
12889 quantitative factors, such as the anticipated level of new tax
12890 revenues to the state along with the cost to the state of the
12891 qualified business or industry, and such other criteria as deemed
12892 appropriate by the MDA, including the adequacy of retirement
12893 benefits that the business or industry provides to individuals it
12894 employs in new direct jobs in this state. In no event shall
12895 incentive payments, cumulatively, exceed the estimated net direct
12896 state benefits. Once the qualified business or industry is
12897 approved by the MDA, an agreement shall be deemed to exist between
12898 the qualified business or industry and the State of Mississippi,



12899 requiring the continued incentive payment to be made as long as
12900 the qualified business or industry retains its eligibility.

12901 (6) Upon approval of such an application, the MDA shall
12902 notify the Department of Revenue and shall provide it with a copy
12903 of the approved application and the estimated net direct state
12904 benefits. The Department of Revenue may require the qualified
12905 business or industry to submit such additional information as may
12906 be necessary to administer the provisions of this chapter. The
12907 qualified business or industry shall report to the Department of
12908 Revenue periodically to show its continued eligibility for
12909 incentive payments. The qualified business or industry may be
12910 audited by the Department of Revenue to verify such eligibility.
12911 In addition, the State Auditor may conduct performance and
12912 compliance audits under this chapter according to Section
12913 7-7-211(o) and may bill the oversight agency.

12914 (7) If the qualified business or industry is located in an
12915 area that has been declared by the Governor to be a disaster area
12916 and as a result of the disaster the business or industry is unable
12917 to create or maintain the full-time jobs required by this section:

12918 (a) The Commissioner of Revenue may extend the period
12919 of time that the business or industry may receive incentive
12920 payments for a period of time not to exceed two (2) years;

12921 (b) The Commissioner of Revenue may waive the
12922 requirement that a certain number of jobs be maintained for a
12923 period of time not to exceed twenty-four (24) months; and



12924 (c) The MDA may extend the period of time within which
12925 the jobs must be created for a period of time not to exceed
12926 twenty-four (24) months.

12927 **[For businesses or industries that received or applied for**
12928 **incentive payments from and after July 1, 2005, but prior to July**
12929 **1, 2010, this section shall read as follows:]**

12930 57-62-9. (1) (a) Except as otherwise provided in this
12931 section, a qualified business or industry that meets the
12932 qualifications specified in this chapter may receive quarterly
12933 incentive payments for a period not to exceed ten (10) years from
12934 the Department of Revenue pursuant to the provisions of this
12935 chapter in an amount which shall be equal to the net benefit rate
12936 multiplied by the actual gross payroll of new direct jobs for a
12937 calendar quarter as verified by the Mississippi Department of
12938 Employment Security, but not to exceed:

12939 (i) Ninety percent (90%) of the amount of money
12940 previously paid into the fund by the employer if the employer
12941 provides an average annual salary, excluding benefits which are
12942 not subject to Mississippi income taxes, of at least one hundred
12943 seventy-five percent (175%) of the most recently published state
12944 average annual wage or the most recently published average annual
12945 wage of the county in which the qualified business or industry is
12946 located as determined by the Mississippi Department of Employment
12947 Security, whichever is the lesser;



12948 (ii) Eighty percent (80%) of the amount of money
12949 previously paid into the fund by the employer if the employer
12950 provides an average annual salary, excluding benefits which are
12951 not subject to Mississippi income taxes, of at least one hundred
12952 twenty-five percent (125%) but less than one hundred seventy-five
12953 percent (175%) of the most recently published state average annual
12954 wage or the most recently published average annual wage of the
12955 county in which the qualified business or industry is located as
12956 determined by the Mississippi Department of Employment Security,
12957 whichever is the lesser; or

12958 (iii) Seventy percent (70%) of the amount of money
12959 previously paid into the fund by the employer if the employer
12960 provides an average annual salary, excluding benefits which are
12961 not subject to Mississippi income taxes, of less than one hundred
12962 twenty-five percent (125%) of the most recently published state
12963 average annual wage or the most recently published average annual
12964 wage of the county in which the qualified business or industry is
12965 located as determined by the Mississippi Department of Employment
12966 Security, whichever is the lesser.

12967 (b) A qualified business or industry that is a project
12968 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
12969 which the ten-year period will begin. Such date may not be later
12970 than sixty (60) months after the date the business or industry
12971 applied for incentive payments.



12972 (2) (a) A qualified business or industry that is a project
12973 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
12974 receive incentive payments for an additional period not to exceed
12975 five (5) years beyond the expiration date of the initial ten-year
12976 period if:

12977 (i) The qualified business or industry creates at
12978 least three thousand (3,000) new direct jobs within five (5) years
12979 after the date the business or industry commences commercial
12980 production;

12981 (ii) Within five (5) years after the date the
12982 business or industry commences commercial production, the average
12983 annual wage of the jobs is at least one hundred fifty percent
12984 (150%) of the most recently published state average annual wage or
12985 the most recently published average annual wage of the county in
12986 which the qualified business or industry is located as determined
12987 by the Mississippi Department of Employment Security, whichever is
12988 the lesser. The criteria for the average annual wage requirement
12989 shall be based upon the state average annual wage or the average
12990 annual wage of the county whichever is appropriate, at the time of
12991 creation of the minimum number of jobs, and the threshold
12992 established at that time will remain constant for the duration of
12993 the additional period; and

12994 (iii) The qualified business or industry meets and
12995 maintains the job and wage requirements of subparagraphs (i) and



12996 (ii) of this paragraph (a) for four (4) consecutive calendar
12997 quarters.

12998 (b) A qualified business or industry that is a project
12999 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
13000 incentive payments for the additional period provided in paragraph
13001 (a) of this subsection (2) may apply to the MDA to receive
13002 incentive payments for an additional period not to exceed ten (10)
13003 years beyond the expiration date of the additional period provided
13004 in paragraph (a) of this subsection (2) if:

13005 (i) The qualified business or industry creates at
13006 least four thousand (4,000) new direct jobs after qualifying for
13007 the additional incentive period provided in paragraph (a) of this
13008 subsection (2) but before the expiration of the additional period.
13009 For purposes of determining whether the business or industry meets
13010 the minimum jobs requirement of this subparagraph (i), the number
13011 of jobs the business or industry created in order to meet the
13012 minimum jobs requirement of paragraph (a) of this subsection (2)
13013 shall be subtracted from the minimum jobs requirement of this
13014 subparagraph (i);

13015 (ii) The average annual wage of the jobs is at
13016 least one hundred fifty percent (150%) of the most recently
13017 published state average annual wage or the most recently published
13018 average annual wage of the county in which the qualified business
13019 or industry is located as determined by the Mississippi Department
13020 of Employment Security, whichever is the lesser. The criteria for



13021 the average annual wage requirement shall be based upon the state
13022 average annual wage or the average annual wage of the county
13023 whichever is appropriate, at the time of creation of the minimum
13024 number of jobs, and the threshold established at that time will
13025 remain constant for the duration of the additional period; and

13026 (iii) The qualified business or industry meets and
13027 maintains the job and wage requirements of subparagraphs (i) and
13028 (ii) of this paragraph (b) for four (4) consecutive calendar
13029 quarters.

13030 (3) In order to receive incentive payments, an establishment
13031 shall apply to the MDA. The application shall be on a form
13032 prescribed by the MDA and shall contain such information as may be
13033 required by the MDA to determine if the applicant is qualified.

13034 (4) (a) In order to qualify to receive such payments, the
13035 establishment applying shall be required to meet the definition of
13036 the term "qualified business or industry";

13037 (b) The criteria for the average annual salary
13038 requirement shall be based upon the state average annual wage or
13039 the average annual wage of the county whichever is appropriate, at
13040 the time of application, and the threshold established upon
13041 application will remain constant for the duration of the project;

13042 (c) The business or industry must meet its job creation
13043 commitment within twenty-four (24) months of the application
13044 approval. However, if the qualified business or industry is
13045 applying for incentive payments for an additional period under



13046 subsection (2) of this section, the business or industry must
13047 comply with the applicable job and wage requirements of subsection
13048 (2) of this section.

13049 (5) (a) The MDA shall determine if the applicant is
13050 qualified to receive incentive payments.

13051 (b) If the applicant is determined to be qualified to
13052 receive incentive payments for an additional period under
13053 subsection (2) of this section, the MDA shall conduct a
13054 cost/benefit analysis to determine the estimated net direct state
13055 benefits and the net benefit rate applicable for the appropriate
13056 additional period and to estimate the amount of gross payroll for
13057 the additional period. In conducting such cost/benefit analysis,
13058 the MDA shall consider quantitative factors, such as the
13059 anticipated level of new tax revenues to the state along with the
13060 cost to the state of the qualified business or industry, and such
13061 other criteria as deemed appropriate by the MDA, including the
13062 adequacy of retirement benefits that the business or industry
13063 provides to individuals it employs in new direct jobs in this
13064 state. In no event shall incentive payments, cumulatively, exceed
13065 the estimated net direct state benefits. Once the qualified
13066 business or industry is approved by the MDA, an agreement shall be
13067 deemed to exist between the qualified business or industry and the
13068 State of Mississippi, requiring the continued incentive payment to
13069 be made as long as the qualified business or industry retains its
13070 eligibility.



13071 (6) Upon approval of such an application, the MDA shall
13072 notify the Department of Revenue and shall provide it with a copy
13073 of the approved application and the estimated net direct state
13074 benefits. The Department of Revenue may require the qualified
13075 business or industry to submit such additional information as may
13076 be necessary to administer the provisions of this chapter. The
13077 qualified business or industry shall report to the Department of
13078 Revenue periodically to show its continued eligibility for
13079 incentive payments. The qualified business or industry may be
13080 audited by the Department of Revenue to verify such eligibility.
13081 In addition, the State Auditor may conduct performance and
13082 compliance audits under this chapter according to Section
13083 7-7-211(o) and may bill the oversight agency.

13084 (7) If the qualified business or industry is located in an
13085 area that has been declared by the Governor to be a disaster area
13086 and as a result of the disaster the business or industry is unable
13087 to create or maintain the full-time jobs required by this section:

13088 (a) The Commissioner of Revenue may extend the period
13089 of time that the business or industry may receive incentive
13090 payments for a period of time not to exceed two (2) years;

13091 (b) The Commissioner of Revenue may waive the
13092 requirement that a certain number of jobs be maintained for a
13093 period of time not to exceed twenty-four (24) months; and



13094 (c) The MDA may extend the period of time within which
13095 the jobs must be created for a period of time not to exceed
13096 twenty-four (24) months.

13097 **[For businesses or industries that apply for incentive**
13098 **payments from and after July 1, 2010, this section shall read as**
13099 **follows:]**

13100 57-62-9. (1) (a) Except as otherwise provided in this
13101 section, a qualified business or industry that meets the
13102 qualifications specified in this chapter may receive quarterly
13103 incentive payments for a period not to exceed ten (10) years from
13104 the Department of Revenue pursuant to the provisions of this
13105 chapter in an amount which shall be equal to ninety percent (90%)
13106 of the amount of actual income tax withheld for employees with new
13107 direct jobs, but in no event more than four percent (4%) of the
13108 total annual salary paid for new direct jobs during such period,
13109 excluding benefits which are not subject to Mississippi income
13110 taxes.

13111 (b) A qualified business or industry that is a project
13112 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
13113 which the ten-year period will begin. Such date may not be later
13114 than sixty (60) months after the date the business or industry
13115 applied for incentive payments.

13116 (c) A qualified business or industry as defined in
13117 Section 57-62-5(a)(iii) may elect the date upon which the ten-year
13118 period will begin and may elect to begin receiving incentive



13119 payments as early as the second quarter after that date.
13120 Incentive payments will be calculated on all jobs above the
13121 existing number of jobs as of the date the MDA determines that the
13122 applicant is qualified to receive incentive payments. In the
13123 event that the qualified business or industry falls below the
13124 number of existing jobs at the time of determination that the
13125 applicant is qualified to receive the incentive payment, the
13126 incentive payment shall cease until the qualified business or
13127 industry once again exceeds that number. If after forty-eight
13128 (48) months, the qualified business or industry has failed to
13129 create at least three thousand (3,000) new direct jobs, incentive
13130 payments shall cease and the qualified business or industry shall
13131 not be qualified to receive further incentive payments.

13132 (2) (a) A qualified business or industry that is a project
13133 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
13134 receive incentive payments for an additional period not to exceed
13135 five (5) years beyond the expiration date of the initial ten-year
13136 period if:

13137 (i) The qualified business or industry creates at
13138 least three thousand (3,000) new direct jobs within five (5) years
13139 after the date the business or industry commences commercial
13140 production;

13141 (ii) Within five (5) years after the date the
13142 business or industry commences commercial production, the average
13143 annual wage of the jobs is at least one hundred fifty percent



13144 (150%) of the most recently published state average annual wage or
13145 the most recently published average annual wage of the county in
13146 which the qualified business or industry is located as determined
13147 by the Mississippi Department of Employment Security, whichever is
13148 the lesser. The criteria for the average annual wage requirement
13149 shall be based upon the state average annual wage or the average
13150 annual wage of the county whichever is appropriate, at the time of
13151 creation of the minimum number of jobs, and the threshold
13152 established at that time will remain constant for the duration of
13153 the additional period; and

13154 (iii) The qualified business or industry meets and
13155 maintains the job and wage requirements of subparagraphs (i) and
13156 (ii) of this paragraph (a) for four (4) consecutive calendar
13157 quarters.

13158 (b) A qualified business or industry that is a project
13159 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
13160 incentive payments for the additional period provided in paragraph
13161 (a) of this subsection (2) may apply to the MDA to receive
13162 incentive payments for an additional period not to exceed ten (10)
13163 years beyond the expiration date of the additional period provided
13164 in paragraph (a) of this subsection (2) if:

13165 (i) The qualified business or industry creates at
13166 least four thousand (4,000) new direct jobs after qualifying for
13167 the additional incentive period provided in paragraph (a) of this
13168 subsection (2) but before the expiration of the additional period.



13169 For purposes of determining whether the business or industry meets
13170 the minimum jobs requirement of this subparagraph (i), the number
13171 of jobs the business or industry created in order to meet the
13172 minimum jobs requirement of paragraph (a) of this subsection (2)
13173 shall be subtracted from the minimum jobs requirement of this
13174 subparagraph (i);

13175 (ii) The average annual wage of the jobs is at
13176 least one hundred fifty percent (150%) of the most recently
13177 published state average annual wage or the most recently published
13178 average annual wage of the county in which the qualified business
13179 or industry is located as determined by the Mississippi Department
13180 of Employment Security, whichever is the lesser. The criteria for
13181 the average annual wage requirement shall be based upon the state
13182 average annual wage or the average annual wage of the county
13183 whichever is appropriate, at the time of creation of the minimum
13184 number of jobs, and the threshold established at that time will
13185 remain constant for the duration of the additional period; and

13186 (iii) The qualified business or industry meets and
13187 maintains the job and wage requirements of subparagraphs (i) and
13188 (ii) of this paragraph (b) for four (4) consecutive calendar
13189 quarters.

13190 (3) In order to receive incentive payments, an establishment
13191 shall apply to the MDA. The application shall be on a form
13192 prescribed by the MDA and shall contain such information as may be
13193 required by the MDA to determine if the applicant is qualified.



13194 (4) (a) In order to qualify to receive such payments, the
13195 establishment applying shall be required to meet the definition of
13196 the term "qualified business or industry";

13197 (b) The criteria for the average annual salary
13198 requirement shall be based upon the state average annual wage or
13199 the average annual wage of the county whichever is appropriate, at
13200 the time of application, and the threshold established upon
13201 application will remain constant for the duration of the project;

13202 (c) Except as otherwise provided for a qualified
13203 business or industry as defined in Section 57-62-5(a)(iii), the
13204 business or industry must meet its job creation commitment within
13205 twenty-four (24) months of the application approval. However, if
13206 the qualified business or industry is applying for incentive
13207 payments for an additional period under subsection (2) of this
13208 section, the business or industry must comply with the applicable
13209 job and wage requirements of subsection (2) of this section.

13210 (5) (a) The MDA shall determine if the applicant is
13211 qualified to receive incentive payments.

13212 (b) If the applicant is determined to be qualified to
13213 receive incentive payments for an additional period under
13214 subsection (2) of this section, the MDA shall conduct an analysis
13215 to estimate the amount of gross payroll for the appropriate
13216 additional period. Incentive payments, cumulatively, shall not
13217 exceed ninety percent (90%) of the amount of actual income tax
13218 withheld for employees with new direct jobs, but in no event more



13219 than four percent (4%) of the total annual salary paid for new
13220 direct jobs during the additional period, excluding benefits which
13221 are not subject to Mississippi income taxes. Once the qualified
13222 business or industry is approved by the MDA, an agreement shall be
13223 deemed to exist between the qualified business or industry and the
13224 State of Mississippi, requiring the continued incentive payment to
13225 be made as long as the qualified business or industry retains its
13226 eligibility.

13227 (6) Upon approval of such an application, the MDA shall
13228 notify the Department of Revenue and shall provide it with a copy
13229 of the approved application and the minimum job and salary
13230 requirements. The Department of Revenue may require the qualified
13231 business or industry to submit such additional information as may
13232 be necessary to administer the provisions of this chapter. The
13233 qualified business or industry shall report to the Department of
13234 Revenue periodically to show its continued eligibility for
13235 incentive payments. The qualified business or industry may be
13236 audited by the Department of Revenue to verify such eligibility.
13237 In addition, the State Auditor may conduct performance and
13238 compliance audits under this chapter according to Section
13239 7-7-211(o) and may bill the oversight agency.

13240 (7) If the qualified business or industry is located in an
13241 area that has been declared by the Governor to be a disaster area
13242 and as a result of the disaster the business or industry is unable
13243 to create or maintain the full-time jobs required by this section:



13244 (a) The Commissioner of Revenue may extend the period
13245 of time that the business or industry may receive incentive
13246 payments for a period of time not to exceed two (2) years;

13247 (b) The Commissioner of Revenue may waive the
13248 requirement that a certain number of jobs be maintained for a
13249 period of time not to exceed twenty-four (24) months; and

13250 (c) The MDA may extend the period of time within which
13251 the jobs must be created for a period of time not to exceed
13252 twenty-four (24) months.

13253 **SECTION 422.** Section 57-62-11, Mississippi Code of 1972, is
13254 brought forward as follows:

13255 57-62-11. (1) There is created in the State Treasury a
13256 special fund to be known as the Mississippi Advantage Jobs
13257 Incentive Payment Fund, into which shall be deposited withholding
13258 tax revenue required to be deposited into such fund pursuant to
13259 Section 27-7-312. The money in the fund shall be used for the
13260 purpose of making the incentive payments authorized under this
13261 chapter.

13262 (2) The Mississippi Advantage Jobs Incentive Payment Fund
13263 shall be administered by the Department of Revenue, and monies in
13264 the fund, less three percent (3%) to be retained by the Department
13265 of Revenue to pay the reasonable and necessary expenses of the
13266 Department of Revenue in administering its duties under this
13267 chapter, shall be expended pursuant to the approved application.
13268 Amounts in the fund at the end of any fiscal year that are not



13269 necessary to make future incentive payments shall be paid into the
13270 General Fund.

13271 (3) The liability of the State of Mississippi to make the
13272 incentive payments authorized under this chapter shall be limited
13273 to the balance contained in the fund.

13274 **SECTION 423.** Section 57-62-13, Mississippi Code of 1972, is
13275 brought forward as follows:

13276 57-62-13. (1) As soon as practicable after the end of a
13277 calendar quarter for which a qualified business or industry has
13278 qualified to receive an incentive payment, the qualified business
13279 or industry shall file a claim for the payment with the Department
13280 of Revenue and shall specify the actual number of new direct jobs
13281 created and maintained by the business or industry for the
13282 calendar quarter and the gross payroll thereof. The Department of
13283 Revenue shall verify the actual number of new direct jobs created
13284 and maintained by the business or industry and compliance with the
13285 average annual wage requirements for such business or industry
13286 under this chapter. If the qualified business or industry files a
13287 claim for an incentive payment during an additional incentive
13288 period provided under Section 57-62-9(2), the Department of
13289 Revenue shall verify the actual number of new direct jobs created
13290 and maintained by the business or industry and compliance with the
13291 average annual wage requirements for such business or industry
13292 under this chapter. If the Department of Revenue is not able to
13293 provide such verification utilizing all available resources, the



13294 Department of Revenue may request such additional information from
13295 the business or industry as may be necessary.

13296 (2) (a) Except as otherwise provided in this chapter, the
13297 business or industry must meet the salary and job requirements of
13298 this chapter for four (4) consecutive calendar quarters prior to
13299 payment of the first incentive payment. Except as otherwise
13300 provided in Section 57-62-9, if the business or industry does not
13301 maintain the salary or job requirements of this chapter at any
13302 other time during the ten-year period after the date the first
13303 payment was made, the incentive payments shall not be made and
13304 shall not be resumed until such time as the actual verified number
13305 of new direct jobs created and maintained by the business or
13306 industry equals or exceeds the requirements of this chapter for
13307 one (1) calendar quarter.

13308 (b) If the business or industry is qualified to receive
13309 incentive payments for an additional period provided under Section
13310 57-62-9(2), the business or industry must meet the wage and job
13311 requirements of Section 57-62-9(2), for four (4) consecutive
13312 calendar quarters prior to payment of the first incentive payment.
13313 If the business or industry does not maintain the wage or job
13314 requirements of Section 57-62-9(2), at any other time during the
13315 appropriate additional period after the date the first payment was
13316 made, the incentive payments shall not be made and shall not be
13317 resumed until such time as the actual verified number of new
13318 direct jobs created and maintained by the business or industry



13319 equals or exceeds the amounts specified in Section 57-62-9(2), for
13320 one (1) calendar quarter.

13321 (3) An establishment that has qualified pursuant to this
13322 chapter may receive payments only in accordance with the provision
13323 under which it initially applied and was approved. If an
13324 establishment that is receiving incentive payments expands, it may
13325 apply for additional incentive payments based on the new gross
13326 payroll for new direct jobs anticipated from the expansion only,
13327 pursuant to this chapter.

13328 (4) As soon as practicable after verification of the
13329 qualified business or industry meeting the requirements of this
13330 chapter and all rules and regulations, the Department of Finance
13331 and Administration, upon requisition of the Department of Revenue,
13332 shall issue a warrant drawn on the Mississippi Advantage Jobs
13333 Incentive Payment Fund to the establishment in the amount of the
13334 incentive payment as determined pursuant to subsection (1) of this
13335 section for the calendar quarter.

13336 **SECTION 424.** Section 57-62-15, Mississippi Code of 1972, is
13337 brought forward as follows:

13338 57-62-15. The MDA and the Department of Revenue shall
13339 promulgate rules and regulations, in accordance with the
13340 Mississippi Administrative Procedures Law, and all application
13341 forms and other forms necessary to implement their respective
13342 duties and responsibilities under the provisions of this chapter.



13343 **SECTION 425.** Section 57-62-17, Mississippi Code of 1972, is
13344 brought forward as follows:

13345 57-62-17. The MDA shall prepare a report on the program
13346 pursuant to Section 57-1-12.

13347 **SECTION 426.** Section 57-64-1, Mississippi Code of 1972, is
13348 brought forward as follows:

13349 57-64-1. This chapter may be cited as the "Regional Economic
13350 Development Act."

13351 **SECTION 427.** Section 57-64-3, Mississippi Code of 1972, is
13352 brought forward as follows:

13353 57-64-3. It is hereby declared that the state's public
13354 welfare demands, and the state's public policy requires:

13355 (a) That for the benefit of the people of the State of
13356 Mississippi, it is essential to foster and promote the issuing of
13357 bonds by local government units jointly or severally, including
13358 any joint bond issuance with a county, parish or other foreign
13359 political subdivision in another state.

13360 (b) That the bonds to be issued pursuant to this
13361 chapter shall be of any type permissible to be issued by any local
13362 government unit without limitation.

13363 (c) That the purposes of the bonds issued under this
13364 chapter are for acquiring land and/or acquiring or constructing
13365 buildings, fixtures, machinery, equipment, infrastructure,
13366 utilities, port or airport facilities, roads, railroad spurs and



13367 other related projects that have or will provide a
13368 multijurisdictional benefit.

13369 (d) That the projects contemplated under this chapter
13370 are to provide economic development benefits, including, but not
13371 limited to, industry, distribution, commerce, tourism, healthcare
13372 and other purposes in which the public purpose and interest of the
13373 people of the state is served.

13374 (e) That costs and revenues connected with a project
13375 should both be shared by the members of the alliance created
13376 pursuant to this chapter.

13377 (f) That the authority granted under this chapter and
13378 the purposes to be accomplished hereby are proper governmental and
13379 public purposes and that the resulting economic benefits to the
13380 state are of paramount importance, mandating that the provisions
13381 of this chapter be liberally construed and applied in order to
13382 advance the public purposes.

13383 **SECTION 428.** Section 57-64-5, Mississippi Code of 1972, is
13384 brought forward as follows:

13385 57-64-5. It is the purpose of this chapter to permit local
13386 government units of the state to make the most efficient use of
13387 their powers and resources by enabling them to cooperate and to
13388 contract with other local government units, including foreign
13389 governmental units from another state, on a basis of mutual
13390 advantage, to share the costs of and revenues derived from a
13391 project, and to pledge revenue from a project to secure payment of



13392 the bonds issued for the project, and thereby provide services and
13393 facilities in a manner pursuant to forms of governmental
13394 organization that will accord best with geographic, economic,
13395 population and other factors influencing the needs and economic
13396 development of the local government units.

13397 **SECTION 429.** Section 57-64-7, Mississippi Code of 1972, is
13398 brought forward as follows:

13399 57-64-7. For the purposes of this chapter, the following
13400 words shall be defined as herein provided unless the context
13401 requires otherwise:

13402 (a) "Alliance" means a regional economic development
13403 alliance created under this chapter.

13404 (b) "Bond" or "bonds" means bonds, notes or other evidence
13405 of indebtedness of the local government unit issued pursuant to
13406 this chapter.

13407 (c) "Cost of project" means all costs of site preparation
13408 and other start-up costs; all costs of construction; all costs of
13409 fixtures and of real and personal property required for the
13410 purposes of the project and facilities related thereto, whether
13411 publicly or privately owned, including land and any rights or
13412 undivided interest therein, easements, franchises, fees, permits,
13413 approvals, licenses, and certificates and the securing of such
13414 permits, approvals, licenses, and certificates and all machinery
13415 and equipment, including motor vehicles which are used for project
13416 functions; and including any cost associated with the closure,



13417 post-closure maintenance or corrective action on environmental
13418 matters, financing charges and interest prior to and during
13419 construction and during such additional period as the alliance may
13420 reasonably determine to be necessary for the placing of the
13421 project in operation; costs of engineering, surveying,
13422 environmental geotechnical, architectural and legal services;
13423 costs of plans and specifications and all expenses necessary or
13424 incident to determining the feasibility or practicability of the
13425 project; administrative expenses; and such other expenses as may
13426 be necessary or incidental to the financing authorized in this
13427 chapter. The costs of any project may also include funds for the
13428 creation of a debt service reserve, a renewal and replacement
13429 reserve, bond insurance and credit enhancement, and such other
13430 reserves as may be reasonably required by the alliance for the
13431 operation of its projects and as may be authorized by any bond
13432 resolution or trust agreement or indenture pursuant to the
13433 provisions of which the issuance of any such bonds may be
13434 authorized. Any obligation or expense incurred for any of the
13435 foregoing purposes shall be regarded as a part of the costs of the
13436 project and may be paid or reimbursed as such out of the proceeds
13437 of user fees, of revenue bonds or notes issued under this chapter
13438 for such project, or from other revenues obtained by the alliance.

13439 (d) "County" means any county of this state.

13440 (e) "Foreign governmental unit" means any county, parish,
13441 city, town, village, utility district, school district, any



13442 community college, any institution of higher learning, any
13443 municipal airport authority, regional airport authority, port
13444 authority or any other political subdivision of another state.

13445 (f) "Governing body" means the board of supervisors of any
13446 county or the governing board of any city, town or village, the
13447 governing body of any utility district, the governing body of any
13448 school district or community college, the Board of Trustees of
13449 State Institutions of Higher Learning, the governing body of any
13450 municipal or regional airport authority, the governing body of any
13451 port authority, or the governing body of any other political
13452 subdivision of the state. As to the state, the term governing
13453 body means the State Bond Commission.

13454 (g) "Holder of bonds" or "bondholder" or any similar term
13455 means any person who shall be the registered owner of any such
13456 bond or bonds which shall at the time be registered.

13457 (h) "Law" means any act or statute, general, special or
13458 local, of this state.

13459 (i) "Local government unit" means any county or incorporated
13460 city, town or village in the state, any school district, any
13461 utility district, any community college, any institution of higher
13462 learning, any municipal airport authority, any regional airport
13463 authority, any port authority or any other political subdivision
13464 of the state acting jointly or severally.

13465 (j) "MDA" means the Mississippi Development Authority.



13466 (k) "Municipality" means any incorporated municipality in
13467 the state.

13468 (l) "Person" means a natural person, partnership,
13469 association, corporation, business trust or other business entity.

13470 (m) "Project" means and includes any of the following which
13471 promotes economic development or which assists in the creation of
13472 jobs, whether publicly or privately owned:

13473 (i) Acquisition, construction, repair, renovation,
13474 demolition or removal of:

- 13475 1. Buildings and site improvements (including
13476 fixtures);
- 13477 2. Potable and nonpotable water supply
13478 systems;
- 13479 3. Sewage and waste disposal systems;
- 13480 4. Storm water drainage and other drainage
13481 systems;
- 13482 5. Airport facilities;
- 13483 6. Rail lines and rail spurs;
- 13484 7. Port facilities;
- 13485 8. Highways, streets and other roadways;
- 13486 9. Fire suppression and prevention systems;
- 13487 10. Utility distribution systems, including,
13488 but not limited to, water, electricity, natural gas, telephone and
13489 other information and telecommunications facilities, whether by
13490 wire, fiber or wireless means; provided, however, that electrical,



13491 natural gas, telephone and telecommunication systems shall be
13492 constructed, repaired or renovated only for the purpose of
13493 completing the project and connecting to existing utility systems
13494 (this provision shall not be construed to prevent a city, county
13495 or natural gas district from supplying utility service that it is
13496 authorized to supply in the service area that it is authorized to
13497 serve);

13498 11. Business, industrial and technology parks
13499 and the acquisition of land and acquisition or construction of
13500 improvements to land connected with any of the preceding purposes;

13501 (ii) County purposes authorized by or defined in
13502 Sections 17-5-3 and 19-9-1, (except Section 19-9-1(f));

13503 (iii) Municipal purposes authorized by or defined
13504 in Sections 17-5-3, 17-17-301 et seq., 21-27-23 and 21-33-301;

13505 (iv) Refunding of bonds as authorized in Section
13506 21-27-1 et seq.; and

13507 (v) A project as defined in Section 57-75-5(f)(i)
13508 or a facility related to the project as defined in Section
13509 57-75-5(d), or both.

13510 (n) "Resolution" means a resolution, ordinance, act,
13511 record of minutes or other appropriate enactment of a governing
13512 body.

13513 (o) "Revenues" mean any and all taxes, fees, rates,
13514 rentals, profits and receipts collected by, payable to, or
13515 otherwise derived by, the local government units and foreign



13516 governmental units, and all other monies and income of whatsoever
13517 kind or character collected by, payable to, or otherwise derived
13518 by, the local government unit and foreign governmental units in
13519 connection with the economic development projects provided through
13520 this chapter.

13521 (p) "Security" means a bond, note or other evidence of
13522 indebtedness issued by a local government unit pursuant to the
13523 provisions of this chapter.

13524 (q) "State" means the State of Mississippi.

13525 **SECTION 430.** Section 57-64-9, Mississippi Code of 1972, is
13526 brought forward as follows:

13527 57-64-9. (1) Prior to issuing bonds to finance any proposed
13528 project under this chapter, the local government unit shall submit
13529 an application to the MDA for a certificate of public convenience
13530 and necessity. The application shall be in such form and content
13531 as the MDA shall from time to time prescribe.

13532 (2) The MDA shall investigate, find and determine, upon
13533 application of any local government unit therefor, as to whether a
13534 certificate of public convenience and necessity shall be issued to
13535 such local government unit to authorize creation of an alliance.
13536 The MDA is authorized and empowered, having due regard to the
13537 promotion of the public policy and the general welfare herein
13538 declared, to issue or refuse to issue a certificate of public
13539 convenience and necessity for the alliance to the local government
13540 unit. The MDA shall issue or refuse to issue the certificate of



13541 public convenience and necessity within six (6) months after it
13542 receives such application. If and when such certificate is
13543 issued, it shall authorize the particular local government unit to
13544 create and operate the alliance but, except as otherwise provided
13545 in subsection (4) of this section, the certificate shall expire
13546 twelve (12) months from its date unless within that time such
13547 alliance shall have been created. Any application rejected may be
13548 resubmitted.

13549 (3) If and when a certificate is issued, the MDA therein
13550 shall fix and determine:

13551 (a) The extent and amount to which the local government
13552 unit may issue bonds or make expenditures for such alliance;

13553 (b) The extent and amount that the revenues derived
13554 from the project shall be shared by the local government unit with
13555 other members of the alliance;

13556 (c) The extent and amount that the revenues derived
13557 from the project may be pledged to secure payment of the bonds
13558 issued to finance the project;

13559 (d) What property may be acquired therefor;

13560 (e) The terms upon which such acquisition may be had;

13561 (f) What expenditures may be made; and

13562 (g) The construction of buildings and of equipment with
13563 its installation.

13564 If the governing body of the local government unit fails or
13565 refuses to follow the requirements made by the MDA in the



13566 certificate, then the members of the governing body of the local
13567 government unit voting for such failure or refusal shall be
13568 individually and personally liable until they have been out of
13569 office for one (1) year, and liable upon their official bonds for
13570 any loss that the local government unit may sustain by reason of
13571 such failure or refusal to follow the requirements, and in
13572 addition may be compelled by injunction to comply with such
13573 requirements.

13574 (4) (a) As an alternative to the procedure provided in
13575 subsection (1) of this section, local governmental units desiring
13576 to create an alliance may initially apply to the MDA for the
13577 creation of an alliance without identifying or providing details
13578 about a specific project for which the local governmental units
13579 desire to create an alliance. Upon receipt of such an
13580 application, the MDA shall review the application and determine
13581 whether it is appropriate for the issuance of an initial
13582 certificate of public convenience and necessity to the local
13583 government units authorizing the creation of an alliance. If the
13584 MDA determines the application for the creation of an alliance is
13585 appropriate, the MDA shall issue an initial certificate of public
13586 convenience and necessity authorizing the creation of an alliance
13587 and authorizing the expenditure of funds by the alliance. An
13588 alliance created under this subsection (4) may make a subsequent
13589 application to the MDA identifying and providing details about a
13590 specific project or projects along with the methods of financing



13591 or amounts required for each project as provided under subsection
13592 (3) of this section. Upon receipt of such an application, the MDA
13593 shall review the application and determine whether it is
13594 appropriate for the issuance of a subsequent certificate of public
13595 convenience and necessity. If the MDA determines the application
13596 for a subsequent certificate of public convenience and necessity
13597 is appropriate, the MDA shall issue a subsequent certificate of
13598 public convenience and necessity authorizing and approving the
13599 project including the items provided in subsection (3) of this
13600 section.

13601 (b) A certificate of public convenience and necessity
13602 issued under this subsection (4) shall not expire until the local
13603 governmental units comprising the alliance terminate and dissolve
13604 the alliance.

13605 **SECTION 431.** Section 57-64-11, Mississippi Code of 1972, is
13606 brought forward as follows:

13607 57-64-11. (1) After receiving a certificate of public
13608 convenience and necessity from the MDA, the local government unit
13609 is empowered and authorized, from time to time, to issue bonds up
13610 to the maximum principal amount authorized in the certificate.

13611 (2) After receiving a certificate of public convenience and
13612 necessity from the MDA, the governing body of any local government
13613 unit entering into an agreement pursuant to this chapter may incur
13614 bonded and floating indebtedness by issuing general obligation
13615 bonds, revenue bonds or special assessment bonds as authorized by



13616 any statute authorizing the issuance of such bonds, and otherwise
13617 incur indebtedness in any manner for which the local government
13618 unit is authorized by statute to incur debt, and may appropriate
13619 funds for the purposes and in the manner prescribed by law without
13620 regard to whether the activities and improvements authorized by
13621 this chapter to be financed by such debt or appropriation are
13622 within or without the boundaries of the local government unit.
13623 Revenues derived from any project financed with bonds issued
13624 pursuant to this chapter may be pledged, in whole or in part, to
13625 secure payment of the bonded indebtedness incurred to finance the
13626 project. Such governing body may sell, lease, grant or otherwise
13627 supply goods and services to any other local government unit which
13628 is a party to the agreement or the administrative body or legal
13629 entity created to operate the joint or cooperative undertaking.

13630 **SECTION 432.** Section 57-64-13, Mississippi Code of 1972, is
13631 brought forward as follows:

13632 57-64-13. (1) Any power, authority or responsibility
13633 exercised or capable of being exercised by a local government unit
13634 of this state may be exercised and carried out jointly with any
13635 other local government unit of this state or with a foreign
13636 governmental unit of another state, any state board, agency or
13637 commission and any public agency of the United States, to the
13638 extent that the laws of the United States permit such joint
13639 exercise or enjoyment.



13640 (2) No such power, authority and responsibility may be
13641 exercised under the provisions of this chapter which will have the
13642 effect of abolishing any office which is held by a person elected
13643 by the citizenry.

13644 (3) No agreement made under this chapter shall be entered
13645 into by any local government unit without the approval by
13646 resolution on the minutes of the governing body of that local
13647 government unit.

13648 (4) Any joint undertaking entered into under this chapter
13649 shall be evidenced by written contractual agreements for joint or
13650 cooperative action to provide services and facilities pursuant to
13651 the provisions of this chapter which agreements shall be approved
13652 by the MDA. Appropriate action by ordinance, resolution or
13653 otherwise pursuant to the law controlling the participating local
13654 government units or agencies shall be necessary before any such
13655 agreement shall be in force.

13656 (5) An alliance created pursuant to this chapter may take
13657 any action with respect to a project that any local government
13658 unit member may take. If one (1) member of the alliance shall
13659 have authority to undertake a particular project or pursue a
13660 particular action with respect to such project, then the alliance
13661 shall have identical authority so to do. No local government unit
13662 shall be precluded from joining an alliance, and it shall not be
13663 the basis for denying an application for a certificate of
13664 convenience and necessity by the MDA, solely because the alliance



13665 may have power to take actions that the local government unit
13666 acting alone could not take.

13667 **SECTION 433.** Section 57-64-15, Mississippi Code of 1972, is
13668 brought forward as follows:

13669 57-64-15. (1) The local government unit shall be the issuer
13670 of any debt incurred hereunder and the proceeds of such debt shall
13671 be made available to the alliance in order to provide funds to
13672 defray the costs of a project.

13673 (2) The local government unit shall have power in the
13674 issuance of its bonds to:

13675 (a) Covenant as to the use of any or all of its
13676 property, real or personal.

13677 (b) Redeem the bonds, to covenant for their redemption
13678 and to provide the terms and conditions thereof.

13679 (c) Covenant to charge rates, fees and charges
13680 sufficient to meet operating and maintenance expenses, renewals
13681 and replacements, principal and debt service on bonds, creation
13682 and maintenance of any reserves required by a bond resolution,
13683 trust indenture or other security instrument and to provide for
13684 any margins or coverages over and above debt service on the bonds
13685 deemed desirable for the marketability of the bonds.

13686 (d) Covenant and prescribe as to events of default and
13687 terms and conditions upon which any or all of its bonds shall
13688 become or may be declared due before maturity, as to the terms and
13689 conditions upon which such declaration and its consequences may be



13690 waived and as to the consequences of default and the remedies of
13691 bondholders.

13692 (e) Covenant as to the mortgage or pledge of or the
13693 grant of a security interest in any real or personal property and
13694 all or any part of the revenues from any facilities or any
13695 revenue-producing contract or contracts made by the compact with
13696 any person to secure the payment of bonds, subject to such
13697 agreements with the holders of bonds as may then exist.

13698 (f) Covenant as to the custody, collection, securing,
13699 investment and payment of any revenue assets, monies, funds or
13700 property with respect to which the compact may have any rights or
13701 interest.

13702 (g) Covenant as to the purpose to which the proceeds
13703 from the sale of any bonds then or thereafter to be issued may be
13704 applied, and the pledge of such proceeds to secure the payment of
13705 the bonds.

13706 (h) Covenant as to the limitations on the issuance of
13707 any additional bonds, the terms upon which additional bonds may be
13708 issued and secured, and the refunding of outstanding bonds.

13709 (i) Covenant as to the rank or priority of any bonds
13710 with respect to any lien or security.

13711 (j) Covenant as to the procedure by which the terms of
13712 any contract with or for the benefit of the holders of bonds may
13713 be amended or abrogated, the amount of bonds the holders of which



13714 must consent thereto, and the manner in which such consent may be
13715 given.

13716 (k) Covenant as to the custody of any of its properties
13717 or investments, the safekeeping thereof, the insurance to be
13718 carried thereon, and the use and disposition of insurance
13719 proceeds.

13720 (l) Covenant as to the vesting in a trustee or
13721 trustees, within or outside the state, of such properties, rights,
13722 powers and duties in trust as the local government unit may
13723 determine.

13724 (m) Covenant as to the appointing and providing for the
13725 duties and obligations of a paying agent or paying agents or other
13726 fiduciaries within or outside the state.

13727 (n) Make all other covenants and to do any and all such
13728 acts and things as may be necessary or convenient or desirable in
13729 order to secure its bonds, including providing a debt service
13730 reserve fund, bond insurance and credit enhancement, or in the
13731 absolute discretion of the local government unit make the bonds
13732 more marketable, notwithstanding that such covenants, acts or
13733 things may not be enumerated herein; it being the intention hereof
13734 to give the local government unit power to do all things in the
13735 issuance of bonds and in the provisions for security thereof which
13736 are not inconsistent with the Mississippi Constitution of 1890.

13737 (o) Execute all instruments necessary or convenient in
13738 the exercise of the powers herein granted or in the performance of



13739 covenants or duties, which may contain such covenants and
13740 provisions, as any purchaser of the bonds of the local government
13741 unit may reasonably require.

13742 (3) Before the local government unit may issue any bonds to
13743 finance any debt relating to a proposed project under this
13744 chapter, the governing authority of the local government unit
13745 shall advertise, in addition to any other publication required by
13746 law, its intention to issue the bonds. The intention to issue
13747 bonds shall include (a) the amount of bonds proposed to be issued;
13748 (b) the purpose for which the bonds are to be issued, including a
13749 specific description of the proposed project for which the
13750 proceeds of the bonds may be used and extended; and (c) the date
13751 upon which the governing authority proposes to direct the issuance
13752 of such bonds. Such intention to issue bonds shall be published
13753 once in at least one (1) newspaper published in such local
13754 government unit. The publication of such intention to issue bonds
13755 shall be made not less than thirty (30) days before the date upon
13756 which the governing authority proposes to direct the issuance of
13757 the bonds. If no newspaper be published in such local government
13758 unit, then such notice shall be given by publishing the intention
13759 to issue bonds for the required time in some newspaper having a
13760 general circulation in such local government unit and, in
13761 addition, by posting a copy of such intention to issue bonds for
13762 at least thirty (30) days next preceding the date fixed therein at
13763 three (3) public places in such local government unit. The



13764 newspaper publication shall be a notice that shall not be less
13765 than forty (40) square inches in size and surrounded by a
13766 one-fourth-inch solid black border. The notice shall be headlined
13767 "NOTICE OF BOND ISSUE" and the headline shall be no smaller than
13768 thirty (30) point type. The remainder of the notice shall be no
13769 smaller than ten (10) point type. The notice shall not be placed
13770 in any portion of the newspaper where legal notices and classified
13771 advertisements appear.

13772 **SECTION 434.** Section 57-64-17, Mississippi Code of 1972, is
13773 brought forward as follows:

13774 57-64-17. The MDA is hereby authorized and empowered to
13775 promulgate and put into effect, in accordance with the Mississippi
13776 Administrative Procedures Law, all reasonable rules and
13777 regulations that it may deem necessary to carry out the provisions
13778 of the Regional Economic Development Act. Nothing in the Regional
13779 Economic Development Act shall in any way confer to the MDA the
13780 authority to impose a sales tax or other tax of any kind.

13781 **SECTION 435.** Section 57-64-19, Mississippi Code of 1972, is
13782 brought forward as follows:

13783 57-64-19. (1) The alliance is authorized to cooperate and
13784 coordinate with economic development commissions, authorities,
13785 districts, travel, and other similar commissions and boards, or
13786 other similar agencies of other states, the federal government,
13787 and with county, municipal, and regional economic development,
13788 travel, and other similar commissions or boards, or other agencies



13789 thereof, and other political subdivisions of this state, for the
13790 purposes of securing economic development within the State of
13791 Mississippi and other states, and to accomplish this purpose.

13792 (2) With regard to a project as defined in Section
13793 57-75-5(f)(xxi) a regional economic development alliance shall
13794 have the following powers:

13795 (a) [Repealed]

13796 (b) To negotiate the necessary relocation or rerouting
13797 of roads and highways, railroad, telephone and telegraph lines and
13798 properties, electric power lines, pipelines and related
13799 facilities, cellular towers and related facilities, or to require
13800 the anchoring or other protection of any of these, provided due
13801 compensation is paid to the owners thereof or agreement is had
13802 with such owners regarding the payment of the cost of such
13803 relocation, and to acquire by condemnation or otherwise easements
13804 or rights-of-way for such relocation or rerouting and to convey
13805 the same to the owners of the facilities being relocated or
13806 rerouted in connection with the purposes of the project.

13807 (c) To negotiate the necessary relocation of graves and
13808 cemeteries and to pay all reasonable costs thereof as necessary
13809 for the project.

13810 (d) To lease, sell or convey any or all property
13811 acquired by the alliance or its agent under the provisions of this
13812 section to the enterprise operating the project, its affiliates,
13813 successors or assigns, and in connection therewith to warrant



13814 title to pay the costs of title search, perfection of title, title
13815 insurance and recording fees as may be required for the project.

13816 (e) To establish and maintain reasonable rates and
13817 charges for the use of any facility or property within the project
13818 area owned or operated by the alliance, and from time to time, to
13819 adjust such rates and to impose penalties for failure to pay such
13820 rates and charges when due as necessary for the project.

13821 (f) To establish land use restrictions within the lands
13822 adjacent to the project site. Within the lands identified as
13823 necessary for the project, the following land uses are prohibited:

13824 (i) Heavy industrial uses, where the assembly,
13825 fabrication, or processing of goods and materials using processes
13826 that ordinarily have greater than average impacts on the
13827 environment, or that ordinarily have significant impacts on the
13828 use and enjoyment of other properties in terms of noise, smoke,
13829 fumes, odors, glare, or health or safety hazards, which shall
13830 include, enameling, lacquering; foundries producing iron and steel
13831 products; industrial chemical manufacture; meat packing plants;
13832 oxygen manufacture and/or storage; pottery, porcelain and vitreous
13833 china manufacture; poultry dressing for wholesale; pressure
13834 treating of wood; stone cutting; tire recapping and retreading;
13835 resource extraction; and recycling and salvage operations.

13836 (ii) All temporary or permanent living quarters,
13837 including, without limitation, houses, residential buildings,
13838 apartments, motels, hotels, motor lodges, mobile home parks,



13839 camping grounds, nursing homes, independent and assisted living
13840 facilities.

13841 (iii) Schools, day care centers and hospitals.

13842 (iv) Any of the uses set forth in this paragraph

13843 (f) which are ancillary or adjacent to an otherwise permitted use.

13844 Notwithstanding the foregoing, these land use restrictions
13845 will not prohibit the continuation of existing uses, including
13846 rebuilding substantially in conformity with the use in existence
13847 immediately before a casualty loss. For a period of twelve (12)
13848 months from the date of adoption, the property owners within the
13849 lands identified as necessary for the project have a vested right
13850 to complete any new land use that is currently under construction.

13851 (g) To execute contractual agreements to warrant the
13852 project site for any and all preexisting environmental issues and
13853 to indemnify an enterprise owning a project on that site for such
13854 preexisting environmental issues.

13855 (h) To adopt and enforce all necessary and reasonable
13856 rules and regulations restrictions to carry out and effectuate the
13857 implementation of the project concerning mining or any other
13858 activity the occurrence of which may endanger the structure or
13859 operation of the project. These rules may be enforced within the
13860 project area and without the project area as necessary to protect
13861 the structure and operation of the project.

13862 **SECTION 436.** Section 57-64-21, Mississippi Code of 1972, is
13863 brought forward as follows:



13864 57-64-21. Any agreement made under this chapter shall
13865 specify the following:

13866 (a) Its duration.

13867 (b) Its purpose or purposes.

13868 (c) The precise organization, composition, nature and
13869 powers of any separate legal or administrative entity created
13870 thereby and the specific citation of statutory authority vested in
13871 each of the local government units which is to be a party to the
13872 agreement.

13873 (d) The manner of financing, staffing and supplying the
13874 joint or cooperative undertaking and of establishing and
13875 maintaining a budget therefor; provided that the treasurer and/or
13876 disbursing officer of one (1) of the local government units shall
13877 be designated in the agreement to receive, disburse and account
13878 for all funds of the joint undertaking as a part of the duties of
13879 the officer or officers.

13880 (e) The permissible method or methods to be employed in
13881 operating the alliance and the project and accomplishing the
13882 partial or complete termination or amendment of the agreement and
13883 for disposing of property upon such partial or complete
13884 termination or amendment.

13885 (f) The provision for administration of issuance of any
13886 bonds under this chapter by a local government unit exercising the
13887 power authorized by this chapter.



13888 (g) The manner of acquiring, holding and disposing of
13889 real and personal property used in the joint or cooperative
13890 undertaking in the event that the agreement does not or may not
13891 establish a separate legal entity to conduct the joint or
13892 cooperative undertaking.

13893 (h) A provision specifying the terms and conditions
13894 that would cause the alliance to be terminated.

13895 (i) The manner in which the costs of the project shall
13896 be shared between the local government units.

13897 (j) The manner in which the revenues from the project
13898 shall be shared by the local government units.

13899 (k) Any other necessary and proper matters.

13900 **SECTION 437.** Section 57-64-23, Mississippi Code of 1972, is
13901 brought forward as follows:

13902 57-64-23. (1) In the event that an agreement made pursuant
13903 to this chapter shall deal in whole or in part with the provision
13904 of services or facilities with regard to which an officer, unit or
13905 agency of the state government has constitutional or statutory
13906 powers of control, the agreement shall, as a condition precedent
13907 to its being in force, be submitted to the state officer, unit or
13908 agency having such power of control and shall be approved or
13909 disapproved by him or it as to all matters within his or its
13910 jurisdiction in the same manner and subject to the same
13911 requirements governing action of the Attorney General pursuant to
13912 subsection (2) of this section.



13913 (2) Every agreement made by a local government unit under
13914 this chapter shall, prior to and as a condition precedent to its
13915 entry into force, be submitted to the Attorney General of this
13916 state who shall determine whether the agreement is in proper form
13917 and compatible with the laws of this state. The Attorney General
13918 shall approve any such agreement submitted to him hereunder unless
13919 he shall find that it does not meet the conditions set forth
13920 herein and elsewhere in the laws of this state and shall detail in
13921 writing addressed to the governing bodies of the units concerned
13922 the specific respects in which the proposed agreement fails to
13923 meet the requirements of law.

13924 Failure to disapprove an agreement submitted hereunder within
13925 sixty (60) days of its submission shall constitute approval
13926 thereof.

13927 (3) Prior to its being in force, an agreement made pursuant
13928 to this chapter shall be filed with the chancery clerk of each of
13929 the counties wherein a participating local government unit is
13930 located and with the Secretary of State. The chancery clerk and
13931 the Secretary of State shall preserve such agreements as public
13932 records and index and docket the same separate and apart from all
13933 other records in his office.

13934 **SECTION 438.** Section 57-64-25, Mississippi Code of 1972, is
13935 brought forward as follows:

13936 57-64-25. All laws in regard to purchases, auditing,
13937 depositories and expenditures in general which limit the authority



13938 of the agreeing local governing units shall also apply to any
13939 joint body created by the agreement pursuant to the provisions of
13940 this chapter.

13941 **SECTION 439.** Section 57-64-27, Mississippi Code of 1972, is
13942 brought forward as follows:

13943 57-64-27. (1) The powers and authority granted and set
13944 forth in this chapter shall be additional and supplemental to any
13945 other powers and authority granted by law and shall not amend,
13946 repeal or supersede any other powers and authority granted by law.

13947 (2) Nothing in this chapter shall authorize an alliance to
13948 provide utility services, other than water and sewage, for
13949 compensation. This subsection shall not be construed to prevent a
13950 city, county or natural gas district from supplying utility
13951 service that it is authorized to supply in the service area that
13952 it is authorized to serve.

13953 (3) Nothing in this chapter shall be construed to limit the
13954 authority of any local government unit to plan, construct, expand
13955 or maintain a project as defined in this chapter utilizing any
13956 method not included in this chapter, nor shall the authority to
13957 issue bonds to finance such projects or oversight of the project
13958 be construed to be transferred to the MDA.

13959 **SECTION 440.** Section 57-64-29, Mississippi Code of 1972, is
13960 brought forward as follows:

13961 57-64-29. A local government unit that is a member of a
13962 regional economic development alliance created under the Regional



13963 Economic Development Act is authorized to negotiate a purchase
13964 option for real property to be used for the purposes of the
13965 alliance. A local government unit may pay all costs incurred for
13966 the acquisition of such an option regardless of whether the local
13967 government unit exercises the option at a later date. As a part
13968 of any such option, a local government unit may negotiate the
13969 right to enter upon the real property before the purchase for the
13970 purpose of conducting any preliminary engineering, environmental
13971 and related surveys or studies necessary to effectuate the option.
13972 A local government unit may pay all costs incurred for such
13973 surveys or studies regardless of whether the local government unit
13974 exercises the option at a later date.

13975 **SECTION 441.** Section 57-64-31, Mississippi Code of 1972, is
13976 brought forward as follows:

13977 57-64-31. The board of supervisors of any county that is a
13978 member of a regional economic development alliance created under
13979 the Regional Economic Development Act may exercise the power of
13980 eminent domain for the purpose of acquiring land, property and/or
13981 rights-of-way for a project as defined in Section 57-75-5(f)(i) or
13982 any facility related to the project as defined in Section
13983 57-75-5(d), or both. The board of supervisors of such a county
13984 shall not exercise the authority granted under this section
13985 without first receiving a binding commitment providing that such a
13986 project will be located in a county that is a member of the
13987 regional economic development alliance. The board of supervisors



13988 of such a county shall not exercise the power of eminent domain
13989 under this section after July 1, 2006.

13990 **SECTION 442.** Section 57-65-1, Mississippi Code of 1972, is
13991 brought forward as follows:

13992 57-65-1. (1) The * * * Mississippi Development Authority
13993 may establish a Mississippi International Trade Institute,
13994 hereinafter referred to as the MITI.

13995 (2) It shall be the function and duties of the MITI to:

13996 (a) Gather, evaluate, interpret and publish
13997 international trade data on Mississippi's foreign trade.

13998 (b) Represent the state in responding to, and
13999 assisting, foreign officials or business representatives and
14000 domestic representatives in undertaking appropriate foreign trade
14001 development.

14002 (c) Establish liaison with those federal and state
14003 agencies and organizations engaged in international trade to
14004 assure for Mississippi the best possible posture for expanding its
14005 international trade economy.

14006 (d) Serve as a clearinghouse for inquiries received
14007 from foreign business persons seeking information on product
14008 distribution, sales, trade agreements, manufacturing, licensing
14009 and similar matters.

14010 (e) Publish a directory of prominent businesses and
14011 organizations in Mississippi's foreign trade, with a product
14012 guide.



14013 (f) Provide special assistance to Mississippi's
14014 agricultural producers and firms engaged in the marketing of
14015 agricultural products produced in Mississippi to develop overseas
14016 markets.

14017 (g) Communicate with foreign, national, state and local
14018 agencies, and public and private persons, associations and
14019 corporations regarding international marketing of agricultural
14020 products produced in Mississippi.

14021 (3) In executing the duties assigned in this section, the
14022 MITI shall work closely with other state and local agencies having
14023 responsibility for economic development.

14024 (4) It is the intention of the Legislature that the * * *
14025 Mississippi Development Authority shall establish such institute
14026 if personnel and funds are made available therefor.

14027 **SECTION 443.** Section 57-67-1, Mississippi Code of 1972, is
14028 brought forward as follows:

14029 57-67-1. This chapter shall be known and may be cited as the
14030 "Mississippi Superconducting Super Collider Act."

14031 **SECTION 444.** Section 57-67-3, Mississippi Code of 1972, is
14032 brought forward as follows:

14033 57-67-3. The Legislature hereby finds and declares that:

14034 (a) There exists in the State of Mississippi a
14035 continuing need for gainful employment for the citizens of this
14036 state.



14037 (b) To help provide employment opportunities, a
14038 division within the Office of the Governor should be created with
14039 power to secure the location within this state of the particle
14040 beam accelerator known as the Superconducting Super Collider that
14041 the United States Department of Energy is planning to build.

14042 (c) In accomplishing this purpose, such division will
14043 be acting in all respects for the benefit of the people of the
14044 state in the performance of essential public functions and is
14045 serving a valid public purpose in improving and otherwise
14046 promoting their health, welfare and prosperity, and the enactment
14047 of the provisions hereinafter set forth is for a valid public
14048 purpose.

14049 (d) Public agencies of the state, as herein defined,
14050 must be authorized and empowered to contract with and cooperate
14051 with the authority for the purposes herein set out.

14052 (e) The borrowing of money and the issuance of bonds
14053 and state bonds for the purposes hereinafter set out serves valid
14054 public purposes in that the project will significantly contribute
14055 to the employment base and scientific and educational growth of
14056 the state.

14057 **SECTION 445.** Section 57-67-5, Mississippi Code of 1972, is
14058 brought forward as follows:

14059 57-67-5. Words and phrases used in this chapter shall have
14060 meanings as follows, unless the context clearly indicates a
14061 different meaning:



14062 (a) "Act" means the Mississippi Superconducting Super
14063 Collider Act as originally enacted or as hereafter amended.

14064 (b) "Authority" means the Mississippi Superconducting
14065 Super Collider Authority created pursuant to the chapter.

14066 (c) "Bonds" means bonds, interim notes and other
14067 certificates of indebtedness of the authority issued pursuant to
14068 the provisions of Sections 57-67-19 through 57-67-31.

14069 (d) "Facility related to the project" means and
14070 includes any of the following, as the same may pertain to the
14071 project:

14072 (i) Facilities to provide potable and industrial
14073 water supply systems (including cooling lakes) and sewage and
14074 waste disposal systems to the site of the project;

14075 (ii) Airports, airfields and air terminals;

14076 (iii) Rail lines;

14077 (iv) Port facilities on the Tennessee-Tombigbee
14078 Waterway;

14079 (v) Highways, streets and other roadways;

14080 (vi) Public school buildings, classrooms and
14081 instructional facilities, including any functionally related
14082 facilities;

14083 (vii) Parks, outdoor recreation facilities and
14084 athletic facilities; and



14085 (viii) Auditoriums, pavilions, campgrounds, art
14086 centers, cultural centers, folklore centers and other public
14087 facilities.

14088 (e) "Person" means any natural person, corporation,
14089 association, partnership, receiver, trustee, guardian, executor,
14090 administrator, fiduciary, governmental unit, public agency,
14091 political subdivision, or any other group acting as a unit, and
14092 the plural as well as the singular.

14093 (f) "Project" means the superconducting super colliding
14094 particle beam accelerator, known as the Superconducting Super
14095 Collider, proposed to be constructed by the United States
14096 Department of Energy, as described in the Invitation for Proposals
14097 issued by said department, as now or hereafter supplemented or
14098 amended, together with all real property required for
14099 construction, maintenance and operation of the Superconducting
14100 Super Collider, and all buildings, tunneling and other supporting
14101 land and facilities required or useful for construction,
14102 maintenance and operation of the Superconducting Super Collider.

14103 (g) "Project area" means the project site, together
14104 with any area or territory within the state lying within fifty
14105 (50) air miles from any portion of the project site to be conveyed
14106 to the Department of Energy, whether or not such area or territory
14107 be contiguous. "Project site" means the real property to be
14108 conveyed to the United States Department of Energy as set forth in



14109 the application to be filed with the Department of Energy by the
14110 authority.

14111 (h) "Public agency" means and includes:

14112 (i) The state and any department, board,
14113 commission, institution or other agency or instrumentality of the
14114 state, including, but not limited to, the Board of Trustees of
14115 State Institutions of Higher Learning and the State Board of
14116 Education;

14117 (ii) Any city, town, county, political
14118 subdivision, school district or other district created or existing
14119 under the laws of the state or any public agency of any such city,
14120 town, county, political subdivision or district;

14121 (iii) Any department, commission, agency or
14122 instrumentality of the United States of America; and

14123 (iv) Any other state of the United States of
14124 America which may be cooperating with respect to location of the
14125 project within the state, or any agency thereof.

14126 (i) "State" means State of Mississippi.

14127 (j) "State bonds" means general obligation bonds, notes
14128 or other evidences of the State of Mississippi issued under
14129 Section 57-67-15.

14130 **SECTION 446.** Section 57-67-7, Mississippi Code of 1972, is
14131 brought forward as follows:

14132 57-67-7. (1) There is created within the Office of the
14133 Governor a division to be known as the "Mississippi



14134 Superconducting Super Collider Authority" for the performance of
14135 essential public functions. The Governor shall appoint, with the
14136 advice and consent of the Senate, an executive director, who shall
14137 serve at the will and pleasure of the Governor. The Governor
14138 shall prescribe the duties of and fix the compensation of such
14139 executive director. The executive director shall have the
14140 authority to employ and dismiss employees of the authority.

14141 (2) The executive director shall administer, manage and
14142 direct the affairs and business of the authority, subject to the
14143 policies, direction, control and approval of the Governor.

14144 **SECTION 447.** Section 57-67-9, Mississippi Code of 1972, is
14145 brought forward as follows:

14146 57-67-9. (1) The authority is hereby designated and
14147 empowered to act on behalf of the state in submitting a siting
14148 proposal for the project. If the authority is not operational as
14149 of the date of the proposal, the Governor is authorized to submit
14150 the proposal. The authority is empowered to take all steps
14151 appropriate or necessary to effect the siting, development, and
14152 operation of the Superconducting Super Collider research facility
14153 within the state. If the state is selected as the preferred site
14154 for the project, the authority is hereby designated and empowered
14155 to act on behalf of the state and to represent the state in the
14156 planning, financing, development, construction and operation of
14157 the project or any facility related to the project. The authority
14158 shall take affirmative steps to coordinate fully all aspects of



14159 the submission of a siting proposal for the project and, if the
14160 state is selected as the preferred site, to coordinate fully the
14161 development of the project or any facility related to the project
14162 with the United States Department of Energy and other public
14163 agencies. Other state agencies and local governmental entities in
14164 this state shall cooperate to the fullest extent possible to
14165 effectuate the duties of the authority.

14166 (2) To consult with the Governor and with the authority
14167 concerning the siting, development and operation of the
14168 Superconducting Super Collider research facility in the state, the
14169 Governor may establish special advisory committees, as he deems
14170 necessary, which may be composed of lay persons, scientists,
14171 physicists, engineers, other professionals and anyone having
14172 special knowledge of or interest in the project.

14173 **SECTION 448.** Section 57-67-11, Mississippi Code of 1972, is
14174 brought forward as follows:

14175 57-67-11. The authority, in addition to any and all powers
14176 now or hereafter granted to it, is hereby empowered:

14177 (a) To maintain an office at a place or places in the
14178 state.

14179 (b) To employ or contract with architects, engineers,
14180 attorneys, accountants, construction and financial experts and
14181 such other advisors, consultants and agents as may be necessary in
14182 its judgment and to fix and pay their compensation.



14183 (c) To make such applications and enter into such
14184 contracts for financial assistance as may be appropriate under
14185 applicable federal or state law.

14186 (d) To apply for, accept and utilize grants, gifts and
14187 other funds or aid from any source for any purpose contemplated by
14188 the chapter, and to comply, subject to the provisions of this
14189 chapter, with the terms and conditions thereof.

14190 (e) To acquire by purchase, lease, gift, or in other
14191 manner other than by eminent domain, or obtain options to acquire,
14192 and to own, maintain, use, operate and convey any and all property
14193 of any kind, real, personal, or mixed, or any interest or estate
14194 therein, (including easements, rights-of-way, air rights or
14195 subsurface rights, or a stratified fee estate in a specified
14196 volume of land located below, at, or above the surface) within or
14197 without the project area, necessary or convenient for the project
14198 or any facility related to the project or necessary or convenient
14199 for any enhancement offered to secure the siting of the project in
14200 the state or for the exercise of the powers granted by this
14201 chapter.

14202 (f) To acquire by purchase or lease any public lands
14203 and public property, including sixteenth section lands and lieu
14204 lands, within the project area, which are necessary or convenient
14205 for the project. Sixteenth section lands or lieu lands acquired
14206 under this chapter shall be deemed to be acquired for the purposes
14207 of industrial development thereon and such acquisition will serve



14208 a higher public interest in accordance with the purposes of this
14209 chapter.

14210 (g) To make or cause to be made such examinations and
14211 surveys as may be necessary to the planning, design, construction
14212 and operation of the project; and for such purpose the authority,
14213 its agents, servants, or any public agency involved in the project
14214 selection, design, construction or operation, shall have immediate
14215 and full right of entry upon the lands and waters of any person
14216 for the purposes of survey and exploration.

14217 (h) From and after the date of notification to the
14218 authority by the Department of Energy that the state has been
14219 finally selected as the site of the project, to acquire by
14220 condemnation and to own, maintain, use, operate and convey or
14221 otherwise dispose of any and all property of any kind, real,
14222 personal or mixed, or any interest or estate therein, (including
14223 easements, rights-of-way, air rights or subsurface rights, or a
14224 stratified fee estate in a specified volume of land located below,
14225 at, or above the surface), within the project area, necessary or
14226 convenient for the project or any facility related to the project
14227 and the exercise of the powers granted by this chapter, according
14228 to the procedures provided by Chapter 27, Title 11, Mississippi
14229 Code of 1972, except as modified by this chapter. For the
14230 purposes of this chapter, the right of eminent domain shall be
14231 superior and dominant to the right of eminent domain of other
14232 public agencies and of railroad, telephone, telegraph, gas, power



14233 and other companies or corporations and shall extend to public and
14234 private lands including sixteenth section lands. The amount and
14235 character of interest in land, other property, and easements thus
14236 to be acquired shall be determined by the authority, and its
14237 determination shall be conclusive and shall not be subject to
14238 attack in the absence of manifest abuse of discretion or fraud on
14239 the part of the authority in making such determination. However,

14240 (i) In acquiring lands by condemnation, the
14241 authority shall not acquire minerals or royalties in minerals
14242 unless a competent registered professional engineer shall have
14243 certified that the acquisition of such minerals and royalties in
14244 minerals is necessary for purposes of the project; provided that
14245 limestone, clay, chalk, sand and gravel shall not be considered as
14246 minerals within the meaning of this section; and

14247 (ii) Unless minerals or royalties in minerals have
14248 been acquired by condemnation or otherwise, no person or persons
14249 owning the drilling rights or the right to share in production of
14250 minerals shall be prevented from exploring, developing, or
14251 producing oil or gas with necessary rights-of-way for ingress and
14252 egress, pipelines and other means of transporting interests on any
14253 land or interest therein of the authority held or used for the
14254 purposes of this chapter; but any such activities shall be under
14255 such reasonable regulation by the authority as will adequately
14256 protect the project contemplated by this chapter as provided in
14257 subparagraph (s) of this section. For the purpose of acquiring by



14258 condemnation land and easements for the project or any facility
14259 related to the project located within the project area, the
14260 authority shall have the right of immediate possession pursuant to
14261 Sections 11-27-81 through 11-27-89.

14262 (i) In any proceeding in any court which has been or
14263 may be instituted by and in the name of the authority for the
14264 acquisition of any land or easement or right-of-way in land for
14265 the public use as provided in subparagraph (h) of this section,
14266 the authority may file in the cause, with the petition or at any
14267 time before judgment, a declaration of taking signed by the
14268 authority, declaring that said lands are thereby taken for the use
14269 of the authority in connection with the location of the project.
14270 Said declaration of taking shall contain or have annexed thereto:

14271 (i) A statement of the statutory authority under
14272 which and the public use for which said lands are taken.

14273 (ii) A description of the lands taken sufficient
14274 for the identification thereof.

14275 (iii) A statement of the estate or interest in
14276 said lands taken for said public use.

14277 (iv) A statement of the necessity of the immediate
14278 vesting of title in the authority in order to convey such property
14279 to the United States for the use in connection with the project.

14280 (v) A statement of the sum of money estimated by
14281 the authority to be due compensation for the land taken. Upon
14282 filing the declaration of taking and of the deposit in the court,



14283 to the use of the persons entitled thereto, of the amount of the
14284 estimated compensation stated in the declaration, title to such
14285 lands in fee simple absolute, or such less estate or interest
14286 therein as is specified in the declaration, shall vest in the
14287 authority, and such lands shall be deemed to be condemned and
14288 taken for the use of the authority, and the right to due
14289 compensation for the same shall vest in the persons entitled
14290 thereto; and compensation shall be ascertained and awarded in the
14291 proceeding and established by judgment therein, and the judgment
14292 shall include, as part of the due compensation awarded, interest
14293 in accordance with law on the amount finally awarded as the value
14294 of the property as of the date of taking, from such date to the
14295 date of payment; but interest shall not be allowed on so much
14296 thereof as shall have been paid into the court. No sum so paid
14297 into the court shall be charged with commissions or poundage.

14298 Upon the application of the parties in interest, the court
14299 may order that the money deposited in the court, or any part
14300 thereof, be paid forthwith for or on account of the due
14301 compensation to be awarded in the proceeding. If the compensation
14302 finally awarded in respect of such lands, or any parcel thereof,
14303 shall exceed the amount of the money so received by any person
14304 entitled, the court shall enter judgment against the authority for
14305 the amount of the deficiency.

14306 Upon the filing of a declaration of taking, the court shall
14307 have power to fix the time within which and the terms upon which



14308 the parties in possession shall be required to surrender
14309 possession to the petitioner. The court shall have power to make
14310 such orders in respect of encumbrances, liens, rents, taxes,
14311 assessments, insurance, and other charges, if any, as shall be
14312 just and equitable. No appeal in any cause under this
14313 subparagraph (i) of this section nor any bond or undertaking given
14314 therein shall operate to prevent or delay the vesting of title to
14315 such lands in the authority.

14316 (j) To require the necessary relocation or rerouting of
14317 roads and highways, railroad, telephone and telegraph lines and
14318 properties, electric power lines, pipelines and related
14319 facilities, or to require the anchoring or other protection of any
14320 of these, provided due compensation is paid to the owners thereof
14321 or agreement is had with such owners regarding the payment of the
14322 cost of such relocation, and to acquire by condemnation or
14323 otherwise easements or rights-of-way for such relocation or
14324 rerouting and to convey the same to the owners of the facilities
14325 being relocated or rerouted in connection with the purposes of
14326 this chapter.

14327 (k) To require the necessary relocation of cemeteries
14328 and to pay all reasonable costs thereof.

14329 (l) To perform or have performed any and all acts and
14330 make all payments necessary to comply with all applicable federal
14331 laws, rules or regulations including but not limited to the
14332 Uniform Relocation Assistance and Real Property Acquisition



14333 Policies Act of 1970 (42 U.S.C. 4601, 4602, 4621 to 4638, and 4651
14334 to 4655) and relocation rules and regulations promulgated by the
14335 Department of Energy.

14336 (m) To construct, extend, improve, maintain, and
14337 reconstruct, to cause to be constructed, extended, improved,
14338 maintained, and reconstructed, and to use and operate any and all
14339 components of the project or any facility related to the project,
14340 within the project area, necessary or convenient to the project
14341 and to the exercise of such powers, rights, and privileges granted
14342 the authority.

14343 (n) To incur or defray any designated portion of the
14344 cost of any component of the project or any facility related to
14345 the project acquired or constructed by any public agency.

14346 (o) To lease, sell, give, donate, convey or otherwise
14347 transfer any or all property acquired by the authority under the
14348 provisions of this chapter to the United States Department of
14349 Energy, its successors or assigns, and in connection therewith to
14350 pay the costs of title search, perfection of title, title
14351 insurance and recording fees as may be required. The authority
14352 may provide in the instrument conveying such property a provision
14353 that such property shall revert to the authority if, as and when
14354 the property is declared by the United States Department of Energy
14355 to be no longer needed for the Superconducting Super Collider
14356 research facility.



14357 (p) To enter into contracts with any person, public
14358 agency or political subdivision including, but not limited to,
14359 contracts authorized by Section 57-67-17, in furtherance of any of
14360 the purposes authorized by this chapter upon such consideration as
14361 the authority and such person, public agency or political
14362 subdivision may agree. Any such contract may extend over any
14363 period of time, notwithstanding any rule of law to the contrary,
14364 may be upon such terms as the parties thereto shall agree, and may
14365 provide that it shall continue in effect until bonds specified
14366 therein, refunding bonds issued in lieu of such bonds, and all
14367 other obligations specified therein are paid or terminated. Any
14368 such contract shall be binding upon the parties thereto according
14369 to its terms. Such contracts may include an agreement to
14370 reimburse the United States Department of Energy, its successors
14371 and assigns for any assistance provided by the United States
14372 Department of Energy in the acquisition of real property for the
14373 project or any facility related to the project.

14374 (q) To establish and maintain reasonable rates and
14375 charges for the use of any facility within the project area owned
14376 or operated by the authority, and from time to time to adjust such
14377 rates and to impose penalties for failure to pay such rates and
14378 charges when due.

14379 (r) To make and enforce, and from time to time amend
14380 and repeal, rules and regulations for the construction, use,



14381 maintenance and operation of any facility related to the project
14382 under its management and control and any other of its properties.

14383 (s) To adopt and enforce all necessary and reasonable
14384 rules and regulations to carry out and effectuate the
14385 implementation of the project and any land use plan or zoning
14386 classification adopted for the project area, including but not
14387 limited to rules, regulations, and restrictions concerning mining,
14388 construction, excavation or any other activity the occurrence of
14389 which may endanger the structure or operation of the project.

14390 Such rules may be enforced within the project area and without the
14391 project area as necessary to protect the structure and operation
14392 of the project. The authority is authorized to plan or replan,
14393 zone or rezone, and make exceptions to any regulations, whether
14394 local or state, which are inconsistent with the design, planning,
14395 construction or operation of the project and facilities related to
14396 the project.

14397 (t) To plan, design, coordinate and implement measures
14398 and programs to mitigate impacts on the natural environment caused
14399 by the project or any facility related to the project.

14400 (u) To assist any public agency involved with the
14401 project design, construction or operation in securing any state or
14402 local permits and approval required for the project or any
14403 facility related to the project.



14404 (v) To do any and all things necessary or convenient to
14405 carry out the authority's purposes and to exercise the powers
14406 given and granted in this chapter.

14407 **SECTION 449.** Section 57-67-13, Mississippi Code of 1972, is
14408 brought forward as follows:

14409 57-67-13. (1) The Board of Trustees of State Institutions
14410 of Higher Learning is hereby directed to develop plans for the
14411 creation of an Institute of High Energy Physics. Upon
14412 notification to the authority by the Department of Energy that the
14413 state has been selected as the site of the project, the Board of
14414 Trustees of State Institutions of Higher Learning not later than
14415 one (1) year thereafter shall establish and create the institute.
14416 Such institute shall include at least twenty (20) funded faculty
14417 positions and shall include facilities to accommodate faculty and
14418 graduate students.

14419 (2) The Board of Trustees of State Institutions of Higher
14420 Learning is hereby directed to develop plans for the creation of
14421 an Institute for Mathematics and Computing Sciences. Upon
14422 notification to the authority by the Department of Energy that the
14423 state has been selected as the site of the project, the Board of
14424 Trustees of State Institutions of Higher Learning not later than
14425 one (1) year thereafter shall establish and create the institute.

14426 (3) The authority is hereby directed to develop plans for
14427 technology transfer activities to ensure private sector conduits
14428 for exchange of information, technology and expertise related to



14429 the project to generate opportunities for commercial development
14430 within the state.

14431 **SECTION 450.** Section 57-67-15, Mississippi Code of 1972, is
14432 brought forward as follows:

14433 57-67-15. (1) Upon notification to the authority by the
14434 Department of Energy that the state has been finally selected as
14435 the site for the project, the State Bond Commission shall have the
14436 power and is hereby authorized and directed, upon receipt of a
14437 declaration from the Governor as hereinafter provided, to borrow
14438 money and issue general obligation bonds of the state in one or
14439 more series for the purposes herein set out. Upon such
14440 notification, the Governor may thereafter, from time to time,
14441 declare the necessity for the issuance of general obligation state
14442 bonds as authorized by this section and forward such declaration
14443 to the State Bond Commission, provided that prior to said
14444 notification, the Governor may enter into agreements with the
14445 United States Government and others that will commit the Governor
14446 to direct the State Bond Commission to issue bonds for eligible
14447 undertakings set out in subsection (4) of this section,
14448 conditioned on the siting of the project in the state.

14449 (2) Upon receipt of any such declaration from the Governor,
14450 the State Bond Commission, upon verifying that the state has been
14451 selected as the site of the project, shall act as the issuing
14452 agent for the series of state bonds directed to be issued in such
14453 declaration pursuant to authority granted in this section.



14454 (3) Bonds issued under the authority of this section shall
14455 not exceed an aggregate principal amount in the sum of Five
14456 Hundred Million Dollars (\$500,000,000.00).

14457 (4) The proceeds from the sale of the state bonds issued
14458 pursuant to this section may be applied for the purposes of: (a)
14459 defraying all or any designated portion of the costs incurred with
14460 respect to acquisition, planning, design, construction,
14461 installation, rehabilitation, improvement and relocation of the
14462 project and any facility related to the project located within the
14463 project area, including costs of design and engineering, all costs
14464 incurred to provide land, easements and rights-of-way, relocation
14465 costs with respect to the project and with respect to any facility
14466 related to the project located within the project area, and costs
14467 associated with mitigation of environmental impacts; (b) providing
14468 for the payment of interest on the bonds; (c) providing debt
14469 service reserves; and (d) paying underwriters discount, original
14470 issue discount, accountants' fees, engineers' fees, attorney's
14471 fees, rating agency fees and other fees and expenses in connection
14472 with the issuance of the bonds. Such bonds shall be issued, from
14473 time to time, and in such principal amounts as shall be designated
14474 by the Governor not to exceed in aggregate principal amount the
14475 amount authorized in subsection (3) of this section. Proceeds
14476 from the sale of the state bonds issued pursuant to this section
14477 may be invested, subject to federal limitations, pending their
14478 use, in such securities as may be specified in the resolution



14479 authorizing the issuance of the bonds or the trust indenture
14480 securing them, and the earning on such investment applied as
14481 provided in such resolution or trust indenture.

14482 (5) The principal of and the interest on the state bonds
14483 shall be payable in the manner hereinafter set forth. The state
14484 bonds shall bear date or dates, be in such denomination or
14485 denominations, bear interest at such rate or rates, be payable at
14486 such place or places within or without the state, shall mature
14487 absolutely at such time or times, be redeemable prior to maturity
14488 at such time or times and upon such terms, with or without
14489 premium, shall bear such registration privileges, and shall be
14490 substantially in such form, all as shall be determined by
14491 resolution of the State Bond Commission. Provided, however, that
14492 such state bonds shall mature or otherwise be retired in annual
14493 installments beginning not more than five (5) years from date
14494 thereof and extending not more than twenty-five (25) years from
14495 date thereof. The state bonds shall be signed by the Chairman of
14496 the State Bond Commission, or by his facsimile signature, and the
14497 official seal of the State Bond Commission shall be imprinted on
14498 or affixed thereto, attested by the manual or facsimile signature
14499 of the Secretary of the State Bond Commission. Whenever any such
14500 state bonds shall have been signed by the officials herein
14501 designated to sign the bonds, who were in the office at the time
14502 of such signing but who may have ceased to be such officers prior
14503 to the sale and delivery of such bonds, or who may not have been



14504 in office on the date such bonds may bear, the signatures of such
14505 officers upon such bonds shall nevertheless be valid and
14506 sufficient for all purposes and have the same effect as if the
14507 person so officially signing such bonds had remained in office
14508 until the delivery of the same to the purchaser, or had been in
14509 office on the date such bonds may bear.

14510 (6) All state bonds issued under the provisions of this
14511 section shall be and are hereby declared to have all the qualities
14512 and incidents of negotiable instruments under the provisions of
14513 the Uniform Commercial Code and in exercising the powers granted
14514 by this chapter, the State Bond Commission shall not be required
14515 to and need not comply with the provisions of the Uniform
14516 Commercial Code.

14517 (7) The State Bond Commission shall sell the state bonds on
14518 sealed bids at public sale, and for such price as it may determine
14519 to be for the best interest of the State of Mississippi, but no
14520 such sale shall be made at a price less than par plus accrued
14521 interest to date of delivery of the bonds to the purchaser. The
14522 state bonds shall bear interest at such rate or rates not
14523 exceeding the limits set forth in Section 75-17-101 as shall be
14524 fixed by the State Bond Commission. All interest accruing on such
14525 bonds so issued shall be payable semiannually or annually;
14526 provided that the first interest payment may be for any period of
14527 not more than one (1) year.



14528 The lowest interest rate specified for any bonds issued shall
14529 not be less than sixty percent (60%) of the highest interest rate
14530 specified for the same bond issue. Each interest rate specified
14531 in any bid must be in a multiple of one-eighth of one percent (1/8
14532 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of
14533 interest cannot be named. Notice of the sale of any state bond
14534 shall be published at least one (1) time, the first of which shall
14535 be made not less than ten (10) days prior to the date of sale, and
14536 shall be so published in one or more newspapers having a general
14537 circulation in the City of Jackson and in one or more other
14538 newspapers or financial journals with a large national
14539 circulation, to be selected by the State Bond Commission.

14540 The State Bond Commission, when issuing any state bonds under
14541 the authority of this section, may provide that the bonds, at the
14542 option of the state, may be called in for payment and redemption
14543 in reverse order of maturity at the call price named therein and
14544 accrued interest on such date or dates named therein.

14545 (8) State bonds issued under the provisions of this section
14546 shall be the general obligations of the state and backed by the
14547 full faith and credit of the state, and if the funds appropriated
14548 by the Legislature shall be insufficient to pay the principal of
14549 and the interest on such bonds as they become due, then the
14550 deficiency shall be paid by the State Treasurer from any funds in
14551 the State Treasury not otherwise appropriated. All state bonds



14552 shall contain recitals on their faces substantially covering the
14553 foregoing provisions of this section.

14554 (9) The State Treasurer is hereby authorized, without
14555 further process of law, to certify to the State Fiscal Management
14556 Board the necessity for warrants, and the State Fiscal Management
14557 Board is hereby authorized and directed to issue such warrants
14558 payable out of any funds authorized by this section for such
14559 purpose, in such amounts as may be necessary to pay when due the
14560 principal of and interest on all state bonds issued under the
14561 provisions of this section; and the State Treasurer shall forward
14562 the necessary amount to the designated place or places of payment
14563 of such bonds in ample time to discharge such bonds, or the
14564 interest thereon, on the due dates thereof.

14565 (10) The state bonds may be issued without any other
14566 proceedings or the happening of any other conditions or things
14567 other than those proceedings, conditions and things which are
14568 specified or required by this chapter. Any resolution providing
14569 for the issuance of general obligation state bonds under the
14570 provisions of this section shall become effective immediately upon
14571 its adoption by the State Bond Commission, and any such resolution
14572 may be adopted at any regular or special meeting of the State Bond
14573 Commission by a majority of its members.

14574 (11) In anticipation of the issuance of state bonds
14575 hereunder, the State Bond Commission is hereby authorized to
14576 negotiate and enter into any purchase, loan, credit or other



14577 agreement with any bank, trust company or other lending
14578 institution or to issue and sell short-term notes for the purpose
14579 of making any payments authorized under this section. All
14580 borrowings made under this provision shall be evidenced by notes
14581 of the state which shall be issued from time to time, for such
14582 amounts not exceeding the amount of state bonds authorized herein,
14583 in such form and in such denomination and subject to such terms
14584 and conditions of sale and issuance, prepayment or redemption and
14585 maturity, rate or rates of interest not to exceed the maximum rate
14586 authorized herein for bonds, and time of payment of interest as
14587 the State Bond Commission shall agree to in such agreement. Such
14588 notes shall constitute general obligations of the state and shall
14589 be backed by the full faith and credit of the state. Such notes
14590 may also be issued for the purpose of refunding previously issued
14591 notes; provided that no notes shall mature more than three (3)
14592 years following the date of issuance of the first note hereunder
14593 and provided further, that all outstanding notes shall be retired
14594 from the proceeds of the first issuance of bonds hereunder. The
14595 State Bond Commission is authorized to provide for the
14596 compensation of any purchaser of the notes by payment of a fixed
14597 fee or commission and for all other costs and expenses of issuance
14598 and service, including paying agent costs. Such costs and
14599 expenses may be paid from the proceeds of the notes.

14600 (12) The bonds and notes authorized under the authority of
14601 this section may be validated in the First Judicial District of



14602 the Chancery Court of Hinds County, Mississippi, in the manner and
14603 with the force and effect provided now or hereafter by Chapter 13,
14604 Title 31, Mississippi Code of 1972, for the validation of county,
14605 municipal, school district and other bonds. The necessary papers
14606 for such validation proceedings shall be transmitted to the state
14607 bond attorney, and the required notice shall be published in a
14608 newspaper published in the City of Jackson, Mississippi.

14609 (13) There is hereby created in the State Treasury a special
14610 fund, separate and apart from any other fund, to be designated as
14611 the "Superconducting Super Collider Special Fund." On July 15
14612 immediately succeeding the date that the state has been finally
14613 selected as the site for the project and on or before the
14614 fifteenth day of each succeeding month thereafter until a period
14615 of time not to exceed twenty-five (25) years from the initial
14616 deposit or until the date that all state bonds issued under this
14617 chapter are retired, whichever occurs last in time, the State
14618 Treasurer shall deposit into the Superconducting Super Collider
14619 Special Fund the sum of Three Million Seven Hundred Fifty Thousand
14620 Dollars (\$3,750,000.00) from taxes collected under the provisions
14621 of Chapter 7, Title 27, Mississippi Code of 1972. Funds deposited
14622 in the special fund shall be used to pay the principal of and
14623 interest on the state bonds issued under this section and any
14624 balance in the special fund in excess of the amount needed to pay
14625 the principal of and interest on the state bonds shall be
14626 appropriated by the Legislature to defray expenses of the project,



14627 facilities related to the project or enhancements within the
14628 project area.

14629 **SECTION 451.** Section 57-67-17, Mississippi Code of 1972, is
14630 brought forward as follows:

14631 57-67-17. For the purpose of aiding in the planning, design,
14632 undertaking and carrying out of the project or any facility
14633 related to the project, or any educational, cultural, housing or
14634 recreational facility or enhancement offered to secure the siting
14635 of the project in the state, any public agency or political
14636 subdivision of any kind is authorized and empowered upon such
14637 terms, with or without consideration, as it may determine: (a) to
14638 enter into agreements, which may extend over any period, with the
14639 authority respecting action to be taken by such public agency or
14640 political subdivision with respect to the acquisition, planning,
14641 construction, improvement, operation, maintenance or funding of
14642 the project or any such facility or enhancement, including without
14643 limitation (i) the appropriation or payment of funds to the
14644 authority or to a trustee in amounts which shall be sufficient to
14645 enable the authority to defray any designated portion or
14646 percentage of the expenses of administering, planning, designing,
14647 constructing, acquiring, improving, operating, and maintaining the
14648 project or any such facility or enhancement, (ii) the
14649 appropriation or payment of funds to the authority or to a trustee
14650 to pay interest and principal (whether at maturity or upon sinking
14651 fund redemption) on bonds of the authority issued pursuant to this



14652 chapter and to fund reserves for debt service, for operation and
14653 maintenance and for renewals and replacements, and to fulfill
14654 requirements of any covenant with respect to debt service
14655 contained in any resolution, trust indenture or other security
14656 agreement relating to the bonds of the authority issued pursuant
14657 to this chapter and (iii) the furnishing of other assistance in
14658 connection with the project or any such facility or enhancement;
14659 (b) to dedicate, sell, donate, convey or lease any property or
14660 interest in property to the authority or grant easements, licenses
14661 or other rights or privileges therein to the authority; (c) to
14662 incur the entire expense of any public improvements made or to be
14663 made by such public agency or political subdivision in exercising
14664 the powers granted in this section; (d) to do any and all things
14665 necessary to aid or cooperate in the planning or carrying out of
14666 the project or any such facility or enhancement; (e) to lend,
14667 grant or contribute funds to the authority; (f) to cause public
14668 buildings and public facilities, including parks, playgrounds,
14669 recreational areas, community meeting facilities, water, sewer or
14670 drainage facilities, or any other works which it is otherwise
14671 empowered to undertake, to be furnished to or with respect to the
14672 project or any such facility or enhancement; (g) to furnish,
14673 dedicate, close, vacate, pave, install, upgrade or improve
14674 highways, streets, roads, sidewalks, airports, railroads, ports or
14675 other public facilities; (h) to plan or replan, zone or rezone any
14676 parcel of land within the public agency or political subdivision



14677 or make exceptions from land use, building and zoning regulations;
14678 and (i) to cause administrative and other services to be furnished
14679 to the authority, including services pertaining to the acquisition
14680 of real property and the furnishing of relocation assistance. Any
14681 contract between a public agency or political subdivision entered
14682 into with the authority pursuant to any of the powers granted by
14683 this chapter shall be binding upon said public agency or political
14684 subdivision according to its terms, and such public agency or
14685 political subdivision shall have the power to enter into such
14686 contracts as in the discretion of the governing authorities
14687 thereof would be to the best interest of the people of such public
14688 agency or political subdivision. Such contracts may include
14689 within the discretion of such governing authorities a pledge of
14690 the full faith and credit of such political subdivision for the
14691 performance thereof. If such contracts include a pledge of the
14692 full faith and credit of such political subdivision, then for the
14693 purposes of Sections 27-39-321 and 37-57-107, the indebtedness
14694 created by such contracts shall be deemed to be general obligation
14695 bonds. The obligations of any public agency or political
14696 subdivision arising under the terms of such contracts shall not be
14697 included within the indebtedness of such public agency or
14698 political subdivision for the purposes of any constitutional or
14699 statutory limitation or provision. If at any time title to or
14700 possession of the project or any such facility or enhancement is
14701 held by any public body or governmental agency other than the



14702 authority, including any agency or instrumentality of the United
14703 States of America, the agreements referred to in this section
14704 shall inure to the benefit of and may be enforced by such public
14705 body or governmental agency.

14706 Notwithstanding any provisions of this chapter to the
14707 contrary, any contract entered into between the authority and any
14708 political subdivision for the appropriation or payment of funds to
14709 the authority under item (a)(ii) of this section shall contain a
14710 provision therein requiring monthly payments by the political
14711 subdivision to pay its indebtedness and, if the political
14712 subdivision is not a county or municipality, such contract shall
14713 include as an additional party to the contract the county or
14714 municipality (referred to in this paragraph as "levying
14715 authority") that levies and collects taxes for the contracting
14716 political subdivision. If the political subdivision fails to pay
14717 its indebtedness for any month, the authority shall certify to
14718 the * * * Department of Revenue, or other appropriate agency, the
14719 amount of the delinquency, and the * * * Department of Revenue
14720 shall deduct such amount from the political subdivision's or
14721 levying authority's, as the case may be, next allocation of sales
14722 taxes, petroleum taxes, highway privilege taxes, severance taxes,
14723 Tennessee Valley Authority payments in lieu of taxes and homestead
14724 exemption reimbursements in that order of priority. The * * *
14725 Department of Revenue, or other appropriate agency, shall pay the



14726 sums so deducted to the authority to be applied to the discharge
14727 of the contractual obligation.

14728 **SECTION 452.** Section 57-67-19, Mississippi Code of 1972, is
14729 brought forward as follows:

14730 57-67-19. (1) Upon notification to the authority by the
14731 United States Department of Energy that the state has been finally
14732 selected as the site for the project, then the authority shall
14733 have the power and is hereby authorized, from time to time,
14734 pursuant to contracts entered into under Section 57-67-17, to
14735 borrow money and to issue bonds in such principal amounts as the
14736 authority may determine to be necessary to provide funds
14737 sufficient to defray all or any designated portion of the costs
14738 incurred with respect to the project or any facility related to
14739 the project, or any educational, cultural, housing or recreational
14740 facility or enhancement offered to secure the siting of the
14741 project in the state; provided that prior to said notification,
14742 the authority may enter into agreements with the United States
14743 government or others that will commit the authority to issue bonds
14744 for eligible undertakings set out in subsection (6) of this
14745 section pursuant to contracts entered into under Section 57-67-17,
14746 conditioned on the siting of the project in the state.

14747 (2) Bonds of the authority issued pursuant to Sections
14748 57-67-19 through 57-67-31 shall be payable (except to the extent
14749 that payment may be made from bond proceeds deposited or
14750 accumulated in any capitalized interest fund or bond reserve fund)



14751 solely from and secured by a pledge of all or any designated part
14752 of the revenues received by the authority pursuant to contracts
14753 entered into with one or more public agencies pursuant to Section
14754 57-67-17. Such bonds may be further secured by a trust indenture
14755 between the authority and a corporate trustee, which may be any
14756 trust company or bank having powers of a trust company within or
14757 without the state, and by reserves established to secure the
14758 payment of principal of and interest on such bonds. Any pledge of
14759 earnings, revenues or other * * * monies made by the authority
14760 shall be valid and binding from the time the pledge is made. The
14761 earnings, revenues or other * * * monies so pledged and thereafter
14762 received by the authority shall immediately be subject to the lien
14763 of such pledge without any physical delivery thereof or further
14764 act, and the lien of any such pledge shall be valid and binding as
14765 against all parties having claims of any kind against the
14766 authority whether such parties have or do not have notice thereof.
14767 Neither the bond resolution, trust indenture nor any other
14768 instrument by which a pledge is created need be recorded.

14769 (3) Bonds of the authority issued pursuant to Sections
14770 57-67-19 through 57-67-31 may be authorized and issued in one or
14771 more series by a resolution or resolutions of the authority,
14772 without publication of notice of intent and without an election on
14773 the question of the issuance thereof. Such bonds shall bear such
14774 date or dates, mature at such time or times, bear interest at such
14775 rate or rates, be in such denomination or denominations, be in



14776 such form, carry such conversion privileges, have such rank or
14777 priority, be executed in such manner and by such officers, be
14778 payable from such sources in such medium of payment at such place
14779 or places within or without the state, be subject to such terms of
14780 redemption prior to maturity, all as may be provided by resolution
14781 or resolutions of the authority. Such bonds may be executed and
14782 delivered at any time as a single issue or from time to time as
14783 several issues, and may mature or become payable in such amounts
14784 and at such time or times not exceeding thirty (30) years from
14785 their date, all as may be provided by resolution or resolutions of
14786 the authority.

14787 (4) Bonds of the authority issued pursuant to Sections
14788 57-67-19 through 57-67-31 may be sold at a price not less than
14789 ninety-eight percent (98%) of par value plus accrued interest, at
14790 public or private sale, at such times as may be determined by the
14791 authority to be in the public interest, and the authority may pay
14792 all expenses, premiums, fees and commissions which it may deem
14793 necessary and advantageous in connection with the issuance and
14794 sale thereof.

14795 (5) Whenever any bonds issued pursuant to Sections 57-67-19
14796 through 57-67-31 shall have been signed by the officer(s)
14797 designated by the resolution of the authority to sign the bonds,
14798 who were in office at the time of such signing but who may have
14799 ceased to be such officer(s) prior to the sale and delivery of
14800 such bonds, or who may not have been in office on the date such



14801 bonds may bear, the manual or facsimile signatures of such
14802 officer(s) upon such bonds shall nevertheless be valid and
14803 sufficient for all purposes and have the same effect as if the
14804 person so officially executing such bonds had remained in office
14805 until the delivery of the same to the purchaser or had been in
14806 office on the date such bonds may bear.

14807 (6) Proceeds from the sale of bonds issued pursuant to
14808 Sections 57-67-19 through 57-67-31 may be applied for the purposes
14809 of (a) defraying all or any designated portion of the costs
14810 incurred with respect to the project or any facility related to
14811 the project, or any educational, cultural, housing or recreational
14812 facility offered as an enhancement to secure the siting of the
14813 project in the state, including costs of design and engineering,
14814 all costs incurred to provide land, easements, rights-of-way and
14815 relocation costs with respect to the project and with respect to
14816 any such facility; (b) providing for the payment of interest on
14817 the bonds; (c) providing debt service reserves; and (d) paying
14818 underwriters discount, original issue discount, accountants' fees,
14819 engineers' fees, attorney's fees, rating agency fees and other
14820 fees and expenses in connection with the issuance of the bonds and
14821 other necessary and proper expenses of the authority in connection
14822 with the project or any such facility. Proceeds from the sale of
14823 bonds issued pursuant to Sections 57-67-19 through 57-67-31 may be
14824 invested, subject to federal limitations, pending their use, in
14825 such securities as may be specified in the resolution authorizing



14826 the issuance of the bonds or the trust indenture securing them,
14827 and the earning on such investment applied as provided in such
14828 resolution or trust indenture.

14829 (7) Neither the executive director of the authority nor any
14830 person executing the bonds shall be personally liable on the bonds
14831 or be subject to any personal liability or accountability by
14832 reason of the issuance thereof.

14833 (8) In anticipation of the issuance of bonds under Sections
14834 57-67-19 through 57-67-31, the authority is hereby authorized to
14835 negotiate and enter into any loan or credit agreement with any
14836 bank, trust company or other lending institution for the purpose
14837 of making any payments authorized under this chapter. All
14838 borrowings made under this provision shall be evidenced by notes
14839 of the authority which shall be issued from time to time, for such
14840 amounts not exceeding the amount of bonds authorized herein, in
14841 such form and in such denomination and subject to such terms and
14842 conditions of sale and issuance, prepayment or redemption and
14843 maturity, rate or rates of interest, and time of payment of
14844 interest as the authority shall agree to in such agreement. Such
14845 notes may also be issued for the purpose of refunding previously
14846 issued notes; provided that no notes shall mature more than three
14847 (3) years following the date of issuance of the first note
14848 hereunder and provided further, that all outstanding notes shall
14849 be retired from the proceeds of the first issuance of bonds
14850 hereunder. The authority is authorized to provide for the



14851 compensation of any purchaser of the notes by payment of a fixed
14852 fee or commission and for all other costs and expenses of issuance
14853 and service, including paying agent costs. Such costs and
14854 expenses may be paid from the proceeds of the notes.

14855 **SECTION 453.** Section 57-67-21, Mississippi Code of 1972, is
14856 brought forward as follows:

14857 57-67-21. The authority may issue refunding bonds for the
14858 purpose of paying any of its bonds at or prior to maturity or upon
14859 acceleration or redemption. Refunding bonds may be issued at such
14860 time prior to the maturity or redemption of the refunded bonds as
14861 the authority deems to be in the public interest, without notice
14862 and without an election on the question of the issuance thereof.
14863 The refunding bonds may be issued in sufficient amounts to pay or
14864 provide the principal of the bonds being refunded, together with
14865 any redemption premium thereon, any interest accrued or to accrue
14866 to the date of payment of such bonds, the expenses of issue of the
14867 refunding bonds, the expenses of redeeming the bonds being
14868 refunded, and such reserves for debt service or other capital or
14869 current expenses from the proceeds of such refunding bonds as may
14870 be required by the resolution, trust indenture or other security
14871 instruments. The issue of refunding bonds, the maturities and
14872 other details thereof, the security therefor, the rights of the
14873 holders and the rights, duties and obligations of the authority in
14874 respect of the same shall be governed by the provisions of this
14875 chapter relating to the issue of bonds other than refunding bonds



14876 insofar as the same may be applicable. Any such refunding may be
14877 effected, whether the obligations to be refunded shall have then
14878 matured or shall thereafter mature, either by the exchange of the
14879 refunding bonds for the obligations to be refunded thereby with
14880 the consent of the holders of the obligations so to be refunded,
14881 or by sale of the refunding bonds and the application of the
14882 proceeds thereof to the payment of the obligations proposed to be
14883 refunded thereby, and regardless of whether the obligations
14884 proposed to be refunded shall be payable on the same date or
14885 different dates or shall be due serially or otherwise.

14886 **SECTION 454.** Section 57-67-23, Mississippi Code of 1972, is
14887 brought forward as follows:

14888 57-67-23. All bonds (other than state bonds, refunding
14889 bonds, interim notes and certificates of indebtedness, which may
14890 be validated) issued pursuant to Sections 57-67-19 through
14891 57-67-31 shall be validated as provided in Sections 31-13-1
14892 through 31-13-11, Mississippi Code of 1972; provided, however,
14893 that notice of such validation proceedings shall be addressed to
14894 the taxpayers of all public agencies and political subdivisions:

14895 (a) Which have contracted with the authority pursuant
14896 to Section 57-67-17; and

14897 (b) Whose contracts and the payments to be made
14898 thereunder constitute security for the bonds of the authority
14899 proposed to be issued, and such notice shall be published at least
14900 once in a newspaper or newspapers having a general circulation



14901 within the geographical boundaries of each public agency or
14902 political subdivision to whose taxpayers the notice is addressed.
14903 Such validation proceedings shall be instituted in the First
14904 Judicial District of the Chancery Court of Hinds County. The
14905 validity of the bonds so validated and of the contracts and
14906 payments to be made by the political subdivisions thereunder
14907 constituting security for the bonds shall be forever conclusive
14908 against the authority and the political subdivisions which are
14909 parties to said contracts; and the validity of said bonds and said
14910 contracts and the payments to be made thereunder shall never be
14911 called in question in any court in this state.

14912 **SECTION 455.** Section 57-67-25, Mississippi Code of 1972, is
14913 brought forward as follows:

14914 57-67-25. Bonds issued pursuant to Sections 57-67-19 through
14915 57-67-31 shall not be deemed to constitute a debt, liability or
14916 obligation of the contracting public agency or political
14917 subdivisions, within the meaning of any constitutional or
14918 statutory limitation, nor shall such bonds constitute a pledge of
14919 the full faith and credit of the state or the contracting public
14920 agency or political subdivisions, but shall be payable solely from
14921 the revenues, * * * monies and funds of the authority pledged
14922 therefor. Each bond shall contain on the face thereof a statement
14923 to the effect that the authority shall not be obligated to pay the
14924 same nor the interest thereon except from those sources above
14925 mentioned and pledged therefor and that neither the full faith and



14926 credit nor the taxing power of the state or any political
14927 subdivision thereof is pledged to the payment of the principal of
14928 or the interest on such bond.

14929 **SECTION 456.** Section 57-67-27, Mississippi Code of 1972, is
14930 brought forward as follows:

14931 57-67-27. The authority may, in any authorizing resolution,
14932 trust indenture or other security instrument relating to its
14933 bonds, provide for the appointment of a trustee who shall have
14934 such powers as are provided therein to represent the registered
14935 owners of any issue of bonds in the enforcement or protection of
14936 their rights under any such resolution, trust indenture or
14937 security instrument. The authority may also provide in such
14938 resolution, trust indenture or other security instrument that the
14939 trustee, or in the event that the trustee so appointed shall fail
14940 or decline to so protect and enforce such registered owners'
14941 rights then such percentage of registered owners as shall be set
14942 forth in, and subject to the provisions of, such resolution, trust
14943 indenture or other security interest, may petition the court of
14944 proper jurisdiction for the appointment of a receiver of the
14945 revenues which are pledged to the payment of the principal of and
14946 interest on the bonds of such registered owners. Such receiver
14947 may exercise any power as may be granted in any such resolution,
14948 trust indenture or security instrument to collect, enforce and
14949 receive all revenues derived from agreements with any public
14950 agency or political subdivisions entered pursuant to Section



14951 57-67-17, and carry out the contracts and obligations of the
14952 authority in the same manner as the authority itself might do, all
14953 under the direction of such court.

14954 **SECTION 457.** Section 57-67-29, Mississippi Code of 1972, is
14955 brought forward as follows:

14956 57-67-29. The authority shall have power in connection with
14957 the issuance of bonds other than state bonds issued pursuant to
14958 this chapter to:

14959 (a) Covenant as to the use of any or all of its
14960 property, real or personal.

14961 (b) Redeem the bonds, to covenant for their redemption
14962 and to provide the terms and conditions thereof.

14963 (c) Covenant and prescribe as to events of default and
14964 terms and conditions upon which any or all of its bonds shall
14965 become or may be declared due before maturity, as to the terms and
14966 conditions upon which such declaration and its consequences may be
14967 waived and as to the consequences of default and the remedies of
14968 the registered owners of the bonds.

14969 (d) Covenant as to the mortgage or pledge of or the
14970 grant of a security interest in all or any part of the revenues
14971 derived from any revenue-producing contract or contracts made by
14972 the authority with any public agency or political subdivision to
14973 secure the payment of bonds, subject to such agreements with the
14974 registered owners of bonds as may then exist.



14975 (e) Covenant as to the custody, collection, securing,
14976 investment and payment of any revenues to which the authority may
14977 have any rights or interest, which are pledged as security for the
14978 bonds.

14979 (f) Covenant as to the purposes to which the proceeds
14980 from the sale of any bonds then or thereafter to be issued may be
14981 applied, and the pledge of such proceeds to secure the payment of
14982 the bonds.

14983 (g) Covenant as to the limitations on the issuance of
14984 any additional bonds, the terms upon which additional bonds may be
14985 issued and secured, and the refunding of outstanding bonds.

14986 (h) Covenant as to the rank or priority of any bonds
14987 with respect to any lien or security.

14988 (i) Covenant as to the procedure by which the terms of
14989 any contract with or for the benefit of the registered owners of
14990 bonds may be amended or abrogated, the amount of bonds the
14991 registered owners of which must consent thereto, and the manner in
14992 which such consent may be given.

14993 (j) Covenant as to the custody of any of its properties
14994 or investments, the safekeeping thereof, the insurance to be
14995 carried thereon, and the use and disposition of insurance
14996 proceeds.

14997 (k) Covenant as to the vesting in a trustee or
14998 trustees, within or outside the state, of such properties, rights,
14999 powers and duties in trust as the authority may determine.



15000 (l) Covenant as to the appointing and providing for the
15001 duties and obligations of a paying agent or paying agents, a bond
15002 registrar and transfer agent or other fiduciaries, all of which
15003 may be domiciled within or outside the state.

15004 (m) Make all other covenants and to do any and all such
15005 acts and things as may be necessary or convenient or desirable in
15006 order to secure its bonds, or in the absolute discretion of the
15007 authority tend to make the bonds more marketable, notwithstanding
15008 that such covenants, acts or things may not be enumerated herein;
15009 it being the intention hereof to give the authority power to do
15010 all things in the issuance of bonds and in the provisions for
15011 security thereof which are not inconsistent with the Constitution
15012 of the state.

15013 (n) Execute all instruments necessary or convenient in
15014 the exercise of the powers herein granted or in the performance of
15015 covenants or duties, which may contain such covenants and
15016 provisions, as any purchaser of the bonds of the authority may
15017 reasonably require.

15018 **SECTION 458.** Section 57-67-31, Mississippi Code of 1972, is
15019 brought forward as follows:

15020 57-67-31. The state hereby covenants with the registered
15021 owners of bonds of the authority issued pursuant to this chapter,
15022 that so long as the bonds are outstanding and unpaid the state
15023 will not materially limit or materially alter the rights and
15024 powers of the authority under this chapter to conduct the



15025 activities referred to herein in any way pertinent to the
15026 interests of the bondholders including without limitation the
15027 authority's right to collect revenues and to fulfill the terms of
15028 any covenants made with the registered owners of the bonds, or in
15029 any other way materially impair the rights and remedies of the
15030 registered owners of the bonds, unless provision for full payment
15031 of such bonds, by escrow or otherwise, has been made pursuant to
15032 the terms of the bonds or the resolution, trust indenture or
15033 security instrument securing the bonds.

15034 **SECTION 459.** Section 57-67-33, Mississippi Code of 1972, is
15035 brought forward as follows:

15036 57-67-33. Any bonds or state bonds issued under the
15037 provisions of this chapter, a transaction relating to the sale or
15038 securing of such bonds, their transfer and the income therefrom
15039 shall at all times be free from taxation by the state or any local
15040 unit or political subdivision or other instrumentality of the
15041 state, excepting inheritance and gift taxes.

15042 **SECTION 460.** Section 57-67-35, Mississippi Code of 1972, is
15043 brought forward as follows:

15044 57-67-35. All bonds or state bonds issued pursuant to this
15045 chapter shall be legal investments for trustees, other
15046 fiduciaries, savings banks, trust companies and insurance
15047 companies organized under the laws of the State of Mississippi;
15048 and such bonds shall be legal securities which may be deposited
15049 with and shall be received by all public officers and bodies of



15050 the state and all municipalities and other political subdivisions
15051 thereof for the purpose of securing the deposit of public funds.

15052 **SECTION 461.** Section 57-67-37, Mississippi Code of 1972, is
15053 brought forward as follows:

15054 57-67-37. (1) (a) The authority shall expend not less than
15055 fifteen percent (15%) of the total amounts expended by the
15056 authority on planning, construction, training, research,
15057 development, testing, evaluation, personal services, procurement,
15058 and for the operation and maintenance of any facilities or
15059 activities controlled by such authority, with minority small
15060 business concerns owned and controlled by socially and
15061 economically disadvantaged individuals. For the purpose of
15062 determining the total amounts expended with such minority small
15063 business concerns, credit shall be given for that portion of any
15064 prime contract entered into with the authority which inures to the
15065 benefit of such minority small business concern as a subcontractor
15066 thereunder.

15067 (b) For the purposes of this section, the term
15068 "socially and economically disadvantaged individuals" shall have
15069 the meaning ascribed to such term under Section 8(d) of the Small
15070 Business Act (15 U.S.C.S., Section 637(d)) and relevant
15071 subcontracting regulations promulgated pursuant thereto.

15072 (c) For the purposes of this section, the term
15073 "minority small business concern" means any small business
15074 concern:



15075 (i) Which is at least fifty-one percent (51%)
15076 owned by one or more socially and economically disadvantaged
15077 individuals; or, in the case of any publicly owned businesses, at
15078 least fifty-one percent (51%) of the stock of which is owned by
15079 one or more socially and economically disadvantaged individuals;
15080 and

15081 (ii) Whose management and daily business
15082 operations are controlled by one or more of such individuals.

15083 (d) For the purposes of this section, the term "small
15084 business concern" shall mean "small business" as the latter term
15085 is defined in Section 57-10-155, Mississippi Code of 1972.

15086 (2) In order to comply in a timely manner with its minority
15087 small business participation mandate, the authority shall set an
15088 annual goal to expend not less than fifteen percent (15%) of its
15089 aggregate yearly expenditures with minority small business
15090 concerns.

15091 (3) The authority shall:

15092 (a) Monitor the minority small business concerns
15093 assistance programs prescribed in this section.

15094 (b) Review and determine the business capabilities of
15095 minority small business concerns.

15096 (c) Establish standards for a certification procedure
15097 for minority small business concerns seeking to do business with
15098 the authority.



15099 (d) Provide technical assistance services to minority
15100 small business concerns. Such technical assistance shall include
15101 but not be limited to:

- 15102 (i) Research;
- 15103 (ii) Assistance in obtaining bonds;
- 15104 (iii) Bid preparation;
- 15105 (iv) Certification of business concerns;
- 15106 (v) Marketing assistance; and
- 15107 (vi) Joint venture and capital development.

15108 (e) Develop alternative bidding and contracting
15109 procedures for minority small business concerns in conjunction
15110 with the State Fiscal Management Board and the Governor's Office
15111 of General Services.

15112 (f) Utilize such alternative bidding and contracting
15113 procedures in lieu of those prescribed in * * * Chapters 5 and 7,
15114 Title 31, Mississippi Code of 1972, when contracting with minority
15115 small business concerns that have qualified to bid for contracts
15116 and have satisfied any other disclosure provisions required by the
15117 authority.

15118 (g) Be authorized to accept in lieu of any bond
15119 otherwise required from minority small business concerns or small
15120 business concerns contracting with the authority, in an amount
15121 equal to one hundred percent (100%) of the total cost of the
15122 contracted project, any combination of the following:

- 15123 (i) Cash;



15124 (ii) Certificates of deposit from any bank or
15125 banking corporation insured by the Federal Deposit Insurance
15126 Corporation or the Federal Savings and Loan Insurance Corporation;

15127 (iii) Federal treasury bills;

15128 (iv) Letters of credit issued by a bank as that
15129 term is defined in Section 81-3-1, Mississippi Code of 1972; or

15130 (v) Surety bonds issued by an insurance company
15131 licensed and qualified to do business in the State of Mississippi.

15132 (h) Be authorized, in its discretion, to waive any bond
15133 required on any project which does not exceed a total dollar value
15134 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall
15135 be held by the authority in an amount not to exceed fifteen
15136 percent (15%) from each draw according to American Institute of
15137 Architects (AIA) standards. Upon satisfactory completion of such
15138 project, ten percent (10%) of the total cost of the contract shall
15139 be held in an interest-bearing escrow account for one (1) year.
15140 Funds deposited in such escrow account shall stand as a surety for
15141 any defects in workmanship or materials detected within twelve
15142 (12) months of completion. The balance of all monies so escrowed
15143 including accrued interest shall be paid to the contractor at the
15144 end of such twelve-month period.

15145 (i) Be empowered to provide an incentive of bimonthly
15146 payments to any prime contractors utilizing minority small
15147 business concerns as subcontractors on twenty-five percent (25%)



15148 or more of the total dollar value of any single project or
15149 contract.

15150 (j) Submit an annual report on its progress concerning
15151 minority small business contracts to the Legislature by January 30
15152 of each year.

15153 (k) Take all steps necessary to implement the
15154 provisions of this section.

15155 (4) The Governor shall create an Office of Minority Small
15156 Business Development within the authority. The Office of Minority
15157 Small Business Development shall be the primary provider of
15158 technical assistance to minority small business concerns. The
15159 authority may, in its discretion, contract with minority small
15160 business concerns and small business concerns to provide technical
15161 assistance under the provisions of this section. The authority
15162 may annually expend not more than one percent (1%) of the total
15163 dollar amount prescribed in subsection (2) of this section for the
15164 purpose of providing technical assistance. All funds expended for
15165 technical assistance shall be administrative funds or any funds
15166 available other than the amounts prescribed in subsection (1)(a)
15167 of this section.

15168 (5) The authority shall assist in facilitating the entry of
15169 minorities into the subject areas of engineering, high-energy
15170 physics, mathematics and computer science. An historically Black
15171 public institution of higher learning may receive funding from the
15172 authority for the enhancement of curriculum in any of these areas



15173 for minority student development on the undergraduate and graduate
15174 levels.

15175 **SECTION 462.** Section 57-67-39, Mississippi Code of 1972, is
15176 brought forward as follows:

15177 57-67-39. The provisions of this chapter are cumulative of
15178 other statutes now or hereafter enacted relating to the authority,
15179 and the authority may exercise all presently held powers in the
15180 furtherance of this chapter. If any section, paragraph, sentence,
15181 clause, phrase or any part of the provisions of this chapter is
15182 declared to be unconstitutional or void, or for any reason is
15183 declared to be invalid or of no effect, the remaining sections,
15184 paragraphs, sentences, clauses and phrases shall in no manner be
15185 affected thereby but shall remain in full force and effect.

15186 **SECTION 463.** Section 57-69-1, Mississippi Code of 1972, is
15187 brought forward as follows:

15188 57-69-1. This chapter shall be known and may be cited as the
15189 "Mississippi Minority Business Enterprise Act."

15190 **SECTION 464.** Section 57-69-3, Mississippi Code of 1972, is
15191 brought forward as follows:

15192 57-69-3. Unless the context requires otherwise, the
15193 following words shall have the following meanings for the purposes
15194 of this chapter:

15195 (a) "Class of contract basis" means an entire group of
15196 contracts having a common characteristic.



15197 (b) "Commercially useful function" means being
15198 responsible for execution of a contract or a distinct element of
15199 the work under a contract by actually performing, managing, and
15200 supervising the work involved.

15201 (c) "Contract" means all types of state agreements,
15202 regardless of what they may be called, for the purchase of
15203 supplies or services or for construction or major repairs.

15204 "Contract" includes the following:

15205 (i) Awards and notices of award.

15206 (ii) Contracts of a fixed price, cost,
15207 cost-plus-a-fixed-fee, or incentive types.

15208 (iii) Contracts providing for the issuance of job
15209 or task orders.

15210 (iv) Leases.

15211 (v) Letter contracts.

15212 (vi) Purchase orders.

15213 (vii) Any supplemental agreements with respect to
15214 (i) through (vi) of this * * * paragraph.

15215 (d) "Contracting base" means the dollar amount of
15216 contracts for public works and procurement of goods and services
15217 awarded by a state agency or a state educational institution
15218 during a fiscal year.

15219 (e) "Contract by contract basis" means a single
15220 contract within a specific class of contracts.



15221 (f) "Contractor" means a party who enters into a
15222 contract to provide a state or educational institution with goods
15223 or services, including construction, or a subcontractor or
15224 sublessee of such a party.

15225 (g) "Director" means the Executive Director of the
15226 Office of Minority Business Enterprises of the Mississippi
15227 Development Authority.

15228 (h) "Educational institutions" means the state
15229 universities, vocational institutions, and any other
15230 state-supported educational institutions.

15231 (i) "Joint venture" means an association of two (2) or
15232 more persons or businesses to carry out a single business
15233 enterprise for profit for which purpose they combine their
15234 property, capital, efforts, skills, and knowledge, and in which
15235 they exercise control and share in profits and losses in
15236 proportion to their contribution to the enterprise.

15237 (j) "Minority" means a person who is a citizen or
15238 lawful permanent resident of the United States and who is:

15239 (i) Black: having origins in any of the black
15240 racial groups of Africa.

15241 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
15242 Central or South American, or other Spanish or Portuguese culture
15243 or origin regardless of race.



15244 (iii) Asian American: having origins in any of
15245 the original peoples of the Far East, Southeast Asia, the Indian
15246 subcontinent, or the Pacific Islands.

15247 (iv) American Indian or Alaskan Native: having
15248 origins in any of the original peoples of North America.

15249 (v) Female.

15250 (k) "Minority business enterprise" or "minority owned
15251 business" means a socially and economically disadvantaged small
15252 business concern organized for profit performing a commercially
15253 useful function which is owned and controlled by one or more
15254 individuals or minority business enterprises certified by the
15255 office, at least seventy-five percent (75%) of whom are resident
15256 citizens of the State of Mississippi. For purposes of this
15257 paragraph, the term "socially and economically disadvantaged small
15258 business concern" shall have the meaning ascribed to such term
15259 under the Small Business Act (15 USCS, Section 637(a)). Owned and
15260 controlled means a business in which one or more minorities or
15261 minority business enterprises certified by the office own at least
15262 fifty-one percent (51%) or in the case of a corporation at least
15263 fifty-one percent (51%) of the voting stock and control at least
15264 fifty-one percent (51%) of the management and daily business
15265 operations of the business.

15266 (l) "Minority business enterprise supplier" means a
15267 socially and economically disadvantaged small business concern
15268 which is owned and controlled by one or more individuals, at least



15269 seventy-five percent (75%) of whom are resident citizens of the
15270 State of Mississippi. For purposes of this paragraph, the term
15271 "socially and economically disadvantaged small business concern"
15272 shall have the meaning ascribed to such term under the Small
15273 Business Act (15 USCS, Section 637(a)) except that the net worth
15274 of the business may not be greater than Seven Hundred Fifty
15275 Thousand Dollars (\$750,000.00). Owned and controlled means a
15276 business in which one or more minorities own at least fifty-one
15277 percent (51%) or in the case of a corporation at least fifty-one
15278 percent (51%) of the voting stock and control at least fifty-one
15279 percent (51%) of the management and daily business operations of
15280 the business.

15281 (m) "Office" means the Office of Minority Business
15282 Enterprises of the Mississippi Development Authority.

15283 (n) "Procurement" means the purchase, lease, or rental
15284 of any goods or services.

15285 (o) "Commodities" means the various items described in
15286 Section 31-7-1(e).

15287 (p) "Professional services" means all personal service
15288 contracts utilized by state agencies and institutions.

15289 (q) "Small business" means a small business as defined
15290 by the Small Business Administration of the United States
15291 government which for purposes of size eligibility or other factors
15292 meets the applicable criteria set forth in Part 121 of Title 13 of



15293 the Code of Federal Regulations as amended, and which has its
15294 principal place of business in Mississippi.

15295 (r) "State agency" includes the State of Mississippi
15296 and all agencies, departments, offices, divisions, boards,
15297 commissions, and correctional and other types of institutions.
15298 "State agency" does not include the Mississippi Department of
15299 Transportation nor the judicial or legislative branches of
15300 government except to the extent that procurement or public works
15301 for these branches is performed by a state agency.

15302 **SECTION 465.** Section 57-69-5, Mississippi Code of 1972, is
15303 brought forward as follows:

15304 57-69-5. (1) There is hereby created the Office of Minority
15305 Business Enterprises of the Mississippi Development Authority
15306 under the Mississippi Development Authority. The Executive
15307 Director of the Mississippi Development Authority shall appoint an
15308 executive director for the office. The executive director may
15309 employ a staff subject to approval of the Executive Director of
15310 the Mississippi Development Authority as necessary to carry out
15311 the purposes of this office.

15312 (2) The office shall perform the following:

15313 (a) Develop, plan and implement programs to provide an
15314 opportunity for participation by qualified minority owned
15315 businesses in public works and the process by which goods and
15316 services are procured by state agencies and educational
15317 institutions from the private sector;



15318 (b) Develop a comprehensive plan encouraging that
15319 qualified minority owned businesses are provided an opportunity to
15320 participate in public contracts for public works and commodities
15321 and services;

15322 (c) Identify barriers to equal participation by
15323 qualified minority owned businesses in all state agency and
15324 educational institution contracts;

15325 (d) Develop and maintain a central minority business
15326 enterprise certification list for all state agencies and
15327 educational institutions;

15328 (e) Adopt rules for the implementation of this chapter;

15329 (f) Develop and maintain a central minority business
15330 enterprise certification program;

15331 (g) Develop and maintain a central minority business
15332 enterprise supplier certification program;

15333 (h) Submit an annual report to the Governor and the
15334 Legislature outlining the progress and economic impact on the
15335 public and private sectors of implementing this chapter;

15336 (i) Increase efforts to inform minority businesses of
15337 state government procurement procedures and policies;

15338 (j) Serve as the principal advocate in the state on
15339 behalf of minority business enterprises and minority business
15340 enterprise suppliers and provide advice in the consideration of
15341 administrative requirements and legislation that affect minority
15342 business enterprises and minority business enterprise suppliers;



15343 (k) Evaluate the effectiveness of efforts of state
15344 agencies and other entities to assist minority business
15345 enterprises and minority business enterprise suppliers and make
15346 appropriate recommendations to assist the development and
15347 strengthening of minority business enterprises and minority
15348 business enterprise suppliers;

15349 (l) Determine the availability of financial and other
15350 resources to minority business enterprises and minority business
15351 enterprise suppliers and recommend methods for:

15352 (i) Increasing the availability of equity capital
15353 and other forms of financial assistance to minority business
15354 enterprises and minority business enterprise suppliers;

15355 (ii) Generating markets for the goods and services
15356 of minority business enterprises and minority business enterprise
15357 suppliers;

15358 (iii) Providing more effective education, training
15359 and management and technical assistance to minority business
15360 enterprises and minority business enterprise suppliers; and

15361 (iv) Providing assistance to minority business
15362 enterprises and minority business enterprise suppliers in
15363 complying with federal, state and local laws;

15364 (m) Serve as a focal point for receiving complaints and
15365 suggestions concerning state government policies and activities
15366 that affect minority business enterprises and minority business
15367 enterprise suppliers;



15368 (n) Develop and advocate proposals for changes in state
15369 policies and activities that adversely affect minority business
15370 enterprises and minority business enterprise suppliers;

15371 (o) Provide to legislative committees and state
15372 agencies information on the effects of proposed policies or
15373 actions that affect minority business enterprises and minority
15374 business enterprise suppliers;

15375 (p) Enlist the assistance of public and private
15376 agencies, businesses and other organizations in disseminating
15377 information about state programs and services that benefit
15378 minority business enterprises and minority business enterprise
15379 suppliers and information regarding means by which minority
15380 business enterprises and minority business enterprise suppliers
15381 can use those programs and services;

15382 (q) Identify sources of financial assistance for
15383 minority business enterprises, match minority business enterprises
15384 and minority business enterprise suppliers with sources of
15385 financial assistance, and assist minority business enterprises and
15386 minority business enterprise suppliers with the preparation of
15387 applications for loans from governmental or private sources;

15388 (r) Sponsor meetings, to the extent practicable in
15389 cooperation with public and private educational institutions, to
15390 provide training and disseminate information beneficial to
15391 minority business enterprises and minority business enterprise
15392 suppliers;



15393 (s) Assist minority business enterprises and minority
15394 business enterprise suppliers in their dealings with federal,
15395 state and local governmental agencies and provide information
15396 regarding governmental requirements affecting minority business
15397 enterprises and minority business enterprise suppliers;

15398 (t) Develop and implement programs to encourage
15399 governmental agencies, public sector business associations and
15400 other organizations to provide useful services to minority
15401 business enterprises and minority business enterprise suppliers;

15402 (u) Use available resources within the state, such as
15403 minority business enterprise development centers, educational
15404 institutions and nonprofit associations, to coordinate the
15405 provision of management and technical assistance to minority
15406 business enterprises and minority business enterprise suppliers in
15407 a systematic manner;

15408 (v) Publish newsletters, brochures and other documents
15409 containing information useful to minority business enterprises and
15410 minority business enterprise suppliers;

15411 (w) Identify successful minority business enterprise
15412 assistance programs provided by other states and determine the
15413 feasibility of adapting those programs for implementation in
15414 Mississippi;

15415 (x) Establish an outreach program to make the existence
15416 of the office known to minority business enterprises, minority



15417 business enterprise suppliers and potential clients throughout the
15418 state; and

15419 (y) Identify potential business opportunities for
15420 minority business enterprises and minority business enterprise
15421 suppliers and develop programs to maximize those opportunities.

15422 **SECTION 466.** Section 57-69-7, Mississippi Code of 1972, is
15423 brought forward as follows:

15424 57-69-7. (1) The Executive Director of the Mississippi
15425 Development Authority shall certify minority business enterprises
15426 that qualify as such. The director shall establish criteria by
15427 which minority business enterprises may qualify for certification.

15428 (2) The Executive Director of the Mississippi Development
15429 Authority shall certify minority business * * * enterprise
15430 suppliers that qualify as such. The director shall establish
15431 criteria by which minority business enterprise suppliers may
15432 qualify for certification.

15433 **SECTION 467.** Section 57-69-9, Mississippi Code of 1972, is
15434 brought forward as follows:

15435 57-69-9. Each state agency and educational institution shall
15436 report the participation of minority business enterprises in the
15437 public works and procurement contracts executed by the agency or
15438 institution. The reports shall be made on a an annual basis.

15439 **SECTION 468.** Section 57-71-1, Mississippi Code of 1972, is
15440 brought forward as follows:



15441 57-71-1. This act shall be known and may be cited as the
15442 Mississippi Small Enterprise Development Finance Act.

15443 **SECTION 469.** Section 57-71-3, Mississippi Code of 1972, is
15444 brought forward as follows:

15445 57-71-3. It is the purpose of this act to promote business
15446 and economic development in the State of Mississippi through job
15447 producing programs and by providing loans to the * * * Mississippi
15448 Business Finance Corporation, as defined in this act; to assist in
15449 securing investment in small communities by private companies
15450 locating or expanding in the state; and to authorize the issuance
15451 of state bonds or notes for funding such programs.

15452 **SECTION 470.** Section 57-71-5, Mississippi Code of 1972, is
15453 brought forward as follows:

15454 57-71-5. The following words and phrases when used in this
15455 act shall have the meaning given to them in this section unless
15456 the context clearly indicates otherwise:

15457 (a) "MBFC" or "company" means the Mississippi Business
15458 Finance Corporation.

15459 (b) "Private company" means any agricultural,
15460 aquacultural, horticultural, industrial, manufacturing or research
15461 and development enterprise or enterprises, or the lessor thereof,
15462 or any commercial enterprise approved by the Mississippi Business
15463 Finance Corporation; however, the term "private company" shall not
15464 include any business, corporation or entity having a gaming
15465 license issued under Section 75-76-1 et seq.



15466 (c) "Qualified financial institution" means any
15467 commercial bank or savings and loan institution approved by the
15468 Mississippi Business Finance Corporation to provide letters of
15469 credit under this act.

15470 (d) "Letter of credit" means a letter of credit
15471 obligation from a qualified financial institution approved by the
15472 Mississippi Business Finance Corporation.

15473 (e) "Planning and development districts" means the
15474 organized planning and development districts in Mississippi.

15475 (f) "Director" means the Executive Director of the
15476 Mississippi Business Finance Corporation.

15477 (g) "Seller" means the State Bond Commission.

15478 **SECTION 471.** Section 57-71-7, Mississippi Code of 1972, is
15479 brought forward as follows:

15480 57-71-7. There is hereby established, under the direction of
15481 the * * * Mississippi Business Finance Corporation, a program to
15482 be known as the Mississippi Small Enterprise Development Finance
15483 Program for the purpose of making loans to qualified private
15484 companies in order to provide financing to small businesses which
15485 will increase employment and investment in small communities.

15486 **SECTION 472.** Section 57-71-9, Mississippi Code of 1972, is
15487 brought forward as follows:

15488 57-71-9. Any private company desiring to borrow from the
15489 program shall make application to the company. The company shall



15490 define and publish criteria for eligibility for the program and
15491 timetable for review.

15492 All loan applications shall identify a qualified financial
15493 institution which will issue a letter of credit to the * * *
15494 Mississippi Business Finance Corporation guaranteeing the loan
15495 made pursuant to this act. Such letter of credit will be in a
15496 form satisfactory to the * * * Mississippi Business Finance
15497 Corporation.

15498 **SECTION 473.** Section 57-71-11, Mississippi Code of 1972, is
15499 brought forward as follows:

15500 57-71-11. (1) No loan made under the provisions of this act
15501 shall be in an amount exceeding Four Million Dollars
15502 (\$4,000,000.00) principal.

15503 (2) The maximum loan term shall not exceed twenty (20)
15504 years.

15505 (3) All loans made pursuant to this act shall be guaranteed
15506 by a letter of credit in a form acceptable to the Mississippi
15507 Business Finance Corporation from a qualified financial
15508 institution. A letter of credit may be replaced by another letter
15509 of credit from a qualified financial institution if the letter is
15510 in a form acceptable to the Mississippi Business Finance
15511 Corporation. The cost of the letter of credit shall not exceed
15512 two percent (2%) per annum of the loan. If a letter of credit,
15513 upon expiration, is not renewed by the financial institution or
15514 otherwise replaced, the company shall draw upon the letter of



15515 credit for the payment of the principal of and accrued interest on
15516 the bonds, including any penalties, premium on bonds or other
15517 costs incident to the loan.

15518 (4) No more than Four Million Dollars (\$4,000,000.00) in
15519 loans may be outstanding in the aggregate to any one (1) borrower,
15520 either directly or indirectly, at any one time.

15521 (5) The interest rate on such loans shall not be less than
15522 the net interest rate on the bonds or notes issued pursuant to
15523 this act to finance the loan being repaid, plus company servicing
15524 fees.

15525 (6) The total amount of a loan secured by real and/or
15526 personal property, including any previous indebtedness incurred
15527 against real and/or personal property offered as security for such
15528 loan shall not exceed ninety percent (90%) of the market value
15529 thereof as determined by an appraisal made by the lender. In
15530 determining the amount of indebtedness to be incurred against any
15531 real or personal property securing such a loan, the lender may
15532 consider the enhanced value of the real property and any other
15533 additional capital assets accruing to the borrower through loans
15534 provided under this act.

15535 (7) No loan shall be made under this act to finance any
15536 existing debt.

15537 **SECTION 474.** Section 57-71-13, Mississippi Code of 1972, is
15538 brought forward as follows:



15539 57-71-13. The Mississippi Business Finance Corporation shall
15540 promulgate lending guidelines, rules and regulations as may be
15541 necessary to carry out the provisions of this act.

15542 The Mississippi Business Finance Corporation may work closely
15543 with the planning and development districts in identifying
15544 eligible projects and making the program available in all areas of
15545 the state.

15546 As part of the lending criteria, the Mississippi Business
15547 Finance Corporation must receive a commitment that the proposed
15548 project will create a minimum of ten (10) net new full-time
15549 equivalent jobs.

15550 Notwithstanding the provisions of Section 27-65-101(1),
15551 Mississippi Code of 1972, and other applicable laws, all purchases
15552 required to establish any project and financed by proceeds from
15553 bonds issued under this act shall be exempt from all taxation in
15554 the State of Mississippi except the contractors' tax imposed by
15555 Sections 27-65-21 and 27-65-24(1)(b).

15556 **SECTION 475.** Section 57-71-15, Mississippi Code of 1972, is
15557 brought forward as follows:

15558 57-71-15. The * * * Mississippi Business Finance Corporation
15559 is hereby authorized to engage legal services, financial advisors,
15560 appraisers and consultants if needed to review and close loans
15561 made pursuant to this act. The costs of such professionals shall
15562 be paid by the borrower or from loan proceeds as determined and
15563 approved by the company.



15564 **SECTION 476.** Section 57-71-17, Mississippi Code of 1972, is
15565 brought forward as follows:

15566 57-71-17. In the event of a default, the * * * Mississippi
15567 Business Finance Corporation shall call upon the letter of credit
15568 guaranteeing the principal amount of the loan plus interest due.

15569 Failure to comply with lending criteria shall result in a
15570 penalty which the company may establish by regulation, and
15571 penalties shall not be treated as interest income for the purposes
15572 of Section 148 of the Internal Revenue Code of 1986.

15573 **SECTION 477.** Section 57-71-19, Mississippi Code of 1972, is
15574 brought forward as follows:

15575 57-71-19. No loan shall be made to a private company under
15576 this act unless the private company certifies to the * * *
15577 Mississippi Business Finance Corporation, in a form satisfactory
15578 to the company, that it will not discriminate against any employee
15579 or against any applicant for employment because of race, religion,
15580 color, national origin, sex or age.

15581 **SECTION 478.** Section 57-71-21, Mississippi Code of 1972, is
15582 brought forward as follows:

15583 57-71-21. (1) There is hereby created a special fund in the
15584 State Treasury to be known as the Mississippi Small Enterprise
15585 Development Finance Fund out of which the * * * Mississippi
15586 Business Finance Corporation shall provide loans authorized by
15587 this act. All monies received by the company to carry out the
15588 purposes of this act by issuance of bonds shall be deposited into



15589 the Mississippi Small Enterprise Development Finance Fund or
15590 funds. Expenditures authorized from the fund shall be paid by the
15591 State Treasurer upon warrants drawn on the Mississippi Small
15592 Enterprise Development Finance Fund, and the * * * Department of
15593 Finance and Administration shall issue warrants upon requisitions
15594 signed by the director.

15595 (2) Any monies repaid to the state from loans funded through
15596 the Mississippi Small Enterprise Development Finance Fund shall be
15597 deposited into the Mississippi Small Enterprise Development
15598 Finance Sinking Fund, which is hereby created in the State
15599 Treasury.

15600 **SECTION 479.** Section 57-71-23, Mississippi Code of 1972, is
15601 brought forward as follows:

15602 57-71-23. (1) All bonds issued under the authority of this
15603 act shall be redeemed at maturity, together with all interest due,
15604 from time to time, on the bonds, and these principal and interest
15605 payments shall be paid from the Mississippi Small Enterprise
15606 Development Finance Sinking Fund. All monies paid into the
15607 Mississippi Small Enterprise Development Finance Sinking Fund not
15608 appropriated to pay accruing bonds and interest shall be invested
15609 by the State Treasurer in such securities as are provided by law
15610 for the investment of the sinking funds of the state.

15611 (2) In the event that all or any part of the bonds and notes
15612 are purchased, they shall be canceled and returned to the loan and
15613 transfer agent as canceled and paid bonds and notes; and



15614 thereafter all payments of interest thereon shall cease and the
15615 canceled bonds, notes and coupons together with any other canceled
15616 bonds, notes and coupons shall be destroyed as promptly as
15617 possible after cancellation but not later than two (2) years after
15618 cancellation. A certificate evidencing the destruction of the
15619 canceled bonds, notes and coupons shall be provided by the loan
15620 and transfer agent to the seller.

15621 (3) The State Treasurer shall determine and report to
15622 the * * * Department of Finance and Administration and Legislative
15623 Budget Office by September 1 of each year the amount of money
15624 necessary for the payment of the principal of and interest on
15625 outstanding obligations for the following fiscal year and the
15626 times and amounts of the payments. It shall be the duty of the
15627 Governor to include in every executive budget submitted to the
15628 Legislature full information relating to the issuance of bonds and
15629 notes under the provisions of this act and the status of the
15630 Mississippi Small Enterprise Development Finance Sinking Fund of
15631 the state for the payment of the principal of and interest on the
15632 bonds and notes.

15633 (4) Except as otherwise provided by law, the rate of
15634 interest on any loan made using funds from the Mississippi Small
15635 Enterprise Development Finance Fund shall be that rate as
15636 established by Section 57-71-11(5). Notwithstanding the
15637 provisions of any other law to the contrary, the interest rate
15638 charged shall not be set such that the aggregate of the interest,



15639 penalties and other payments to the state on loans and other
15640 assistance made using funds from the Mississippi Small Enterprise
15641 Development Finance Fund will cause the bonds issued pursuant to
15642 this act to be deemed arbitrage bonds pursuant to Section 148 of
15643 the Internal Revenue Code of 1986 and the regulations promulgated
15644 thereunder. In the case of loans initially funded from the
15645 proceeds of notes and subsequently funded from renewal bonds and
15646 notes, the interest rate to be charged on the loans shall be
15647 established in accordance with Section 57-71-11(5) upon the sale
15648 of bonds or notes, as the case may be, for the loans.

15649 **SECTION 480.** Section 57-71-25, Mississippi Code of 1972, is
15650 brought forward as follows:

15651 57-71-25. (1) The seller is authorized to borrow, on the
15652 credit of the state, upon receipt of a resolution from the company
15653 requesting the same, money not exceeding the aggregate sum of One
15654 Hundred Forty Million Dollars (\$140,000,000.00), outstanding at
15655 any one time, not including money borrowed to refund outstanding
15656 bonds, notes or replacement notes, as may be necessary to carry
15657 out the purposes of this act. The rate of interest on any such
15658 bonds or notes which are not subject to taxation shall not exceed
15659 the rates set forth in Section 75-17-101, Mississippi Code of
15660 1972, for general obligation bonds.

15661 (2) As evidence of indebtedness authorized in this act,
15662 general or limited obligation bonds of the state shall be issued
15663 from time to time to provide monies necessary to carry out the



15664 purposes of this act for such total amount, in such form, in such
15665 denominations, payable in such currencies (either domestic or
15666 foreign or both), and subject to such terms and conditions of
15667 issue, redemption and maturity, rate of interest and time of
15668 payment of interest as the seller directs, except that such bonds
15669 shall mature or otherwise be retired in annual installments
15670 beginning not more than five (5) years from date thereof and
15671 extending not more than twenty (20) years from date thereof.

15672 (3) All bonds and notes issued under authority of this act
15673 shall be signed by the chairman of the seller, or by his facsimile
15674 signature, and the official seal of the seller shall be affixed
15675 thereto, attested by the secretary of the seller.

15676 (4) All bonds and notes issued under authority of this act
15677 may be general or limited obligations of the state, and the full
15678 faith and credit of the State of Mississippi as to general
15679 obligation bonds, or the revenue derived from projects assisted as
15680 to limited obligation bonds, are hereby pledged for the payment of
15681 the principal of and the interest on such bonds and notes.

15682 (5) Such bonds and notes and the income therefrom shall be
15683 exempt from all taxation in the State of Mississippi.

15684 (6) The bonds may be issued as coupon bonds or registered as
15685 to both principal and interest as the seller may determine. If
15686 interest coupons are attached, they shall contain the facsimile
15687 signature of the chairman and the secretary of the seller.



15688 (7) As to bonds issued hereunder and designated as taxable
15689 bonds by the seller, any immunity of the state to taxation by the
15690 United States government of interest on bonds or notes issued by
15691 the state is hereby waived.

15692 **SECTION 481.** Section 57-71-27, Mississippi Code of 1972, is
15693 brought forward as follows:

15694 57-71-27. (1) Whenever bonds are issued, they shall be
15695 offered for sale at not less than par value and accrued interest
15696 and shall be sold by the seller at public or private sale, from
15697 time to time, in such manner and at such price as may be
15698 determined by the seller to be most advantageous.

15699 (2) Any portion of any bond issue so offered and not sold or
15700 subscribed for at public sale may be disposed of by private sale
15701 by the seller in such manner and at such prices not less than par
15702 and accrued interest, as the seller shall direct.

15703 (3) When bonds are issued from time to time, the bonds of
15704 each issue shall constitute a separate series to be designated by
15705 the seller or may be combined for sale as one (1) series with
15706 other general obligation bonds of the State of Mississippi.

15707 (4) Until permanent bonds can be prepared, the seller may in
15708 its discretion issue, in lieu of permanent bonds, temporary bonds
15709 in such form and with such privileges as to registration and
15710 exchange for permanent bonds as may be determined by the seller.

15711 (5) Pending their application to the purposes authorized,
15712 bond proceeds held or deposited by the State Treasurer may be



15713 invested or reinvested as are other funds in the custody of the
15714 State Treasurer in the manner provided by law. All earnings
15715 received from the investment or deposit of such funds shall be
15716 paid into the State Treasury to the credit of the Mississippi
15717 Small Enterprise Development Finance Fund.

15718 (6) The State Treasurer shall prepare the necessary registry
15719 book to be kept in the office of the duly authorized loan and
15720 transfer agent of the state for the registration of any bonds, at
15721 the request of owners thereof, according to the terms and
15722 conditions of issue directed by the seller.

15723 (7) All costs and expenses in connection with the issue of
15724 and sale and registration of the bonds and notes in connection
15725 with this act may be paid from the proceeds of bonds and notes
15726 issued under this act.

15727 (8) The seller may provide in the resolution authorizing the
15728 issuance of such bonds for the employment of one or more persons
15729 or firms to assist in the sale of the bonds; to enter into
15730 contracts with financial institutions located either within or
15731 without the State of Mississippi to act as registrars, paying
15732 agents, transfer agents or otherwise; for rating of the bonds; and
15733 to purchase insurance.

15734 **SECTION 482.** Section 57-71-29, Mississippi Code of 1972, is
15735 brought forward as follows:

15736 57-71-29. (1) Pending the issuance of bonds of the state as
15737 authorized under this act, the seller is hereby authorized in



15738 accordance with the provisions of this act and on the credit of
15739 the state, to make temporary borrowings not to exceed two (2)
15740 years in anticipation of the issue of bonds in order to provide
15741 funds in such amounts as may, from time to time, be deemed
15742 advisable prior to the issue of bonds. In order to provide for
15743 and in connection with such temporary borrowings, the seller is
15744 hereby authorized in the name and on behalf of the state to enter
15745 into any purchase, loan or credit agreement, or agreements, or
15746 other agreement or agreements with any financial institution or
15747 persons in the United States having power to enter into the same,
15748 which agreements may contain such provisions not inconsistent with
15749 the provisions of this act as may be authorized by the seller.

15750 (2) All temporary borrowings made under this section shall
15751 be evidenced by notes of the state which shall be issued, from
15752 time to time, for such amounts not exceeding in the aggregate the
15753 applicable statutory and constitutional debt limitation, in such
15754 form and in such denominations and subject to terms and conditions
15755 of sale and issue, prepayment or redemption and maturity, rate or
15756 rates of interest and time of payment of interest as the seller
15757 shall authorize and direct and in accordance with this act. Such
15758 authorization and direction may provide for the subsequent
15759 issuance of replacement notes to refund, upon issuance thereof,
15760 such notes, and may specify such other terms and conditions with
15761 respect to the notes and replacement notes thereby authorized for
15762 issuance as the seller may determine and direct.



15763 (3) When the authorization and direction of the seller
15764 provide for the issuance of replacement notes, the seller is
15765 hereby authorized in the name and on behalf of the state to enter
15766 into agreements with any financial institutions or persons in the
15767 United States having the power to enter the same:

15768 (a) To purchase or underwrite an issue or series of
15769 issues of notes.

15770 (b) To enter into any purchase, loan or credit
15771 agreements, and to draw monies pursuant to any such agreements on
15772 the terms and conditions set forth therein and to issue notes as
15773 evidence of borrowings made under any such agreements.

15774 (c) To appoint or act as issuing and paying agent or
15775 agents with respect to notes.

15776 (d) To do such other acts as may be necessary or
15777 appropriate to provide for the payment, when due, of the principal
15778 of and interest on such notes.

15779 Such agreements may provide for the compensation of any
15780 purchasers or underwriters of notes or replacement notes by
15781 payment of a fixed fee or commission at the time of issuance
15782 thereof, and for all other costs and expenses, including fees for
15783 agreements related to the notes issuing and paying agent costs.
15784 Costs and expenses of issuance may be paid from the proceeds of
15785 the notes.

15786 (4) When the authorization and direction of the seller
15787 provides for the issuance of replacement notes, it shall, at or



15788 prior to the time of delivery of these notes or replacement notes,
15789 determine the principal amounts, dates of issue, interest rate or
15790 rates, rates of discount, denominations and all other terms and
15791 conditions relating to the issuance. The State Treasurer shall
15792 perform all acts and things necessary to pay or cause to be paid,
15793 when due, all principal of and interest on the notes being
15794 refunded by replacement notes and to assure that the same may draw
15795 upon any monies available for that purpose pursuant to any
15796 purchase loan or credit agreements established with respect
15797 thereto, all subject to the authorization and direction of the
15798 seller.

15799 (5) Outstanding notes evidencing such borrowings may be
15800 funded and retired by the issuance and sale of the bonds of the
15801 state as hereinafter authorized. The refunding bonds must be
15802 issued and sold not later than a date two (2) years after the date
15803 of issuance of the first notes evidencing such borrowings to the
15804 extent that payment of such notes has not otherwise been made or
15805 provided for by sources other than proceeds of replacement notes.

15806 (6) The proceeds of all such temporary borrowing shall be
15807 paid to the State Treasurer to be held and disposed of in
15808 accordance with the provisions of Section 57-71-31.

15809 **SECTION 483.** Section 57-71-31, Mississippi Code of 1972, is
15810 brought forward as follows:

15811 57-71-31. (1) The proceeds realized from the sale of bonds
15812 and notes under this act, other than refunding bonds and



15813 replacement notes, shall be paid to the State Treasurer and
15814 deposited into the Mississippi Small Enterprise Development
15815 Finance Fund or funds and specifically dedicated to the purposes
15816 enumerated in this act.

15817 (2) All nonfederal funds which may become available for the
15818 purposes of this act shall be deposited in the Mississippi Small
15819 Enterprise Development Finance Fund or funds and shall be
15820 allocated for the purposes of this act.

15821 (3) The proceeds of the sale of refunding bonds and
15822 replacement notes shall be applied solely to the payment of the
15823 principal of and the accrued interest on and premium, if any, and
15824 costs of redemption of the bonds and notes for which such
15825 obligations have been issued.

15826 **SECTION 484.** Section 57-71-33, Mississippi Code of 1972, is
15827 brought forward as follows:

15828 57-71-33. Except as otherwise authorized in Section 7-5-39,
15829 the Attorney General of the State of Mississippi shall represent
15830 the seller in issuing, selling and validating bonds or notes
15831 herein provided for, and the seller is hereby authorized and
15832 empowered to expend from the proceeds derived from the sale of the
15833 bonds or notes authorized hereunder all necessary administrative,
15834 legal and other expenses incidental and related to the issuance of
15835 bonds or notes authorized under this act.

15836 **SECTION 485.** Section 57-71-35, Mississippi Code of 1972, is
15837 brought forward as follows:



15838 57-71-35. The term "this act" referred to in Sections
15839 57-71-1 through 57-71-33 hereof shall mean the Mississippi Small
15840 Enterprise Development Finance Act unless the context clearly
15841 indicates otherwise.

15842 **SECTION 486.** Section 57-73-21, Mississippi Code of 1972, is
15843 brought forward as follows:

15844 **[In cases involving business enterprises that received or**
15845 **applied for the job tax credit authorized by this section prior to**
15846 **January 1, 2005, this section shall read as follows:]**

15847 57-73-21. (1) Annually by December 31, using the most
15848 current data available from the University Research Center,
15849 Mississippi Department of Employment Security and the United
15850 States Department of Commerce, the State Tax Commission shall rank
15851 and designate the state's counties as provided in this section.
15852 The twenty-eight (28) counties in this state having a combination
15853 of the highest unemployment rate and lowest per capita income for
15854 the most recent thirty-six-month period, with equal weight being
15855 given to each category, are designated Tier Three areas. The
15856 twenty-seven (27) counties in the state with a combination of the
15857 next highest unemployment rate and next lowest per capita income
15858 for the most recent thirty-six-month period, with equal weight
15859 being given to each category, are designated Tier Two areas. The
15860 twenty-seven (27) counties in the state with a combination of the
15861 lowest unemployment rate and the highest per capita income for the
15862 most recent thirty-six-month period, with equal weight being given



15863 to each category, are designated Tier One areas. Counties
15864 designated by the Tax Commission qualify for the appropriate tax
15865 credit for jobs as provided in subsections (2), (3) and (4) of
15866 this section. The designation by the Tax Commission is effective
15867 for the tax years of permanent business enterprises which begin
15868 after the date of designation. For companies which plan an
15869 expansion in their labor forces, the Tax Commission shall
15870 prescribe certification procedures to ensure that the companies
15871 can claim credits in future years without regard to whether or not
15872 a particular county is removed from the list of Tier Three or Tier
15873 Two areas.

15874 (2) Permanent business enterprises primarily engaged in
15875 manufacturing, processing, warehousing, distribution, wholesaling
15876 and research and development, or permanent business enterprises
15877 designated by rule and regulation of the Mississippi Development
15878 Authority as air transportation and maintenance facilities, final
15879 destination or resort hotels having a minimum of one hundred fifty
15880 (150) guest rooms, recreational facilities that impact tourism,
15881 movie industry studios, telecommunications enterprises, data or
15882 information processing enterprises or computer software
15883 development enterprises or any technology intensive facility or
15884 enterprise, in counties designated by the Tax Commission as Tier
15885 Three areas are allowed a job tax credit for taxes imposed by
15886 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually
15887 for each net new full-time employee job for five (5) years



15888 beginning with years two (2) through six (6) after the creation of
15889 the job; however, if the permanent business enterprise is located
15890 in an area that has been declared by the Governor to be a disaster
15891 area and as a direct result of the disaster the permanent business
15892 enterprise is unable to maintain the required number of jobs, the
15893 Chairman of the State Tax Commission may extend this time period
15894 for not more two (2) years. The number of new full-time jobs must
15895 be determined by comparing the monthly average number of full-time
15896 employees subject to the Mississippi income tax withholding for
15897 the taxable year with the corresponding period of the prior
15898 taxable year. Only those permanent businesses that increase
15899 employment by ten (10) or more in a Tier Three area are eligible
15900 for the credit. Credit is not allowed during any of the five (5)
15901 years if the net employment increase falls below ten (10). The
15902 Tax Commission shall adjust the credit allowed each year for the
15903 net new employment fluctuations above the minimum level of ten
15904 (10).

15905 (3) Permanent business enterprises primarily engaged in
15906 manufacturing, processing, warehousing, distribution, wholesaling
15907 and research and development, or permanent business enterprises
15908 designated by rule and regulation of the Mississippi Development
15909 Authority as air transportation and maintenance facilities, final
15910 destination or resort hotels having a minimum of one hundred fifty
15911 (150) guest rooms, recreational facilities that impact tourism,
15912 movie industry studios, telecommunications enterprises, data or



15913 information processing enterprises or computer software
15914 development enterprises or any technology intensive facility or
15915 enterprise, in counties that have been designated by the Tax
15916 Commission as Tier Two areas are allowed a job tax credit for
15917 taxes imposed by Section 27-7-5 equal to One Thousand Dollars
15918 (\$1,000.00) annually for each net new full-time employee job for
15919 five (5) years beginning with years two (2) through six (6) after
15920 the creation of the job; however, if the permanent business
15921 enterprise is located in an area that has been declared by the
15922 Governor to be a disaster area and as a direct result of the
15923 disaster the permanent business enterprise is unable to maintain
15924 the required number of jobs, the Chairman of the State Tax
15925 Commission may extend this time period for not more two (2) years.
15926 The number of new full-time jobs must be determined by comparing
15927 the monthly average number of full-time employees subject to
15928 Mississippi income tax withholding for the taxable year with the
15929 corresponding period of the prior taxable year. Only those
15930 permanent businesses that increase employment by fifteen (15) or
15931 more in Tier Two areas are eligible for the credit. The credit is
15932 not allowed during any of the five (5) years if the net employment
15933 increase falls below fifteen (15). The Tax Commission shall
15934 adjust the credit allowed each year for the net new employment
15935 fluctuations above the minimum level of fifteen (15).

15936 (4) Permanent business enterprises primarily engaged in
15937 manufacturing, processing, warehousing, distribution, wholesaling



15938 and research and development, or permanent business enterprises
15939 designated by rule and regulation of the Mississippi Development
15940 Authority as air transportation and maintenance facilities, final
15941 destination or resort hotels having a minimum of one hundred fifty
15942 (150) guest rooms, recreational facilities that impact tourism,
15943 movie industry studios, telecommunications enterprises, data or
15944 information processing enterprises or computer software
15945 development enterprises or any technology intensive facility or
15946 enterprise, in counties designated by the Tax Commission as Tier
15947 One areas are allowed a job tax credit for taxes imposed by
15948 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually
15949 for each net new full-time employee job for five (5) years
15950 beginning with years two (2) through six (6) after the creation of
15951 the job; however, if the permanent business enterprise is located
15952 in an area that has been declared by the Governor to be a disaster
15953 area and as a direct result of the disaster the permanent business
15954 enterprise is unable to maintain the required number of jobs, the
15955 Chairman of the State Tax Commission may extend this time period
15956 for not more than two (2) years. The number of new full-time jobs
15957 must be determined by comparing the monthly average number of
15958 full-time employees subject to Mississippi income tax withholding
15959 for the taxable year with the corresponding period of the prior
15960 taxable year. Only those permanent businesses that increase
15961 employment by twenty (20) or more in Tier One areas are eligible
15962 for the credit. The credit is not allowed during any of the five



15963 (5) years if the net employment increase falls below twenty (20).
15964 The Tax Commission shall adjust the credit allowed each year for
15965 the net new employment fluctuations above the minimum level of
15966 twenty (20).

15967 (5) In addition to the credits authorized in subsections
15968 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)
15969 credit for each net new full-time employee or an additional One
15970 Thousand Dollars (\$1,000.00) credit for each net new full-time
15971 employee who is paid a salary, excluding benefits which are not
15972 subject to Mississippi income taxation, of at least one hundred
15973 twenty-five percent (125%) of the average annual wage of the state
15974 or an additional Two Thousand Dollars (\$2,000.00) credit for each
15975 net new full-time employee who is paid a salary, excluding
15976 benefits which are not subject to Mississippi income taxation, of
15977 at least two hundred percent (200%) of the average annual wage of
15978 the state, shall be allowed for any company establishing or
15979 transferring its national or regional headquarters from within or
15980 outside the State of Mississippi. A minimum of thirty-five (35)
15981 jobs must be created to qualify for the additional credit. The
15982 State Tax Commission shall establish criteria and prescribe
15983 procedures to determine if a company qualifies as a national or
15984 regional headquarters for purposes of receiving the credit awarded
15985 in this subsection. As used in this subsection, the average
15986 annual wage of the state is the most recently published average



15987 annual wage as determined by the Mississippi Department of
15988 Employment Security.

15989 (6) In addition to the credits authorized in subsections
15990 (2), (3), (4) and (5), any job requiring research and development
15991 skills (chemist, engineer, etc.) shall qualify for an additional
15992 One Thousand Dollars (\$1,000.00) credit for each net new full-time
15993 employee.

15994 (7) In lieu of the tax credits provided in subsections (2)
15995 through (6), any commercial or industrial property owner which
15996 remediates contaminated property in accordance with Sections
15997 49-35-1 through 49-35-25, is allowed a job tax credit for taxes
15998 imposed by Section 27-7-5 equal to the amounts provided in
15999 subsection (2), (3) or (4) for each net new full-time employee job
16000 for five (5) years beginning with years two (2) through six (6)
16001 after the creation of the job. The number of new full-time jobs
16002 must be determined by comparing the monthly average number of
16003 full-time employees subject to Mississippi income tax withholding
16004 for the taxable year with the corresponding period of the prior
16005 taxable year. This subsection shall be administered in the same
16006 manner as subsections (2), (3) and (4), except the landowner shall
16007 not be required to increase employment by the levels provided in
16008 subsections (2), (3) and (4) to be eligible for the tax credit.

16009 (8) Tax credits for five (5) years for the taxes imposed by
16010 Section 27-7-5 shall be awarded for additional net new full-time
16011 jobs created by business enterprises qualified under subsections



16012 (2), (3), (4), (5), (6) and (7) of this section. Except as
16013 otherwise provided, the Tax Commission shall adjust the credit
16014 allowed in the event of employment fluctuations during the
16015 additional five (5) years of credit.

16016 (9) (a) The sale, merger, acquisition, reorganization,
16017 bankruptcy or relocation from one (1) county to another county
16018 within the state of any business enterprise may not create new
16019 eligibility in any succeeding business entity, but any unused job
16020 tax credit may be transferred and continued by any transferee of
16021 the business enterprise. The Tax Commission shall determine
16022 whether or not qualifying net increases or decreases have occurred
16023 or proper transfers of credit have been made and may require
16024 reports, promulgate regulations, and hold hearings as needed for
16025 substantiation and qualification.

16026 (b) This subsection shall not apply in cases in which a
16027 business enterprise has ceased operation, laid off all its
16028 employees and is subsequently acquired by another unrelated
16029 business entity that continues operation of the enterprise in the
16030 same or a similar type of business. In such a case the succeeding
16031 business entity shall be eligible for the credit authorized by
16032 this section unless the cessation of operation of the business
16033 enterprise was for the purpose of obtaining new eligibility for
16034 the credit.

16035 (10) Any tax credit claimed under this section but not used
16036 in any taxable year may be carried forward for five (5) years from



16037 the close of the tax year in which the qualified jobs were
16038 established but the credit established by this section taken in
16039 any one (1) tax year must be limited to an amount not greater than
16040 fifty percent (50%) of the taxpayer's state income tax liability
16041 which is attributable to income derived from operations in the
16042 state for that year. If the permanent business enterprise is
16043 located in an area that has been declared by the Governor to be a
16044 disaster area and as a direct result of the disaster the business
16045 enterprise is unable to use the existing carryforward, the
16046 Chairman of the State Tax Commission may extend the period that
16047 the credit may be carried forward for a period of time not to
16048 exceed two (2) years.

16049 (11) No business enterprise for the transportation,
16050 handling, storage, processing or disposal of hazardous waste is
16051 eligible to receive the tax credits provided in this section.

16052 (12) The credits allowed under this section shall not be
16053 used by any business enterprise or corporation other than the
16054 business enterprise actually qualifying for the credits.

16055 (13) The tax credits provided for in this section shall be
16056 in addition to any tax credits described in Sections 57-51-13(b),
16057 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official
16058 action by the Mississippi Development Authority prior to July 1,
16059 1989, to any business enterprise determined prior to July 1, 1989,
16060 by the Mississippi Development Authority to be a qualified
16061 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or



16062 a qualified company as described in Section 57-53-1, as the case
16063 may be; however, from and after July 1, 1989, tax credits shall be
16064 allowed only under either this section or Sections 57-51-13(b),
16065 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time
16066 employee.

16067 (14) As used in this section, the term "telecommunications
16068 enterprises" means entities engaged in the creation, display,
16069 management, storage, processing, transmission or distribution for
16070 compensation of images, text, voice, video or data by wire or by
16071 wireless means, or entities engaged in the construction, design,
16072 development, manufacture, maintenance or distribution for
16073 compensation of devices, products, software or structures used in
16074 the above activities. Companies organized to do business as
16075 commercial broadcast radio stations, television stations or news
16076 organizations primarily serving in-state markets shall not be
16077 included within the definition of the term "telecommunications
16078 enterprises."

16079 **[In cases involving business enterprises that apply for the**
16080 **job tax credit authorized by this section from and after January**
16081 **1, 2005, this section shall read as follows:]**

16082 57-73-21. (1) Annually by December 31, using the most
16083 current data available from the University Research Center,
16084 Mississippi Department of Employment Security and the United
16085 States Department of Commerce, the Department of Revenue shall
16086 rank and designate the state's counties as provided in this



16087 section. The twenty-eight (28) counties in this state having a
16088 combination of the highest unemployment rate and lowest per capita
16089 income for the most recent thirty-six-month period, with equal
16090 weight being given to each category, are designated Tier Three
16091 areas. The twenty-seven (27) counties in the state with a
16092 combination of the next highest unemployment rate and next lowest
16093 per capita income for the most recent thirty-six-month period,
16094 with equal weight being given to each category, are designated
16095 Tier Two areas. The twenty-seven (27) counties in the state with
16096 a combination of the lowest unemployment rate and the highest per
16097 capita income for the most recent thirty-six-month period, with
16098 equal weight being given to each category, are designated Tier One
16099 areas. Counties designated by the Department of Revenue qualify
16100 for the appropriate tax credit for jobs as provided in this
16101 section. The designation by the Department of Revenue is
16102 effective for the tax years of permanent business enterprises
16103 which begin after the date of designation. For companies which
16104 plan an expansion in their labor forces, the Department of Revenue
16105 shall prescribe certification procedures to ensure that the
16106 companies can claim credits in future years without regard to
16107 whether or not a particular county is removed from the list of
16108 Tier Three or Tier Two areas.

16109 (2) Permanent business enterprises in counties designated by
16110 the Department of Revenue as Tier Three areas are allowed a job
16111 tax credit for taxes imposed by Section 27-7-5 equal to ten



16112 percent (10%) of the payroll of the enterprise for net new
16113 full-time employee jobs for five (5) years beginning with years
16114 two (2) through six (6) after the creation of the minimum number
16115 of jobs required by this subsection; however, if the permanent
16116 business enterprise is located in an area that has been declared
16117 by the Governor to be a disaster area and as a direct result of
16118 the disaster the permanent business enterprise is unable to
16119 maintain the required number of jobs, the Commissioner of Revenue
16120 may extend this time period for not more than two (2) years. The
16121 number of new full-time jobs must be determined by comparing the
16122 monthly average number of full-time employees subject to the
16123 Mississippi income tax withholding for the taxable year with the
16124 corresponding period of the prior taxable year. Only those
16125 permanent business enterprises that increase employment by ten
16126 (10) or more in a Tier Three area are eligible for the credit.
16127 Credit is not allowed during any of the five (5) years if the net
16128 employment increase falls below ten (10). The Department of
16129 Revenue shall adjust the credit allowed each year for the net new
16130 employment fluctuations above the minimum level of ten (10).

16131 (3) Permanent business enterprises in counties that have
16132 been designated by the Department of Revenue as Tier Two areas are
16133 allowed a job tax credit for taxes imposed by Section 27-7-5 equal
16134 to five percent (5%) of the payroll of the enterprise for net new
16135 full-time employee jobs for five (5) years beginning with years
16136 two (2) through six (6) after the creation of the minimum number



16137 of jobs required by this subsection; however, if the permanent
16138 business enterprise is located in an area that has been declared
16139 by the Governor to be a disaster area and as a direct result of
16140 the disaster the permanent business enterprise is unable to
16141 maintain the required number of jobs, the Commissioner of Revenue
16142 may extend this time period for not more than two (2) years. The
16143 number of new full-time jobs must be determined by comparing the
16144 monthly average number of full-time employees subject to
16145 Mississippi income tax withholding for the taxable year with the
16146 corresponding period of the prior taxable year. Only those
16147 permanent business enterprises that increase employment by fifteen
16148 (15) or more in Tier Two areas are eligible for the credit. The
16149 credit is not allowed during any of the five (5) years if the net
16150 employment increase falls below fifteen (15). The Department of
16151 Revenue shall adjust the credit allowed each year for the net new
16152 employment fluctuations above the minimum level of fifteen (15).

16153 (4) Permanent business enterprises in counties designated by
16154 the Department of Revenue as Tier One areas are allowed a job tax
16155 credit for taxes imposed by Section 27-7-5 equal to two and
16156 one-half percent (2.5%) of the payroll of the enterprise for net
16157 new full-time employee jobs for five (5) years beginning with
16158 years two (2) through six (6) after the creation of the minimum
16159 number of jobs required by this subsection; however, if the
16160 permanent business enterprise is located in an area that has been
16161 declared by the Governor to be a disaster area and as a direct



16162 result of the disaster the permanent business enterprise is unable
16163 to maintain the required number of jobs, the Commissioner of
16164 Revenue may extend this time period for not more than two (2)
16165 years. The number of new full-time jobs must be determined by
16166 comparing the monthly average number of full-time employees
16167 subject to Mississippi income tax withholding for the taxable year
16168 with the corresponding period of the prior taxable year. Only
16169 those permanent business enterprises that increase employment by
16170 twenty (20) or more in Tier One areas are eligible for the credit.
16171 The credit is not allowed during any of the five (5) years if the
16172 net employment increase falls below twenty (20). The Department
16173 of Revenue shall adjust the credit allowed each year for the net
16174 new employment fluctuations above the minimum level of twenty
16175 (20).

16176 (5) (a) In addition to the other credits authorized in this
16177 section, an additional Five Hundred Dollars (\$500.00) credit for
16178 each net new full-time employee or an additional One Thousand
16179 Dollars (\$1,000.00) credit for each net new full-time employee who
16180 is paid a salary, excluding benefits which are not subject to
16181 Mississippi income taxation, of at least one hundred twenty-five
16182 percent (125%) of the average annual wage of the state or an
16183 additional Two Thousand Dollars (\$2,000.00) credit for each net
16184 new full-time employee who is paid a salary, excluding benefits
16185 which are not subject to Mississippi income taxation, of at least
16186 two hundred percent (200%) of the average annual wage of the



16187 state, shall be allowed for any company establishing or
16188 transferring its national or regional headquarters from within or
16189 outside the State of Mississippi. A minimum of twenty (20) jobs
16190 must be created to qualify for the additional credit. The
16191 Department of Revenue shall establish criteria and prescribe
16192 procedures to determine if a company qualifies as a national or
16193 regional headquarters for purposes of receiving the credit awarded
16194 in this paragraph (a). As used in this paragraph (a), the average
16195 annual wage of the state is the most recently published average
16196 annual wage as determined by the Mississippi Department of
16197 Employment Security.

16198 (b) In addition to the other credits authorized in this
16199 section, an additional Five Hundred Dollars (\$500.00) credit for
16200 each net new full-time employee or an additional One Thousand
16201 Dollars (\$1,000.00) credit for each net new full-time employee who
16202 is paid a salary, excluding benefits which are not subject to
16203 Mississippi income taxation, of at least one hundred twenty-five
16204 percent (125%) of the average annual wage of the state or an
16205 additional Two Thousand Dollars (\$2,000.00) credit for each net
16206 new full-time employee who is paid a salary, excluding benefits
16207 which are not subject to Mississippi income taxation, of at least
16208 two hundred percent (200%) of the average annual wage of the
16209 state, shall be allowed for any company expanding or making
16210 additions after January 1, 2013, to its national or regional
16211 headquarters within the State of Mississippi. A minimum of twenty



16212 (20) new jobs must be created to qualify for the additional
16213 credit. The Department of Revenue shall establish criteria and
16214 prescribe procedures to determine if a company qualifies as a
16215 national or regional headquarters for purposes of receiving the
16216 credit awarded in this paragraph (b). As used in this paragraph
16217 (b), the average annual wage of the state is the most recently
16218 published average annual wage as determined by the Mississippi
16219 Department of Employment Security.

16220 (6) In addition to the other credits authorized in this
16221 section, any job requiring research and development skills
16222 (chemist, engineer, etc.) shall qualify for an additional One
16223 Thousand Dollars (\$1,000.00) credit for each net new full-time
16224 employee.

16225 (7) (a) In addition to the other credits authorized in this
16226 section, any company that transfers or relocates its national or
16227 regional headquarters to the State of Mississippi from outside the
16228 State of Mississippi may receive a tax credit in an amount equal
16229 to the actual relocation costs paid by the company. A minimum of
16230 twenty (20) jobs must be created in order to qualify for the
16231 additional credit authorized under this subsection. Relocation
16232 costs for which a credit may be awarded shall be determined by the
16233 Department of Revenue and shall include those nondepreciable
16234 expenses that are necessary to relocate headquarters employees to
16235 the national or regional headquarters, including, but not limited
16236 to, costs such as travel expenses for employees and members of



16237 their households to and from Mississippi in search of homes and
16238 moving expenses to relocate furnishings, household goods and
16239 personal property of the employees and members of their
16240 households.

16241 (b) The tax credit authorized under this subsection
16242 shall be applied for the taxable year in which the relocation
16243 costs are paid. The maximum cumulative amount of tax credits that
16244 may be claimed by all taxpayers claiming a credit under this
16245 subsection in any one (1) state fiscal year shall not exceed One
16246 Million Dollars (\$1,000,000.00), exclusive of credits that might
16247 be carried forward from previous taxable years. A company may not
16248 receive a credit for the relocation of an employee more than one
16249 (1) time in a twelve-month period for that employee.

16250 (c) The Department of Revenue shall establish criteria
16251 and prescribe procedures to determine if a company creates the
16252 required number of jobs and qualifies as a national or regional
16253 headquarters for purposes of receiving the credit awarded in this
16254 subsection. A company desiring to claim a credit under this
16255 subsection must submit an application for such credit with the
16256 Department of Revenue in a manner prescribed by the department.

16257 (d) In order to participate in the provisions of this
16258 section, a company must certify to the Mississippi Department of
16259 Revenue that it complies with the equal pay provisions of the
16260 federal Equal Pay Act of 1963, the Americans with Disabilities Act



16261 of 1990 and the fair pay provisions of the Civil Rights Act of
16262 1964.

16263 (e) This subsection shall stand repealed on July 1,
16264 2022.

16265 (8) In lieu of the other tax credits provided in this
16266 section, any commercial or industrial property owner which
16267 remediates contaminated property in accordance with Sections
16268 49-35-1 through 49-35-25, is allowed a job tax credit for taxes
16269 imposed by Section 27-7-5 equal to the percentage of payroll
16270 provided in subsection (2), (3) or (4) of this section for net new
16271 full-time employee jobs for five (5) years beginning with years
16272 two (2) through six (6) after the creation of the jobs. The
16273 number of new full-time jobs must be determined by comparing the
16274 monthly average number of full-time employees subject to
16275 Mississippi income tax withholding for the taxable year with the
16276 corresponding period of the prior taxable year. This subsection
16277 shall be administered in the same manner as subsections (2), (3)
16278 and (4), except the landowner shall not be required to increase
16279 employment by the levels provided in subsections (2), (3) and (4)
16280 to be eligible for the tax credit.

16281 (9) (a) Tax credits for five (5) years for the taxes
16282 imposed by Section 27-7-5 shall be awarded for increases in the
16283 annual payroll for net new full-time jobs created by business
16284 enterprises qualified under this section. The Department of



16285 Revenue shall adjust the credit allowed in the event of payroll
16286 fluctuations during the additional five (5) years of credit.

16287 (b) Tax credits for five (5) years for the taxes
16288 imposed by Section 27-7-5 shall be awarded for additional net new
16289 full-time jobs created by business enterprises qualified under
16290 subsections (5) and (6) of this section and for additional
16291 relocation costs paid by companies qualified under subsection (7)
16292 of this section. The Department of Revenue shall adjust the
16293 credit allowed in the event of employment fluctuations during the
16294 additional five (5) years of credit.

16295 (10) (a) The sale, merger, acquisition, reorganization,
16296 bankruptcy or relocation from one (1) county to another county
16297 within the state of any business enterprise may not create new
16298 eligibility in any succeeding business entity, but any unused job
16299 tax credit may be transferred and continued by any transferee of
16300 the business enterprise. The Department of Revenue shall
16301 determine whether or not qualifying net increases or decreases
16302 have occurred or proper transfers of credit have been made and may
16303 require reports, promulgate regulations, and hold hearings as
16304 needed for substantiation and qualification.

16305 (b) This subsection shall not apply in cases in which a
16306 business enterprise has ceased operation, laid off all its
16307 employees and is subsequently acquired by another unrelated
16308 business entity that continues operation of the enterprise in the
16309 same or a similar type of business. In such a case the succeeding



16310 business entity shall be eligible for the credit authorized by
16311 this section unless the cessation of operation of the business
16312 enterprise was for the purpose of obtaining new eligibility for
16313 the credit.

16314 (11) Any tax credit claimed under this section but not used
16315 in any taxable year may be carried forward for five (5) years from
16316 the close of the tax year in which the qualified jobs were
16317 established and/or headquarters relocation costs paid, as
16318 applicable, but the credit established by this section taken in
16319 any one (1) tax year must be limited to an amount not greater than
16320 fifty percent (50%) of the taxpayer's state income tax liability
16321 which is attributable to income derived from operations in the
16322 state for that year. If the permanent business enterprise is
16323 located in an area that has been declared by the Governor to be a
16324 disaster area and as a direct result of the disaster the business
16325 enterprise is unable to use the existing carryforward, the
16326 Commissioner of Revenue may extend the period that the credit may
16327 be carried forward for a period of time not to exceed two (2)
16328 years.

16329 (12) No business enterprise for the transportation,
16330 handling, storage, processing or disposal of hazardous waste is
16331 eligible to receive the tax credits provided in this section.

16332 (13) The credits allowed under this section shall not be
16333 used by any business enterprise or corporation other than the
16334 business enterprise actually qualifying for the credits.



16335 (14) As used in this section:

16336 (a) "Business enterprises" means entities primarily
16337 engaged in:

16338 (i) Manufacturing, processing, warehousing,
16339 warehousing activities, distribution, wholesaling and research and
16340 development, or

16341 (ii) Permanent business enterprises designated by
16342 rule and regulation of the Mississippi Development Authority as
16343 air transportation and maintenance facilities, final destination
16344 or resort hotels having a minimum of one hundred fifty (150) guest
16345 rooms, recreational facilities that impact tourism, movie industry
16346 studios, telecommunications enterprises, data or information
16347 processing enterprises or computer software development
16348 enterprises or any technology intensive facility or enterprise.

16349 (b) "Telecommunications enterprises" means entities
16350 engaged in the creation, display, management, storage, processing,
16351 transmission or distribution for compensation of images, text,
16352 voice, video or data by wire or by wireless means, or entities
16353 engaged in the construction, design, development, manufacture,
16354 maintenance or distribution for compensation of devices, products,
16355 software or structures used in the above activities. Companies
16356 organized to do business as commercial broadcast radio stations,
16357 television stations or news organizations primarily serving
16358 in-state markets shall not be included within the definition of
16359 the term "telecommunications enterprises."



16360 (c) "Warehousing activities" means entities that
16361 establish or expand facilities that service and support multiple
16362 retail or wholesale locations within and outside the state.
16363 Warehousing activities may be performed solely to support the
16364 primary activities of the entity, and credits generated shall
16365 offset the income of the entity based on an apportioned ratio of
16366 payroll for warehouse employees of the entity to total Mississippi
16367 payroll of the entity that includes the payroll of retail
16368 employees of the entity.

16369 (15) The tax credits provided for in this section shall be
16370 in addition to any tax credits described in Sections 57-51-13(b),
16371 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official
16372 action by the Mississippi Development Authority prior to July 1,
16373 1989, to any business enterprise determined prior to July 1, 1989,
16374 by the Mississippi Development Authority to be a qualified
16375 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or
16376 a qualified company as described in Section 57-53-1, as the case
16377 may be; however, from and after July 1, 1989, tax credits shall be
16378 allowed only under either this section or Sections 57-51-13(b),
16379 57-53-1(1)(a) and Section 57-54-9(b) for each net new full-time
16380 employee.

16381 (16) A business enterprise that chooses to receive job
16382 training assistance pursuant to Section 57-1-451 shall not be
16383 eligible for the tax credits provided for in this section.



16384 **SECTION 487.** Section 57-73-23, Mississippi Code of 1972, is
16385 brought forward as follows:

16386 57-73-23. A fifty percent (50%) income tax credit shall be
16387 granted to any employer providing dependent care for employees
16388 during the employee's work hours. Credit is applied to the net
16389 cost of any contract executed by the employer for another entity
16390 to provide dependent care; or, if the employer elects to provide
16391 dependent care itself, to expenses of dependent care staff,
16392 learning and recreational materials and equipment, and the
16393 construction and maintenance of a facility. Additional eligible
16394 expenses include net costs assumed by the employer which increase
16395 the quality, availability and affordability of dependent care in
16396 the community used by employees during the employee's work hours.
16397 This cost is net of any reimbursement. A deduction shall not be
16398 allowed for any expenses which serve as the basis for an income
16399 tax credit. The credits allowed under this section shall not be
16400 used by any business enterprise or corporation other than the
16401 business enterprise actually qualifying for the credits.

16402 Credit may be carried forward for the five (5) successive
16403 years if the amount allowable as credit exceeds income tax
16404 liability in a tax year; however, thereafter, if the amount
16405 allowable as a credit exceeds the tax liability, the amount of
16406 excess shall not be refundable or carried forward to any other
16407 taxable year.



16408 The facility must have an average daily enrollment for the
16409 taxable year of no less than six (6) children who are twelve (12)
16410 years of age or less and be licensed according to the regulations
16411 governing licensure of child care facilities in Mississippi; or
16412 must serve five (5) or fewer children and/or elderly adults in a
16413 family child care/elder care home approved by the Department of
16414 Health for participation in the United States Department of
16415 Agriculture child and adult nutrition program; or must serve
16416 children over twelve (12) years of age but less than eighteen (18)
16417 years of age in either a community-based facility or a facility at
16418 the employment site; or must serve adult relatives of employees in
16419 either a community-based elder care facility or a facility at the
16420 employment site; or must serve children or adult dependents having
16421 physical, emotional or mental disabilities in either a
16422 community-based facility or a facility at the employment site.

16423 Employers will be certified as eligible for the tax credit by
16424 the * * * State Department of Health for programs serving children
16425 twelve (12) years of age or younger and for programs serving
16426 elderly adults and by the State Tax Commission for programs
16427 serving other dependents older than twelve (12) years of age.

16428 **SECTION 488.** Section 57-73-27, Mississippi Code of 1972, is
16429 brought forward as follows:

16430 57-73-27. The State Tax Commission is authorized to
16431 promulgate reasonable rules and regulations necessary to
16432 accomplish its duties under Chapter 524, Laws, 1989.



16433 **SECTION 489.** Section 57-73-29, Mississippi Code of 1972, is
16434 brought forward as follows:

16435 57-73-29. The * * * Mississippi Development Authority is
16436 authorized to promulgate reasonable rules and regulations
16437 necessary to accomplish its duties under Chapter 524, Laws, 1989.

16438 **SECTION 490.** Section 57-75-1, Mississippi Code of 1972, is
16439 brought forward as follows:

16440 57-75-1. This chapter shall be known and may be cited as the
16441 "Mississippi Major Economic Impact Act."

16442 **SECTION 491.** Section 57-75-3, Mississippi Code of 1972, is
16443 brought forward as follows:

16444 57-75-3. The Legislature hereby finds and declares that:

16445 (a) There exists in the State of Mississippi a
16446 continuing need for gainful employment for the citizens of this
16447 state.

16448 (b) To help provide employment opportunities, a
16449 division within the Mississippi Development Authority should be
16450 created with power to secure the location and expansion within
16451 this state of major economic impact projects by providing
16452 assistance and incentives in connection with such projects.

16453 (c) In accomplishing this purpose, such division will
16454 be acting in all respects for the benefit of the people of the
16455 state in the performance of essential public functions and is
16456 serving a valid public purpose in improving and otherwise
16457 promoting their health, welfare and prosperity, and the enactment



16458 of the provisions hereinafter set forth is for a valid public
16459 purpose.

16460 (d) Public agencies of the state, as herein defined,
16461 must be authorized and empowered to contract with and cooperate
16462 with the authority for the purposes herein set out.

16463 (e) The borrowing of money and the issuance of bonds
16464 for the purposes hereinafter set out serves valid public purposes
16465 in that the project will significantly contribute to the
16466 employment base and scientific and educational growth of the
16467 state.

16468 (f) The Mississippi Major Economic Impact Authority
16469 created pursuant to this chapter shall implement the provisions of
16470 this chapter and exercise all power as authorized in this chapter;
16471 however, the application of this chapter or the offering of any
16472 assistance and incentives as to any particular project or person
16473 shall be in the sole discretion of the Mississippi Major Economic
16474 Impact Authority, and nothing in this chapter shall be deemed to
16475 vest in any person any right to any assistance or incentive
16476 contained herein unless the assistance or incentive is approved by
16477 the Mississippi Major Economic Impact Authority pursuant to this
16478 chapter. The exercise of powers conferred by this chapter shall
16479 be deemed and held to be the performance of essential public
16480 purposes.

16481 **SECTION 492.** Section 57-75-5, Mississippi Code of 1972, is
16482 brought forward as follows:



16483 57-75-5. Words and phrases used in this chapter shall have
16484 meanings as follows, unless the context clearly indicates a
16485 different meaning:

16486 (a) "Act" means the Mississippi Major Economic Impact
16487 Act as originally enacted or as hereafter amended.

16488 (b) "Authority" means the Mississippi Major Economic
16489 Impact Authority created pursuant to the act.

16490 (c) "Bonds" means general obligation bonds, interim
16491 notes and other evidences of debt of the State of Mississippi
16492 issued pursuant to this chapter.

16493 (d) "Facility related to the project" means and
16494 includes any of the following, as the same may pertain to the
16495 project within the project area: (i) facilities to provide
16496 potable and industrial water supply systems, sewage and waste
16497 disposal systems and water, natural gas and electric transmission
16498 systems to the site of the project; (ii) airports, airfields and
16499 air terminals; (iii) rail lines; (iv) port facilities; (v)
16500 highways, streets and other roadways; (vi) public school
16501 buildings, classrooms and instructional facilities, training
16502 facilities and equipment, including any functionally related
16503 facilities; (vii) parks, outdoor recreation facilities and
16504 athletic facilities; (viii) auditoriums, pavilions, campgrounds,
16505 art centers, cultural centers, folklore centers and other public
16506 facilities; (ix) health care facilities, public or private; and



16507 (x) fire protection facilities, equipment and elevated water
16508 tanks.

16509 (e) "Person" means any natural person, corporation,
16510 association, partnership, receiver, trustee, guardian, executor,
16511 administrator, fiduciary, governmental unit, public agency,
16512 political subdivision, or any other group acting as a unit, and
16513 the plural as well as the singular.

16514 (f) "Project" means:

16515 (i) Any industrial, commercial, research and
16516 development, warehousing, distribution, transportation,
16517 processing, mining, United States government or tourism enterprise
16518 together with all real property required for construction,
16519 maintenance and operation of the enterprise with an initial
16520 capital investment of not less than Three Hundred Million Dollars
16521 (\$300,000,000.00) from private or United States government sources
16522 together with all buildings, and other supporting land and
16523 facilities, structures or improvements of whatever kind required
16524 or useful for construction, maintenance and operation of the
16525 enterprise; or with an initial capital investment of not less than
16526 One Hundred Fifty Million Dollars (\$150,000,000.00) from private
16527 or United States government sources together with all buildings
16528 and other supporting land and facilities, structures or
16529 improvements of whatever kind required or useful for construction,
16530 maintenance and operation of the enterprise and which creates at
16531 least one thousand (1,000) net new full-time jobs; or which



16532 creates at least one thousand (1,000) net new full-time jobs which
16533 provides an average salary, excluding benefits which are not
16534 subject to Mississippi income taxation, of at least one hundred
16535 twenty-five percent (125%) of the most recently published average
16536 annual wage of the state as determined by the Mississippi
16537 Department of Employment Security. "Project" shall include any
16538 addition to or expansion of an existing enterprise if such
16539 addition or expansion has an initial capital investment of not
16540 less than Three Hundred Million Dollars (\$300,000,000.00) from
16541 private or United States government sources, or has an initial
16542 capital investment of not less than One Hundred Fifty Million
16543 Dollars (\$150,000,000.00) from private or United States government
16544 sources together with all buildings and other supporting land and
16545 facilities, structures or improvements of whatever kind required
16546 or useful for construction, maintenance and operation of the
16547 enterprise and which creates at least one thousand (1,000) net new
16548 full-time jobs; or which creates at least one thousand (1,000) net
16549 new full-time jobs which provides an average salary, excluding
16550 benefits which are not subject to Mississippi income taxation, of
16551 at least one hundred twenty-five percent (125%) of the most
16552 recently published average annual wage of the state as determined
16553 by the Mississippi Department of Employment Security. "Project"
16554 shall also include any ancillary development or business resulting
16555 from the enterprise, of which the authority is notified, within
16556 three (3) years from the date that the enterprise entered into



16557 commercial production, that the project area has been selected as
16558 the site for the ancillary development or business.

16559 (ii) 1. Any major capital project designed to
16560 improve, expand or otherwise enhance any active duty or reserve
16561 United States armed services bases and facilities or any major
16562 Mississippi National Guard training installations, their support
16563 areas or their military operations, upon designation by the
16564 authority that any such base was or is at risk to be recommended
16565 for closure or realignment pursuant to the Defense Base Closure
16566 and Realignment Act of 1990, as amended, or other applicable
16567 federal law; or any major development project determined by the
16568 authority to be necessary to acquire or improve base properties
16569 and to provide employment opportunities through construction of
16570 projects as defined in Section 57-3-5, which shall be located on
16571 or provide direct support service or access to such military
16572 installation property in the event of closure or reduction of
16573 military operations at the installation.

16574 2. Any major study or investigation related
16575 to such a facility, installation or base, upon a determination by
16576 the authority that the study or investigation is critical to the
16577 expansion, retention or reuse of the facility, installation or
16578 base.

16579 3. Any project as defined in Section 57-3-5,
16580 any business or enterprise determined to be in the furtherance of
16581 the public purposes of this act as determined by the authority or



16582 any facility related to such project each of which shall be,
16583 directly or indirectly, related to any military base or other
16584 military-related facility no longer operated by the United States
16585 armed services or the Mississippi National Guard.

16586 (iii) Any enterprise to be maintained, improved or
16587 constructed in Tishomingo County by or for a National Aeronautics
16588 and Space Administration facility in such county.

16589 (iv) 1. Any major capital project with an initial
16590 capital investment from private sources of not less than Seven
16591 Hundred Fifty Million Dollars (\$750,000,000.00) which will create
16592 at least three thousand (3,000) jobs meeting criteria established
16593 by the Mississippi Development Authority.

16594 2. "Project" shall also include any ancillary
16595 development or business resulting from an enterprise operating a
16596 project as defined in item 1 of this paragraph (f) (iv), of which
16597 the authority is notified, within three (3) years from the date
16598 that the enterprise entered into commercial production, that the
16599 state has been selected as the site for the ancillary development
16600 or business.

16601 (v) Any manufacturing, processing or industrial
16602 project determined by the authority, in its sole discretion, to
16603 contribute uniquely and significantly to the economic growth and
16604 development of the state, and which meets the following criteria:

16605 1. The project shall create at least two
16606 thousand (2,000) net new full-time jobs meeting criteria



16607 established by the authority, which criteria shall include, but
16608 not be limited to, the requirement that such jobs must be held by
16609 persons eligible for employment in the United States under
16610 applicable state and federal law.

16611 2. The project and any facility related to
16612 the project shall include a total investment from private sources
16613 of not less than Sixty Million Dollars (\$60,000,000.00), or from
16614 any combination of sources of not less than Eighty Million Dollars
16615 (\$80,000,000.00).

16616 (vi) Any real property owned or controlled by the
16617 National Aeronautics and Space Administration, the United States
16618 government, or any agency thereof, which is legally conveyed to
16619 the State of Mississippi or to the State of Mississippi for the
16620 benefit of the Mississippi Major Economic Impact Authority, its
16621 successors and assigns pursuant to Section 212 of Public Law
16622 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

16623 (vii) Any major capital project related to the
16624 establishment, improvement, expansion and/or other enhancement of
16625 any active duty military installation and having a minimum capital
16626 investment from any source or combination of sources other than
16627 the State of Mississippi of at least Forty Million Dollars
16628 (\$40,000,000.00), and which will create at least four hundred
16629 (400) military installation related full-time jobs, which jobs may
16630 be military jobs, civilian jobs or a combination of military and
16631 civilian jobs. The authority shall require that binding



16632 commitments be entered into requiring that the minimum
16633 requirements for the project provided for in this subparagraph
16634 shall be met not later than July 1, 2008.

16635 (viii) Any major capital project with an initial
16636 capital investment from any source or combination of sources of
16637 not less than Ten Million Dollars (\$10,000,000.00) which will
16638 create at least eighty (80) full-time jobs which provide an
16639 average annual salary, excluding benefits which are not subject to
16640 Mississippi income taxes, of at least one hundred thirty-five
16641 percent (135%) of the most recently published average annual wage
16642 of the state or the most recently published average annual wage of
16643 the county in which the project is located as determined by the
16644 Mississippi Department of Employment Security, whichever is the
16645 lesser. The authority shall require that binding commitments be
16646 entered into requiring that:

16647 1. The minimum requirements for the project
16648 provided for in this subparagraph shall be met; and

16649 2. That if such commitments are not met, all
16650 or a portion of the funds provided by the state for the project as
16651 determined by the authority shall be repaid.

16652 (ix) Any regional retail shopping mall with an
16653 initial capital investment from private sources in excess of One
16654 Hundred Fifty Million Dollars (\$150,000,000.00), with a square
16655 footage in excess of eight hundred thousand (800,000) square feet,
16656 which will create at least seven hundred (700) full-time jobs with



16657 an average hourly wage of Eleven Dollars (\$11.00) per hour. The
16658 authority shall require that binding commitments be entered into
16659 requiring that:

16660 1. The minimum requirements for the project
16661 provided for in this subparagraph shall be met; and

16662 2. That if such commitments are not met, all
16663 or a portion of the funds provided by the state for the project as
16664 determined by the authority shall be repaid.

16665 (x) Any major capital project with an initial
16666 capital investment from any source or combination of sources of
16667 not less than Seventy-five Million Dollars (\$75,000,000.00) which
16668 will create at least one hundred twenty-five (125) full-time jobs
16669 which provide an average annual salary, excluding benefits which
16670 are not subject to Mississippi income taxes, of at least one
16671 hundred thirty-five percent (135%) of the most recently published
16672 average annual wage of the state or the most recently published
16673 average annual wage of the county in which the project is located
16674 as determined by the Mississippi Department of Employment
16675 Security, whichever is the greater. The authority shall require
16676 that binding commitments be entered into requiring that:

16677 1. The minimum requirements for the project
16678 provided for in this subparagraph shall be met; and

16679 2. That if such commitments are not met, all
16680 or a portion of the funds provided by the state for the project as
16681 determined by the authority shall be repaid.



16682 (xi) Any potential major capital project that the
16683 authority has determined is feasible to recruit.

16684 (xii) Any project built according to the
16685 specifications and federal provisions set forth by the National
16686 Aeronautics and Space Administration Center Operations Directorate
16687 at Stennis Space Center for the purpose of consolidating common
16688 services from National Aeronautics and Space Administration
16689 centers in human resources, procurement, financial management and
16690 information technology located on land owned or controlled by the
16691 National Aeronautics and Space Administration, which will create
16692 at least four hundred seventy (470) full-time jobs.

16693 (xiii) Any major capital project with an initial
16694 capital investment from any source or combination of sources of
16695 not less than Ten Million Dollars (\$10,000,000.00) which will
16696 create at least two hundred fifty (250) full-time jobs. The
16697 authority shall require that binding commitments be entered into
16698 requiring that:

16699 1. The minimum requirements for the project
16700 provided for in this subparagraph shall be met; and

16701 2. That if such commitments are not met, all
16702 or a portion of the funds provided by the state for the project as
16703 determined by the authority shall be repaid.

16704 (xiv) Any major pharmaceutical facility with a
16705 capital investment of not less than Fifty Million Dollars
16706 (\$50,000,000.00) made after July 1, 2002, through four (4) years



16707 after the initial date of any loan or grant made by the authority
16708 for such project, which will maintain at least seven hundred fifty
16709 (750) full-time employees. The authority shall require that
16710 binding commitments be entered into requiring that:

16711 1. The minimum requirements for the project
16712 provided for in this subparagraph shall be met; and

16713 2. That if such commitments are not met, all
16714 or a portion of the funds provided by the state for the project as
16715 determined by the authority shall be repaid.

16716 (xv) Any pharmaceutical manufacturing, packaging
16717 and distribution facility with an initial capital investment from
16718 any local or federal sources of not less than Five Hundred
16719 Thousand Dollars (\$500,000.00) which will create at least ninety
16720 (90) full-time jobs. The authority shall require that binding
16721 commitments be entered into requiring that:

16722 1. The minimum requirements for the project
16723 provided for in this subparagraph shall be met; and

16724 2. That if such commitments are not met, all
16725 or a portion of the funds provided by the state for the project as
16726 determined by the authority shall be repaid.

16727 (xvi) Any major industrial wood processing
16728 facility with an initial capital investment of not less than One
16729 Hundred Million Dollars (\$100,000,000.00) which will create at
16730 least one hundred twenty-five (125) full-time jobs which provide
16731 an average annual salary, excluding benefits which are not subject



16732 to Mississippi income taxes, of at least Thirty Thousand Dollars
16733 (\$30,000.00). The authority shall require that binding
16734 commitments be entered into requiring that:

16735 1. The minimum requirements for the project
16736 provided for in this subparagraph shall be met; and

16737 2. That if such commitments are not met, all
16738 or a portion of the funds provided by the state for the project as
16739 determined by the authority shall be repaid.

16740 (xvii) Any technical, engineering,
16741 manufacturing-logistic service provider with an initial capital
16742 investment of not less than One Million Dollars (\$1,000,000.00)
16743 which will create at least ninety (90) full-time jobs. The
16744 authority shall require that binding commitments be entered into
16745 requiring that:

16746 1. The minimum requirements for the project
16747 provided for in this subparagraph shall be met; and

16748 2. That if such commitments are not met, all
16749 or a portion of the funds provided by the state for the project as
16750 determined by the authority shall be repaid.

16751 (xviii) Any major capital project with an initial
16752 capital investment from any source or combination of sources other
16753 than the State of Mississippi of not less than Six Hundred Million
16754 Dollars (\$600,000,000.00) which will create at least four hundred
16755 fifty (450) full-time jobs with an average annual salary,
16756 excluding benefits which are not subject to Mississippi income



16757 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The
16758 authority shall require that binding commitments be entered into
16759 requiring that:

16760 1. The minimum requirements for the project
16761 provided for in this subparagraph shall be met; and

16762 2. That if such commitments are not met, all
16763 or a portion of the funds provided by the state for the project as
16764 determined by the authority shall be repaid.

16765 (xix) Any major coal and/or petroleum coke
16766 gasification project with an initial capital investment from any
16767 source or combination of sources other than the State of
16768 Mississippi of not less than Eight Hundred Million Dollars
16769 (\$800,000,000.00), which will create at least two hundred (200)
16770 full-time jobs with an average annual salary, excluding benefits
16771 which are not subject to Mississippi income taxes, of at least
16772 Forty-five Thousand Dollars (\$45,000.00). The authority shall
16773 require that binding commitments be entered into requiring that:

16774 1. The minimum requirements for the project
16775 provided for in this subparagraph shall be met; and

16776 2. That if such commitments are not met, all
16777 or a portion of the funds provided by the state for the project as
16778 determined by the authority shall be repaid.

16779 (xx) Any planned mixed use development located on
16780 not less than four thousand (4,000) acres of land that will
16781 consist of commercial, recreational, resort, tourism and



16782 residential development with a capital investment from private
16783 sources of not less than Four Hundred Seventy-five Million Dollars
16784 (\$475,000,000.00) in the aggregate in any one (1) or any
16785 combination of tourism projects that will create at least three
16786 thousand five hundred (3,500) jobs in the aggregate. For the
16787 purposes of this paragraph (f)(xx), the term "tourism project"
16788 means and has the same definition as that term has in Section
16789 57-28-1. In order to meet the minimum capital investment required
16790 under this paragraph (f)(xx), at least Two Hundred Thirty-seven
16791 Million Five Hundred Thousand Dollars (\$237,500,000.00) of such
16792 investment must be made not later than June 1, 2015, and the
16793 remainder of the minimum capital investment must be made not later
16794 than June 1, 2017. In order to meet the minimum number of jobs
16795 required to be created under this paragraph (f)(xx), at least one
16796 thousand seven hundred fifty (1,750) of such jobs must be created
16797 not later than June 1, 2015, and the remainder of the jobs must be
16798 created not later than June 1, 2017. The authority shall require
16799 that binding commitments be entered into requiring that:

16800 1. The minimum requirements for the project
16801 provided for in this subparagraph shall be met; and

16802 2. That if such commitments are not met, all
16803 or a portion of the funds provided by the state for the project as
16804 determined by the authority shall be repaid.

16805 (xxi) Any enterprise owning or operating an
16806 automotive manufacturing and assembly plant and its affiliates for



16807 which construction begins after March 2, 2007, and not later than
16808 December 1, 2007, with an initial capital investment from private
16809 sources of not less than Five Hundred Million Dollars
16810 (\$500,000,000.00) which will create at least one thousand five
16811 hundred (1,500) jobs meeting criteria established by the
16812 authority, which criteria shall include, but not be limited to,
16813 the requirement that such jobs must be held by persons eligible
16814 for employment in the United States under applicable state and
16815 federal law. The authority shall require that binding commitments
16816 be entered into requiring that:

16817 1. The minimum requirements for the project
16818 provided for in this subparagraph shall be met; and

16819 2. That if such commitments are not met, all
16820 or a portion of the funds provided by the state for the project as
16821 determined by the authority shall be repaid.

16822 (xxii) Any enterprise owning or operating a major
16823 powertrain component manufacturing and assembly plant for which
16824 construction begins after May 11, 2007, and not later than
16825 December 1, 2007, with an initial capital investment from private
16826 sources of not less than Three Hundred Million Dollars
16827 (\$300,000,000.00) which will create at least five hundred (500)
16828 new full-time jobs meeting criteria established by the authority,
16829 which criteria shall include, but not be limited to, the
16830 requirement that such jobs must be held by persons eligible for
16831 employment in the United States under applicable state and federal



16832 law, and the requirement that the average annual wages and taxable
16833 benefits of such jobs shall be at least one hundred twenty-five
16834 percent (125%) of the most recently published average annual wage
16835 of the state or the most recently published average annual wage of
16836 the county in which the project is located as determined by the
16837 Mississippi Department of Employment Security, whichever is the
16838 lesser. The authority shall require that binding commitments be
16839 entered into requiring that:

16840 1. The minimum requirements for the project
16841 provided for in this subparagraph shall be met; and

16842 2. That if such commitments are not met, all
16843 or a portion of the funds provided by the state for the project as
16844 determined by the authority shall be repaid.

16845 (xxiii) Any biological and agricultural defense
16846 project operated by an agency of the government of the United
16847 States with an initial capital investment of not less than Four
16848 Hundred Fifty Million Dollars (\$450,000,000.00) from any source
16849 other than the State of Mississippi and its subdivisions, which
16850 will create at least two hundred fifty (250) new full-time jobs.
16851 All jobs created by the project must be held by persons eligible
16852 for employment in the United States under applicable state and
16853 federal law.

16854 (xxiv) Any enterprise owning or operating an
16855 existing tire manufacturing plant which adds to such plant capital
16856 assets of not less than Twenty-five Million Dollars



16857 (\$25,000,000.00) after January 1, 2009, and that maintains at
16858 least one thousand two hundred (1,200) full-time jobs in this
16859 state at one (1) location with an average annual salary, excluding
16860 benefits which are not subject to Mississippi income taxes, of at
16861 least Forty-five Thousand Dollars (\$45,000.00). The authority
16862 shall require that binding commitments be entered into requiring
16863 that:

16864 1. The minimum requirements for the project
16865 provided for in this subparagraph shall be met; and

16866 2. That if such commitments are not met, all
16867 or a portion of the funds provided by the state for the project as
16868 determined by the authority shall be repaid.

16869 (xxv) Any enterprise owning or operating a
16870 facility for the manufacture of composite components for the
16871 aerospace industry which will have an investment from private
16872 sources of not less than One Hundred Seventy-five Million Dollars
16873 (\$175,000,000.00) by not later than December 31, 2015, and which
16874 will result in the full-time employment at the project site of not
16875 less than two hundred seventy-five (275) persons by December 31,
16876 2011, and not less than four hundred twenty-five (425) persons by
16877 December 31, 2013, and not less than eight hundred (800) persons
16878 by December 31, 2017, all with an average annual compensation,
16879 excluding benefits which are not subject to Mississippi income
16880 taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The



16881 authority shall require that binding commitments be entered into
16882 requiring that:

16883 1. The minimum requirements for the project
16884 provided for in this subparagraph shall be met; and

16885 2. That if such commitments are not met, all
16886 or a portion of the funds provided by the state for the project as
16887 determined by the authority shall be repaid.

16888 (xxvi) Any enterprise owning or operating a
16889 facility for the manufacture of pipe which will have an investment
16890 from any source other than the State of Mississippi and its
16891 subdivisions of not less than Three Hundred Million Dollars
16892 (\$300,000,000.00) by not later than December 31, 2015, and which
16893 will create at least five hundred (500) new full-time jobs within
16894 five (5) years after the start of commercial production and
16895 maintain such jobs for at least ten (10) years, all with an
16896 average annual compensation, excluding benefits which are not
16897 subject to Mississippi income taxes, of at least Thirty-two
16898 Thousand Dollars (\$32,000.00). The authority shall require that
16899 binding commitments be entered into requiring that:

16900 1. The minimum requirements for the project
16901 provided for in this subparagraph shall be met; and

16902 2. That if such commitments are not met, all
16903 or a portion of the funds provided by the state for the project as
16904 determined by the authority shall be repaid.



16905 (xxvii) Any enterprise owning or operating a
16906 facility for the manufacture of solar panels which will have an
16907 investment from any source other than the State of Mississippi and
16908 its subdivisions of not less than One Hundred Thirty-two Million
16909 Dollars (\$132,000,000.00) by not later than December 31, 2015, and
16910 which will create at least five hundred (500) new full-time jobs
16911 within five (5) years after the start of commercial production and
16912 maintain such jobs for at least ten (10) years, all with an
16913 average annual compensation, excluding benefits which are not
16914 subject to Mississippi income taxes, of at least Thirty-four
16915 Thousand Dollars (\$34,000.00). The authority shall require that
16916 binding commitments be entered into requiring that:

16917 1. The minimum requirements for the project
16918 provided for in this subparagraph shall be met; and

16919 2. That if such commitments are not met, all
16920 or a portion of the funds provided by the state for the project as
16921 determined by the authority shall be repaid.

16922 (xxviii) 1. Any enterprise owning or operating an
16923 automotive parts manufacturing plant and its affiliates for which
16924 construction begins after June 1, 2013, and not later than June
16925 30, 2014, with an initial capital investment of not less than
16926 Three Hundred Million Dollars (\$300,000,000.00) which will create
16927 at least five hundred (500) new full-time jobs meeting criteria
16928 established by the authority, which criteria shall include, but
16929 not be limited to, the requirement that such jobs must be held by



16930 persons eligible for employment in the United States under
16931 applicable state and federal law, and the requirement that the
16932 average annual wages and taxable benefits of such jobs shall be at
16933 least one hundred ten percent (110%) of the most recently
16934 published average annual wage of the state or the most recently
16935 published average annual wage of the county in which the project
16936 is located as determined by the Mississippi Department of
16937 Employment Security, whichever is the lesser. The authority shall
16938 require that binding commitments be entered into requiring that:

- 16939 a. The minimum requirements for the
16940 project provided for in this subparagraph shall be met; and
16941 b. That if such commitments are not met,
16942 all or a portion of the funds provided by the state for the
16943 project as determined by the authority shall be repaid.

16944 2. It is anticipated that the project defined
16945 in this subparagraph (xxviii) will expand in three (3) additional
16946 phases, will create an additional five hundred (500) full-time
16947 jobs meeting the above criteria in each phase, and will invest an
16948 additional Three Hundred Million Dollars (\$300,000,000.00) per
16949 phase.

16950 (xxix) Any enterprise engaged in the manufacture
16951 of tires or other related rubber or automotive products for which
16952 construction of a plant begins after January 1, 2016, and is
16953 substantially completed no later than December 31, 2022, and for
16954 which such enterprise commits to an aggregate capital investment



16955 by such enterprise and its affiliates of not less than One Billion
16956 Four Hundred Fifty Million Dollars (\$1,450,000,000.00) and the
16957 creation thereby of at least two thousand five hundred (2,500) new
16958 full-time jobs meeting criteria established by the authority,
16959 which criteria shall include, but not be limited to, the
16960 requirement that such jobs must be held by persons eligible for
16961 employment in the United States under applicable state and federal
16962 law, and the requirement that the average annual salary or wage,
16963 excluding the value of any benefits which are not subject to
16964 Mississippi income tax, of such jobs shall be at least Forty
16965 Thousand Dollars (\$40,000.00). The authority shall require that
16966 binding commitments be entered into requiring that:

16967 1. Minimum requirements for investment and
16968 jobs for the project shall be met; and

16969 2. If such requirements are not met, all or a
16970 portion of the funds provided by the state for the project may, as
16971 determined by the authority, be subject to repayment by such
16972 enterprise and/or its affiliates, together with any penalties or
16973 damages required by the authority in connection therewith.

16974 (xxx) Any enterprise owning or operating a
16975 maritime fabrication and assembly facility for which construction
16976 begins after February 1, 2016, and concludes not later than
16977 December 31, 2018, with an initial capital investment in land,
16978 buildings and equipment not less than Sixty-eight Million Dollars
16979 (\$68,000,000.00) and will create not less than one thousand



16980 (1,000) new full-time jobs meeting criteria established by the
16981 authority, which criteria shall include, but not be limited to,
16982 the requirement that such jobs must be held by persons eligible
16983 for employment in the United States under applicable state and
16984 federal law, and the requirement that the average annual
16985 compensation, excluding benefits which are not subject to
16986 Mississippi income taxes, of at least Forty Thousand Dollars
16987 (\$40,000.00). The authority shall require that binding
16988 commitments be entered into requiring that:

16989 1. The minimum requirements for the project
16990 provided for in this subparagraph shall be met; and

16991 2. If such commitments are not met, all or a
16992 portion of the funds provided by the state for the project may, as
16993 determined by the authority, be subject to repayment by such
16994 enterprise, together with any penalties or damages required by the
16995 authority in connection therewith.

16996 (g) (i) "Project area" means the project site,
16997 together with any area or territory within the state lying within
16998 sixty-five (65) miles of any portion of the project site whether
16999 or not such area or territory be contiguous; however, for the
17000 project defined in paragraph (f) (iv) of this section the term
17001 "project area" means any area or territory within the state. The
17002 project area shall also include all territory within a county if
17003 any portion of such county lies within sixty-five (65) miles of
17004 any portion of the project site. "Project site" means the real



17005 property on which the principal facilities of the enterprise will
17006 operate. The provisions of this subparagraph (i) shall not apply
17007 to a project as defined in paragraph (f)(xxi) of this section.

17008 (ii) For the purposes of a project as defined in
17009 paragraph (f)(xxi) of this section, the term "project area" means
17010 the acreage authorized in the certificate of convenience and
17011 necessity issued by the Mississippi Development Authority to a
17012 regional economic development alliance under Section 57-64-1 et
17013 seq.

17014 (h) "Public agency" means:

17015 (i) Any department, board, commission, institution
17016 or other agency or instrumentality of the state;

17017 (ii) Any city, town, county, political
17018 subdivision, school district or other district created or existing
17019 under the laws of the state or any public agency of any such city,
17020 town, county, political subdivision or district or any other
17021 public entity created or existing under local and private
17022 legislation;

17023 (iii) Any department, commission, agency or
17024 instrumentality of the United States of America; and

17025 (iv) Any other state of the United States of
17026 America which may be cooperating with respect to location of the
17027 project within the state, or any agency thereof.

17028 (i) "State" means State of Mississippi.



17029 (j) "Fee-in-lieu" means a negotiated fee to be paid by
17030 the project in lieu of any franchise taxes imposed on the project
17031 by Chapter 13, Title 27, Mississippi Code of 1972. The
17032 fee-in-lieu shall not be less than Twenty-five Thousand Dollars
17033 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an
17034 enterprise operating an existing project defined in paragraph
17035 (f)(iv)1 of this section; however, a fee-in-lieu shall not be
17036 negotiated for other existing enterprises that fall within the
17037 definition of the term "project."

17038 (k) "Affiliate" means a subsidiary or related business
17039 entity which shares a common direct or indirect ownership with the
17040 enterprise owning or operating a project as defined in paragraph
17041 (f)(xxi), paragraph (f)(xxviii) or paragraph (f)(xxix) of this
17042 section. The subsidiary or related business must provide services
17043 directly related to the core activities of the project.

17044 (l) "Tier One supplier" means a supplier of a project
17045 as defined in paragraph (f)(xxi) of this section that is certified
17046 by the enterprise owning the project and creates a minimum of
17047 fifty (50) new full-time jobs.

17048 **SECTION 493.** Section 57-75-7, Mississippi Code of 1972, is
17049 brought forward as follows:

17050 57-75-7. (1) There is created within the * * * Mississippi
17051 Development Authority a division to be known as the "Mississippi
17052 Major Economic Impact Authority" for the performance of essential
17053 public functions. The Executive Director of the * * * Mississippi



17054 Development Authority or his designee shall be the director of the
17055 authority.

17056 (2) The director shall administer, manage and direct the
17057 affairs and business of the authority.

17058 **SECTION 494.** Section 57-75-9, Mississippi Code of 1972, is
17059 brought forward as follows:

17060 57-75-9. (1) The authority is hereby designated and
17061 empowered to act on behalf of the state in submitting a siting
17062 proposal for any project eligible for assistance under this act.
17063 The authority is empowered to take all steps appropriate or
17064 necessary to effect the siting, development, and operation of the
17065 project within the state, including the negotiation of a
17066 fee-in-lieu. If the state is selected as the preferred site for
17067 the project, the authority is hereby designated and empowered to
17068 act on behalf of the state and to represent the state in the
17069 planning, financing, development, construction and operation of
17070 the project or any facility related to the project, with the
17071 concurrence of the affected public agency. The authority may take
17072 affirmative steps to coordinate fully all aspects of the
17073 submission of a siting proposal for the project and, if the state
17074 is selected as the preferred site, to coordinate fully, with the
17075 concurrence of the affected public agency, the development of the
17076 project or any facility related to the project with private
17077 business, the United States government and other public agencies.
17078 All public agencies are encouraged to cooperate to the fullest



17079 extent possible to effectuate the duties of the authority;
17080 however, the development of the project or any facility related to
17081 the project by the authority may be done only with the concurrence
17082 of the affected public agency.

17083 (2) (a) Contracts, by the authority or a public agency,
17084 including, but not limited to, design and construction contracts,
17085 for the acquisition, purchase, construction or installation of a
17086 project defined in Section 57-75-5(f)(iv)1 or any facility related
17087 to the project shall be exempt from the provisions of Section
17088 31-7-13 if:

17089 (i) The authority finds and records such finding
17090 on its minutes, that because of availability or the particular
17091 nature of a project, it would not be in the public interest or
17092 would less effectively achieve the purposes of this chapter to
17093 enter into such contracts on the basis of Section 31-7-13; and

17094 (ii) The enterprise that is involved in the
17095 project concurs in such finding.

17096 (b) When the requirements of paragraph (a) of this
17097 subsection are met:

17098 (i) The requirements of Section 31-7-13 shall not
17099 apply to such contracts; and

17100 (ii) The contracts may be entered into on the
17101 basis of negotiation.



17102 (c) The enterprise involved with the project may, upon
17103 approval of the authority, negotiate such contracts in the name of
17104 the authority.

17105 (d) The provisions of this subsection (2) shall not
17106 apply to contracts by the authority for excavation, fill dirt and
17107 compaction for the preparation of the site of a project as defined
17108 in Section 57-75-5(f)(iv)1 and such contracts may be entered into
17109 pursuant to subsection (3) of this section.

17110 (3) (a) Contracts by the authority for excavation, fill
17111 dirt and compaction for the preparation of the site of a project
17112 defined in Section 57-75-5(f)(iv)1 shall be exempt from the
17113 provisions of Section 31-7-13 and the following procedure shall be
17114 followed in the award of such contracts:

17115 (i) The authority shall advertise for a period of
17116 time to be set by the authority, but in no event less than one (1)
17117 business day, the date, time and place of a meeting with the
17118 authority to receive specifications on a request for proposals on
17119 excavation, fill dirt and compaction for the preparation of the
17120 site of the project defined in Section 57-75-5(f)(iv)1.

17121 (ii) The authority shall set the minimum
17122 qualifications necessary to be considered for award of the
17123 contract and the advertisement shall set forth such minimum
17124 qualifications.

17125 (iii) Following the meeting the authority shall,
17126 in its discretion, select one or more of the qualified contractors



17127 with whom to negotiate or award the contract. The decision of the
17128 authority concerning the selection of the contractor shall be
17129 final.

17130 (b) Contracts by the authority or a public agency for
17131 site preparation, utilities, real estate improvements, wastewater
17132 or for public works for a project defined in Section
17133 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii) shall be exempt from
17134 the provisions of Section 31-7-13 and the following procedure
17135 shall be followed in the award of such contracts:

17136 (i) The authority or the public agency shall
17137 advertise for a period of time to be set by the authority or the
17138 public agency, but in no event less than one (1) nor more than
17139 five (5) calendar days, the date, time and place of a meeting with
17140 the authority or the public agency to receive specifications on
17141 the preparation of the site of the project defined in Section
17142 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii).

17143 (ii) The authority or the public agency shall set
17144 the minimum qualifications necessary to be considered for award of
17145 the contract and the advertisement shall set forth such minimum
17146 qualifications.

17147 (iii) Following the meeting the authority or the
17148 public agency shall, in its discretion, select one or more of the
17149 qualified contractors with whom to negotiate or award the
17150 contract. The decision of the authority or the public agency
17151 concerning the selection of the contractor shall be final.



17152 (c) Contracts by a public agency for site preparation,
17153 utilities, real estate improvements, infrastructure, roads or for
17154 public works for a project defined in Section 57-75-5(f)(xxiii),
17155 Section 57-75-5(f)(xxix) or Section 57-75-5(f)(xxx) may be exempt
17156 from the provisions of Section 31-7-13 and the following procedure
17157 shall be followed in the award of contracts:

17158 (i) The public agency shall advertise for a period
17159 of time to be set by the public agency, but in no event less than
17160 one (1) nor more than five (5) calendar days, the date, time and
17161 place of a meeting with the public agency to receive
17162 specifications on site preparation, utilities, real estate
17163 improvements, infrastructure, roads or for public works related to
17164 the project defined in Section 57-75-5(f)(xxiii), Section
17165 57-75-5(f)(xxix) or Section 57-75-5(f)(xxx).

17166 (ii) The public agency shall set the minimum
17167 qualifications necessary to be considered for award of the
17168 contract and the advertisement shall set forth such minimum
17169 qualifications.

17170 (iii) Following the meeting the public agency
17171 shall, in its discretion, which discretion may include
17172 participation by an enterprise involved in the project, select one
17173 or more of the qualified contractors with whom to negotiate or
17174 award the contract. The decision of the public agency concerning
17175 selection of the contractor shall be final.



17176 (4) (a) Contracts, by the authority or a public agency,
17177 including, but not limited to, design and construction contracts,
17178 for the acquisition, purchase, construction or installation of a
17179 project defined in Section 57-75-5(f) (xxvi), Section
17180 57-75-5(f) (xxvii), Section 57-75-5(f) (xxviii), Section
17181 57-75-5(f) (xxix) or Section 57-75-5(f) (xxx) shall be exempt from
17182 the provisions of Section 31-7-13 if:

17183 (i) The authority finds and records such finding
17184 on its minutes, that because of availability or the particular
17185 nature of a project, it would not be in the public interest or
17186 would less effectively achieve the purposes of this chapter to
17187 enter into such contracts on the basis of Section 31-7-13; and

17188 (ii) The enterprise that is involved in the
17189 project concurs in such finding.

17190 (b) When the requirements of paragraph (a) of this
17191 subsection are met:

17192 (i) The requirements of Section 31-7-13 shall not
17193 apply to such contracts; and

17194 (ii) The contracts may be entered into on the
17195 basis of negotiation with the authority or such public agency, and
17196 the authority or such public agency may, as part of such
17197 negotiations, further negotiate and require the level of
17198 participation by the enterprise involved in the project in the
17199 negotiation of such contracts.



17200 (c) The company shall make commercially reasonable
17201 efforts to place out for bid, such that Mississippi Contractors
17202 and Mississippi Disadvantaged Business Enterprises ("DBEs") shall
17203 have an equal opportunity to respond to such bid, any contract by
17204 the company which (i) is subject to tax pursuant to Mississippi
17205 Code Section 27-65-21 (i.e., contracts for constructing, building,
17206 erecting, grading, excavating, etc.), and (ii) will be paid, or
17207 payment thereunder by the company will be reimbursed, using any
17208 portion of the grant proceeds or funds provided by the authority
17209 to the company in accordance with this agreement. In carrying out
17210 such efforts, in order to increase the pool of qualified DBE
17211 bidders, the company will request that successful prime contract
17212 bidders include in their response a commitment to (a) participate
17213 in and/or host forums that highlight subcontract bidding
17214 opportunities for DBEs; and (b) work with various trade
17215 associations and the Mississippi Development Authority to promote
17216 increased participation from DBEs. With respect to awarding any
17217 contract placed out for bid, the company shall be allowed to award
17218 such contract in the company's sole discretion (e.g., based upon
17219 optimization of quality, cost and efficiency or on any other basis
17220 as the company may see fit). MDA agrees that it will offer to
17221 eligible contractor DBEs that have an opportunity to work on the
17222 project assistance through its Minority Surety Bond Guaranty
17223 Program.



17224 **SECTION 495.** Section 57-75-11, Mississippi Code of 1972, is
17225 brought forward as follows:

17226 57-75-11. The authority, in addition to any and all powers
17227 now or hereafter granted to it, is empowered and shall exercise
17228 discretion and the use of these powers depending on the
17229 circumstances of the project or projects:

17230 (a) To maintain an office at a place or places within
17231 the state.

17232 (b) To employ or contract with architects, engineers,
17233 attorneys, accountants, construction and financial experts and
17234 such other advisors, consultants and agents as may be necessary in
17235 its judgment and to fix and pay their compensation.

17236 (c) To make such applications and enter into such
17237 contracts for financial assistance as may be appropriate under
17238 applicable federal or state law.

17239 (d) To apply for, accept and utilize grants, gifts and
17240 other funds or aid from any source for any purpose contemplated by
17241 the act, and to comply, subject to the provisions of this act,
17242 with the terms and conditions thereof.

17243 (e) (i) To acquire by purchase, lease, gift, or in
17244 other manner, including quick-take eminent domain, or obtain
17245 options to acquire, and to own, maintain, use, operate and convey
17246 any and all property of any kind, real, personal, or mixed, or any
17247 interest or estate therein, within the project area, necessary for
17248 the project or any facility related to the project. The



17249 provisions of this paragraph that allow the acquisition of
17250 property by quick-take eminent domain shall be repealed by
17251 operation of law on July 1, 1994; and

17252 (ii) Notwithstanding any other provision of this
17253 paragraph (e), from and after November 6, 2000, to exercise the
17254 right of immediate possession pursuant to the provisions of
17255 Sections 11-27-81 through 11-27-89 for the purpose of acquiring
17256 land, property and/or rights-of-way in the county in which a
17257 project as defined in Section 57-75-5(f)(iv)1 is located, that are
17258 necessary for such project or any facility related to the project.

17259 (f) To acquire by purchase or lease any public lands
17260 and public property, including sixteenth section lands and lieu
17261 lands, within the project area, which are necessary for the
17262 project. Sixteenth section lands or lieu lands acquired under
17263 this act shall be deemed to be acquired for the purposes of
17264 industrial development thereon and such acquisition will serve a
17265 higher public interest in accordance with the purposes of this
17266 act.

17267 (g) If the authority identifies any land owned by the
17268 state as being necessary, for the location or use of the project,
17269 or any facility related to the project, to recommend to the
17270 Legislature the conveyance of such land or any interest therein,
17271 as the Legislature deems appropriate.



17272 (h) To make or cause to be made such examinations and
17273 surveys as may be necessary to the planning, design, construction
17274 and operation of the project.

17275 (i) From and after the date of notification to the
17276 authority by the enterprise that the state has been finally
17277 selected as the site of the project, to acquire by condemnation
17278 and to own, maintain, use, operate and convey or otherwise dispose
17279 of any and all property of any kind, real, personal or mixed, or
17280 any interest or estate therein, within the project area, necessary
17281 for the project or any facility related to the project, with the
17282 concurrence of the affected public agency, and the exercise of the
17283 powers granted by this act, according to the procedures provided
17284 by Chapter 27, Title 11, Mississippi Code of 1972, except as
17285 modified by this act.

17286 (i) Except as otherwise provided in subparagraph
17287 (iii) of this paragraph (i), in acquiring lands by condemnation,
17288 the authority shall not acquire minerals or royalties in minerals
17289 unless a competent registered professional engineer shall have
17290 certified that the acquisition of such minerals and royalties in
17291 minerals is necessary for purposes of the project; provided that
17292 limestone, clay, chalk, sand and gravel shall not be considered as
17293 minerals for the purposes of subparagraphs (i) and (ii) of this
17294 paragraph (i);

17295 (ii) Unless minerals or royalties in minerals have
17296 been acquired by condemnation or otherwise, no person or persons



17297 owning the drilling rights or the right to share in production of
17298 minerals shall be prevented from exploring, developing, or
17299 producing oil or gas with necessary rights-of-way for ingress and
17300 egress, pipelines and other means of transporting interests on any
17301 land or interest therein of the authority held or used for the
17302 purposes of this act; but any such activities shall be under such
17303 reasonable regulation by the authority as will adequately protect
17304 the project contemplated by this act as provided in paragraph (r)
17305 of this section; and

17306 (iii) In acquiring lands by condemnation,
17307 including the exercise of immediate possession, for a project, as
17308 defined in Section 57-75-5(f)(iv)1, the authority may acquire
17309 minerals or royalties in minerals.

17310 (j) To negotiate the necessary relocation or rerouting
17311 of roads and highways, railroad, telephone and telegraph lines and
17312 properties, electric power lines, pipelines and related
17313 facilities, or to require the anchoring or other protection of any
17314 of these, provided due compensation is paid to the owners thereof
17315 or agreement is had with such owners regarding the payment of the
17316 cost of such relocation, and to acquire by condemnation or
17317 otherwise easements or rights-of-way for such relocation or
17318 rerouting and to convey the same to the owners of the facilities
17319 being relocated or rerouted in connection with the purposes of
17320 this act.



17321 (k) To negotiate the necessary relocation of graves and
17322 cemeteries and to pay all reasonable costs thereof.

17323 (l) To perform or have performed any and all acts and
17324 make all payments necessary to comply with all applicable federal
17325 laws, rules or regulations including, but not limited to, the
17326 Uniform Relocation Assistance and Real Property Acquisition
17327 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651
17328 to 4655) and relocation rules and regulations promulgated by any
17329 agency or department of the federal government.

17330 (m) To construct, extend, improve, maintain, and
17331 reconstruct, to cause to be constructed, extended, improved,
17332 maintained, and reconstructed, and to use and operate any and all
17333 components of the project or any facility related to the project,
17334 with the concurrence of the affected public agency, within the
17335 project area, necessary to the project and to the exercise of such
17336 powers, rights, and privileges granted the authority.

17337 (n) To incur or defray any designated portion of the
17338 cost of any component of the project or any facility related to
17339 the project acquired or constructed by any public agency.

17340 (o) (i) To lease, sell or convey any or all property
17341 acquired by the authority under the provisions of this act to the
17342 enterprise, its successors or assigns, and/or any entity for
17343 purposes in furtherance of economic development as determined by
17344 the authority, and in connection therewith to pay the costs of
17345 title search, perfection of title, title insurance and recording



17346 fees as may be required. The authority may provide in the
17347 instrument conveying such property a provision that such property
17348 shall revert to the authority if, as and when the property is
17349 declared by the transferee to be no longer needed.

17350 (ii) To lease, sell, transfer or convey on any
17351 terms agreed upon by the authority any or all real and personal
17352 property, improvements, leases, funds and contractual obligations
17353 of a project as defined in Section 57-75-5(f)(vi) and conveyed to
17354 the State of Mississippi by a Quitclaim Deed from the United
17355 States of America dated February 23, 1996, filed of record at
17356 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,
17357 Tishomingo County, Mississippi, to any governmental authority
17358 located within the geographic boundaries of the county wherein
17359 such project exists upon agreement of such governmental authority
17360 to undertake and assume from the State of Mississippi all
17361 obligations and responsibilities in connection with ownership and
17362 operation of the project. Property leased, sold, transferred or
17363 otherwise conveyed by the authority under this paragraph (o) shall
17364 be used only for economic development purposes.

17365 (p) To enter into contracts with any person or public
17366 agency, including, but not limited to, contracts authorized by
17367 Section 57-75-17, in furtherance of any of the purposes authorized
17368 by this act upon such consideration as the authority and such
17369 person or public agency may agree. Any such contract may extend
17370 over any period of time, notwithstanding any rule of law to the



17371 contrary, may be upon such terms as the parties thereto shall
17372 agree, and may provide that it shall continue in effect until
17373 bonds specified therein, refunding bonds issued in lieu of such
17374 bonds, and all other obligations specified therein are paid or
17375 terminated. Any such contract shall be binding upon the parties
17376 thereto according to its terms. Such contracts may include an
17377 agreement to reimburse the enterprise, its successors and assigns
17378 for any assistance provided by the enterprise in the acquisition
17379 of real property for the project or any facility related to the
17380 project.

17381 (q) To establish and maintain reasonable rates and
17382 charges for the use of any facility within the project area owned
17383 or operated by the authority, and from time to time, to adjust
17384 such rates and to impose penalties for failure to pay such rates
17385 and charges when due.

17386 (r) To adopt and enforce with the concurrence of the
17387 affected public agency all necessary and reasonable rules and
17388 regulations to carry out and effectuate the implementation of the
17389 project and any land use plan or zoning classification adopted for
17390 the project area, including, but not limited to, rules,
17391 regulations, and restrictions concerning mining, construction,
17392 excavation or any other activity the occurrence of which may
17393 endanger the structure or operation of the project. Such rules
17394 may be enforced within the project area and without the project
17395 area as necessary to protect the structure and operation of the



17396 project. The authority is authorized to plan or replan, zone or
17397 rezone, and make exceptions to any regulations, whether local or
17398 state, with the concurrence of the affected public agency which
17399 are inconsistent with the design, planning, construction or
17400 operation of the project and facilities related to the project.

17401 (s) To plan, design, coordinate and implement measures
17402 and programs to mitigate impacts on the natural environment caused
17403 by the project or any facility related to the project.

17404 (t) To develop plans for technology transfer activities
17405 to ensure private sector conduits for exchange of information,
17406 technology and expertise related to the project to generate
17407 opportunities for commercial development within the state.

17408 (u) To consult with the State Department of Education
17409 and other public agencies for the purpose of improving public
17410 schools and curricula within the project area.

17411 (v) To consult with the State Board of Health and other
17412 public agencies for the purpose of improving medical centers,
17413 hospitals and public health centers in order to provide
17414 appropriate health care facilities within the project area.

17415 (w) To consult with the Office of Minority Business
17416 Enterprise Development and other public agencies for the purpose
17417 of developing plans for technical assistance and loan programs to
17418 maximize the economic impact related to the project for minority
17419 business enterprises within the State of Mississippi.



17420 (x) To deposit into the "Yellow Creek Project Area
17421 Fund" created pursuant to Section 57-75-31:

17422 (i) Any funds or aid received as authorized in
17423 this section for the project described in Section 57-75-5(f) (vi),
17424 and

17425 (ii) Any funds received from the sale or lease of
17426 property from the project described in Section 57-75-5(f) (vi)
17427 pursuant to the powers exercised under this section.

17428 (y) To manage and develop the project described in
17429 Section 57-75-5(f) (vi).

17430 (z) To promulgate rules and regulations necessary to
17431 effectuate the purposes of this act.

17432 (aa) To negotiate a fee-in-lieu with the owners of the
17433 project.

17434 (bb) To enter into contractual agreements to warrant
17435 any site work for a project defined in Section 57-75-5(f) (iv)1;
17436 provided, however, that the aggregate amount of such warranties
17437 shall not exceed Fifteen Million Dollars (\$15,000,000.00).

17438 (cc) To provide grant funds to an enterprise operating
17439 a project defined in Section 57-75-5(f) (iv)1 in an amount not to
17440 exceed Thirty-nine Million Dollars (\$39,000,000.00).

17441 (dd) (i) To own surface water transmission lines
17442 constructed with the proceeds of bonds issued pursuant to this act
17443 and in connection therewith to purchase and provide water to any



17444 project defined in Section 57-75-5(f) (iv) and to certificated
17445 water providers; and

17446 (ii) To lease such surface water transmission
17447 lines to a public agency or public utility to provide water to
17448 such project and to certificated water providers.

17449 (ee) To provide grant funds to an enterprise operating
17450 a project defined in Section 57-75-5(f) (v) or, in connection with
17451 a facility related to such a project, for job training, recruiting
17452 and infrastructure.

17453 (ff) To enter into negotiations with persons proposing
17454 projects defined in Section 57-75-5(f) (xi) and execute acquisition
17455 options and conduct planning, design and environmental impact
17456 studies with regard to such project.

17457 (gg) To establish such guidelines, rules and
17458 regulations as the authority may deem necessary and appropriate
17459 from time to time in its sole discretion, to promote the purposes
17460 of this act.

17461 (hh) In connection with projects defined in Section
17462 57-75-5(f) (ii):

17463 (i) To provide grant funds or loans to a public
17464 agency or an enterprise owning, leasing or operating a project
17465 defined in Section 57-75-5(f) (ii) in amounts not to exceed the
17466 amount authorized in Section 57-75-15(3) (b);

17467 (ii) To supervise the use of all such grant funds
17468 or loans; and



17469 (iii) To requisition money in the Mississippi
17470 Major Economic Impact Authority Revolving Loan Fund in connection
17471 with such loans.

17472 (ii) In connection with projects defined under Section
17473 57-75-5(f) (xiv):

17474 (i) To provide grant funds or loans to an
17475 enterprise owning, leasing or operating a project defined in
17476 Section 57-75-5(f) (xiv); however, the aggregate amount of any such
17477 loans under this paragraph (ii) shall not exceed Eighteen Million
17478 Dollars (\$18,000,000.00) and the aggregate amount of any such
17479 grants under this paragraph (ii) shall not exceed Six Million
17480 Dollars (\$6,000,000.00);

17481 (ii) To supervise the use of all such grant funds
17482 or loans; and

17483 (iii) Notwithstanding any provision of this act to
17484 the contrary, such loans shall be for a term not to exceed twenty
17485 (20) years as may be determined by the authority, shall bear
17486 interest at such rates as may be determined by the authority,
17487 shall, in the sole discretion of the authority, be secured in an
17488 amount and a manner as may be determined by the authority.

17489 (jj) In connection with projects defined under Section
17490 57-75-5(f) (xviii):

17491 (i) To provide grant funds of Twenty-five Million
17492 Dollars (\$25,000,000.00) to an enterprise owning or operating a
17493 project defined in Section 57-75-5(f) (xviii) to be used for real



17494 estate improvements and which may be disbursed as determined by
17495 the authority;

17496 (ii) To provide loans to an enterprise owning or
17497 operating a project defined in Section 57-75-5(f) (xviii) or make
17498 payments to a lender providing financing to the enterprise;
17499 subject to the following provisions:

17500 1. Not more than Ten Million Dollars
17501 (\$10,000,000.00) may be loaned to such an enterprise for the
17502 purpose of defraying costs incurred by the enterprise for site
17503 preparation and real property improvements during the construction
17504 of the project in excess of budgeted costs; however, the amount of
17505 any such loan shall not exceed fifty percent (50%) of such excess
17506 costs;

17507 2. Not more than Sixty Million Dollars
17508 (\$60,000,000.00) may be loaned to such an enterprise or paid to a
17509 lender providing financing to the enterprise for purposes
17510 determined appropriate by the authority, and the enterprise shall
17511 be obligated to repay the amount of the loan or payment plus any
17512 expenses incurred by the state as a result of the issuance of
17513 bonds pursuant to Section 57-75-15(3) (p); however, no such loan or
17514 payment may be made before the beginning of the fifth year after
17515 issuance by the enterprise of debt in like amount the proceeds of
17516 which are to be used in connection with the project;

17517 (iii) To supervise the use of all such loan funds;



17518 (iv) Loans under this paragraph (jj) may be for
17519 any term determined appropriate by the authority provided that the
17520 payments on any loan must be in an amount sufficient to pay the
17521 state's debt service on bonds issued for the purpose of providing
17522 funds for such a loan; and

17523 (v) The repayment obligation of the enterprise for
17524 any loan or payment authorized under this paragraph (jj) shall, in
17525 the discretion of the authority, be secured in an amount and a
17526 manner as may be determined by the authority.

17527 (kk) In connection with projects defined in Section
17528 57-75-5(f)(xxi) or a facility related to such a project:

17529 (i) To provide grant funds to reimburse public
17530 agencies, Itawamba Community College, Northeast Mississippi
17531 Community College, and/or East Mississippi Community College,
17532 public or private nonprofits or an enterprise owning or operating
17533 a project as defined in Section 57-75-5(f)(xxi) for site
17534 preparation, real estate improvements, utilities, railroads,
17535 roads, infrastructure, job training, recruiting and any other
17536 expenses approved by the authority in amounts not to exceed the
17537 amount authorized in Section 57-75-15(3)(s);

17538 (ii) To supervise the use of all such grant funds
17539 so reimbursed; and

17540 (iii) To enter into contractual agreements to
17541 warrant site preparation and availability for a project defined in
17542 Section 57-75-5(f)(xxi).



17543 (ll) In connection with a project related to a Tier One
17544 supplier:

17545 (i) To provide grant funds to reimburse public
17546 agencies, public or private nonprofits and Tier One suppliers for
17547 site preparation, real estate improvements, utilities, railroads,
17548 roads, infrastructure, job training, recruiting and any other
17549 expenses approved by the authority in amounts not to exceed the
17550 amount authorized in Section 57-75-15(3) (t);

17551 (ii) To supervise the use of all such grant funds
17552 so reimbursed.

17553 (mm) In connection with projects defined in Section
17554 57-75-5(f) (xxii) or a facility related to such a project:

17555 (i) To provide grant funds to reimburse public
17556 agencies or an enterprise owning or operating a project as defined
17557 in Section 57-75-5(f) (xxii) for site preparation, real estate
17558 improvements, utilities, fire protection, wastewater, railroads,
17559 roads, infrastructure, job training, recruiting and any other
17560 expenses approved by the authority in amounts not to exceed the
17561 amount authorized in Section 57-75-15(3) (u); and

17562 (ii) To supervise the use of all such grant funds
17563 so reimbursed.

17564 (nn) It is the policy of the authority and the
17565 authority is authorized to accommodate and support any enterprise
17566 owning or operating a project defined in Section
17567 57-75-5(f) (xviii), 57-75-5(f) (xxi), 57-75-5(f) (xxii),



17568 57-75-5(f) (xxvi), 57-75-5(f) (xxvii), 57-75-5(f) (xxviii),
17569 57-75-5(f) (xxix) or 57-75-5(f) (xxx) or an enterprise developing or
17570 owning a project defined in Section 57-75-5(f) (xx), that wishes to
17571 have a program of diversity in contracting, and/or that wishes to
17572 do business with or cause its prime contractor to do business with
17573 Mississippi companies, including those companies that are small
17574 business concerns owned and controlled by socially and
17575 economically disadvantaged individuals. The term "socially and
17576 economically disadvantaged individuals" shall have the meaning
17577 ascribed to such term under Section 8(d) of the Small Business Act
17578 (15 USCS 637(d)) and relevant subcontracting regulations
17579 promulgated pursuant thereto; except that women shall be presumed
17580 to be socially and economically disadvantaged individuals for the
17581 purposes of this paragraph.

17582 (oo) To provide grant funds to an enterprise developing
17583 or owning a project defined in Section 57-75-5(f) (xx) for
17584 reimbursement of costs incurred by such enterprise for
17585 infrastructure improvements in the initial phase of development of
17586 the project, upon dedication of such improvements to the
17587 appropriate public agency.

17588 (pp) In connection with projects defined in Section
17589 57-75-5(f) (xxiii):

17590 (i) To provide grant funds to reimburse public
17591 agencies or an enterprise operating a project as defined in
17592 Section 57-75-5(f) (xxiii) for site preparation, utilities, real



17593 estate improvements, infrastructure, roads, public works, job
17594 training and any other expenses approved by the authority in
17595 amounts not to exceed the amount authorized in Section
17596 57-75-15(3) (v); and

17597 (ii) To supervise the use of all such grant funds
17598 so reimbursed.

17599 (qq) (i) To provide grant funds for the expansion of a
17600 publicly owned building for the project defined in Section
17601 57-75-5(f) (xxiv) or loans to an enterprise owning, leasing or
17602 operating a project defined in Section 57-75-5(f) (xxiv) for the
17603 purchase and/or relocation of equipment, or for any other purpose
17604 related to the project as approved by the authority; however, the
17605 aggregate amount of any such loans under this paragraph (qq) shall
17606 not exceed Six Million Dollars (\$6,000,000.00) and the aggregate
17607 amount of any such grants under this paragraph (qq) shall not
17608 exceed Seven Million Dollars (\$7,000,000.00);

17609 (ii) To supervise the use of all such grant funds
17610 or loans; and

17611 (iii) Notwithstanding any provision of this act to
17612 the contrary, such loans shall be for a term not to exceed ten
17613 (10) years as may be determined by the authority, shall bear a
17614 rate of interest to be determined by the authority, and shall be
17615 secured in an amount and a manner as may be determined by the
17616 authority.



17617 (rr) (i) To provide grant funds to an enterprise
17618 owning or operating a project defined in Section 57-75-5(f) (xxv)
17619 for reimbursement of costs incurred by the enterprise in
17620 reconfiguring the manufacturing plant and for the purchase of
17621 equipment, or for any other purpose related to the project as
17622 approved by the authority;

17623 (ii) To supervise the use of all such grant funds.

17624 (ss) In connection with projects defined under Section
17625 57-75-5(f) (xxvi):

17626 (i) To provide grant funds and/or loans to a
17627 public agency in an amount not to exceed Fifteen Million Dollars
17628 (\$15,000,000.00) for the construction of a publicly owned building
17629 to be leased by the enterprise owning or operating the project;

17630 (ii) To provide loan guarantees in an amount not
17631 to exceed the total cost of the project for which financing is
17632 sought or Twenty Million Dollars (\$20,000,000.00), whichever is
17633 less, for the purpose of encouraging the extension of conventional
17634 financing and the issuance of letters of credit to the enterprise
17635 owning or operating the project;

17636 (iii) In connection with any loan guarantee made
17637 pursuant to this paragraph, to make payments to lenders providing
17638 financing to the enterprise owning or operating the project and
17639 the enterprise shall be obligated to repay the amount of the
17640 payment plus any expenses incurred by the state as a result of the
17641 issuance of bonds pursuant to Section 57-75-15(3) (y);



17642 (iv) To supervise the use of all such grant funds,
17643 loan funds or payments; and

17644 (v) To require the enterprise owning or operating
17645 the project to provide security for the repayment obligation for
17646 any loan guarantee authorized under this paragraph in an amount
17647 and in a manner as may be determined by the authority.

17648 (tt) In connection with projects defined under Section
17649 57-75-5(f) (xxvii):

17650 (i) To provide loans to a public agency in an
17651 amount not to exceed Fifty Million Dollars (\$50,000,000.00) for
17652 the construction of a publicly owned building and acquisition of
17653 equipment to be leased by the enterprise owning or operating the
17654 project; and

17655 (ii) To supervise the use of all such loan funds.

17656 (uu) In connection with projects defined under Section
17657 57-75-5(f) (xxviii):

17658 (i) To provide grant funds to reimburse public
17659 agencies or an enterprise operating a project for site
17660 preparation, utilities, real estate purchase and improvements,
17661 infrastructure, roads, rail improvements, public works, job
17662 training and any other expenses approved by the authority in
17663 amounts not to exceed the amount authorized in Section
17664 57-75-15(3) (aa);

17665 (ii) To supervise the use of all such grant funds
17666 so reimbursed.



17667 (vv) In connection with projects defined under Section
17668 57-75-5(f) (xxix):

17669 (i) To provide grant funds to reimburse or
17670 otherwise defray the costs incurred by public agencies or an
17671 enterprise operating a project for site preparation, utilities,
17672 real estate purchases, purchase options and improvements,
17673 infrastructure, roads, rail improvements, public works, buildings
17674 and fixtures, job recruitment and training, as well as planning,
17675 design, environmental mitigation and environmental impact studies
17676 with respect to a project, and any other purposes approved by the
17677 authority in amounts not to exceed the amount authorized in
17678 Section 57-75-15(3) (bb);

17679 (ii) To provide loans to public agencies for site
17680 preparation, utilities, real estate purchases, purchase options
17681 and improvements, infrastructure, roads, rail improvements, public
17682 works, buildings and fixtures, job recruiting and training, as
17683 well as planning, design, environmental mitigation and
17684 environmental impact studies with respect to a project, and any
17685 other purposes approved by the authority in amounts not to exceed
17686 the amount authorized in Section 57-75-15(3) (bb);

17687 (iii) To supervise the use of all such grant funds
17688 so reimbursed and/or loans so made; and

17689 (iv) To the extent that the authority enters into
17690 any construction or similar contract for site preparation work or
17691 for the construction of any improvements on a project site, to



17692 assign or otherwise transfer to an enterprise or affiliate thereof
17693 that owns or operates such a project on such project site any and
17694 all contractual, express or implied warranties of any kind arising
17695 from such contract or work performed or materials purchased in
17696 connection therewith, and cause any such contract to contain terms
17697 and provisions designating such enterprise as a third-party
17698 beneficiary under the contract.

17699 (ww) In connection with projects defined under Section
17700 57-75-5(f) (xxx):

17701 (i) To provide grant funds to reimburse or
17702 otherwise defray the costs incurred by public agencies or an
17703 enterprise operating a project for public infrastructure needs,
17704 site preparation, building improvements, purchase of launch
17705 systems, recruitment of employees to fill new full-time jobs,
17706 providing internal company training and train prospective, new and
17707 existing employees of the enterprise associated with the project,
17708 including training of company employees who will utilize such
17709 instruction to teach other prospective, new and existing employees
17710 of the company and other workforce expenses and any other expenses
17711 approved by the authority in amounts not to exceed the amount
17712 authorized in Section 57-75-15(3) (cc); and

17713 (ii) To supervise the use of all such grant funds
17714 so reimbursed.

17715 (xx) (i) In addition to any other requirements or
17716 conditions under this chapter, the authority shall require that



17717 any application for assistance regarding a project under this
17718 chapter include, at a minimum:

17719 1. A two-year business plan (which shall
17720 include pro forma balance sheets, income statements and monthly
17721 cash flow statements);

17722 2. Financial statements or tax returns for
17723 the three (3) years immediately prior to the application (if the
17724 project is a new company or enterprise, personal financial
17725 statements or tax returns will be required);

17726 3. Credit reports on all persons or entities
17727 with a twenty percent (20%) or greater interest in the project;

17728 4. Data supporting the expertise of the
17729 project's principals;

17730 5. A cost-benefit analysis of the project
17731 performed by a state institution of higher learning or other
17732 entity selected by the authority; and

17733 6. Any other information required by the
17734 authority.

17735 (ii) The authority shall require that binding
17736 commitments be entered into requiring that:

17737 1. The applicable minimum requirements of
17738 this chapter and such other requirements as the authority
17739 considers proper shall be met; and



17740 2. If the agreed upon commitments are not
17741 met, all or a portion of the funds provided under this chapter as
17742 determined by the authority shall be repaid.

17743 (iii) Where appropriate, in the discretion of the
17744 authority, the authority shall acquire a security interest in or
17745 other lien upon any applicable collateral.

17746 (iv) The provisions of this paragraph (xx) shall
17747 not apply to a project defined in Section 57-75-5(f) (xxiii).

17748 **SECTION 496.** Section 57-75-13, Mississippi Code of 1972, is
17749 brought forward as follows:

17750 57-75-13. The Board of Trustees of State Institutions of
17751 Higher Learning is hereby authorized to support the project by
17752 creating institutes and developing curricula of direct benefit to
17753 the enterprise. Upon notification to the authority by the
17754 enterprise that the state has been selected as the site of the
17755 project, the Board of Trustees of State Institutions of Higher
17756 Learning may establish and create programs to enhance the
17757 project's success.

17758 **SECTION 497.** Section 57-75-15, Mississippi Code of 1972, is
17759 brought forward as follows:

17760 **[Through June 30, 2022, this section shall read as follows:]**

17761 57-75-15. (1) Upon notification to the authority by the
17762 enterprise that the state has been finally selected as the site
17763 for the project, the State Bond Commission shall have the power
17764 and is hereby authorized and directed, upon receipt of a



17765 declaration from the authority as hereinafter provided, to borrow
17766 money and issue general obligation bonds of the state in one or
17767 more series for the purposes herein set out. Upon such
17768 notification, the authority may thereafter, from time to time,
17769 declare the necessity for the issuance of general obligation bonds
17770 as authorized by this section and forward such declaration to the
17771 State Bond Commission, provided that before such notification, the
17772 authority may enter into agreements with the United States
17773 government, private companies and others that will commit the
17774 authority to direct the State Bond Commission to issue bonds for
17775 eligible undertakings set out in subsection (4) of this section,
17776 conditioned on the siting of the project in the state.

17777 (2) Upon receipt of any such declaration from the authority,
17778 the State Bond Commission shall verify that the state has been
17779 selected as the site of the project and shall act as the issuing
17780 agent for the series of bonds directed to be issued in such
17781 declaration pursuant to authority granted in this section.

17782 (3) (a) Bonds issued under the authority of this section
17783 for projects as defined in Section 57-75-5(f)(i) shall not exceed
17784 an aggregate principal amount in the sum of Sixty-seven Million
17785 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

17786 (b) Bonds issued under the authority of this section
17787 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
17788 Seventy-four Million Dollars (\$74,000,000.00). The authority,
17789 with the express direction of the State Bond Commission, is



17790 authorized to expend any remaining proceeds of bonds issued under
17791 the authority of this act prior to January 1, 1998, for the
17792 purpose of financing projects as then defined in Section
17793 57-75-5(f) (ii) or for any other projects as defined in Section
17794 57-75-5(f) (ii), as it may be amended from time to time. No bonds
17795 shall be issued under this paragraph (b) until the State Bond
17796 Commission by resolution adopts a finding that the issuance of
17797 such bonds will improve, expand or otherwise enhance the military
17798 installation, its support areas or military operations, or will
17799 provide employment opportunities to replace those lost by closure
17800 or reductions in operations at the military installation or will
17801 support critical studies or investigations authorized by Section
17802 57-75-5(f) (ii).

17803 (c) Bonds issued under the authority of this section
17804 for projects as defined in Section 57-75-5(f) (iii) shall not
17805 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
17806 issued under this paragraph after December 31, 1996.

17807 (d) Bonds issued under the authority of this section
17808 for projects defined in Section 57-75-5(f) (iv) shall not exceed
17809 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
17810 additional amount of bonds in an amount not to exceed Twelve
17811 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
17812 issued under the authority of this section for the purpose of
17813 defraying costs associated with the construction of surface water
17814 transmission lines for a project defined in Section 57-75-5(f) (iv)



17815 or for any facility related to the project. No bonds shall be
17816 issued under this paragraph after June 30, 2005.

17817 (e) Bonds issued under the authority of this section
17818 for projects defined in Section 57-75-5(f)(v) and for facilities
17819 related to such projects shall not exceed Thirty-eight Million
17820 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
17821 issued under this paragraph after April 1, 2005.

17822 (f) Bonds issued under the authority of this section
17823 for projects defined in Section 57-75-5(f)(vii) shall not exceed
17824 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
17825 under this paragraph after June 30, 2006.

17826 (g) Bonds issued under the authority of this section
17827 for projects defined in Section 57-75-5(f)(viii) shall not exceed
17828 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
17829 bonds shall be issued under this paragraph after June 30, 2008.

17830 (h) Bonds issued under the authority of this section
17831 for projects defined in Section 57-75-5(f)(ix) shall not exceed
17832 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
17833 under this paragraph after June 30, 2007.

17834 (i) Bonds issued under the authority of this section
17835 for projects defined in Section 57-75-5(f)(x) shall not exceed
17836 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
17837 under this paragraph after April 1, 2005.

17838 (j) Bonds issued under the authority of this section
17839 for projects defined in Section 57-75-5(f)(xii) shall not exceed



17840 Thirty-three Million Dollars (\$33,000,000.00). The amount of
17841 bonds that may be issued under this paragraph for projects defined
17842 in Section 57-75-5(f)(xii) may be reduced by the amount of any
17843 federal or local funds made available for such projects. No bonds
17844 shall be issued under this paragraph until local governments in or
17845 near the county in which the project is located have irrevocably
17846 committed funds to the project in an amount of not less than Two
17847 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
17848 aggregate; however, this irrevocable commitment requirement may be
17849 waived by the authority upon a finding that due to the unforeseen
17850 circumstances created by Hurricane Katrina, the local governments
17851 are unable to comply with such commitment. No bonds shall be
17852 issued under this paragraph after June 30, 2008.

17853 (k) Bonds issued under the authority of this section
17854 for projects defined in Section 57-75-5(f)(xiii) shall not exceed
17855 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
17856 under this paragraph after June 30, 2009.

17857 (l) Bonds issued under the authority of this section
17858 for projects defined in Section 57-75-5(f)(xiv) shall not exceed
17859 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
17860 issued under this paragraph until local governments in the county
17861 in which the project is located have irrevocably committed funds
17862 to the project in an amount of not less than Two Million Dollars
17863 (\$2,000,000.00). No bonds shall be issued under this paragraph
17864 after June 30, 2009.



17865 (m) Bonds issued under the authority of this section
17866 for projects defined in Section 57-75-5(f) (xv) shall not exceed
17867 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
17868 issued under this paragraph after June 30, 2009.

17869 (n) Bonds issued under the authority of this section
17870 for projects defined in Section 57-75-5(f) (xvi) shall not exceed
17871 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
17872 under this paragraph after June 30, 2011.

17873 (o) Bonds issued under the authority of this section
17874 for projects defined in Section 57-75-5(f) (xvii) shall not exceed
17875 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
17876 bonds shall be issued under this paragraph after June 30, 2010.

17877 (p) Bonds issued under the authority of this section
17878 for projects defined in Section 57-75-5(f) (xviii) shall not exceed
17879 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
17880 issued under this paragraph after June 30, 2011.

17881 (q) Bonds issued under the authority of this section
17882 for projects defined in Section 57-75-5(f) (xix) shall not exceed
17883 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
17884 issued under this paragraph after June 30, 2012.

17885 (r) Bonds issued under the authority of this section
17886 for projects defined in Section 57-75-5(f) (xx) shall not exceed
17887 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
17888 issued under this paragraph after April 25, 2013.



17889 (s) Bonds issued under the authority of this section
17890 for projects defined in Section 57-75-5(f) (xxi) shall not exceed
17891 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
17892 (\$293,900,000.00). No bonds shall be issued under this paragraph
17893 after July 1, 2020.

17894 (t) Bonds issued under the authority of this section
17895 for Tier One suppliers shall not exceed Thirty Million Dollars
17896 (\$30,000,000.00). No bonds shall be issued under this paragraph
17897 after July 1, 2020.

17898 (u) Bonds issued under the authority of this section
17899 for projects defined in Section 57-75-5(f) (xxii) shall not exceed
17900 Forty-eight Million Four Hundred Thousand Dollars
17901 (\$48,400,000.00). No bonds shall be issued under this paragraph
17902 after July 1, 2020.

17903 (v) Bonds issued under the authority of this section
17904 for projects defined in Section 57-75-5(f) (xxiii) shall not exceed
17905 Eighty-eight Million Two Hundred Fifty Thousand Dollars
17906 (\$88,250,000.00). No bonds shall be issued under this paragraph
17907 after July 1, 2009.

17908 (w) Bonds issued under the authority of this section
17909 for projects defined in Section 57-75-5(f) (xxiv) shall not exceed
17910 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
17911 issued under this paragraph after July 1, 2020.

17912 (x) Bonds issued under the authority of this section
17913 for projects defined in Section 57-75-5(f) (xxv) shall not exceed



17914 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
17915 issued under this paragraph after July 1, 2017.

17916 (y) Bonds issued under the authority of this section
17917 for projects defined in Section 57-75-5(f) (xxvi) shall not exceed
17918 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
17919 No bonds shall be issued under this paragraph after July 1, 2021.

17920 (z) Bonds issued under the authority of this section
17921 for projects defined in Section 57-75-5(f) (xxvii) shall not exceed
17922 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
17923 under this paragraph after April 25, 2013.

17924 (aa) Bonds issued under the authority of this section
17925 for projects defined in Section 57-75-5(f) (xxviii) shall not
17926 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
17927 bonds shall be issued under this paragraph after July 1, 2023.

17928 (bb) Bonds issued under the authority of this section
17929 for projects defined in Section 57-75-5(f) (xxix) shall not exceed
17930 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
17931 bonds shall be issued under this paragraph after July 1, 2034.

17932 (cc) Bonds issued under the authority of this section
17933 for projects defined in Section 57-75-5(f) (xxx) shall not exceed
17934 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
17935 under this paragraph after July 1, 2025.

17936 (4) (a) The proceeds from the sale of the bonds issued
17937 under this section may be applied for the following purposes:



17938 (i) Defraying all or any designated portion of the
17939 costs incurred with respect to acquisition, planning, design,
17940 construction, installation, rehabilitation, improvement,
17941 relocation and with respect to state-owned property, operation and
17942 maintenance of the project and any facility related to the project
17943 located within the project area, including costs of design and
17944 engineering, all costs incurred to provide land, easements and
17945 rights-of-way, relocation costs with respect to the project and
17946 with respect to any facility related to the project located within
17947 the project area, and costs associated with mitigation of
17948 environmental impacts and environmental impact studies;

17949 (ii) Defraying the cost of providing for the
17950 recruitment, screening, selection, training or retraining of
17951 employees, candidates for employment or replacement employees of
17952 the project and any related activity;

17953 (iii) Reimbursing the Mississippi Development
17954 Authority for expenses it incurred in regard to projects defined
17955 in Section 57-75-5(f)(iv) prior to November 6, 2000. The
17956 Mississippi Development Authority shall submit an itemized list of
17957 expenses it incurred in regard to such projects to the Chairmen of
17958 the Finance and Appropriations Committees of the Senate and the
17959 Chairmen of the Ways and Means and Appropriations Committees of
17960 the House of Representatives;

17961 (iv) Providing grants to enterprises operating
17962 projects defined in Section 57-75-5(f)(iv)1;



17963 (v) Paying any warranty made by the authority
17964 regarding site work for a project defined in Section
17965 57-75-5(f)(iv)1;

17966 (vi) Defraying the cost of marketing and promotion
17967 of a project as defined in Section 57-75-5(f)(iv)1, Section
17968 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
17969 submit an itemized list of costs incurred for marketing and
17970 promotion of such project to the Chairmen of the Finance and
17971 Appropriations Committees of the Senate and the Chairmen of the
17972 Ways and Means and Appropriations Committees of the House of
17973 Representatives;

17974 (vii) Providing for the payment of interest on the
17975 bonds;

17976 (viii) Providing debt service reserves;

17977 (ix) Paying underwriters' discount, original issue
17978 discount, accountants' fees, engineers' fees, attorneys' fees,
17979 rating agency fees and other fees and expenses in connection with
17980 the issuance of the bonds;

17981 (x) For purposes authorized in paragraphs (b),
17982 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this
17983 subsection (4);

17984 (xi) Providing grants to enterprises operating
17985 projects defined in Section 57-75-5(f)(v), or, in connection with
17986 a facility related to such a project, for any purposes deemed by



17987 the authority in its sole discretion to be necessary and
17988 appropriate;

17989 (xii) Providing grant funds or loans to a public
17990 agency or an enterprise owning, leasing or operating a project
17991 defined in Section 57-75-5(f)(ii);

17992 (xiii) Providing grant funds or loans to an
17993 enterprise owning, leasing or operating a project defined in
17994 Section 57-75-5(f)(xiv);

17995 (xiv) Providing grants, loans and payments to or
17996 for the benefit of an enterprise owning or operating a project
17997 defined in Section 57-75-5(f)(xviii);

17998 (xv) Purchasing equipment for a project defined in
17999 Section 57-75-5(f)(viii) subject to such terms and conditions as
18000 the authority considers necessary and appropriate;

18001 (xvi) Providing grant funds to an enterprise
18002 developing or owning a project defined in Section 57-75-5(f)(xx);

18003 (xvii) Providing grants and loans for projects as
18004 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in
18005 connection with a facility related to such a project, for any
18006 purposes deemed by the authority in its sole discretion to be
18007 necessary and appropriate;

18008 (xviii) Providing grants for projects as
18009 authorized in Section 57-75-11(pp) for any purposes deemed by the
18010 authority in its sole discretion to be necessary and appropriate;



18011 (xix) Providing grants and loans for projects as
18012 authorized in Section 57-75-11(qq);

18013 (xx) Providing grants for projects as authorized
18014 in Section 57-75-11(rr);

18015 (xxi) Providing grants, loans and payments as
18016 authorized in Section 57-75-11(ss);

18017 (xxii) Providing grants and loans as authorized in
18018 Section 57-75-11(tt); and

18019 (xxiii) Providing grants as authorized in Section
18020 57-75-11(wv) for any purposes deemed by the authority in its sole
18021 discretion to be necessary and appropriate.

18022 Such bonds shall be issued, from time to time, and in such
18023 principal amounts as shall be designated by the authority, not to
18024 exceed in aggregate principal amounts the amount authorized in
18025 subsection (3) of this section. Proceeds from the sale of the
18026 bonds issued under this section may be invested, subject to
18027 federal limitations, pending their use, in such securities as may
18028 be specified in the resolution authorizing the issuance of the
18029 bonds or the trust indenture securing them, and the earning on
18030 such investment applied as provided in such resolution or trust
18031 indenture.

18032 (b) (i) The proceeds of bonds issued after June 21,
18033 2002, under this section for projects described in Section
18034 57-75-5(f)(iv) may be used to reimburse reasonable actual and
18035 necessary costs incurred by the Mississippi Development Authority



18036 in providing assistance related to a project for which funding is
18037 provided from the use of proceeds of such bonds. The Mississippi
18038 Development Authority shall maintain an accounting of actual costs
18039 incurred for each project for which reimbursements are sought.
18040 Reimbursements under this paragraph (b) (i) shall not exceed Three
18041 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
18042 Reimbursements under this paragraph (b) (i) shall satisfy any
18043 applicable federal tax law requirements.

18044 (ii) The proceeds of bonds issued after June 21,
18045 2002, under this section for projects described in Section
18046 57-75-5(f) (iv) may be used to reimburse reasonable actual and
18047 necessary costs incurred by the Department of Audit in providing
18048 services related to a project for which funding is provided from
18049 the use of proceeds of such bonds. The Department of Audit shall
18050 maintain an accounting of actual costs incurred for each project
18051 for which reimbursements are sought. The Department of Audit may
18052 escalate its budget and expend such funds in accordance with rules
18053 and regulations of the Department of Finance and Administration in
18054 a manner consistent with the escalation of federal funds.
18055 Reimbursements under this paragraph (b) (ii) shall not exceed One
18056 Hundred Thousand Dollars (\$100,000.00) in the aggregate.
18057 Reimbursements under this paragraph (b) (ii) shall satisfy any
18058 applicable federal tax law requirements.

18059 (c) (i) Except as otherwise provided in this
18060 subsection, the proceeds of bonds issued under this section for a



18061 project described in Section 57-75-5(f) may be used to reimburse
18062 reasonable actual and necessary costs incurred by the Mississippi
18063 Development Authority in providing assistance related to the
18064 project for which funding is provided for the use of proceeds of
18065 such bonds. The Mississippi Development Authority shall maintain
18066 an accounting of actual costs incurred for each project for which
18067 reimbursements are sought. Reimbursements under this paragraph
18068 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
18069 each project.

18070 (ii) Except as otherwise provided in this
18071 subsection, the proceeds of bonds issued under this section for a
18072 project described in Section 57-75-5(f) may be used to reimburse
18073 reasonable actual and necessary costs incurred by the Department
18074 of Audit in providing services related to the project for which
18075 funding is provided from the use of proceeds of such bonds. The
18076 Department of Audit shall maintain an accounting of actual costs
18077 incurred for each project for which reimbursements are sought.
18078 The Department of Audit may escalate its budget and expend such
18079 funds in accordance with rules and regulations of the Department
18080 of Finance and Administration in a manner consistent with the
18081 escalation of federal funds. Reimbursements under this paragraph
18082 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
18083 each project. Reimbursements under this paragraph shall satisfy
18084 any applicable federal tax law requirements.



18085 (5) The principal of and the interest on the bonds shall be
18086 payable in the manner hereinafter set forth. The bonds shall bear
18087 date or dates; be in such denomination or denominations; bear
18088 interest at such rate or rates; be payable at such place or places
18089 within or without the state; mature absolutely at such time or
18090 times; be redeemable before maturity at such time or times and
18091 upon such terms, with or without premium; bear such registration
18092 privileges; and be substantially in such form; all as shall be
18093 determined by resolution of the State Bond Commission except that
18094 such bonds shall mature or otherwise be retired in annual
18095 installments beginning not more than five (5) years from the date
18096 thereof and extending not more than twenty-five (25) years from
18097 the date thereof. The bonds shall be signed by the Chairman of
18098 the State Bond Commission, or by his facsimile signature, and the
18099 official seal of the State Bond Commission shall be imprinted on
18100 or affixed thereto, attested by the manual or facsimile signature
18101 of the Secretary of the State Bond Commission. Whenever any such
18102 bonds have been signed by the officials herein designated to sign
18103 the bonds, who were in office at the time of such signing but who
18104 may have ceased to be such officers before the sale and delivery
18105 of such bonds, or who may not have been in office on the date such
18106 bonds may bear, the signatures of such officers upon such bonds
18107 shall nevertheless be valid and sufficient for all purposes and
18108 have the same effect as if the person so officially signing such



18109 bonds had remained in office until the delivery of the same to the
18110 purchaser, or had been in office on the date such bonds may bear.

18111 (6) All bonds issued under the provisions of this section
18112 shall be and are hereby declared to have all the qualities and
18113 incidents of negotiable instruments under the provisions of the
18114 Uniform Commercial Code and in exercising the powers granted by
18115 this chapter, the State Bond Commission shall not be required to
18116 and need not comply with the provisions of the Uniform Commercial
18117 Code.

18118 (7) The State Bond Commission shall act as issuing agent for
18119 the bonds, prescribe the form of the bonds, determine the
18120 appropriate method for sale of the bonds, advertise for and accept
18121 bids or negotiate the sale of the bonds, issue and sell the bonds,
18122 pay all fees and costs incurred in such issuance and sale, and do
18123 any and all other things necessary and advisable in connection
18124 with the issuance and sale of the bonds. The State Bond
18125 Commission may sell such bonds on sealed bids at public sale or
18126 may negotiate the sale of the bonds for such price as it may
18127 determine to be for the best interest of the State of Mississippi.
18128 The bonds shall bear interest at such rate or rates not exceeding
18129 the limits set forth in Section 75-17-101 as shall be fixed by the
18130 State Bond Commission. All interest accruing on such bonds so
18131 issued shall be payable semiannually or annually.

18132 If the bonds are to be sold on sealed bids at public sale,
18133 notice of the sale of any bonds shall be published at least one



18134 time, the first of which shall be made not less than ten (10) days
18135 prior to the date of sale, and shall be so published in one or
18136 more newspapers having a general circulation in the City of
18137 Jackson, Mississippi, selected by the State Bond Commission.

18138 The State Bond Commission, when issuing any bonds under the
18139 authority of this section, may provide that the bonds, at the
18140 option of the state, may be called in for payment and redemption
18141 at the call price named therein and accrued interest on such date
18142 or dates named therein.

18143 (8) State bonds issued under the provisions of this section
18144 shall be the general obligations of the state and backed by the
18145 full faith and credit of the state. The Legislature shall
18146 appropriate annually an amount sufficient to pay the principal of
18147 and the interest on such bonds as they become due. All bonds
18148 shall contain recitals on their faces substantially covering the
18149 foregoing provisions of this section.

18150 (9) The State Treasurer is authorized to certify to the
18151 Department of Finance and Administration the necessity for
18152 warrants, and the Department of Finance and Administration is
18153 authorized and directed to issue such warrants payable out of any
18154 funds appropriated by the Legislature under this section for such
18155 purpose, in such amounts as may be necessary to pay when due the
18156 principal of and interest on all bonds issued under the provisions
18157 of this section. The State Treasurer shall forward the necessary
18158 amount to the designated place or places of payment of such bonds



18159 in ample time to discharge such bonds, or the interest thereon, on
18160 the due dates thereof.

18161 (10) The bonds may be issued without any other proceedings
18162 or the happening of any other conditions or things other than
18163 those proceedings, conditions and things which are specified or
18164 required by this chapter. Any resolution providing for the
18165 issuance of general obligation bonds under the provisions of this
18166 section shall become effective immediately upon its adoption by
18167 the State Bond Commission, and any such resolution may be adopted
18168 at any regular or special meeting of the State Bond Commission by
18169 a majority of its members.

18170 (11) In anticipation of the issuance of bonds hereunder, the
18171 State Bond Commission is authorized to negotiate and enter into
18172 any purchase, loan, credit or other agreement with any bank, trust
18173 company or other lending institution or to issue and sell interim
18174 notes for the purpose of making any payments authorized under this
18175 section. All borrowings made under this provision shall be
18176 evidenced by notes of the state which shall be issued from time to
18177 time, for such amounts not exceeding the amount of bonds
18178 authorized herein, in such form and in such denomination and
18179 subject to such terms and conditions of sale and issuance,
18180 prepayment or redemption and maturity, rate or rates of interest
18181 not to exceed the maximum rate authorized herein for bonds, and
18182 time of payment of interest as the State Bond Commission shall
18183 agree to in such agreement. Such notes shall constitute general



18184 obligations of the state and shall be backed by the full faith and
18185 credit of the state. Such notes may also be issued for the
18186 purpose of refunding previously issued notes. No note shall
18187 mature more than three (3) years following the date of its
18188 issuance. The State Bond Commission is authorized to provide for
18189 the compensation of any purchaser of the notes by payment of a
18190 fixed fee or commission and for all other costs and expenses of
18191 issuance and service, including paying agent costs. Such costs
18192 and expenses may be paid from the proceeds of the notes.

18193 (12) The bonds and interim notes authorized under the
18194 authority of this section may be validated in the Chancery Court
18195 of the First Judicial District of Hinds County, Mississippi, in
18196 the manner and with the force and effect provided now or hereafter
18197 by Chapter 13, Title 31, Mississippi Code of 1972, for the
18198 validation of county, municipal, school district and other bonds.
18199 The necessary papers for such validation proceedings shall be
18200 transmitted to the State Bond Attorney, and the required notice
18201 shall be published in a newspaper published in the City of
18202 Jackson, Mississippi.

18203 (13) Any bonds or interim notes issued under the provisions
18204 of this chapter, a transaction relating to the sale or securing of
18205 such bonds or interim notes, their transfer and the income
18206 therefrom shall at all times be free from taxation by the state or
18207 any local unit or political subdivision or other instrumentality
18208 of the state, excepting inheritance and gift taxes.



18209 (14) All bonds issued under this chapter shall be legal
18210 investments for trustees, other fiduciaries, savings banks, trust
18211 companies and insurance companies organized under the laws of the
18212 State of Mississippi; and such bonds shall be legal securities
18213 which may be deposited with and shall be received by all public
18214 officers and bodies of the state and all municipalities and other
18215 political subdivisions thereof for the purpose of securing the
18216 deposit of public funds.

18217 (15) The Attorney General of the State of Mississippi shall
18218 represent the State Bond Commission in issuing, selling and
18219 validating bonds herein provided for, and the Bond Commission is
18220 hereby authorized and empowered to expend from the proceeds
18221 derived from the sale of the bonds authorized hereunder all
18222 necessary administrative, legal and other expenses incidental and
18223 related to the issuance of bonds authorized under this chapter.

18224 (16) There is hereby created a special fund in the State
18225 Treasury to be known as the Mississippi Major Economic Impact
18226 Authority Fund wherein shall be deposited the proceeds of the
18227 bonds issued under this chapter and all monies received by the
18228 authority to carry out the purposes of this chapter. Expenditures
18229 authorized herein shall be paid by the State Treasurer upon
18230 warrants drawn from the fund, and the Department of Finance and
18231 Administration shall issue warrants upon requisitions signed by
18232 the director of the authority.



18233 (17) (a) There is hereby created the Mississippi Economic
18234 Impact Authority Sinking Fund from which the principal of and
18235 interest on such bonds shall be paid by appropriation. All monies
18236 paid into the sinking fund not appropriated to pay accruing bonds
18237 and interest shall be invested by the State Treasurer in such
18238 securities as are provided by law for the investment of the
18239 sinking funds of the state.

18240 (b) In the event that all or any part of the bonds and
18241 notes are purchased, they shall be cancelled and returned to the
18242 loan and transfer agent as cancelled and paid bonds and notes and
18243 thereafter all payments of interest thereon shall cease and the
18244 cancelled bonds, notes and coupons, together with any other
18245 cancelled bonds, notes and coupons, shall be destroyed as promptly
18246 as possible after cancellation but not later than two (2) years
18247 after cancellation. A certificate evidencing the destruction of
18248 the cancelled bonds, notes and coupons shall be provided by the
18249 loan and transfer agent to the seller.

18250 (c) The State Treasurer shall determine and report to
18251 the Department of Finance and Administration and Legislative
18252 Budget Office by September 1 of each year the amount of money
18253 necessary for the payment of the principal of and interest on
18254 outstanding obligations for the following fiscal year and the
18255 times and amounts of the payments. It shall be the duty of the
18256 Governor to include in every executive budget submitted to the
18257 Legislature full information relating to the issuance of bonds and



18258 notes under the provisions of this chapter and the status of the
18259 sinking fund for the payment of the principal of and interest on
18260 the bonds and notes.

18261 (d) Any monies repaid to the state from loans
18262 authorized in Section 57-75-11(hh) shall be deposited into the
18263 Mississippi Major Economic Impact Authority Sinking Fund unless
18264 the State Bond Commission, at the request of the authority, shall
18265 determine that such loan repayments are needed to provide
18266 additional loans as authorized under Section 57-75-11(hh). For
18267 purposes of providing additional loans, there is hereby created
18268 the Mississippi Major Economic Impact Authority Revolving Loan
18269 Fund and loan repayments shall be deposited into the fund. The
18270 fund shall be maintained for such period as determined by the
18271 State Bond Commission for the sole purpose of making additional
18272 loans as authorized by Section 57-75-11(hh). Unexpended amounts
18273 remaining in the fund at the end of a fiscal year shall not lapse
18274 into the State General Fund and any interest earned on amounts in
18275 such fund shall be deposited to the credit of the fund.

18276 (e) Any monies repaid to the state from loans
18277 authorized in Section 57-75-11(ii) shall be deposited into the
18278 Mississippi Major Economic Impact Authority Sinking Fund.

18279 (f) Any monies repaid to the state from loans
18280 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall
18281 be deposited into the Mississippi Major Economic Impact Authority
18282 Sinking Fund.



18283 (18) (a) Upon receipt of a declaration by the authority
18284 that it has determined that the state is a potential site for a
18285 project, the State Bond Commission is authorized and directed to
18286 authorize the State Treasurer to borrow money from any special
18287 fund in the State Treasury not otherwise appropriated to be
18288 utilized by the authority for the purposes provided for in this
18289 subsection.

18290 (b) The proceeds of the money borrowed under this
18291 subsection may be utilized by the authority for the purpose of
18292 defraying all or a portion of the costs incurred by the authority
18293 with respect to acquisition options and planning, design and
18294 environmental impact studies with respect to a project defined in
18295 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority
18296 may escalate its budget and expend the proceeds of the money
18297 borrowed under this subsection in accordance with rules and
18298 regulations of the Department of Finance and Administration in a
18299 manner consistent with the escalation of federal funds.

18300 (c) The authority shall request an appropriation or
18301 additional authority to issue general obligation bonds to repay
18302 the borrowed funds and establish a date for the repayment of the
18303 funds so borrowed.

18304 (d) Borrowings made under the provisions of this
18305 subsection shall not exceed Five Hundred Thousand Dollars
18306 (\$500,000.00) at any one time.



18307 **[From and after July 1, 2022, this section shall read as**
18308 **follows:]**

18309 57-75-15. (1) Upon notification to the authority by the
18310 enterprise that the state has been finally selected as the site
18311 for the project, the State Bond Commission shall have the power
18312 and is hereby authorized and directed, upon receipt of a
18313 declaration from the authority as hereinafter provided, to borrow
18314 money and issue general obligation bonds of the state in one or
18315 more series for the purposes herein set out. Upon such
18316 notification, the authority may thereafter, from time to time,
18317 declare the necessity for the issuance of general obligation bonds
18318 as authorized by this section and forward such declaration to the
18319 State Bond Commission, provided that before such notification, the
18320 authority may enter into agreements with the United States
18321 government, private companies and others that will commit the
18322 authority to direct the State Bond Commission to issue bonds for
18323 eligible undertakings set out in subsection (4) of this section,
18324 conditioned on the siting of the project in the state.

18325 (2) Upon receipt of any such declaration from the authority,
18326 the State Bond Commission shall verify that the state has been
18327 selected as the site of the project and shall act as the issuing
18328 agent for the series of bonds directed to be issued in such
18329 declaration pursuant to authority granted in this section.

18330 (3) (a) Bonds issued under the authority of this section
18331 for projects as defined in Section 57-75-5(f) (i) shall not exceed



18332 an aggregate principal amount in the sum of Sixty-seven Million
18333 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

18334 (b) Bonds issued under the authority of this section
18335 for projects as defined in Section 57-75-5(f)(ii) shall not exceed
18336 Seventy-four Million Dollars (\$74,000,000.00). The authority,
18337 with the express direction of the State Bond Commission, is
18338 authorized to expend any remaining proceeds of bonds issued under
18339 the authority of this act prior to January 1, 1998, for the
18340 purpose of financing projects as then defined in Section
18341 57-75-5(f)(ii) or for any other projects as defined in Section
18342 57-75-5(f)(ii), as it may be amended from time to time. No bonds
18343 shall be issued under this paragraph (b) until the State Bond
18344 Commission by resolution adopts a finding that the issuance of
18345 such bonds will improve, expand or otherwise enhance the military
18346 installation, its support areas or military operations, or will
18347 provide employment opportunities to replace those lost by closure
18348 or reductions in operations at the military installation or will
18349 support critical studies or investigations authorized by Section
18350 57-75-5(f)(ii).

18351 (c) Bonds issued under the authority of this section
18352 for projects as defined in Section 57-75-5(f)(iii) shall not
18353 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be
18354 issued under this paragraph after December 31, 1996.

18355 (d) Bonds issued under the authority of this section
18356 for projects defined in Section 57-75-5(f)(iv) shall not exceed



18357 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An
18358 additional amount of bonds in an amount not to exceed Twelve
18359 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be
18360 issued under the authority of this section for the purpose of
18361 defraying costs associated with the construction of surface water
18362 transmission lines for a project defined in Section 57-75-5(f) (iv)
18363 or for any facility related to the project. No bonds shall be
18364 issued under this paragraph after June 30, 2005.

18365 (e) Bonds issued under the authority of this section
18366 for projects defined in Section 57-75-5(f) (v) and for facilities
18367 related to such projects shall not exceed Thirty-eight Million
18368 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be
18369 issued under this paragraph after April 1, 2005.

18370 (f) Bonds issued under the authority of this section
18371 for projects defined in Section 57-75-5(f) (vii) shall not exceed
18372 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
18373 under this paragraph after June 30, 2006.

18374 (g) Bonds issued under the authority of this section
18375 for projects defined in Section 57-75-5(f) (viii) shall not exceed
18376 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No
18377 bonds shall be issued under this paragraph after June 30, 2008.

18378 (h) Bonds issued under the authority of this section
18379 for projects defined in Section 57-75-5(f) (ix) shall not exceed
18380 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
18381 under this paragraph after June 30, 2007.



18382 (i) Bonds issued under the authority of this section
18383 for projects defined in Section 57-75-5(f)(x) shall not exceed
18384 Five Million Dollars (\$5,000,000.00). No bonds shall be issued
18385 under this paragraph after April 1, 2005.

18386 (j) Bonds issued under the authority of this section
18387 for projects defined in Section 57-75-5(f)(xii) shall not exceed
18388 Thirty-three Million Dollars (\$33,000,000.00). The amount of
18389 bonds that may be issued under this paragraph for projects defined
18390 in Section 57-75-5(f)(xii) may be reduced by the amount of any
18391 federal or local funds made available for such projects. No bonds
18392 shall be issued under this paragraph until local governments in or
18393 near the county in which the project is located have irrevocably
18394 committed funds to the project in an amount of not less than Two
18395 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the
18396 aggregate; however, this irrevocable commitment requirement may be
18397 waived by the authority upon a finding that due to the unforeseen
18398 circumstances created by Hurricane Katrina, the local governments
18399 are unable to comply with such commitment. No bonds shall be
18400 issued under this paragraph after June 30, 2008.

18401 (k) Bonds issued under the authority of this section
18402 for projects defined in Section 57-75-5(f)(xiii) shall not exceed
18403 Three Million Dollars (\$3,000,000.00). No bonds shall be issued
18404 under this paragraph after June 30, 2009.

18405 (l) Bonds issued under the authority of this section
18406 for projects defined in Section 57-75-5(f)(xiv) shall not exceed



18407 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be
18408 issued under this paragraph until local governments in the county
18409 in which the project is located have irrevocably committed funds
18410 to the project in an amount of not less than Two Million Dollars
18411 (\$2,000,000.00). No bonds shall be issued under this paragraph
18412 after June 30, 2009.

18413 (m) Bonds issued under the authority of this section
18414 for projects defined in Section 57-75-5(f) (xv) shall not exceed
18415 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be
18416 issued under this paragraph after June 30, 2009.

18417 (n) Bonds issued under the authority of this section
18418 for projects defined in Section 57-75-5(f) (xvi) shall not exceed
18419 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued
18420 under this paragraph after June 30, 2011.

18421 (o) Bonds issued under the authority of this section
18422 for projects defined in Section 57-75-5(f) (xvii) shall not exceed
18423 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No
18424 bonds shall be issued under this paragraph after June 30, 2010.

18425 (p) Bonds issued under the authority of this section
18426 for projects defined in Section 57-75-5(f) (xviii) shall not exceed
18427 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be
18428 issued under this paragraph after June 30, 2016.

18429 (q) Bonds issued under the authority of this section
18430 for projects defined in Section 57-75-5(f) (xix) shall not exceed



18431 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be
18432 issued under this paragraph after June 30, 2012.

18433 (r) Bonds issued under the authority of this section
18434 for projects defined in Section 57-75-5(f)(xx) shall not exceed
18435 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be
18436 issued under this paragraph after April 25, 2013.

18437 (s) Bonds issued under the authority of this section
18438 for projects defined in Section 57-75-5(f)(xxi) shall not exceed
18439 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars
18440 (\$293,900,000.00). No bonds shall be issued under this paragraph
18441 after July 1, 2020.

18442 (t) Bonds issued under the authority of this section
18443 for Tier One suppliers shall not exceed Thirty Million Dollars
18444 (\$30,000,000.00). No bonds shall be issued under this paragraph
18445 after July 1, 2020.

18446 (u) Bonds issued under the authority of this section
18447 for projects defined in Section 57-75-5(f)(xxii) shall not exceed
18448 Forty-eight Million Four Hundred Thousand Dollars
18449 (\$48,400,000.00). No bonds shall be issued under this paragraph
18450 after July 1, 2020.

18451 (v) Bonds issued under the authority of this section
18452 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed
18453 Eighty-eight Million Two Hundred Fifty Thousand Dollars
18454 (\$88,250,000.00). No bonds shall be issued under this paragraph
18455 after July 1, 2009.



18456 (w) Bonds issued under the authority of this section
18457 for projects defined in Section 57-75-5(f) (xxiv) shall not exceed
18458 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be
18459 issued under this paragraph after July 1, 2020.

18460 (x) Bonds issued under the authority of this section
18461 for projects defined in Section 57-75-5(f) (xxv) shall not exceed
18462 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be
18463 issued under this paragraph after July 1, 2017.

18464 (y) Bonds issued under the authority of this section
18465 for projects defined in Section 57-75-5(f) (xxvi) shall not exceed
18466 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).
18467 No bonds shall be issued under this paragraph after July 1, 2021.

18468 (z) Bonds issued under the authority of this section
18469 for projects defined in Section 57-75-5(f) (xxvii) shall not exceed
18470 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued
18471 under this paragraph after April 25, 2013.

18472 (aa) Bonds issued under the authority of this section
18473 for projects defined in Section 57-75-5(f) (xxviii) shall not
18474 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No
18475 bonds shall be issued under this paragraph after July 1, 2023.

18476 (bb) Bonds issued under the authority of this section
18477 for projects defined in Section 57-75-5(f) (xxix) shall not exceed
18478 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No
18479 bonds shall be issued under this paragraph after July 1, 2034.



18480 (cc) Bonds issued under the authority of this section
18481 for projects defined in Section 57-75-5(f) (xxx) shall not exceed
18482 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued
18483 under this paragraph after July 1, 2025.

18484 (4) (a) The proceeds from the sale of the bonds issued
18485 under this section may be applied for the following purposes:

18486 (i) Defraying all or any designated portion of the
18487 costs incurred with respect to acquisition, planning, design,
18488 construction, installation, rehabilitation, improvement,
18489 relocation and with respect to state-owned property, operation and
18490 maintenance of the project and any facility related to the project
18491 located within the project area, including costs of design and
18492 engineering, all costs incurred to provide land, easements and
18493 rights-of-way, relocation costs with respect to the project and
18494 with respect to any facility related to the project located within
18495 the project area, and costs associated with mitigation of
18496 environmental impacts and environmental impact studies;

18497 (ii) Defraying the cost of providing for the
18498 recruitment, screening, selection, training or retraining of
18499 employees, candidates for employment or replacement employees of
18500 the project and any related activity;

18501 (iii) Reimbursing the Mississippi Development
18502 Authority for expenses it incurred in regard to projects defined
18503 in Section 57-75-5(f) (iv) prior to November 6, 2000. The
18504 Mississippi Development Authority shall submit an itemized list of



18505 expenses it incurred in regard to such projects to the Chairmen of
18506 the Finance and Appropriations Committees of the Senate and the
18507 Chairmen of the Ways and Means and Appropriations Committees of
18508 the House of Representatives;

18509 (iv) Providing grants to enterprises operating
18510 projects defined in Section 57-75-5(f)(iv)1;

18511 (v) Paying any warranty made by the authority
18512 regarding site work for a project defined in Section
18513 57-75-5(f)(iv)1;

18514 (vi) Defraying the cost of marketing and promotion
18515 of a project as defined in Section 57-75-5(f)(iv)1, Section
18516 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall
18517 submit an itemized list of costs incurred for marketing and
18518 promotion of such project to the Chairmen of the Finance and
18519 Appropriations Committees of the Senate and the Chairmen of the
18520 Ways and Means and Appropriations Committees of the House of
18521 Representatives;

18522 (vii) Providing for the payment of interest on the
18523 bonds;

18524 (viii) Providing debt service reserves;

18525 (ix) Paying underwriters' discount, original issue
18526 discount, accountants' fees, engineers' fees, attorneys' fees,
18527 rating agency fees and other fees and expenses in connection with
18528 the issuance of the bonds;



18529 (x) For purposes authorized in paragraphs (b),
18530 (c), (d), (e) and (f) of this subsection (4);

18531 (xi) Providing grants to enterprises operating
18532 projects defined in Section 57-75-5(f)(v), or, in connection with
18533 a facility related to such a project, for any purposes deemed by
18534 the authority in its sole discretion to be necessary and
18535 appropriate;

18536 (xii) Providing grant funds or loans to a public
18537 agency or an enterprise owning, leasing or operating a project
18538 defined in Section 57-75-5(f)(ii);

18539 (xiii) Providing grant funds or loans to an
18540 enterprise owning, leasing or operating a project defined in
18541 Section 57-75-5(f)(xiv);

18542 (xiv) Providing grants, loans and payments to or
18543 for the benefit of an enterprise owning or operating a project
18544 defined in Section 57-75-5(f)(xviii);

18545 (xv) Purchasing equipment for a project defined in
18546 Section 57-75-5(f)(viii) subject to such terms and conditions as
18547 the authority considers necessary and appropriate;

18548 (xvi) Providing grant funds to an enterprise
18549 developing or owning a project defined in Section 57-75-5(f)(xx);

18550 (xvii) Providing grants and loans for projects as
18551 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in
18552 connection with a facility related to such a project, for any



18553 purposes deemed by the authority in its sole discretion to be
18554 necessary and appropriate;

18555 (xviii) Providing grants for projects as
18556 authorized in Section 57-75-11(pp) for any purposes deemed by the
18557 authority in its sole discretion to be necessary and appropriate;

18558 (xix) Providing grants and loans for projects as
18559 authorized in Section 57-75-11(qq);

18560 (xx) Providing grants for projects as authorized
18561 in Section 57-75-11(rr);

18562 (xxi) Providing grants, loans and payments as
18563 authorized in Section 57-75-11(ss);

18564 (xxii) Providing loans as authorized in Section
18565 57-75-11(tt); and

18566 (xxiii) Providing grants as authorized in Section
18567 57-75-11(wv) for any purposes deemed by the authority in its sole
18568 discretion to be necessary and appropriate.

18569 Such bonds shall be issued, from time to time, and in such
18570 principal amounts as shall be designated by the authority, not to
18571 exceed in aggregate principal amounts the amount authorized in
18572 subsection (3) of this section. Proceeds from the sale of the
18573 bonds issued under this section may be invested, subject to
18574 federal limitations, pending their use, in such securities as may
18575 be specified in the resolution authorizing the issuance of the
18576 bonds or the trust indenture securing them, and the earning on



18577 such investment applied as provided in such resolution or trust
18578 indenture.

18579 (b) (i) The proceeds of bonds issued after June 21,
18580 2002, under this section for projects described in Section
18581 57-75-5(f) (iv) may be used to reimburse reasonable actual and
18582 necessary costs incurred by the Mississippi Development Authority
18583 in providing assistance related to a project for which funding is
18584 provided from the use of proceeds of such bonds. The Mississippi
18585 Development Authority shall maintain an accounting of actual costs
18586 incurred for each project for which reimbursements are sought.
18587 Reimbursements under this paragraph (b) (i) shall not exceed Three
18588 Hundred Thousand Dollars (\$300,000.00) in the aggregate.
18589 Reimbursements under this paragraph (b) (i) shall satisfy any
18590 applicable federal tax law requirements.

18591 (ii) The proceeds of bonds issued after June 21,
18592 2002, under this section for projects described in Section
18593 57-75-5(f) (iv) may be used to reimburse reasonable actual and
18594 necessary costs incurred by the Department of Audit in providing
18595 services related to a project for which funding is provided from
18596 the use of proceeds of such bonds. The Department of Audit shall
18597 maintain an accounting of actual costs incurred for each project
18598 for which reimbursements are sought. The Department of Audit may
18599 escalate its budget and expend such funds in accordance with rules
18600 and regulations of the Department of Finance and Administration in
18601 a manner consistent with the escalation of federal funds.



18602 Reimbursements under this paragraph (b) (ii) shall not exceed One
18603 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

18604 Reimbursements under this paragraph (b) (ii) shall satisfy any
18605 applicable federal tax law requirements.

18606 (c) (i) Except as otherwise provided in this
18607 subsection, the proceeds of bonds issued under this section for a
18608 project described in Section 57-75-5(f) may be used to reimburse
18609 reasonable actual and necessary costs incurred by the Mississippi
18610 Development Authority in providing assistance related to the
18611 project for which funding is provided for the use of proceeds of
18612 such bonds. The Mississippi Development Authority shall maintain
18613 an accounting of actual costs incurred for each project for which
18614 reimbursements are sought. Reimbursements under this paragraph
18615 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
18616 each project.

18617 (ii) Except as otherwise provided in this
18618 subsection, the proceeds of bonds issued under this section for a
18619 project described in Section 57-75-5(f) may be used to reimburse
18620 reasonable actual and necessary costs incurred by the Department
18621 of Audit in providing services related to the project for which
18622 funding is provided from the use of proceeds of such bonds. The
18623 Department of Audit shall maintain an accounting of actual costs
18624 incurred for each project for which reimbursements are sought.
18625 The Department of Audit may escalate its budget and expend such
18626 funds in accordance with rules and regulations of the Department



18627 of Finance and Administration in a manner consistent with the
18628 escalation of federal funds. Reimbursements under this paragraph
18629 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for
18630 each project. Reimbursements under this paragraph shall satisfy
18631 any applicable federal tax law requirements.

18632 (5) The principal of and the interest on the bonds shall be
18633 payable in the manner hereinafter set forth. The bonds shall bear
18634 date or dates; be in such denomination or denominations; bear
18635 interest at such rate or rates; be payable at such place or places
18636 within or without the state; mature absolutely at such time or
18637 times; be redeemable before maturity at such time or times and
18638 upon such terms, with or without premium; bear such registration
18639 privileges; and be substantially in such form; all as shall be
18640 determined by resolution of the State Bond Commission except that
18641 such bonds shall mature or otherwise be retired in annual
18642 installments beginning not more than five (5) years from the date
18643 thereof and extending not more than twenty-five (25) years from
18644 the date thereof. The bonds shall be signed by the Chairman of
18645 the State Bond Commission, or by his facsimile signature, and the
18646 official seal of the State Bond Commission shall be imprinted on
18647 or affixed thereto, attested by the manual or facsimile signature
18648 of the Secretary of the State Bond Commission. Whenever any such
18649 bonds have been signed by the officials herein designated to sign
18650 the bonds, who were in office at the time of such signing but who
18651 may have ceased to be such officers before the sale and delivery



18652 of such bonds, or who may not have been in office on the date such
18653 bonds may bear, the signatures of such officers upon such bonds
18654 shall nevertheless be valid and sufficient for all purposes and
18655 have the same effect as if the person so officially signing such
18656 bonds had remained in office until the delivery of the same to the
18657 purchaser, or had been in office on the date such bonds may bear.

18658 (6) All bonds issued under the provisions of this section
18659 shall be and are hereby declared to have all the qualities and
18660 incidents of negotiable instruments under the provisions of the
18661 Uniform Commercial Code and in exercising the powers granted by
18662 this chapter, the State Bond Commission shall not be required to
18663 and need not comply with the provisions of the Uniform Commercial
18664 Code.

18665 (7) The State Bond Commission shall act as issuing agent for
18666 the bonds, prescribe the form of the bonds, advertise for and
18667 accept bids, issue and sell the bonds on sealed bids at public
18668 sale, pay all fees and costs incurred in such issuance and sale,
18669 and do any and all other things necessary and advisable in
18670 connection with the issuance and sale of the bonds. The State
18671 Bond Commission may sell such bonds on sealed bids at public sale
18672 for such price as it may determine to be for the best interest of
18673 the State of Mississippi, but no such sale shall be made at a
18674 price less than par plus accrued interest to date of delivery of
18675 the bonds to the purchaser. The bonds shall bear interest at such
18676 rate or rates not exceeding the limits set forth in Section



18677 75-17-101 as shall be fixed by the State Bond Commission. All
18678 interest accruing on such bonds so issued shall be payable
18679 semiannually or annually; provided that the first interest payment
18680 may be for any period of not more than one (1) year.

18681 Notice of the sale of any bonds shall be published at least
18682 one time, the first of which shall be made not less than ten (10)
18683 days prior to the date of sale, and shall be so published in one
18684 or more newspapers having a general circulation in the City of
18685 Jackson, Mississippi, selected by the State Bond Commission.

18686 The State Bond Commission, when issuing any bonds under the
18687 authority of this section, may provide that the bonds, at the
18688 option of the state, may be called in for payment and redemption
18689 at the call price named therein and accrued interest on such date
18690 or dates named therein.

18691 (8) State bonds issued under the provisions of this section
18692 shall be the general obligations of the state and backed by the
18693 full faith and credit of the state. The Legislature shall
18694 appropriate annually an amount sufficient to pay the principal of
18695 and the interest on such bonds as they become due. All bonds
18696 shall contain recitals on their faces substantially covering the
18697 foregoing provisions of this section.

18698 (9) The State Treasurer is authorized to certify to the
18699 Department of Finance and Administration the necessity for
18700 warrants, and the Department of Finance and Administration is
18701 authorized and directed to issue such warrants payable out of any



18702 funds appropriated by the Legislature under this section for such
18703 purpose, in such amounts as may be necessary to pay when due the
18704 principal of and interest on all bonds issued under the provisions
18705 of this section. The State Treasurer shall forward the necessary
18706 amount to the designated place or places of payment of such bonds
18707 in ample time to discharge such bonds, or the interest thereon, on
18708 the due dates thereof.

18709 (10) The bonds may be issued without any other proceedings
18710 or the happening of any other conditions or things other than
18711 those proceedings, conditions and things which are specified or
18712 required by this chapter. Any resolution providing for the
18713 issuance of general obligation bonds under the provisions of this
18714 section shall become effective immediately upon its adoption by
18715 the State Bond Commission, and any such resolution may be adopted
18716 at any regular or special meeting of the State Bond Commission by
18717 a majority of its members.

18718 (11) In anticipation of the issuance of bonds hereunder, the
18719 State Bond Commission is authorized to negotiate and enter into
18720 any purchase, loan, credit or other agreement with any bank, trust
18721 company or other lending institution or to issue and sell interim
18722 notes for the purpose of making any payments authorized under this
18723 section. All borrowings made under this provision shall be
18724 evidenced by notes of the state which shall be issued from time to
18725 time, for such amounts not exceeding the amount of bonds
18726 authorized herein, in such form and in such denomination and



18727 subject to such terms and conditions of sale and issuance,
18728 prepayment or redemption and maturity, rate or rates of interest
18729 not to exceed the maximum rate authorized herein for bonds, and
18730 time of payment of interest as the State Bond Commission shall
18731 agree to in such agreement. Such notes shall constitute general
18732 obligations of the state and shall be backed by the full faith and
18733 credit of the state. Such notes may also be issued for the
18734 purpose of refunding previously issued notes. No note shall
18735 mature more than three (3) years following the date of its
18736 issuance. The State Bond Commission is authorized to provide for
18737 the compensation of any purchaser of the notes by payment of a
18738 fixed fee or commission and for all other costs and expenses of
18739 issuance and service, including paying agent costs. Such costs
18740 and expenses may be paid from the proceeds of the notes.

18741 (12) The bonds and interim notes authorized under the
18742 authority of this section may be validated in the Chancery Court
18743 of the First Judicial District of Hinds County, Mississippi, in
18744 the manner and with the force and effect provided now or hereafter
18745 by Chapter 13, Title 31, Mississippi Code of 1972, for the
18746 validation of county, municipal, school district and other bonds.
18747 The necessary papers for such validation proceedings shall be
18748 transmitted to the State Bond Attorney, and the required notice
18749 shall be published in a newspaper published in the City of
18750 Jackson, Mississippi.



18751 (13) Any bonds or interim notes issued under the provisions
18752 of this chapter, a transaction relating to the sale or securing of
18753 such bonds or interim notes, their transfer and the income
18754 therefrom shall at all times be free from taxation by the state or
18755 any local unit or political subdivision or other instrumentality
18756 of the state, excepting inheritance and gift taxes.

18757 (14) All bonds issued under this chapter shall be legal
18758 investments for trustees, other fiduciaries, savings banks, trust
18759 companies and insurance companies organized under the laws of the
18760 State of Mississippi; and such bonds shall be legal securities
18761 which may be deposited with and shall be received by all public
18762 officers and bodies of the state and all municipalities and other
18763 political subdivisions thereof for the purpose of securing the
18764 deposit of public funds.

18765 (15) The Attorney General of the State of Mississippi shall
18766 represent the State Bond Commission in issuing, selling and
18767 validating bonds herein provided for, and the Bond Commission is
18768 hereby authorized and empowered to expend from the proceeds
18769 derived from the sale of the bonds authorized hereunder all
18770 necessary administrative, legal and other expenses incidental and
18771 related to the issuance of bonds authorized under this chapter.

18772 (16) There is hereby created a special fund in the State
18773 Treasury to be known as the Mississippi Major Economic Impact
18774 Authority Fund wherein shall be deposited the proceeds of the
18775 bonds issued under this chapter and all monies received by the



18776 authority to carry out the purposes of this chapter. Expenditures
18777 authorized herein shall be paid by the State Treasurer upon
18778 warrants drawn from the fund, and the Department of Finance and
18779 Administration shall issue warrants upon requisitions signed by
18780 the director of the authority.

18781 (17) (a) There is hereby created the Mississippi Economic
18782 Impact Authority Sinking Fund from which the principal of and
18783 interest on such bonds shall be paid by appropriation. All monies
18784 paid into the sinking fund not appropriated to pay accruing bonds
18785 and interest shall be invested by the State Treasurer in such
18786 securities as are provided by law for the investment of the
18787 sinking funds of the state.

18788 (b) In the event that all or any part of the bonds and
18789 notes are purchased, they shall be cancelled and returned to the
18790 loan and transfer agent as cancelled and paid bonds and notes and
18791 thereafter all payments of interest thereon shall cease and the
18792 cancelled bonds, notes and coupons, together with any other
18793 cancelled bonds, notes and coupons, shall be destroyed as promptly
18794 as possible after cancellation but not later than two (2) years
18795 after cancellation. A certificate evidencing the destruction of
18796 the cancelled bonds, notes and coupons shall be provided by the
18797 loan and transfer agent to the seller.

18798 (c) The State Treasurer shall determine and report to
18799 the Department of Finance and Administration and Legislative
18800 Budget Office by September 1 of each year the amount of money



18801 necessary for the payment of the principal of and interest on
18802 outstanding obligations for the following fiscal year and the
18803 times and amounts of the payments. It shall be the duty of the
18804 Governor to include in every executive budget submitted to the
18805 Legislature full information relating to the issuance of bonds and
18806 notes under the provisions of this chapter and the status of the
18807 sinking fund for the payment of the principal of and interest on
18808 the bonds and notes.

18809 (d) Any monies repaid to the state from loans
18810 authorized in Section 57-75-11(hh) shall be deposited into the
18811 Mississippi Major Economic Impact Authority Sinking Fund unless
18812 the State Bond Commission, at the request of the authority, shall
18813 determine that such loan repayments are needed to provide
18814 additional loans as authorized under Section 57-75-11(hh). For
18815 purposes of providing additional loans, there is hereby created
18816 the Mississippi Major Economic Impact Authority Revolving Loan
18817 Fund and loan repayments shall be deposited into the fund. The
18818 fund shall be maintained for such period as determined by the
18819 State Bond Commission for the sole purpose of making additional
18820 loans as authorized by Section 57-75-11(hh). Unexpended amounts
18821 remaining in the fund at the end of a fiscal year shall not lapse
18822 into the State General Fund and any interest earned on amounts in
18823 such fund shall be deposited to the credit of the fund.



18824 (e) Any monies repaid to the state from loans
18825 authorized in Section 57-75-11(ii) shall be deposited into the
18826 Mississippi Major Economic Impact Authority Sinking Fund.

18827 (f) Any monies repaid to the state from loans
18828 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall
18829 be deposited into the Mississippi Major Economic Impact Authority
18830 Sinking Fund.

18831 (18) (a) Upon receipt of a declaration by the authority
18832 that it has determined that the state is a potential site for a
18833 project, the State Bond Commission is authorized and directed to
18834 authorize the State Treasurer to borrow money from any special
18835 fund in the State Treasury not otherwise appropriated to be
18836 utilized by the authority for the purposes provided for in this
18837 subsection.

18838 (b) The proceeds of the money borrowed under this
18839 subsection may be utilized by the authority for the purpose of
18840 defraying all or a portion of the costs incurred by the authority
18841 with respect to acquisition options and planning, design and
18842 environmental impact studies with respect to a project defined in
18843 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority
18844 may escalate its budget and expend the proceeds of the money
18845 borrowed under this subsection in accordance with rules and
18846 regulations of the Department of Finance and Administration in a
18847 manner consistent with the escalation of federal funds.



18848 (c) The authority shall request an appropriation or
18849 additional authority to issue general obligation bonds to repay
18850 the borrowed funds and establish a date for the repayment of the
18851 funds so borrowed.

18852 (d) Borrowings made under the provisions of this
18853 subsection shall not exceed Five Hundred Thousand Dollars
18854 (\$500,000.00) at any one time.

18855 **SECTION 498.** Section 57-75-17, Mississippi Code of 1972, is
18856 brought forward as follows:

18857 57-75-17. (1) For the purpose of aiding in the planning,
18858 design, undertaking and carrying out of the project or any
18859 facility related to the project, any public agency is authorized
18860 and empowered upon such terms, with or without consideration, as
18861 it may determine:

18862 (a) To enter into agreements, which may extend over any
18863 period, with the authority respecting action to be taken by such
18864 public agency with respect to the acquisition, planning,
18865 construction, improvement, operation, maintenance or funding of
18866 the project or any such facility, and which agreements may
18867 include:

18868 (i) The appropriation or payment of funds to the
18869 authority or to a trustee in amounts which shall be sufficient to
18870 enable the authority to defray any designated portion or
18871 percentage of the expenses of administering, planning, designing,



18872 constructing, acquiring, improving, operating, and maintaining the
18873 project or any facility related to the project,

18874 (ii) The appropriation or payment of funds to the
18875 authority or to a trustee to pay interest and principal (whether
18876 at maturity or upon sinking fund redemption) on bonds of the
18877 authority issued pursuant to this act and to fund reserves for
18878 debt service, for operation and maintenance and for renewals and
18879 replacements, and to fulfill requirements of any covenant with
18880 respect to debt service contained in any resolution, trust
18881 indenture or other security agreement relating to the bonds of the
18882 authority issued pursuant to this act,

18883 (iii) The furnishing of other assistance in
18884 connection with the project or facility related to the project,
18885 and

18886 (iv) The borrowing of money from the authority in
18887 connection with a project defined in Section 57-75-5(f)(ii);

18888 (b) To dedicate, sell, donate, convey or lease any
18889 property or interest in property to the authority or grant
18890 easements, licenses or other rights or privileges therein to the
18891 authority;

18892 (c) To incur the expense of any public improvements
18893 made or to be made by such public agency in exercising the powers
18894 granted in this section;

18895 (d) To lend, grant or contribute funds to the
18896 authority;



18897 (e) To cause public buildings and public facilities,
18898 including parks, playgrounds, recreational areas, community
18899 meeting facilities, water, sewer or drainage facilities, or any
18900 other works which it is otherwise empowered to undertake, to be
18901 furnished to or with respect to the project or any such facility;

18902 (f) To furnish, dedicate, close, vacate, pave, install,
18903 upgrade or improve highways, streets, roads, sidewalks, airports,
18904 railroads, or ports;

18905 (g) To plan or replan, zone or rezone any parcel of
18906 land within the public agency or make exceptions from land use,
18907 building and zoning regulations;

18908 (h) To cause administrative and other services to be
18909 furnished to the authority, including services pertaining to the
18910 acquisition of real property and the furnishing of relocation
18911 assistance; and

18912 (i) To loan to the owner, lessee or operator of any
18913 project defined in Section 57-75-5(f)(ii) the proceeds of any loan
18914 from the authority to the public entity under the provisions of
18915 this act.

18916 (2) Any contract between a public agency entered into with
18917 the authority pursuant to any of the powers granted by this act
18918 shall be binding upon said public agency according to its terms,
18919 and such public agency shall have the power to enter into such
18920 contracts as in the discretion of the governing authorities
18921 thereof would be to the best interest of the people of such public



18922 agency. Such contracts may include within the discretion of such
18923 governing authorities of public agencies defined under Section
18924 57-75-5(h) (ii) a pledge of the full faith and credit of such
18925 public agency or any other lawfully available funds for the
18926 performance thereof. If at any time title to or possession of the
18927 project or any such facility is held by any public body or
18928 governmental agency other than the authority, including any agency
18929 or instrumentality of the United States of America, the agreements
18930 referred to in this section shall inure to the benefit of and may
18931 be enforced by such public body or governmental agency.

18932 (3) Notwithstanding any provisions of this act to the
18933 contrary, any contract entered into between the authority and any
18934 public agency for the appropriation or payment of funds to the
18935 authority under item (a) (ii) or (a) (iv) of this section shall
18936 contain a provision therein requiring periodic payments by the
18937 public agency as required by the authority to pay its indebtedness
18938 and, if the public agency is not a county or municipality, such
18939 contract shall include as an additional party to the contract the
18940 county or municipality (referred to in this paragraph as "levying
18941 authority") that levies and collects taxes for the contracting
18942 public agency. If the public agency fails to pay its indebtedness
18943 for any month, the authority shall certify to the Department of
18944 Revenue, or other appropriate agency, the amount of the
18945 delinquency, and the Department of Revenue shall deduct such
18946 amount from the public agency's or levying authority's, as the



18947 case may be, next allocation of sales taxes, petroleum taxes,
18948 highway privilege taxes, severance taxes, Tennessee Valley
18949 Authority payments in lieu of taxes and homestead exemption
18950 reimbursements in that order of priority. The Department of
18951 Revenue, or other appropriate agency, shall pay the sums so
18952 deducted to the authority to be applied to the discharge of the
18953 contractual obligation.

18954 (4) Notwithstanding any provision of this act to the
18955 contrary, all loans made pursuant to Section 57-75-11(hh) and this
18956 section shall be for a term not to exceed twenty (20) years as may
18957 be determined by the authority, shall bear interest at such rates
18958 as may be determined by the authority, shall, in the sole
18959 discretion of the authority, be secured in an amount and a manner
18960 as may be determined by the authority.

18961 (5) (a) Before authorizing any loan to a public agency
18962 defined in Section 57-75-5(h)(ii), a local governmental unit, the
18963 governing authority of such local governmental unit in connection
18964 with a project defined in Section 57-75-5(f)(ii), shall adopt a
18965 resolution declaring its intention so to do, stating the amount of
18966 the loan proposed to be authorized and the purpose for which the
18967 loan is to be authorized, and the date upon which the loan will be
18968 authorized. Such resolution shall be published once a week for at
18969 least three (3) consecutive weeks in at least one (1) newspaper
18970 published in such local governmental unit. The first publication
18971 of such resolution shall be made not less than twenty-one (21)



18972 days before the date fixed in such resolution for the
18973 authorization of the loan and the last publication shall be made
18974 not more than seven (7) days before such date. If no newspaper is
18975 published in such local governmental unit, then such notice shall
18976 be given by publishing the resolution for the required time in
18977 some newspaper having a general circulation in such local
18978 governmental unit and, in addition, by posting a copy of such
18979 resolution for at least twenty-one (21) days next preceding the
18980 date fixed therein at three (3) public places in such local
18981 governmental unit. If fifteen percent (15%) of the qualified
18982 electors of the local governmental unit or fifteen hundred (1500),
18983 whichever is the lesser, file a written protest against the
18984 authorization of such loan on or before the date specified in such
18985 resolution, then an election on the question of the authorization
18986 of such loan shall be called and held as otherwise provided for in
18987 connection with the issuance of general obligation indebtedness of
18988 such local governmental unit. Notice of such election shall be
18989 given as otherwise required in connection with the issuance of
18990 general obligation indebtedness of such local governmental unit.
18991 If three-fifths (3/5) of the qualified electors voting in the
18992 election vote in favor of authorizing the loan, then the governing
18993 authority of the local governmental unit shall proceed with the
18994 loan; however, if less than three-fifths (3/5) of the qualified
18995 electors voting in the election vote in favor of authorizing the
18996 loan, then the loan shall not be incurred. If no protest be



18997 filed, then such loan may be entered into by the local
18998 governmental unit without an election on the question of the
18999 authorization of such loan, at any time within a period of two (2)
19000 years after the date specified in the resolution. However, the
19001 governing authority of any local governmental unit, in its
19002 discretion, may nevertheless call an election on such question, in
19003 which event it shall not be necessary to publish the resolution
19004 declaring its intention to authorize such loan as provided in this
19005 subsection.

19006 (b) Local governmental units may, in connection with
19007 any such loan, enter into any covenants and agreements with
19008 respect to such local governmental unit's operations, revenues,
19009 assets, monies, funds or property, or such loan, as may be
19010 prescribed by the authority.

19011 (c) Upon the making of any such loan by the authority
19012 to any local governmental unit, such local governmental unit shall
19013 be held and be deemed to have agreed that if such governmental
19014 unit fails to pay the principal of, premium, if any, and interest
19015 on any such loan as when due and payable, such governmental unit
19016 shall have waived any and all defenses to such nonpayment, and the
19017 authority, upon such nonpayment, shall thereupon avail itself of
19018 all remedies, rights and provisions of law applicable in such
19019 circumstance, including without limitation any remedies or rights
19020 theretofore agreed to by the local governmental unit, and that
19021 such loan shall for all of the purposes of this section, be held



19022 and be deemed to have become due and payable and to be unpaid.
19023 The authority may carry out the provisions of this section and
19024 exercise all of the rights and other applicable laws of this
19025 state.

19026 (d) This section shall be deemed to provide an
19027 additional, alternative and complete method for the doing of the
19028 things authorized by this section and shall be deemed and
19029 construed to be supplemental to any power conferred by other laws
19030 on public agencies and not in derogation of any such powers. Any
19031 obligation incurred pursuant to the provisions of this section
19032 shall not constitute an indebtedness of the public agency within
19033 the meaning of any constitutional or statutory limitation or
19034 restriction. For purposes of this act, a public agency shall not
19035 be required to comply with the provisions of any other law except
19036 as provided in this section.

19037 (6) Any public agency providing any utility service or
19038 services, to any project defined in Section 57-75-5(f)(iv)1 may
19039 enter into leases or subleases for any period of time not to
19040 exceed thirty (30) years, in the capacity as lessor or lessee or
19041 sublessor or sublessee of lands alone, or lands and facilities
19042 located thereon, whether the facilities are owned by the owner of
19043 the land, a lessee, sublessee or a third party, and whether the
19044 public agency is a lessor, lessee or owner of the land. Any such
19045 public agency may also enter into operating agreements and/or
19046 lease-purchase agreements with respect to land or utility



19047 facilities as owner, operator, lessor or lessee for any period of
19048 time not to exceed thirty (30) years. Any such public agency may
19049 also enter into contracts for the provision of utilities for any
19050 period of time not to exceed thirty (30) years and may set a
19051 special rate structure for such utilities.

19052 (7) (a) No well shall be permitted by any public agency
19053 responsible for the conservation of oil and gas in the State of
19054 Mississippi to be drilled on or under a tract of land which is a
19055 part of a project owned or operated by an enterprise as defined in
19056 Section 57-75-5(f) (xxix) and which enterprise is a nonconsenting
19057 owner as defined in Section 53-3-7(1), which owns both the surface
19058 estate of said tract of land and also owns one hundred percent
19059 (100%) of the drilling rights in said tract of land.

19060 (b) No mining activities on or under land which is part
19061 of a project as defined in Section 57-75-5(f) (xxix) shall be
19062 permitted by any public agency responsible for mining in the state
19063 without the consent of the enterprise owning or operating such
19064 project.

19065 **SECTION 499.** Section 57-75-19, Mississippi Code of 1972, is
19066 brought forward as follows:

19067 57-75-19. The authority shall not undertake to develop any
19068 project or facility related to the project within a county,
19069 municipality and/or school district without the concurrence of the
19070 affected county, municipality and/or school district.



19071 **SECTION 500.** Section 57-75-21, Mississippi Code of 1972, is
19072 brought forward as follows:

19073 57-75-21. (1) (a) The authority shall set a goal to
19074 expend not less than ten percent (10%) of the total amounts
19075 expended by the authority on planning, construction, training,
19076 research, development, testing, evaluation, personal services,
19077 procurement, and for the operation and maintenance of any
19078 facilities or activities controlled by such authority, with
19079 minority small business concerns owned and controlled by socially
19080 and economically disadvantaged individuals. For the purpose of
19081 determining the total amounts expended with such minority small
19082 business concerns, credit shall be given for that portion of any
19083 prime contract entered into with the authority which inures to the
19084 benefit of such minority small business concern as a subcontractor
19085 thereunder.

19086 (b) For the purposes of this section, the term
19087 "socially and economically disadvantaged individuals" shall have
19088 the meaning ascribed to such term under Section 8(d) of the Small
19089 Business Act (15 U.S.C.S., Section 637(d)) and relevant
19090 subcontracting regulations promulgated pursuant thereto.

19091 (c) For the purposes of this section, the term
19092 "minority small business concern" means any small business
19093 concern:

19094 (i) Which is at least fifty-one percent (51%)
19095 owned by one or more socially and economically disadvantaged



19096 individuals; or, in the case of any publicly owned businesses, at
19097 least fifty-one percent (51%) of the stock of which is owned by
19098 one or more socially and economically disadvantaged individuals;
19099 and

19100 (ii) Whose management and daily business
19101 operations are controlled by one or more of such individuals.

19102 (d) For the purpose of this section, the term "small
19103 business concern" shall mean "small business" as the latter term
19104 is defined in Section 57-10-155, Mississippi Code of 1972.

19105 (2) In order to comply in a timely manner with its minority
19106 small business participation mandate, the authority shall set an
19107 annual goal to expend not less than ten percent (10%) of its
19108 aggregate yearly expenditures with minority small business
19109 concerns.

19110 (3) The authority shall:

19111 (a) Monitor the minority small business concerns
19112 assistance programs prescribed in this section.

19113 (b) Review and determine the business capabilities of
19114 minority small business concerns.

19115 (c) Establish standards for a certification procedure
19116 for minority small business concerns seeking to do business with
19117 the authority.

19118 (d) Provide technical assistance services to minority
19119 small business concerns. Such technical assistance shall include
19120 but not be limited to:



- 19121 (i) Research;
- 19122 (ii) Assistance in obtaining bonds;
- 19123 (iii) Bid preparation;
- 19124 (iv) Certification of business concerns;
- 19125 (v) Marketing assistance; and
- 19126 (vi) Joint venture and capital development.
- 19127 (e) Develop alternative bidding and contracting
- 19128 procedures for minority small business concerns in conjunction
- 19129 with the State Fiscal Management Board and the Governor's Office
- 19130 of General Services.
- 19131 (f) Utilize such alternative bidding and contracting
- 19132 procedures in lieu of those prescribed in Title 31, Chapters 5 and
- 19133 7, Mississippi Code of 1972, when contracting with minority small
- 19134 business concerns that have qualified to bid for contracts and
- 19135 have satisfied any other disclosure provisions required by the
- 19136 authority.
- 19137 (g) Be authorized to accept in lieu of any bond
- 19138 otherwise required from minority small business concerns or small
- 19139 business concerns contracting with the authority, in an amount
- 19140 equal to one hundred percent (100%) of the total cost of the
- 19141 contracted project, any combination of the following:
- 19142 (i) Cash;
- 19143 (ii) Certificates of deposit from any bank or
- 19144 banking corporation insured by the Federal Deposit Insurance
- 19145 Corporation or the Federal Savings and Loan Insurance Corporation;



19146 (iii) Federal treasury bills;
19147 (iv) Letters of credit issued by a bank as that
19148 term is defined in Section 81-3-1, Mississippi Code of 1972; or
19149 (v) Surety bonds issued by an insurance company
19150 licensed and qualified to do business in the State of Mississippi.

19151 (h) Be authorized, in its discretion, to waive any bond
19152 required on any project which does not exceed a total dollar value
19153 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall
19154 be held by the authority in an amount not to exceed fifteen
19155 percent (15%) from each draw according to American Institute of
19156 Architects (AIA) standards. Upon satisfactory completion of such
19157 project, ten percent (10%) of the total cost of the contract shall
19158 be held in an interest-bearing escrow account for one (1) year.
19159 Funds deposited in such escrow account shall stand as a surety for
19160 any defects in workmanship or materials detected within twelve
19161 (12) months of completion. The balance of all monies so escrowed
19162 including accrued interest shall be paid to the contractor at the
19163 end of such twelve-month period.

19164 (i) Be empowered to provide an incentive of bimonthly
19165 payments to any prime contractors utilizing minority small
19166 business concerns as subcontractors on twenty-five percent (25%)
19167 or more of the total dollar value of any single project or
19168 contract.



19169 (j) Submit an annual report on its progress concerning
19170 minority small business contracts to the Legislature by January 30
19171 of each year.

19172 (k) Take all steps necessary to implement the
19173 provisions of this section.

19174 **SECTION 501.** Section 57-75-22, Mississippi Code of 1972, is
19175 brought forward as follows:

19176 57-75-22. Any highways or highway segments constructed or
19177 improved by the Mississippi Department of Transportation under the
19178 provisions of this chapter for a project as defined in Section
19179 57-75-5(f)(iv) shall become a state highway and shall be placed
19180 under the jurisdiction of the Mississippi Transportation
19181 Commission for construction and maintenance.

19182 **SECTION 502.** Section 57-75-23, Mississippi Code of 1972, is
19183 brought forward as follows:

19184 57-75-23. The provisions of this act are cumulative of other
19185 statutes now or hereafter enacted relating to the authority, and
19186 the authority may exercise all presently held powers in the
19187 furtherance of this act. If any section, paragraph, sentence,
19188 clause, phrase or any part of the provisions of this act is
19189 declared to be unconstitutional or void, or for any reason is
19190 declared to be invalid or of no effect, the remaining sections,
19191 paragraphs, sentences, clauses and phrases shall in no manner be
19192 affected thereby but shall remain in full force and effect.



19193 **SECTION 503.** Section 57-75-25, Mississippi Code of 1972, is
19194 brought forward as follows:

19195 57-75-25. No member of the Legislature, elected official or
19196 appointed official, or any partner or associate of any member of
19197 the Legislature, elected official or appointed official, shall
19198 derive any income from the issuance of any bonds under this act
19199 contrary to the provisions of Section 109, Mississippi
19200 Constitution of 1890, or Article 3, Chapter 4, Title 25,
19201 Mississippi Code of 1972.

19202 **SECTION 504.** Section 57-75-27, Mississippi Code of 1972, is
19203 brought forward as follows:

19204 57-75-27. Notwithstanding any provision of Chapter 61, Title
19205 57, Mississippi Code of 1972, to the contrary, the Mississippi
19206 Major Economic Impact Authority shall certify to the * * *
19207 Mississippi Development Authority the amount of money necessary
19208 for the Major Economic Impact Authority to purchase land in fee
19209 simple to provide a buffer zone for the National Aeronautics and
19210 Space Administration facility to be constructed in Tishomingo
19211 County, which amount shall not be more than Seven Million Dollars
19212 (\$7,000,000.00); and the department shall, if funds have not
19213 otherwise been made available, provide a grant to the authority
19214 for such amount out of the proceeds of bonds issued under the
19215 Mississippi Business Investment Act. Any funds remaining
19216 unexpended after the purchase of land hereunder shall be deposited
19217 in the Mississippi Business Investment Sinking Fund. No funds in



19218 excess of the amount authorized in this section shall be expended
19219 pursuant to the Mississippi Business Investment Act for or in
19220 connection with the National Aeronautics and Space Administration
19221 facility to be constructed in Tishomingo County.

19222 **SECTION 505.** Section 57-75-33, Mississippi Code of 1972, is
19223 brought forward as follows:

19224 57-75-33. The board of supervisors of a county or the
19225 governing authorities of a municipality may each enter into an
19226 agreement with an enterprise operating a project as defined in
19227 Section 57-75-5(f)(iv)¹, Section 57-75-5(f)(xxi), Section
19228 57-75-5(f)(xxii), Section 57-75-5(f)(xxviii) or Section
19229 57-75-5(f)(xxix), providing that the county or municipality will
19230 not levy any taxes, fees or assessments upon the enterprise other
19231 than taxes, fees or assessments that are generally levied upon all
19232 taxpayers, or all other taxpayers in the taxing districts in which
19233 such project is located, and the board of supervisors or the
19234 governing authorities also may each enter into a fee-in-lieu
19235 agreement as provided in Section 27-31-104 and/or Section
19236 27-31-105(2). Such agreements may be for a period not to exceed
19237 thirty (30) years, except that any fee-in-lieu agreement entered
19238 into under this section and Section 27-31-104 and/or Section
19239 27-31-105(2) shall become effective upon its execution by the
19240 enterprise and the county board of supervisors and/or municipal
19241 governing authorities, as the case may be, in accordance with
19242 Section 27-31-104, and continue in effect until all fee-in-lieu



19243 periods granted thereunder have expired; however, the period
19244 during which any fee-in-lieu may be granted under this section
19245 shall not exceed thirty (30) years, and no particular parcel of
19246 land, real property improvement or item of personal property shall
19247 be subject to a fee-in-lieu for a duration of more than ten (10)
19248 years.

19249 **SECTION 506.** Section 57-75-35, Mississippi Code of 1972, is
19250 brought forward as follows:

19251 57-75-35. The board of supervisors of a county or the
19252 governing authorities of a municipality may enter into an
19253 agreement with an enterprise operating a project as defined in
19254 Section 57-75-5(f)(iv)¹, Section 57-75-5(f)(xxi) or 57-75-5
19255 (f)(xxii), providing that the board of supervisors or governing
19256 authorities will agree in advance to approve any request for
19257 exemption from ad valorem taxes submitted by a supplier of such
19258 enterprise in the manner provided by law and that any such
19259 exemption shall be for a period of ten (10) years. Such an
19260 agreement on the part of the board of supervisors or governing
19261 authorities may be for a period not to exceed twenty (20) years.

19262 **SECTION 507.** Section 57-75-37, Mississippi Code of 1972, is
19263 brought forward as follows:

19264 57-75-37. (1) (a) (i) Any county in which there is to be
19265 constructed a project as defined in Section 57-75-5(f)(xviii) is
19266 authorized to assist in defraying the costs incurred or to be
19267 incurred by the enterprise establishing such project by:



19268 1. Contributing a sum of up to Five Million
19269 Dollars (\$5,000,000.00) to such enterprise for use in connection
19270 with the construction of the project; and/or

19271 2. Lending a sum of up to Five Million
19272 Dollars (\$5,000,000.00) upon such terms as the board of
19273 supervisors of such county and such enterprise may agree, the
19274 proceeds of which loan shall be used by such enterprise in
19275 connection with the construction or financing of the project.

19276 (ii) In order to provide the amounts set forth in
19277 paragraph (a)(i) of this subsection (1), any such county may
19278 appropriate monies from the county's general funds or provide such
19279 amounts from the proceeds of general obligation bonds, or any
19280 combination of the foregoing. Any such county may issue the bonds
19281 for such purpose pursuant to the procedures for the issuance of
19282 bonds under Chapter 9, Title 19, Mississippi Code of 1972, or
19283 Section 19-5-99.

19284 (b) The board of supervisors of any county may donate
19285 real property for use in the location, construction and/or
19286 operation of a project as defined under Section 57-75-5(f)(xviii)
19287 to one or more economic development authorities, economic
19288 development districts, industrial development authorities or
19289 similar public agencies created pursuant to state law that engage
19290 in economic or industrial development in the county, and any such
19291 public agencies may accept such donation of real property from the
19292 county. Such public agencies also may transfer and convey among



19293 themselves, with or without consideration being paid or received,
19294 real property to be used in the location, construction and/or
19295 operation of such a project, and may accept such transfers or
19296 donations.

19297 (2) Any county or municipality in which there is to be
19298 constructed a project as defined in Section 57-75-5(f) (xxvi) or
19299 57-75-5(f) (xxvii) is authorized to:

19300 (a) Acquire the site for such project and contribute
19301 the site to the enterprise owning or operating the project;

19302 (b) Apply for grants and loans and utilize the proceeds
19303 of such grants and loans for infrastructure related to the
19304 project; and

19305 (c) Enter into a lease agreement with the enterprise
19306 owning or operating the project for a term not to exceed
19307 ninety-nine (99) years.

19308 (3) (a) As used in this subsection:

19309 (i) "Project" shall have the meaning ascribed to
19310 such term in Section 57-75-5(f) (xxviii).

19311 (ii) "Public agency" means the county in which the
19312 project is located, any municipality located in the county, and/or
19313 any economic development authority, economic development district,
19314 industrial development authority or similar public agency created
19315 pursuant to state law that engages in economic or industrial
19316 development in the county or a municipality in the county.



19317 (b) Any county in which there is to be located a
19318 project is authorized to assist as provided in this paragraph in
19319 defraying the costs incurred or to be incurred by the enterprise
19320 establishing the project and any public agency in connection with
19321 the location, construction and/or operation of the project or any
19322 facilities or public infrastructure related to the project. The
19323 county may provide such assistance by contributing or lending any
19324 sum approved for such purpose by the board of supervisors of the
19325 county, upon such terms as the board of supervisors may agree, to
19326 the entity that directly or indirectly incurs or will incur such
19327 costs or as otherwise provided in paragraph (c) of this
19328 subsection. The proceeds of the contribution or loan shall be
19329 used by the recipient in connection with the location,
19330 construction and/or operation of the project or any facilities or
19331 public infrastructure related to the project.

19332 (c) In order to provide the amounts set forth in
19333 paragraph (b) of this subsection, any such county may appropriate
19334 monies from the county's general funds or provide such amounts
19335 from the proceeds of general obligation bonds, or any combination
19336 of the foregoing. Any such county may issue the bonds for such
19337 purpose pursuant to the procedures for the issuance of bonds under
19338 Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.

19339 (d) In any county in which there is to be located a
19340 project, the governing authorities of any public agency may:



19341 (i) Transfer and convey to the authority or the
19342 Mississippi Development Authority, with or without consideration
19343 being paid or received, any real and/or personal property for use
19344 in connection with the location, construction and/or operation of
19345 the project or any facilities or public infrastructure related to
19346 the project, and the authority and the Mississippi Development
19347 Authority may accept such transfers or donations;

19348 (ii) Transfer and convey among themselves, with or
19349 without consideration being paid or received, any real and/or
19350 personal property for use in connection with the location,
19351 construction and/or operation of a project or any facilities or
19352 public infrastructure related to the project, and may accept such
19353 transfers or donations; and

19354 (iii) Make grants or other contributions of funds
19355 to one another for use in connection with the location,
19356 construction and/or operation of such a project or any facilities
19357 or public infrastructure related to the project, and may accept
19358 such grants or contributions of funds.

19359 (e) In any county in which there is to be located a
19360 project, the person, entity or other agency seeking to acquire any
19361 real property to be used in connection with the location,
19362 construction and/or operation of the project, shall be exempt with
19363 respect to such property from the requirements of Section
19364 43-37-3(1)(b) and (c) if the purchase price for such property
19365 equals the lowest price negotiated between the owner of the



19366 property and the person, agency or other entity seeking to acquire
19367 the property, and at which the owner of the property is willing to
19368 sell the property.

19369 (4) (a) As used in this subsection:

19370 (i) "Project" shall have the meaning ascribed to
19371 such term in Section 57-75-5(f)(xxix).

19372 (ii) "Public agency" means the county in which the
19373 project is located, any municipality located in the county, and/or
19374 any economic development authority, economic development district,
19375 industrial development authority or similar public agency created
19376 pursuant to state law that engages in economic or industrial
19377 development in the county or a municipality in the county.

19378 (iii) "Board of education" shall have the meaning
19379 ascribed to such term in Section 29-3-1.1.

19380 (iv) "Superintendent of education" shall have the
19381 meaning ascribed to such term in Section 29-3-1.1.

19382 (b) In any county in which there is to be located a
19383 project, any public agency is authorized to assist as provided in
19384 this paragraph in defraying the costs incurred or to be incurred
19385 by the enterprise establishing the project and/or any public
19386 agency in connection with the location, construction and/or
19387 operation of the project or any facilities or public
19388 infrastructure related to the project. Any such public agency may
19389 provide such assistance by contributing or lending any sum
19390 approved for such purpose by the governing authority of such



19391 public agency, upon such terms as the governing authority of such
19392 public agency may agree, to the entity or public agency that
19393 directly or indirectly incurs or will incur such costs or as
19394 otherwise provided in paragraph (c) of this subsection. The
19395 proceeds of the contribution or loan shall be used by the
19396 recipient in connection with the location, construction and/or
19397 operation of the project or any facilities or public
19398 infrastructure related to the project, including, without
19399 limitation, to defray the costs of site preparation, utilities,
19400 real estate purchases, purchase options and improvements,
19401 infrastructure, roads, rail improvements, public works, job
19402 training, as well as planning, design and environmental impact
19403 studies with respect to a project, and any other expenses approved
19404 by any such public agency.

19405 (c) In order to provide the amounts set forth in
19406 paragraph (b) of this subsection:

19407 (i) Any such county may appropriate monies from
19408 the county's general funds or provide such amounts from the
19409 proceeds of general obligation bonds. Any such county may issue
19410 the bonds for such purpose pursuant to the procedures for the
19411 issuance of bonds under Chapter 9, Title 19, Mississippi Code of
19412 1972, Section 19-5-99 or in any other manner permitted by any
19413 local and private law or other general laws; and

19414 (ii) Any public agency may borrow or accept grants
19415 of such amounts from the authority or the Mississippi Development



19416 Authority for such duration and upon such terms and conditions
19417 approved by the governing authority of such public agency and the
19418 authority or Mississippi Development Authority, as applicable.

19419 (d) In any county in which there is to be located a
19420 project, the governing authority of any public agency may:

19421 (i) Transfer and convey to the authority or the
19422 Mississippi Development Authority, with or without consideration
19423 being paid or received, any real and/or personal property for use
19424 in connection with the location, construction and/or operation of
19425 the project or any facilities or public infrastructure related to
19426 the project, and the authority and the Mississippi Development
19427 Authority may accept such transfers or donations;

19428 (ii) Transfer and convey among themselves, with or
19429 without consideration being paid or received, any real and/or
19430 personal property for use in connection with the location,
19431 construction and/or operation of a project or any facilities or
19432 public infrastructure related to the project, and may accept such
19433 transfers or donations;

19434 (iii) Make grants or other contributions of funds
19435 to:

19436 1. One another for use in connection with the
19437 location, construction and/or operation of such a project or any
19438 facilities or public infrastructure related to the project, and
19439 may accept such grants or contributions of funds; and/or



19440 2. A local water association incorporated as
19441 a nonprofit corporation and located within such county for the
19442 purpose of defraying the costs incurred or to be incurred thereby
19443 in connection with water or wastewater-related infrastructure
19444 improvements, including an elevated water tank, located within the
19445 project area; and

19446 (iv) Make one or more periodic grants or other
19447 contributions of funds to an enterprise or affiliate thereof
19448 owning and/or operating a project in such amount or amounts
19449 approved by such governing authority, and enter into an agreement
19450 with such enterprise to make such periodic grants or other
19451 contributions of funds; however, the duration of any such
19452 obligation of the public agency to make such grants or other
19453 contributions shall not exceed thirty (30) years.

19454 (e) In any county in which there is to be located a
19455 project, the public agency seeking to acquire any real property to
19456 be used in connection with the location, construction and/or
19457 operation of the project, shall be exempt with respect to such
19458 property from the requirements of Section 43-37-3(1)(b) and (c) if
19459 the purchase price for such property equals the lowest price
19460 negotiated between the owner of the property and the public agency
19461 seeking to acquire the property, and at which the owner of the
19462 property is willing to sell the property, and any such public
19463 agency is further authorized to procure an option to purchase any
19464 such real property for such purchase price authorized by this



19465 subsection for the lowest option payment at which the owner of the
19466 property is willing to grant such option.

19467 (f) In any county in which there is to be located a
19468 project, upon the sale of any sixteenth section lands for
19469 industrial purposes as provided by law for such project, the board
19470 of education controlling such lands, the superintendent of
19471 education and the Mississippi Development Authority, on behalf of
19472 the state, may sell and convey all minerals in, on and under any
19473 such lands for such consideration determined to be adequate by,
19474 and upon such terms and conditions prescribed by, such board of
19475 education, superintendent of education and the Mississippi
19476 Development Authority.

19477 (g) In any county in which there is to be located a
19478 project, the governing authority of the applicable public agency
19479 may enter into an agreement binding on future governing
19480 authorities, for any period not to exceed thirty (30) years to:

19481 (i) Waive any and all fees and expenses associated
19482 with building permits and privilege licenses required for the
19483 project;

19484 (ii) Establish and/or maintain a rate structure
19485 for water supplied to the project and wastewater received from the
19486 project, which shall be no higher than the lowest tariff prices
19487 for such water and wastewater charged to any customer of equal or
19488 lesser volume located within the boundaries of the public agency;



19489 (iii) Provide firefighting, hazardous materials
19490 emergency response, technical rescue and medical response
19491 assistance to the enterprise owning or operating the project; and

19492 (iv) Require any contractor hired by the public
19493 agency for purposes of entering onto the project site for such
19494 project to perform work-related to the provision of water supply
19495 or wastewater services, to procure customary liability insurance
19496 designating the enterprise owning or operating the project as an
19497 additional insured and to contractually indemnify such enterprise
19498 for any losses incurred by the enterprise as a result of such
19499 contractor's negligence and/or willful acts or omissions arising
19500 from the contractor's entry upon such project site.

19501 (5) The powers and authority granted in this section are an
19502 additional, alternative and supplemental method for the doing of
19503 the things authorized by this section and are additional and
19504 supplemental to, and not in derogation of, any other powers
19505 conferred by law.

19506 **SECTION 508.** Section 57-77-1, Mississippi Code of 1972, is
19507 brought forward as follows:

19508 57-77-1. This chapter shall be known, and may be cited, as
19509 the Venture Capital Act of 1994.

19510 **SECTION 509.** Section 57-77-2, Mississippi Code of 1972, is
19511 brought forward as follows:

19512 57-77-2. The Legislature finds that the Venture Capital Act
19513 of 1994, Sections 57-77-1 through 57-77-39, Mississippi Code of



19514 1972, has not been implemented in accordance with the legislative
19515 intent. The Legislature finds that the Venture Capital Act of 1994
19516 needs to be amended for the purpose of clarifying the legislative
19517 intent and for the further purpose of ensuring public trust in the
19518 venture capital loan program by providing safeguards in the
19519 operation of the program and over the proper administration of the
19520 use of public funds. The Legislature finds that persons are
19521 purporting to serve on the Magnolia Capital Corporation Board of
19522 Directors and the Magnolia Venture Capital Corporation Board of
19523 Directors in violation of the legislative intent of the Venture
19524 Capital Act of 1994. Pursuant to Section 178 of the Mississippi
19525 Constitution of 1890, the Legislature finds that it is in the
19526 public interest to amend the charters of incorporation of the
19527 Magnolia Capital Corporation and the Magnolia Venture Capital
19528 Corporation which were authorized to be formed under the
19529 provisions of the Venture Capital Act of 1994, and the amendments
19530 made to Sections 57-77-9 and 57-77-11 by Chapter 563, Laws of
19531 1998, shall be amendments to the charters of incorporation of the
19532 Magnolia Capital Corporation and the Magnolia Venture Capital
19533 Corporation.

19534 **SECTION 510.** Section 57-77-3, Mississippi Code of 1972, is
19535 brought forward as follows:

19536 57-77-3. It is the purpose of this chapter to establish the
19537 Magnolia Capital Corporation, the Magnolia Venture Capital
19538 Corporation and the Magnolia Venture Capital Fund Limited



19539 Partnership for the purposes of increasing the rate of capital
19540 formation; stimulating new growth-oriented business formations;
19541 creating new jobs for Mississippi; developing new technology;
19542 enhancing tax revenue for the state; and supplementing
19543 conventional business financing. The Magnolia Capital
19544 Corporation, the Magnolia Venture Capital Corporation, and the
19545 Magnolia Venture Capital Fund Limited Partnership shall be
19546 instrumentalities of the State of Mississippi and their operations
19547 and activities shall be subject to review by the State Auditor of
19548 Public Accounts, the Attorney General of Mississippi, the
19549 Mississippi Ethics Commission, the Joint Legislative Committee on
19550 Performance Evaluation and Expenditure Review, and any other state
19551 officer or agency as provided by law. Funds obtained from the
19552 special fund in the State Treasury known as the Venture Capital
19553 Fund and any earnings on such amounts, which are held and
19554 disbursed by the Magnolia Capital Corporation, the Magnolia
19555 Venture Capital Corporation and/or the Magnolia Venture Capital
19556 Fund Limited Partnership, except funds invested by private limited
19557 partners, shall remain, and shall be considered to be, public
19558 funds. Funds loaned by the department pursuant to Section
19559 57-77-17, and all earnings on such funds shall remain, and shall
19560 be considered to be, public funds. Except as provided in Section
19561 57-77-33(7), it is, and has always been, the intent of the
19562 Legislature that nothing in this chapter shall be construed to
19563 waive the sovereign immunity of the State of Mississippi or the



19564 department pursuant to either state law or the Eleventh Amendment
19565 to the United States Constitution. It is, and has always been,
19566 the intent of the Legislature that no action by the State of
19567 Mississippi or by the department, or by any officer or agent of
19568 the State of Mississippi or of the department, shall be considered
19569 a waiver of the sovereign immunity of the State of Mississippi or
19570 the department pursuant to either state law or the Eleventh
19571 Amendment to the United States Constitution. It is, and has
19572 always been, the intent of the Legislature that the entering into
19573 of any contract, loan agreement, pledge agreement, or other
19574 instrument by the State of Mississippi or the department shall not
19575 be considered a waiver of the sovereign immunity of the State of
19576 Mississippi pursuant to either state law or the Eleventh Amendment
19577 to the United States Constitution. It is, and has always been,
19578 the intent of the Legislature that the sovereign immunity of the
19579 State of Mississippi pursuant to either state law or the Eleventh
19580 Amendment to the United States Constitution may only be waived by
19581 express authorization set forth in an enactment of the Mississippi
19582 Legislature.

19583 **SECTION 511.** Section 57-77-5, Mississippi Code of 1972, is
19584 brought forward as follows:

19585 57-77-5. The following words shall have the meaning ascribed
19586 herein unless the context clearly requires otherwise:



19587 (a) "Fund" means the Magnolia Venture Capital Fund
19588 Limited Partnership, a limited partnership, established and
19589 operated as described in this chapter.

19590 (b) "Corporation" means the Magnolia Capital
19591 Corporation.

19592 (c) "Qualified investment" means a qualified interest,
19593 which interest is purchased solely for cash in an amount not less
19594 than Ten Thousand Dollars (\$10,000.00) for individuals; and not
19595 less than Fifty Thousand Dollars (\$50,000.00) for corporations.

19596 (d) "General partner" means the Magnolia Venture
19597 Capital Corporation.

19598 (e) "Qualified interest" means, in the case of the
19599 Magnolia Venture Capital Corporation, a general partnership
19600 interest in the fund and, in the case of all other persons, a
19601 limited partnership interest in the fund.

19602 (f) "State tax liability" means a taxpayer's total
19603 income tax liability that is incurred under the Mississippi Income
19604 Tax Law before applying the credits provided by Section
19605 27-7-22.11.

19606 (g) "Taxpayer" means any individual, corporation,
19607 partnership, trust or other entity that has any state tax
19608 liability and has made a qualified investment.

19609 (h) "Venture capital" means investments in either
19610 common stock, preferred stock, or bonds convertible to either
19611 common or preferred stock, or options, warrants or rights to



19612 receive any of the foregoing, or any other similar investment in
19613 or loan to a Mississippi business.

19614 (i) "Mississippi business" means a corporation, general
19615 partnership, limited partnership, joint venture, trust,
19616 proprietorship or any other similar entity or organization which
19617 is either established and operating, or will be established to
19618 operate, in Mississippi.

19619 (j) "Start-up business" means a Mississippi business
19620 which is in the first thirty-six (36) months of providing goods or
19621 services in the ordinary course of business or a Mississippi
19622 business which qualified as a start-up business under this
19623 definition at the time it entered the venture capital fund
19624 portfolio.

19625 (k) "Program" means the venture capital loan program
19626 established in this chapter.

19627 (l) "Seller" means the State Bond Commission.

19628 (m) "Department" means the Mississippi * * *
19629 Development Authority.

19630 (n) "General Fund" means the General Fund of the State
19631 of Mississippi.

19632 (o) "Loan" means a loan by the department to Magnolia
19633 Capital Corporation in accordance with this chapter.

19634 (p) "Appointing authority" means the Governor or the
19635 Lieutenant Governor, as appropriate, in appointing members to the
19636 Board of Directors of the Magnolia Venture Capital Corporation.



19637 **SECTION 512.** Section 57-77-7, Mississippi Code of 1972, is
19638 brought forward as follows:

19639 57-77-7. A taxpayer is entitled to a credit, determined in
19640 accordance with Section 27-7-22.11, which must be applied against
19641 the state tax liability which may be imposed on the taxpayer.

19642 **SECTION 513.** Section 57-77-9, Mississippi Code of 1972, is
19643 brought forward as follows:

19644 57-77-9. (1) The Magnolia Capital Corporation shall be
19645 formed and operated pursuant to the laws of this state. The
19646 articles of incorporation, bylaws and any other agreement relating
19647 to the organization or operation of the corporation must comply
19648 with the provisions set forth in this section. The corporation
19649 will be a not-for-profit corporation.

19650 (2) The executive director of the department shall cause the
19651 corporation to be formed, and he shall designate the
19652 incorporators. The initial board of directors shall consist of
19653 thirteen (13) members, all of whom will be appointed by the
19654 executive director of the department. Except as otherwise
19655 provided in this subsection (2), members of the initial board of
19656 directors shall serve staggered terms as follows: four (4) for
19657 terms of five (5) years each, three (3) for terms of four (4)
19658 years each, three (3) for terms of three (3) years each and three
19659 (3) for terms of two (2) years each. The terms of the members of
19660 the board of directors in place (including any initial directors
19661 and successors) before April 17, 1998, shall expire on April 17,



19662 1998, and such persons shall cease to serve on the board of
19663 directors and shall relinquish all powers and control of the
19664 corporation and assets of the corporation. From and after April
19665 17, 1998, the board of directors shall consist of three (3)
19666 members who shall be the State Treasurer, the Attorney General and
19667 Secretary of State. If the position on the board of directors
19668 held by the State Treasurer, Attorney General or Secretary of
19669 State, becomes vacant through death, resignation or otherwise, the
19670 position will be filled by the person acting as State Treasurer,
19671 Attorney General or Secretary of State, as appropriate, until the
19672 Office of State Treasurer, Attorney General or Secretary of State,
19673 as appropriate, is filled in the manner provided by law. The
19674 directors may not receive per diem.

19675 (3) The articles of incorporation shall provide that the
19676 name of the corporation is the "Magnolia Capital Corporation," and
19677 the registered agent shall be designated by the executive director
19678 of the department. The corporation's existence begins upon filing
19679 of the articles of incorporation. The corporation's existence is
19680 perpetual, unless dissolved as provided herein. The general
19681 nature of the business of the corporation is to serve as the sole
19682 stockholder of the Magnolia Venture Capital Corporation.
19683 Consistent with the provisions of this chapter, the bylaws, the
19684 organizational minutes, the election of officers, and any other
19685 actions appropriate or necessary for the organization and
19686 operation of the corporation shall be of that form and content as



19687 determined by the board of directors. Nothing contained in this
19688 chapter may prohibit the board of directors of the corporation
19689 from altering, amending or otherwise modifying the articles of
19690 incorporation, bylaws or any other agreement governing the
19691 corporation as otherwise permitted under the laws of this state,
19692 except that the method of electing directors may not be amended,
19693 altered or otherwise modified or restricted; except that the
19694 general nature of the business of the corporation may not be
19695 amended, altered or otherwise modified or restricted; and except
19696 that the corporation may be dissolved, merged or otherwise cease
19697 to exist pursuant to the appropriate vote of the board of
19698 directors. The executive director of the department may expend
19699 any discretionary funds he has available and considers appropriate
19700 for the purpose of organizing the corporation.

19701 (4) In addition to other powers and duties, the corporation
19702 may take all actions it deems necessary to carry out the
19703 provisions of this chapter, and the board of directors shall meet
19704 at least one (1) time on a quarterly basis to assess the venture
19705 capital loan program and whether or not the provisions of this
19706 chapter are being complied with. In addition to any other powers
19707 and duties, if the corporation determines, as evidenced by a
19708 majority vote of the board of directors, that any member of the
19709 Magnolia Venture Capital Corporation's Board of Directors is not
19710 performing the duties of such member in a manner consistent with
19711 the provisions of this chapter, the corporation may recommend to



19712 the appropriate appointing authority that such member of the
19713 Magnolia Venture Capital Corporation's Board of Directors be
19714 replaced.

19715 (5) As soon as legally permissible after April 17, 1998, the
19716 corporation shall direct the Board of Directors of the Magnolia
19717 Venture Capital Corporation to dissolve the Magnolia Venture
19718 Capital Corporation and the fund.

19719 **SECTION 514.** Section 57-77-11, Mississippi Code of 1972, is
19720 brought forward as follows:

19721 57-77-11. (1) The Magnolia Venture Capital Corporation
19722 shall be formed and operated pursuant to the laws of this state.
19723 The articles of incorporation, bylaws and any other agreement
19724 relating to the organization or operation of the Magnolia Venture
19725 Capital Corporation must comply with the provisions set forth in
19726 this section. The Magnolia Venture Capital Corporation will be a
19727 for-profit corporation.

19728 (2) The executive director of the department shall cause the
19729 Magnolia Venture Capital Corporation to be formed, and he shall
19730 designate the incorporators. The initial board of directors shall
19731 consist of five (5) members, all of whom will be appointed by the
19732 executive director of the department. Except as otherwise
19733 provided in this subsection (2), members of the initial board of
19734 directors shall serve staggered terms as follows: three (3) for
19735 terms of five (5) years each and two (2) for terms of three (3)
19736 years each. The terms of the members of the board of directors in



19737 place (including any initial directors and successors) before
19738 April 17, 1998, shall expire on April 17, 1998, and such persons
19739 shall cease to serve on the board of directors and shall
19740 relinquish all powers and control of the corporation and assets of
19741 the corporation. From and after April 17, 1998, the board of
19742 directors shall be composed of five (5) members, three (3) of whom
19743 shall be appointed by the Governor and two (2) of whom shall be
19744 appointed by the Lieutenant Governor. Members of the initial
19745 board, appointed from and after April 17, 1998, shall serve
19746 staggered terms as follows: one (1) member appointed by the
19747 Governor for a term of one (1) year, one (1) member appointed by
19748 the Governor for a term of two (2) years, one (1) member appointed
19749 by the Governor for a term of three (3) years, one (1) member
19750 appointed by the Lieutenant Governor for a term of four (4) years,
19751 and one (1) member appointed by the Lieutenant Governor for a term
19752 of five (5) years. If the position of an initial director,
19753 appointed from and after April 17, 1998, becomes vacant through
19754 death, resignation or otherwise, the appropriate appointing
19755 authority shall appoint another person to complete the unexpired
19756 term. If the position of a successor director becomes vacant
19757 through death, resignation or otherwise, the appropriate
19758 appointing authority shall appoint another person to complete the
19759 unexpired term. After the terms of the initial directors,
19760 appointed from and after April 17, 1998, expire, successors shall
19761 be chosen by the appropriate appointing authority and shall serve



19762 for terms of five (5) years. The appropriate appointing authority
19763 may remove a member of the board of directors if, in the opinion
19764 of the appointing authority, the board member is not performing
19765 his or her duties in a manner consistent with the provisions of
19766 this chapter. Members of the initial board, appointed from and
19767 after April 17, 1998, and successor directors are eligible to
19768 succeed themselves if reappointed by the appropriate appointing
19769 authority. The Speaker of the House of Representatives shall
19770 appoint two (2) nonvoting advisory members to the board. Such
19771 nonvoting advisory members shall serve for terms concurrent with
19772 the term of the Speaker of the House of Representatives. If the
19773 position of an advisory member becomes vacant through death,
19774 resignation or otherwise, the Speaker shall appoint another person
19775 to complete the unexpired term. Members of the board shall
19776 receive a per diem as provided in Section 25-3-69, for each day or
19777 fraction thereof in performance of their duties, and shall be
19778 reimbursed for their actual and necessary expenses incurred in the
19779 performance of their duties as provided in Section 25-3-41.
19780 Members of the board shall receive no compensation other than that
19781 provided in this subsection (2). If a director is a full-time
19782 state employee, he may not receive per diem.

19783 (3) The articles of incorporation shall provide that the
19784 name of the entity is the "Magnolia Venture Capital Corporation,"
19785 and the registered agent shall be designated by the executive
19786 director of the department. The Magnolia Venture Capital



19787 Corporation's existence begins upon filing of the articles of
19788 incorporation. The Magnolia Venture Capital Corporation's
19789 existence is perpetual, unless dissolved as provided herein. The
19790 Magnolia Venture Capital Corporation is authorized to issue shares
19791 of a number, class and par or no-par value as provided in its
19792 articles of incorporation. The general nature of the business of
19793 the Magnolia Venture Capital Corporation is to serve as general
19794 partner of the Magnolia Venture Capital Fund Limited Partnership,
19795 to provide venture capital to Mississippi businesses, to provide
19796 financing to high-growth oriented businesses, and to undertake any
19797 acts appropriate or necessary to carry out the foregoing.
19798 Consistent with the provisions of this chapter, the bylaws, the
19799 organizational minutes, the election of officers, the issuance of
19800 any stock of the Magnolia Venture Capital Corporation, and any
19801 other actions appropriate or necessary for the organization and
19802 operation of the Magnolia Venture Capital Corporation shall be of
19803 that form and content as determined by the board of directors.
19804 Nothing contained in this chapter may prohibit the shareholders or
19805 board of directors of the corporation from altering, amending or
19806 otherwise modifying the articles of incorporation, bylaws or any
19807 other agreement governing the Magnolia Venture Capital Corporation
19808 as otherwise permitted under the laws of this state, except that
19809 the method of electing directors shall not be amended, altered or
19810 otherwise modified; except that the general nature of the business
19811 of the Magnolia Venture Capital Corporation may not be amended,



19812 altered or otherwise modified or restricted; and except that the
19813 Magnolia Venture Capital Corporation may be dissolved, merged or
19814 otherwise cease to exist pursuant to the appropriate vote of the
19815 board of directors and shareholders. The executive director of
19816 the department may expend any discretionary funds he has available
19817 and considers appropriate for the purpose of organizing the
19818 Magnolia Venture Capital Corporation and promoting the sale of the
19819 qualified investments.

19820 (4) The Magnolia Venture Capital Corporation shall cause the
19821 fund to be formed as a limited partnership. The partnership
19822 agreement relating to the organization and operation of the fund
19823 must be of that form and content as determined by the Board of
19824 Directors of the Magnolia Venture Capital Corporation. The
19825 Magnolia Venture Capital Corporation shall be the sole general
19826 partner of the fund, and the initial limited partner shall be a
19827 person or entity designated by the Magnolia Venture Capital
19828 Corporation's Board of Directors. Additional limited partners may
19829 be admitted to the fund in accordance with the terms of the
19830 partnership agreement.

19831 (5) Except as otherwise provided in subsection (8), the fund
19832 shall raise funds to provide financing to high-growth oriented
19833 businesses. A "high-growth oriented business" is a corporation,
19834 general partnership, limited partnership, joint venture, trust,
19835 proprietorship, or other similar entity or organization which is
19836 expected to experience significant sales growth over the



19837 subsequent five-year period. All investments made from investment
19838 monies raised by the fund, for which the tax credit provided by
19839 this chapter is allowed and for which the tax credit is made
19840 available by the fund in the prospectus or offering, must be made
19841 to provide venture capital to Mississippi businesses, this venture
19842 capital to be used primarily for the purpose of enhancing the
19843 production capacity of these businesses or their ability to do
19844 business in Mississippi. Seventy percent (70%) of these
19845 investment monies acquired by the fund for which the tax credit is
19846 allowed and available must be invested to provide venture capital
19847 financing of start-up businesses. The remaining thirty percent
19848 (30%) may be invested as the general partner of the fund
19849 determines to provide capital to Mississippi businesses.

19850 (6) (a) No business may be transacted or indebtedness
19851 incurred (not including indebtedness authorized to be incurred in
19852 Sections 57-77-15 and 57-77-17) except that as is incidental to
19853 the organization of the Magnolia Venture Capital Corporation or of
19854 the fund or to obtaining subscriptions to or payment for qualified
19855 interests, until consideration of Four Million Five Hundred
19856 Thousand Dollars (\$4,500,000.00) has been paid as a capital
19857 investment by a private investor or private investors to Magnolia
19858 Venture Capital Corporation or to the fund. It is the intent of
19859 the Legislature that the Magnolia Venture Capital Corporation
19860 and/or the fund shall always maintain a capital investment from a
19861 private investor or private investors of at least Four Million



19862 Five Hundred Thousand Dollars (\$4,500,000.00). If the Magnolia
19863 Venture Capital Corporation and/or the fund fail to obtain a
19864 capital investment from a private investor or private investors of
19865 at least Four Million Five Hundred Thousand Dollars
19866 (\$4,500,000.00), or if after having obtained such investment, the
19867 total of the private capital investments ever falls below Four
19868 Million Five Hundred Thousand Dollars (\$4,500,000.00), Magnolia
19869 Venture Capital Corporation and the fund shall suspend making
19870 investments and incurring indebtedness, and, if so directed by
19871 Magnolia Capital Corporation, the Board of Directors of Magnolia
19872 Venture Capital Corporation shall dissolve Magnolia Venture
19873 Capital Corporation and the fund in the manner provided by law and
19874 direct that all sums, causes of action and other assets held by
19875 the Magnolia Venture Capital Corporation and the fund be paid
19876 and/or assigned to the State Treasurer who shall administer such
19877 sums and other assets as provided by law.

19878 (b) If directed by Magnolia Capital Corporation
19879 pursuant to Section 57-77-9(5), the Board of Directors of Magnolia
19880 Venture Capital Corporation shall dissolve Magnolia Venture
19881 Capital Corporation and the fund in the manner provided by law and
19882 direct that all sums, causes of action and other assets held by
19883 the Magnolia Venture Capital Corporation and the fund be paid
19884 and/or assigned to the State Treasurer who shall administer such
19885 sums and other assets as provided by law.



19886 (7) All securities issued by either the Mississippi Venture
19887 Capital Corporation or the fund shall be exempt securities with
19888 regard to the Mississippi Uniform Securities Act.

19889 **SECTION 515.** Section 57-77-13, Mississippi Code of 1972, is
19890 brought forward as follows:

19891 57-77-13. Magnolia Venture Capital Corporation, but not the
19892 shareholders thereof, is exempt from all state income taxes and
19893 corporate license fees.

19894 **SECTION 516.** Section 57-77-15, Mississippi Code of 1972, is
19895 brought forward as follows:

19896 57-77-15. The Magnolia Capital Corporation shall make
19897 application for a loan to the department in a form satisfactory to
19898 the department.

19899 **SECTION 517.** Section 57-77-17, Mississippi Code of 1972, is
19900 brought forward as follows:

19901 57-77-17. The department shall lend funds under this chapter
19902 to Magnolia Capital Corporation in accordance with the following
19903 terms and conditions:

19904 (a) Loan funds received by Magnolia Capital Corporation
19905 in accordance with this chapter shall remain, and shall be
19906 considered to be, public funds and shall be used for the purpose
19907 of providing venture capital to Mississippi businesses through the
19908 Mississippi Venture Capital Fund Limited Partnership;

19909 (b) The loan agreement between the department and
19910 Magnolia Capital Corporation shall contain language necessary to



19911 effect the escrow of a portion of the loan in an account for the
19912 benefit of the department which, when the monies are invested in
19913 zero coupon bonds for a period not to exceed fifteen (15) years,
19914 shall mature at a value equal to or greater than one hundred
19915 percent (100%) of the total principal amount loaned to Magnolia
19916 Venture Capital Corporation;

19917 (c) The interest rate on the loan to Magnolia Capital
19918 Corporation shall be set by the executive director of the
19919 department; and

19920 (d) Funds received by the Magnolia Venture Capital
19921 Corporation and/or the Magnolia Venture Capital Fund Limited
19922 Partnership shall be subject to any loan agreement made between
19923 the department and the Magnolia Capital Corporation pursuant to
19924 this chapter; and, in the event of default on such loan agreement,
19925 such funds shall, upon demand of the department, be returned to
19926 the Venture Capital Fund in the State Treasury, regardless of
19927 whether or not the Magnolia Venture Capital Corporation or the
19928 Magnolia Venture Capital Fund Limited Partnership was a party to
19929 any loan agreement evidencing any such loan.

19930 **SECTION 518.** Section 57-77-19, Mississippi Code of 1972, is
19931 brought forward as follows:

19932 57-77-19. The department shall assist the Magnolia Capital
19933 Corporation with such corporation's compliance with the program
19934 provided for in this chapter.



19935 **SECTION 519.** Section 57-77-21, Mississippi Code of 1972, is
19936 brought forward as follows:

19937 57-77-21. Magnolia Capital Corporation shall submit the
19938 following reports to the department:

19939 (a) An annual audit of loan funds received in
19940 connection with the program;

19941 (b) Quarterly reports describing all venture capital
19942 assistance provided to businesses by Magnolia Venture Capital
19943 Corporation and the fund, such reports to include at least the
19944 following: a description of the business receiving assistance,
19945 the project to be assisted and the purpose of such assistance; a
19946 description of each loan and equity investment, including the
19947 terms and conditions thereof and use of the venture fund's
19948 assistance by the business; history of the assistance pool,
19949 including amounts expended for administration and management,
19950 principal amount of equity investments, losses, loans and other
19951 relevant data.

19952 **SECTION 520.** Section 57-77-23, Mississippi Code of 1972, is
19953 brought forward as follows:

19954 57-77-23. Subject to the provisions of this section,
19955 Magnolia Capital Corporation and Magnolia Venture Capital
19956 Corporation are hereby authorized to engage legal counsel,
19957 accountants, financial advisors, appraisers, consultants and
19958 others as needed in connection with providing venture capital to
19959 businesses pursuant to this chapter, and to charge the costs of



19960 these services to the businesses receiving such assistance or
19961 charge the proceeds of such assistance therefor. However, no such
19962 professional services may be engaged unless done so through action
19963 taken by a validly appointed board of directors having the legal
19964 authority to engage such services. To the extent required by the
19965 department, such professional services shall be engaged on a
19966 statewide program basis.

19967 **SECTION 521.** Section 57-77-25, Mississippi Code of 1972, is
19968 brought forward as follows:

19969 57-77-25. (1) The department shall adopt and publish the
19970 eligibility criteria for Magnolia Capital Corporation to
19971 participate in the program as set forth in this chapter, a
19972 timetable and process for review of applications from Magnolia
19973 Capital Corporation, and program report forms, all in accordance
19974 with this chapter; provided, however, that Magnolia Venture
19975 Capital Corporation shall recommend to Magnolia Capital
19976 Corporation the approval of assistance under this chapter, and
19977 Magnolia Capital Corporation shall have sole authority over the
19978 approval of assistance provided under this chapter, and Magnolia
19979 Venture Capital Corporation shall have sole authority over the
19980 management of the assistance provided under this chapter.

19981 (2) Magnolia Venture Capital Corporation shall prepare and
19982 adopt such uniform applications, forms, procedures and
19983 requirements for use in connection with the program as it deems
19984 necessary and appropriate.



19985 **SECTION 522.** Section 57-77-27, Mississippi Code of 1972, is
19986 brought forward as follows:

19987 57-77-27. No assistance shall be provided to a business
19988 under this chapter unless the business certifies to the Magnolia
19989 Venture Capital Corporation, in a form satisfactory to the
19990 department, that it will not discriminate against any employee or
19991 against any applicant for employment because of race, religion,
19992 color, national origin, sex or age.

19993 **SECTION 523.** Section 57-77-29, Mississippi Code of 1972, is
19994 brought forward as follows:

19995 57-77-29. (1) There is hereby created a special fund in the
19996 State Treasury, to be known as the Venture Capital Fund, out of
19997 which loans to Magnolia Capital Corporation authorized in
19998 connection with the program shall be disbursed. All monies
19999 received by issuance of bonds to carry out the purposes of this
20000 chapter shall be deposited into the Venture Capital Fund. No
20001 funds in the Venture Capital Fund, no funds transferred from the
20002 Venture Capital Fund to the department for subsequent transfer to
20003 the Magnolia Capital Corporation, no funds transferred to the
20004 Magnolia Capital Corporation, and no funds transferred by the
20005 Magnolia Capital Corporation to the Magnolia Venture Capital
20006 Corporation and/or the Magnolia Venture Capital Fund Limited
20007 Partnership may be used to provide financing for, or to contract
20008 for goods or services with, any business in which a director,
20009 employee, or limited partner of the Magnolia Capital Corporation,



20010 the Magnolia Venture Capital Corporation or the Magnolia Venture
20011 Capital Fund Limited Partnership, or the spouse of any such
20012 director, employee or limited partner has a direct or indirect
20013 interest. No funds in the Venture Capital Fund, no funds
20014 transferred from the Venture Capital Fund to the department for
20015 subsequent transfer to the Magnolia Capital Corporation, no funds
20016 transferred to the Magnolia Capital Corporation, and no funds
20017 transferred by the Magnolia Capital Corporation to the Magnolia
20018 Venture Capital Corporation and/or the Magnolia Venture Capital
20019 Fund Limited Partnership may be used to provide financing for, or
20020 to contract for goods or services with, any business in which a
20021 person who has been engaged pursuant to Section 57-77-23 or the
20022 spouse of such person has a direct or indirect interest.

20023 (2) All funds repaid to the State Treasury under this
20024 chapter or designated hereunder for repayment of any bonds issued
20025 under this chapter shall be delivered to the State Treasurer for
20026 deposit in the State General Fund. Any monetary assets received
20027 pursuant to Section 57-77-11(6) (a) shall be applied to pay the
20028 debt service on the bonds issued under the Venture Capital Act of
20029 1994, in accordance with the proceedings authorizing the issuance
20030 of such bonds and as directed by the State Bond Commission. Any
20031 nonmonetary assets shall be administered in the manner provided by
20032 law. Any monies remaining in the fund after it is utilized as
20033 provided for in this subsection (2) shall be deposited into the
20034 State General Fund.



20035 (3) Any monetary assets received pursuant to Section
20036 57-77-11(6) (b) shall be applied to pay valid monetary obligations
20037 of the Magnolia Capital Corporation and the Magnolia Venture
20038 Capital Corporation. Any nonmonetary assets shall be administered
20039 in the manner provided by law. Any monies remaining in the fund
20040 after it is utilized as provided in this subsection (3) shall be
20041 deposited as follows: (a) Six Million Four Hundred Thousand
20042 Dollars (\$6,400,000.00) of such monies shall be deposited into the
20043 State General Fund and (b) the remainder of such monies shall be
20044 deposited into the Budget Contingency Fund created in Section
20045 27-103-301.

20046 (4) Valid monetary obligations of the Magnolia Capital
20047 Corporation and the Magnolia Venture Capital Corporation shall not
20048 be impaired and shall be satisfied from the special fund created
20049 in this section.

20050 **SECTION 524.** Section 57-77-31, Mississippi Code of 1972, is
20051 brought forward as follows:

20052 57-77-31. (1) All bonds issued under the authority of this
20053 chapter shall be redeemed at maturity, together with all interest
20054 due, from time to time, on the bonds, and these principal and
20055 interest payments shall be paid from the General Fund.

20056 (2) In the event that all or any part of the bonds and notes
20057 are purchased, they shall be canceled and returned to the loan and
20058 transfer agent as canceled and paid bonds and notes; and,
20059 thereafter, all payments of interest thereon shall cease and the



20060 canceled bonds, notes and coupons shall be destroyed as promptly
20061 as possible after cancellation but not later than two (2) years
20062 after cancellation. A certificate evidencing the destruction of
20063 the canceled bonds, notes and coupons shall be provided by the
20064 loan and transfer agent to the seller.

20065 (3) The State Treasurer shall determine and report to the
20066 Department of Finance and Administration and Joint Legislative
20067 Budget Office by September 1 of each year the amount of money
20068 necessary for the payment of the principal of and interest on
20069 outstanding obligations for the following fiscal year and the
20070 times and amounts of the payments. It shall be the duty of the
20071 Governor to include in every executive budget submitted to the
20072 Legislature full information relating to the issuance of bonds and
20073 notes under the provisions of this chapter and the status of the
20074 General Fund for the payment of the principal of and interest on
20075 the bonds and notes.

20076 (4) Except as otherwise provided by law, the rate of
20077 interest on any loans made using funds from the Venture Capital
20078 Fund shall be in accordance with Section 57-77-17.
20079 Notwithstanding the provisions of any other law to the contrary,
20080 the interest rate charged shall not be set such that the aggregate
20081 of the interest, penalties and other payments in connection with
20082 such assistance made using funds from the Venture Capital Fund
20083 will cause the bonds issued pursuant to this chapter to be deemed
20084 arbitrage bonds pursuant to Section 148 of the Internal Revenue



20085 Code of 1986 and the regulations promulgated thereunder. In the
20086 case of assistance initially funded from the proceeds of notes and
20087 subsequently funded from renewal bonds and notes, the interest
20088 rate to be charged on the assistance shall be established in
20089 accordance with Section 57-77-17 upon the sale of bonds or notes,
20090 as the case may be, for such assistance.

20091 **SECTION 525.** Section 57-77-33, Mississippi Code of 1972, is
20092 brought forward as follows:

20093 57-77-33. (1) The seller is authorized to borrow, on the
20094 credit of the state, money not exceeding the aggregate sum of
20095 Twenty Million Dollars (\$20,000,000.00). Such borrowing may be
20096 evidenced by the issuance of bonds or notes, and the rate of
20097 interest on any such bonds or notes which are not subject to
20098 taxation shall not exceed the rates set forth in Section
20099 75-17-101, Mississippi Code of 1972, for general obligation bonds.

20100 (2) As evidence of indebtedness authorized in this chapter,
20101 general or limited obligation bonds or notes of the state shall be
20102 issued from time to time to provide monies necessary to carry out
20103 the purposes of this chapter for such total amount, in such form,
20104 in such denominations, payable in such currencies (either domestic
20105 or foreign or both), and subject to such terms and conditions of
20106 issue, redemption and maturity, rate of interest and time of
20107 payment of interest as the seller directs, except that such bonds
20108 shall mature or otherwise be retired in annual installments



20109 beginning not more than five (5) years from date thereof and
20110 extending not more than twenty (20) years from the date thereof.

20111 (3) All bonds and notes issued under authority of this
20112 chapter shall be signed by the chairman of the seller, or by his
20113 facsimile signature, and the official seal of the seller shall be
20114 affixed thereto, attested by the secretary of the seller.

20115 (4) All bonds and notes issued under authority of this
20116 chapter may be general or limited obligations of the state, and
20117 the full faith and credit of the State of Mississippi as to
20118 general obligation bonds, or the revenue derived from projects
20119 assisted as to limited obligation bonds, are hereby pledged for
20120 the payment of the principal of and interest on such bonds and
20121 notes.

20122 (5) Such bonds and notes and the income therefrom shall be
20123 exempt from all taxation in the State of Mississippi.

20124 (6) Bonds may be issued as coupon bonds or registered as to
20125 both principal and interest as the seller may determine. If
20126 interest coupons are attached, they shall contain the facsimile
20127 signature of the chairman and the secretary of the seller.

20128 (7) As to bonds issued hereunder and designated as taxable
20129 bonds by the seller, any immunity of the state to taxation by the
20130 United States government of interest on bonds or notes issued by
20131 the state is hereby waived.

20132 **SECTION 526.** Section 57-77-35, Mississippi Code of 1972, is
20133 brought forward as follows:



20134 57-77-35. (1) Whenever bonds are issued, they shall be
20135 offered for sale at not less than par value and accrued interest
20136 and shall be sold by the seller at public or private sale, from
20137 time to time, in such manner and at such price as may be
20138 determined by the seller to be most advantageous.

20139 (2) Any portion of any bond issue so offered and not sold or
20140 subscribed for at public sale may be disposed of by private sale
20141 by the seller in such manner and at such prices not less than par
20142 and accrued interest, as the seller shall direct.

20143 (3) When bonds are issued from time to time, the bonds of
20144 each issue shall constitute a separate series to be designated by
20145 the seller or may be combined for sale as one (1) series with
20146 other general obligation bonds of the State of Mississippi.

20147 (4) Until permanent bonds can be prepared, the seller may,
20148 in its discretion, issue in lieu of permanent bonds temporary
20149 bonds in such form and with such privileges as to registration and
20150 exchange for permanent bonds as may be determined by the seller.

20151 (5) Pending their application to the purposes authorized,
20152 bond proceeds held or deposited by the State Treasurer may be
20153 invested or reinvested as are other funds in the custody of the
20154 State Treasurer in the manner provided by law. All earnings
20155 received from the investment or deposit of such funds shall be
20156 paid into the State Treasury to the credit of the Venture Capital
20157 Fund.



20158 (6) The State Treasurer shall prepare the necessary registry
20159 book to be kept in the office of the duly authorized loan and
20160 transfer agent of the state for the registration of any bonds, at
20161 the request of the owners thereof, according to the terms and
20162 conditions of issue directed by the seller.

20163 (7) All costs and expenses in connection with the issue of
20164 and sale and registration of the bonds and notes in connection
20165 with this chapter, and all costs and expenses, validly incurred
20166 pursuant to this chapter, in connection with implementation of the
20167 program and development of application forms, procedures and
20168 requirements for use in connection with the program, may be paid
20169 from the proceeds of bonds and notes issued under this chapter.

20170 (8) The seller may provide, in the resolution authorizing
20171 the issuance of such bonds, for the employment of one or more
20172 persons or firms to assist in the sale of the bonds; to enter into
20173 contracts with financial institutions located either within or
20174 without the State of Mississippi to act as registrar, paying
20175 agents, transfer agents, or otherwise; for rating of the bonds;
20176 and to purchase insurance.

20177 **SECTION 527.** Section 57-77-37, Mississippi Code of 1972, is
20178 brought forward as follows:

20179 57-77-37. (1) The proceeds realized from the sale of bonds
20180 and notes under this chapter shall be paid to the State Treasurer
20181 and deposited into the Venture Capital Fund and specifically
20182 dedicated to the purposes enumerated in this chapter.



20183 (2) All nonfederal funds which may become available for the
20184 purposes of this chapter shall be deposited in the Venture Capital
20185 Fund and shall be allocated for the purposes of this chapter.

20186 **SECTION 528.** Section 57-77-39, Mississippi Code of 1972, is
20187 brought forward as follows:

20188 57-77-39. Except as otherwise authorized in Section 7-5-39,
20189 the Attorney General of the State of Mississippi shall represent
20190 the seller in issuing, selling and validating bonds or notes
20191 herein provided for, and the seller is hereby authorized and
20192 empowered to expend from the proceeds derived from the sale of the
20193 bonds or notes authorized hereunder all necessary administrative,
20194 legal and other expenses incidental and related to the issuance of
20195 bonds or notes authorized under this chapter.

20196 **SECTION 529.** Section 57-79-1, Mississippi Code of 1972, is
20197 brought forward as follows:

20198 57-79-1. This chapter shall be known and may be cited as
20199 the "Mississippi Small Town Development Act."

20200 **SECTION 530.** Section 57-79-3, Mississippi Code of 1972, is
20201 brought forward as follows:

20202 57-79-3. The Legislature finds that:

20203 (a) Many small towns and cities will benefit from
20204 professional and financial assistance;

20205 (b) The improvement of small towns and cities benefit
20206 the economic and general welfare of the people of the State of
20207 Mississippi;



20208 (c) Establishment of the Mississippi Small Town
20209 Development Program is an effective means to restore and
20210 strengthen Mississippi's small towns; and

20211 (d) It is the intent of the Legislature to establish
20212 the Mississippi Small Town Development Program.

20213 **SECTION 531.** Section 57-79-5, Mississippi Code of 1972, is
20214 brought forward as follows:

20215 57-79-5. For the purposes of this chapter, the following
20216 terms shall have the meanings ascribed herein unless the context
20217 shall otherwise require:

20218 (a) "Small town" shall mean any city, town or village
20219 with a population of five thousand (5,000) or fewer persons
20220 according to the most recent federal decennial census.

20221 (b) "Mississippi Small Town Development Fund" shall
20222 mean that fund administered by the Mississippi * * * Development
20223 Authority to assist small towns for purposes authorized under this
20224 chapter.

20225 (c) "Grant application development expenses" shall mean
20226 any preliminary study, survey, investigation, or report including
20227 engineering analysis or cost estimates, or other professional
20228 services required to submit a grant or loan application to any
20229 state or federal agency or department.

20230 (d) "Grant application matching requirement" means any
20231 state or federal grant or loan requirement for the contribution of



20232 cash or other in-kind services as a part of any such grant or loan
20233 application.

20234 (e) "Mississippi Small Town Technical Assistance
20235 Network" shall be that program administered by the
20236 Mississippi * * * Development Authority organized to provide both
20237 direct, individual technical assistance to small towns, and to
20238 maximize the efforts of other state and federal departments and
20239 agencies, as well as private not-for-profit organizations.

20240 **SECTION 532.** Section 57-79-7, Mississippi Code of 1972, is
20241 brought forward as follows:

20242 57-79-7. There is hereby authorized the creation of the
20243 Mississippi Small Town Development Program.

20244 **SECTION 533.** Section 57-79-9, Mississippi Code of 1972, is
20245 brought forward as follows:

20246 57-79-9. The Mississippi Small Town Development Program
20247 shall consist of the following:

20248 (a) The Mississippi Small Town Development Fund,
20249 administered by the Mississippi * * * Development Authority. Such
20250 fund shall be used to further the purposes of this chapter,
20251 specifically to provide grant application development expenses,
20252 grant application matching requirements and for related purposes.

20253 (b) Mississippi Small Town Technical Assistance
20254 Network, administered by the Mississippi * * * Development
20255 Authority, which shall consist of the following elements:



20256 (i) Provide direct technical assistance to
20257 individual small towns to improve their effectiveness and
20258 efficiency.

20259 (ii) Shall be organized geographically using
20260 Mississippi Planning and Development District lines.

20261 (iii) Shall not duplicate the efforts of the
20262 myriad public agencies, departments, and private not-for-profit
20263 corporations, but will seek to maximize the effectiveness of
20264 existing efforts to improve small town government in Mississippi.

20265 (iv) Shall be authorized to enter into mutually
20266 beneficial agreements with these and other local, state and
20267 federal agencies and departments, as well as private
20268 not-for-profit organizations, to receive donations, grants, real
20269 or personal property, and to further the purposes of this chapter.

20270 (v) May use interns from Mississippi's public
20271 universities through the existing Mississippi Public Service
20272 Internship Program.

20273 (c) Other programs of the Mississippi * * * Development
20274 Authority, as well as other state agencies, that currently target
20275 the small towns of the state shall work with the Mississippi Small
20276 Town Technical Assistance Network to improve their publicity and
20277 effectiveness.

20278 **SECTION 534.** Section 57-79-11, Mississippi Code of 1972, is
20279 brought forward as follows:



20280 57-79-11. The Mississippi Development Authority is
20281 authorized to contract with other public agencies, as well as
20282 private not-for-profit corporations, to further the purposes of
20283 this chapter.

20284 **SECTION 535.** Section 57-80-1, Mississippi Code of 1972, is
20285 brought forward as follows:

20286 57-80-1. This chapter shall be known and may be cited as the
20287 "Growth and Prosperity Act."

20288 **SECTION 536.** Section 57-80-3, Mississippi Code of 1972, is
20289 brought forward as follows:

20290 57-80-3. The Legislature finds and determines that there
20291 exists in this state a continuing need for programs to assist
20292 certain counties in encouraging economic development, the
20293 consequent job creation and retention, additional private
20294 investment and increased local and state revenue which together
20295 insures the further development of a balanced economy. To achieve
20296 these purposes, it is necessary to assist and encourage the
20297 creation of growth and prosperity by providing temporary relief
20298 from certain taxes within certain counties and within specific
20299 supervisors districts in certain other counties to certain
20300 business enterprises.

20301 Further, the Legislature finds and determines that the
20302 authority granted under this chapter and the purposes to be
20303 accomplished hereby are proper governmental and public purposes
20304 and that the resulting economic benefits to the state are of



20305 paramount importance, mandating that the provisions of this
20306 chapter be liberally construed and applied in order to advance the
20307 public purposes.

20308 **SECTION 537.** Section 57-80-5, Mississippi Code of 1972, is
20309 brought forward as follows:

20310 57-80-5. As used in this chapter, the following words and
20311 phrases shall have the meanings ascribed herein unless the context
20312 clearly indicates otherwise:

20313 (a) "Approved business enterprise" means any business
20314 enterprise seeking to locate or expand in a growth and prosperity
20315 county, which business enterprise is approved by the MDA.

20316 (b) "Business enterprise" means any new or expanded (i)
20317 industry for the manufacturing, processing, assembling, storing,
20318 warehousing, servicing, distributing or selling of any products or
20319 goods, including products of agriculture; (ii) enterprises for
20320 research and development, including, but not limited to,
20321 scientific laboratories; or (iii) such other businesses or
20322 industry as will be in furtherance of the public purposes of this
20323 chapter as determined by the MDA and which creates a minimum of
20324 ten (10) jobs. "Business enterprise" does not include retail or
20325 gaming businesses or electrical generation facilities.

20326 (c) "Eligible supervisors district" means:

20327 (i) A supervisors district:

20328 1. As such district exists on January 1,
20329 2001, in which thirty percent (30%) or more of such district's



20330 population as of June 30, 2000, is at or below the federal poverty
20331 level according to the official data compiled by the United States
20332 Census Bureau as of June 30, 2000, or the official 1990 census
20333 poverty rate data (the official 1990 census poverty rate data
20334 shall not be used to make any such determination after December
20335 31, 2002); or

20336 2. In which thirty percent (30%) or more of
20337 such district's population is at or below the federal poverty
20338 level according to the latest official data compiled by the United
20339 States Census Bureau;

20340 (ii) Which is contiguous to a county that meets
20341 the criteria of Section 57-80-7(1)(b); and

20342 (iii) Which is located in a county which has been
20343 issued a certificate of public convenience and necessity under
20344 this chapter.

20345 (d) "Growth and prosperity counties" means those
20346 counties which meet the requirements of this chapter and which
20347 have by resolution or order given its consent to participate in
20348 the Growth and Prosperity Program.

20349 (e) "Local tax" means any county or municipal ad
20350 valorem tax imposed on the approved business enterprise pursuant
20351 to law, except the school portion of the tax and any portion of
20352 the tax imposed to pay the cost of providing fire and police
20353 protection.



20354 (f) "Local taxing authority" means any county or
20355 municipality which by resolution or order has given its consent to
20356 participate in the Growth and Prosperity Program acting through
20357 its respective board of supervisors or the municipal governing
20358 board, council, commission or other legal authority.

20359 (g) "MDA" means the Mississippi Development Authority.

20360 (h) "State tax" means:

20361 (i) Any sales and use tax imposed on the business
20362 enterprise pursuant to law related to the purchase of component
20363 building materials and equipment for initial construction of
20364 facilities or expansion of facilities in a growth and prosperity
20365 county or supervisors districts, as the case may be;

20366 (ii) All income tax imposed pursuant to law on
20367 income earned by the business enterprise in a growth and
20368 prosperity county, or supervisors district, as the case may be;

20369 (iii) Franchise tax imposed pursuant to law on the
20370 value of capital used, invested or employed by the business
20371 enterprise in a growth and prosperity county, or supervisors
20372 district, as the case may be; and

20373 (iv) Any sales and use tax imposed on the lease of
20374 machinery and equipment acquired in the initial construction to
20375 establish the facility or for an expansion, including, but not
20376 limited to, leases in existence prior to January 1, 2001, as
20377 certified by the MDA, in a growth and prosperity county, or
20378 supervisors district, as the case may be.



20379 **SECTION 538.** Section 57-80-7, Mississippi Code of 1972, is
20380 brought forward as follows:

20381 57-80-7. (1) From and after December 31, 2000, the
20382 following counties may apply to the MDA for the issuance of a
20383 certificate of public convenience and necessity:

20384 (a) Any county of this state which has an annualized
20385 unemployment rate that is at least two hundred percent (200%) of
20386 the state's unemployment rate as of December 31 of any year after
20387 December 31, 2000, as determined by the Mississippi Department of
20388 Employment Security's most recently published data;

20389 (b) Any county of this state in which thirty percent
20390 (30%) or more of the population of the county is at or below the
20391 federal poverty level according to the official data compiled by
20392 the United States Census Bureau as of August 30, 2000, for
20393 counties that apply before December 31, 2002, or the most recent
20394 official data compiled by the United States Census Bureau for
20395 counties that apply from and after December 31, 2002; or

20396 (c) Any county of this state having an eligible
20397 supervisors district.

20398 (2) The application, at a minimum, must contain (a) the
20399 Mississippi Department of Employment Security's most recently
20400 published figures that reflect the annualized unemployment rate of
20401 the applying county as of December 31 or the most recent official
20402 data by the United States Census Bureau required by subsection (1)
20403 of this section, as the case may be, and (b) an order or



20404 resolution of the county consenting to the designation of the
20405 county as a growth and prosperity county.

20406 (3) Any municipality of a designated growth and prosperity
20407 county or within an eligible supervisors district and not more
20408 than eight (8) miles from the boundary of the county that meets
20409 the criteria of subsection (1)(b) of this section may by order or
20410 resolution of the municipality consent to participation in the
20411 Growth and Prosperity Program.

20412 (4) No incentive or tax exemption shall be given under this
20413 chapter without the consent of the affected county or
20414 municipality.

20415 **SECTION 539.** Section 57-80-9, Mississippi Code of 1972, is
20416 brought forward as follows:

20417 57-80-9. (1) Upon the issuance by the MDA of its
20418 certificate of public convenience and necessity, designating
20419 certain counties as growth and prosperity counties, any approved
20420 business enterprise in any such a growth and prosperity county or
20421 any approved business enterprise located within an eligible
20422 supervisors district within eight (8) miles of the boundary of the
20423 county that meets the criteria of Section 57-80-7(1)(b) shall be
20424 exempt from all local taxes levied by the county and all state
20425 taxes for a period of ten (10) years or until December 31, 2029,
20426 whichever occurs first, and upon consent of any municipality
20427 within such county or within such supervisors district and not
20428 more than eight (8) miles from the boundary of the county that



20429 meets the criteria of Section 57-80-7(1)(b), shall be exempt from
20430 all local taxes levied by such municipality for a period of ten
20431 (10) years or until December 31, 2033, whichever occurs first;
20432 however, if the business enterprise is located in an area that has
20433 been declared by the Governor to be a disaster area and as a
20434 direct result of the disaster the business enterprise is unable to
20435 utilize the exemption from state taxes, the MDA may extend the
20436 duration of the exemption from state taxes for not more than two
20437 (2) years or until December 31, 2033, whichever occurs first. Any
20438 business enterprise that has property or equipment purchased
20439 utilizing the state tax exemption that is damaged or destroyed as
20440 a result of the disaster may purchase replacement equipment and
20441 component building materials exempt from sales and use tax.

20442 (2) The following conditions, along with any other
20443 conditions the MDA shall promulgate from time to time by rule or
20444 regulation, shall apply to such exemptions: (a) any exemption
20445 provided under this chapter is nontransferable and cannot be
20446 applied, used or assigned to any other person or business or tax
20447 account; (b) no approved business enterprise may claim or use the
20448 exemption granted under this chapter unless that enterprise is in
20449 full compliance with all state and local tax laws, and related
20450 ordinances and resolutions; and (c) the approved business
20451 enterprise must enter into an agreement with the MDA which sets
20452 out, at a minimum the performance requirements of the approved
20453 business enterprise during the term of the exemption and



20454 provisions for the recapture of all or a portion of the taxes
20455 exempted if the performance requirements of the approved business
20456 enterprise are not met.

20457 (3) Upon entering into such an agreement, the MDA shall
20458 forward such agreement to the Department of Revenue and the
20459 affected local taxing authorities so that the exemption can be
20460 implemented. The Department of Revenue shall promulgate rules and
20461 regulations, in accordance with the Mississippi Administrative
20462 Procedures Law, for the implementation of both local and state
20463 exemptions granted under this chapter.

20464 (4) Any business enterprise that relocates its present
20465 operation and jobs to a growth and prosperity county or an
20466 eligible supervisors district and not more than eight (8) miles
20467 from the boundary of the county that meets the criteria of Section
20468 57-80-7(1)(b) from another county in the state shall not receive
20469 any of the exemptions granted in this chapter.

20470 (5) If the annualized unemployment rate in a growth and
20471 prosperity county falls below one hundred fifty percent (150%) of
20472 the state's annualized unemployment rate for three (3) consecutive
20473 calendar years and less than thirty percent (30%) of the
20474 population of the county is at or below the federal poverty level
20475 according to the most recent official data compiled by the United
20476 States Census Bureau as of December 31 of the third of such
20477 consecutive calendar years, the tax exemptions authorized under



20478 this chapter may not be granted to additional business
20479 enterprises.

20480 **SECTION 540.** Section 57-80-11, Mississippi Code of 1972, is
20481 brought forward as follows:

20482 57-80-11. The MDA shall promulgate rules and regulations, in
20483 accordance with the Mississippi Administrative Procedures Law, for
20484 the implementation and administration of this chapter.

20485 **SECTION 541.** Section 57-85-1, Mississippi Code of 1972, is
20486 brought forward as follows:

20487 57-85-1. This chapter shall be known and may be cited as the
20488 "Mississippi Rural Impact Act."

20489 **SECTION 542.** Section 57-85-3, Mississippi Code of 1972, is
20490 brought forward as follows:

20491 57-85-3. The Legislature finds and determines that:

20492 (a) There exists in the State of Mississippi a
20493 continuing need for gainful employment for the citizens of the
20494 rural areas of the state.

20495 (b) To help provide employment opportunities and to
20496 impact the quality of life in these rural areas, a division within
20497 the Mississippi Development Authority should be created with power
20498 to promote business and economic development through job producing
20499 programs and by providing financial assistance to communities and
20500 businesses.

20501 (c) In accomplishing this purpose, such division will
20502 be acting in all respects for the benefit of the people of the



20503 state in the performance of essential public functions and serving
20504 a valid purpose in improving or otherwise promoting their health,
20505 welfare and prosperity, and the enactment of the provisions
20506 hereinafter set forth is for a valid public purpose.

20507 (d) The borrowing of money and the issuance of bonds
20508 for the purposes hereinafter set forth serves valid public
20509 purposes that will contribute to the employment base of the state.

20510 **SECTION 543.** Section 57-85-5, Mississippi Code of 1972, is
20511 brought forward as follows:

20512 57-85-5. (1) For the purposes of this section, the
20513 following words and phrases shall have the meanings ascribed in
20514 this section unless the context clearly indicates otherwise:

20515 (a) "MDA" means the Mississippi Development Authority.

20516 (b) "Project" means construction, rehabilitation or
20517 repair of buildings; sewer systems and transportation directly
20518 affecting the site of the proposed rural business; sewer
20519 facilities, acquisition of real property, development of real
20520 property, improvements to real property, and any other project
20521 approved by the Mississippi Development Authority.

20522 (c) "Rural business" means a new or existing business
20523 located or to be located in a rural community or a business or
20524 industry located or to be located within five (5) miles of a rural
20525 community. "Rural business" does not include gaming businesses or
20526 utility businesses.



20527 (d) "Rural community" means a county in the State of
20528 Mississippi that meets the population criteria for the term
20529 "limited population county" as provided in Section 57-1-18.
20530 "Rural community" also means a municipality in the State of
20531 Mississippi that meets the population criteria for the term "small
20532 municipality" as provided in Section 57-1-18.

20533 (2) (a) There is created in the State Treasury a special
20534 fund to be designated as the "Mississippi Rural Impact Fund,"
20535 which shall consist of funds appropriated or otherwise made
20536 available by the Legislature in any manner and funds from any
20537 other source designated for deposit into such fund. Unexpended
20538 amounts remaining in the fund at the end of a fiscal year shall
20539 not lapse into the State General Fund, and any investment earnings
20540 or interest earned on amounts in the fund shall be deposited to
20541 the credit of the fund. Monies in the fund shall be used to make
20542 grants and loans to rural communities and loan guaranties on
20543 behalf of rural businesses to assist in completing projects under
20544 this section.

20545 (b) Monies in the fund which are derived from proceeds
20546 of bonds issued after April 15, 2003, may be used to reimburse
20547 reasonable actual and necessary costs incurred by the MDA for the
20548 administration of the various grant, loan and financial incentive
20549 programs administered by the MDA. An accounting of actual costs
20550 incurred for which reimbursement is sought shall be maintained by
20551 the MDA. Reimbursement of reasonable actual and necessary costs



20552 shall not exceed three percent (3%) of the proceeds of bonds
20553 issued. Reimbursements under this paragraph (b) shall satisfy any
20554 applicable federal tax law requirements.

20555 (c) The MDA may use monies in the fund to pay for the
20556 services of architects, engineers, attorneys and such other
20557 advisors, consultants and agents that the MDA determines are
20558 necessary to review loan and grant applications and to implement
20559 and administer the program established under this section.

20560 (d) The State Auditor may conduct performance and
20561 compliance audits under this chapter according to Section
20562 7-7-211(o) and may bill the oversight agency.

20563 (3) The MDA shall establish a program to make grants and
20564 loans to rural communities and loan guaranties on behalf of rural
20565 businesses from the Mississippi Rural Impact Fund. A rural
20566 community may apply to the MDA for a grant or loan under this
20567 section in the manner provided for in this section. A rural
20568 business may apply to the MDA for a loan guaranty under this
20569 section in the manner provided in this section.

20570 (4) A rural community desiring assistance under this section
20571 must submit an application to the MDA. The application must
20572 include a description of the project for which assistance is
20573 requested, the cost of the project for which assistance is
20574 requested and any other information required by the MDA. A rural
20575 business desiring assistance under this section must submit an
20576 application to the MDA. The application must include a



20577 description of the purpose for which assistance is requested and
20578 any other information required by the MDA. The MDA may waive any
20579 requirements of the program established under this section in
20580 order to expedite funding for unique projects.

20581 (5) The MDA shall have all powers necessary to implement and
20582 administer the program established under this section, and the MDA
20583 shall promulgate rules and regulations, in accordance with the
20584 Mississippi Administrative Procedures Law, necessary for the
20585 implementation of this section.

20586 **SECTION 544.** Section 57-89-1, Mississippi Code of 1972, is
20587 brought forward as follows:

20588 57-89-1. The provisions of this chapter shall be known and
20589 may be cited as the "Mississippi Motion Picture Incentive Act."

20590 **SECTION 545.** Section 57-89-3, Mississippi Code of 1972, is
20591 brought forward as follows:

20592 57-89-3. As used in this chapter, the following terms shall
20593 have the meanings ascribed in this section unless the context
20594 clearly indicates otherwise:

20595 (a) "Base investment" means the actual investment made
20596 and expended in Mississippi by a motion picture production company
20597 in connection with the production of a state-certified production
20598 in the state. The term "base investment" includes amounts
20599 expended in Mississippi by a motion picture production company as
20600 per diem and housing allowances in connection with the production
20601 of a state-certified production in the state. The term "base



20602 investment" shall not include payroll. However, in the case of a
20603 motion picture production company, or its owner, principal,
20604 member, production partner, independent contractor director or
20605 producer, or subsidiary company that (i) is designated and
20606 pre-qualified by the Mississippi Development Authority as
20607 Mississippi-based or a Mississippi resident; (ii) has filed income
20608 taxes in the State of Mississippi during each of the previous
20609 three (3) years; and (iii) has engaged in activities related to
20610 the production of at least two (2) motion pictures in Mississippi
20611 during the past ten (10) years, base investment may include
20612 payroll and fringes paid for any employee who is not a resident
20613 and whose wages are subject to the Mississippi Income Tax
20614 Withholding Law of 1968, if so requested by the motion picture
20615 production company. A motion picture production company must
20616 submit such a request to the Mississippi Development Authority at
20617 the time the company submits an application for approval as a
20618 state-certified production. In addition, if base investment
20619 includes payroll and fringes, and the payroll and fringes paid for
20620 an employee exceeds Five Million Dollars (\$5,000,000.00), then
20621 only the first Five Million Dollars (\$5,000,000.00) of such
20622 payroll and fringes may be included in base investment.

20623 (b) "Employee" means an individual directly involved in
20624 the physical production and/or post-production of a motion picture
20625 produced in the state and who is employed by a:



20626 (i) Motion picture production company that is
20627 directly involved in the physical production and/or
20628 post-production of a motion picture in the state;

20629 (ii) Personal service corporation retained by a
20630 motion picture production company to provide persons used directly
20631 in the physical production and/or post-production of a motion
20632 picture in the state; or

20633 (iii) Payroll service or loan-out company that is
20634 retained by a motion picture production company to provide
20635 employees who work directly in the physical production and/or
20636 post-production of a motion picture in the state.

20637 (c) "Fringes" means costs paid by a motion picture
20638 production company on or after September 1, 2013, for employee
20639 benefits that are not subject to state income tax. Fringes may
20640 include, but are not limited to, payments by an employer for
20641 unemployment insurance, Federal Insurance Contribution Act (FICA),
20642 workers' compensation insurance, pension and welfare benefits and
20643 health insurance premiums.

20644 (d) "Motion picture" means a nationally distributed
20645 feature-length film, video, DVD, television program or series,
20646 commercial, or computer or video game made in Mississippi, in
20647 whole or in part, for theatrical or DVD release or television
20648 viewing or as a television pilot or viewing through streaming
20649 video or internet delivery, or for playing on a video game
20650 console, personal computer or handheld device. The term "motion



20651 picture" shall not include the production of television coverage
20652 of news and athletic events, or a film, video, DVD, television
20653 program, series, or commercial that contains any material or
20654 performance defined in Section 97-29-103.

20655 (e) "Motion picture production company" means a company
20656 engaged in the business of producing nationally distributed motion
20657 pictures, videos, DVDs, television programs or series,
20658 commercials, or computer or video games intended for a theatrical
20659 release, for television viewing or for playing on a video game
20660 console, personal computer or handheld device. The term "motion
20661 picture production company" includes a company engaged in the
20662 business of making such productions through the use of animation,
20663 interactive media, preproduction and post-production 3D
20664 applications, video game cinematics, virtual production, visual
20665 effects, and motion capture within the fields of feature film,
20666 television, commercials and games. The term "motion picture
20667 production company" shall not mean or include any company owned,
20668 affiliated, or controlled, in whole or in part, by any company or
20669 person which is in default on a loan made by the state or a loan
20670 guaranteed by the state, or any company or person who has ever
20671 declared bankruptcy under which an obligation of the company or
20672 person to pay or repay public funds or monies was discharged as a
20673 part of such bankruptcy.



20674 (f) "Payroll" means salary, wages or other compensation
20675 including related benefits paid to employees upon which
20676 Mississippi income tax is due and has been withheld.

20677 (g) "Resident" or "resident of Mississippi" means a
20678 natural person, and for the purpose of determining eligibility for
20679 the rebate provided by Section 57-89-7, any person domiciled in
20680 the State of Mississippi and any other person who maintains a
20681 permanent place of abode within the state and spends in the
20682 aggregate more than six (6) months of each year within the state.

20683 (h) "State" means the State of Mississippi.

20684 (i) "State-certified production" means a motion picture
20685 approved by the Mississippi Development Authority produced by a
20686 motion picture production company in the state. An application
20687 for approval as a state-certified production must be submitted to
20688 the Mississippi Development Authority before production of the
20689 project begins.

20690 **SECTION 546.** Section 57-89-7, Mississippi Code of 1972, is
20691 brought forward as follows:

20692 57-89-7. (1) (a) A motion picture production company that
20693 expends at least Fifty Thousand Dollars (\$50,000.00) in base
20694 investment, payroll and/or fringes, in the state shall be entitled
20695 to a rebate of a portion of the base investment made by the motion
20696 picture production company. Subject to the provisions of this
20697 section, the amount of the rebate shall be equal to twenty-five



20698 percent (25%) of the base investment made by the motion picture
20699 production company.

20700 (b) In addition to the rebates authorized under
20701 paragraphs (a), (c) and (d) of this subsection, a motion picture
20702 production company may receive a rebate equal to twenty-five
20703 percent (25%) of payroll and fringes paid for any employee who is
20704 not a resident and whose wages are subject to the Mississippi
20705 Income Tax Withholding Law of 1968. However, if the payroll and
20706 fringes paid for an employee exceeds Five Million Dollars
20707 (\$5,000,000.00), then the rebate is authorized only for the first
20708 Five Million Dollars (\$5,000,000.00) of such payroll and fringes.

20709 (c) In addition to the rebates authorized under
20710 paragraphs (a), (b) and (d) of this subsection, a motion picture
20711 production company may receive a rebate equal to thirty percent
20712 (30%) of payroll and fringes paid for any employee who is a
20713 resident and whose wages are subject to the Mississippi Income Tax
20714 Withholding Law of 1968. However, if the payroll and fringes paid
20715 for an employee exceeds Five Million Dollars (\$5,000,000.00), then
20716 the rebate is authorized only for the first Five Million Dollars
20717 (\$5,000,000.00) of such payroll and fringes.

20718 (d) In addition to the rebates authorized in paragraphs
20719 (a), (b) and (c) of this subsection, a motion picture production
20720 company may receive an additional rebate equal to five percent
20721 (5%) of the payroll and fringes paid for any employee who is an
20722 honorably discharged veteran of the United States Armed Forces and



20723 whose wages are subject to the Mississippi Income Tax Withholding
20724 Law of 1968.

20725 (e) If a motion picture has physical production
20726 activities and/or post-production activities both inside and
20727 outside the state, then the motion picture production company
20728 shall be required to provide an itemized accounting for each
20729 employee regarding such activities inside and outside the state
20730 for the purposes of proration of eligible payroll based on the
20731 percentage of activities performed in the state.

20732 (f) The total amount of rebates authorized for a motion
20733 picture project shall not exceed Ten Million Dollars
20734 (\$10,000,000.00) in the aggregate.

20735 (g) The total amount of rebates authorized in any
20736 fiscal year shall not exceed Twenty Million Dollars
20737 (\$20,000,000.00) in the aggregate.

20738 (2) A motion picture production company desiring a rebate
20739 under this section must submit a rebate request to the Department
20740 of Revenue upon completion of the project. The request must
20741 include a detailed accounting of the base investment made by the
20742 motion picture production company and any other information
20743 required by the Department of Revenue. Rebates made by the
20744 Department of Revenue under this section shall be made from
20745 current income tax collections. The Department of Revenue shall
20746 not approve any application for a rebate under subsection (1) (b)
20747 of this section after July 1, 2017.



20748 (3) The Department of Revenue shall have all powers
20749 necessary to implement and administer the provisions of this
20750 section, and the Department of Revenue shall promulgate rules and
20751 regulations, in accordance with the Mississippi Administrative
20752 Procedures Law, necessary for the implementation of this section.

20753 (4) The State Auditor may conduct performance and compliance
20754 audits under this chapter according to Section 7-7-211(o) and may
20755 bill the oversight agency.

20756 **SECTION 547.** Section 57-91-1, Mississippi Code of 1972, is
20757 brought forward as follows:

20758 57-91-1. This chapter shall be known and may be cited as the
20759 "Economic Redevelopment Act."

20760 **SECTION 548.** Section 57-91-3, Mississippi Code of 1972, is
20761 brought forward as follows:

20762 57-91-3. The Legislature finds and determines that there
20763 exists in this state a continuing need for programs to assist
20764 certain counties and municipalities in encouraging economic
20765 development, the consequent job creation and retention, additional
20766 private investment and increased local and state revenue which
20767 together insures the further development of a balanced economy.
20768 The Legislature further finds that this need is particularly great
20769 in counties and municipalities where there are located certain
20770 environmentally contaminated sites that are not currently
20771 conducive to such economic development. To achieve the combined
20772 purposes of encouraging economic development on and around



20773 environmentally contaminated sites, it is necessary to assist and
20774 encourage such economic development by providing temporary tax
20775 incentives within certain counties and municipalities to certain
20776 business enterprises.

20777 Further, the Legislature finds and determines that the
20778 authority granted under this chapter and the purposes to be
20779 accomplished hereby are proper governmental and public purposes
20780 and that the resulting economic benefits to the state are of
20781 paramount importance, mandating that the provisions of this
20782 chapter be liberally construed and applied in order to advance the
20783 public purposes.

20784 **SECTION 549.** Section 57-91-5, Mississippi Code of 1972, is
20785 brought forward as follows:

20786 57-91-5. As used in this chapter, the following words and
20787 phrases shall have the meanings ascribed herein unless the context
20788 clearly indicates otherwise:

20789 (a) "Business enterprise" means any permanent business
20790 enterprise locating or relocating within a redevelopment project
20791 area, including, without limitation:

20792 (i) Industry for the manufacturing, processing,
20793 assembling, storing, warehousing, servicing, distributing or
20794 selling of any products or goods, including products of
20795 agriculture;

20796 (ii) Enterprises for research and development,
20797 including, but not limited to, scientific laboratories;



20798 (iii) Industry for the retail sale of goods and
20799 services;

20800 (iv) The industry for recreation and hospitality,
20801 including, but not limited to, restaurants, hotels and sports
20802 facilities; and

20803 (v) Such other businesses or industry as will be
20804 in furtherance of the public purposes of this chapter as
20805 determined by the MDA.

20806 The term "business enterprise" shall not include gaming
20807 businesses.

20808 (b) "Contaminated site" means real property that is
20809 either (i) subject to a bankruptcy court order in which the
20810 property has been abandoned from the bankruptcy estate, or (ii)
20811 Brownfield property that is subject to a Brownfield agreement
20812 under Section 49-35-11, and the expansion, redevelopment or reuse
20813 of which is complicated by the presence or potential presence of a
20814 hazardous substance, pollutant or contaminant.

20815 (c) "County" means any county of this state.

20816 (d) "Developer" means any person who assumes certain
20817 environmental liability at a contaminated site and enters into an
20818 agreement with a redevelopment county or municipality whereby the
20819 developer agrees to undertake a redevelopment project. "Developer
20820 agreement" means said agreement.

20821 (e) "Governing body" means the board of supervisors of
20822 any county or the governing board of a municipality.



20823 (f) "Law" means any act or statute, general, special or
20824 local, of this state.

20825 (g) "MDA" means the Mississippi Development Authority.

20826 (h) "MDEQ" means the Mississippi Department of
20827 Environmental Quality.

20828 (i) "Municipality" means any incorporated municipality
20829 in the state.

20830 (j) "Person" means a natural person, partnership,
20831 association, corporation, business trust or other business entity.

20832 (k) "Redevelopment counties and municipalities" means
20833 those counties or municipalities which meet the requirements of
20834 this chapter and which have by resolution or order designated a
20835 redevelopment project area and given its consent to participate in
20836 the program established under this chapter.

20837 (l) "Redevelopment project" means a project that
20838 combines remediation of a contaminated site with the planned
20839 development of such site and surrounding land in a manner
20840 conducive to use by the public or business enterprises including
20841 the construction of recreational facilities.

20842 (m) "Redevelopment project area" means the geographic
20843 area defined by resolution of the county or municipality within
20844 which the remediation and planned development will take place
20845 containing the contaminated site and additional surrounding and
20846 adjacent land and waterfront, not exceeding six hundred fifty
20847 (650) acres, suitable for development.



20848 (n) "Resolution" means an order, resolution, ordinance,
20849 act, record of minutes or other appropriate enactment of a
20850 governing body.

20851 (o) "State taxes and fees" means any sales tax imposed
20852 on the sales or certain purchases by a business enterprise
20853 pursuant to law within a redevelopment project area, all income
20854 tax imposed pursuant to law on income earned by the approved
20855 business enterprise within a redevelopment project area and all
20856 franchise tax imposed pursuant to law on the value of capital
20857 used, invested or employed by the approved business enterprise in
20858 a redevelopment project area.

20859 **SECTION 550.** Section 57-91-7, Mississippi Code of 1972, is
20860 brought forward as follows:

20861 57-91-7. (1) From and after January 1, 2005, any counties
20862 or municipalities meeting the following conditions may apply to
20863 the MDA for the issuance of a certificate of public convenience
20864 and necessity:

20865 (a) There is located within such county or municipality
20866 a contaminated site;

20867 (b) There has been established by resolution of the
20868 county or municipality a redevelopment project area;

20869 (c) There is submitted to the MDA application for
20870 designation as a redevelopment county or municipality which, at
20871 minimum, contains (i) MDEQ concurrence of the existence of a
20872 contaminated site and concurrence and involvement in the



20873 assessment and remediation plan, (ii) a resolution of the county
20874 or municipality setting forth the boundaries of the redevelopment
20875 project area and consenting to the designation of the county or
20876 municipality as a redevelopment county or municipality, and (iii)
20877 a developer agreement.

20878 (2) If a proposed redevelopment project area falls wholly
20879 within the municipality, only the municipality must apply to the
20880 MDA for designation as a redevelopment municipality. If a
20881 proposed redevelopment project area falls wholly within the county
20882 and outside the boundaries of a municipality, only the county may
20883 apply to the MDA for designation as a redevelopment county. If a
20884 proposed redevelopment project area falls partly within and partly
20885 without a municipality, then both the county and municipality must
20886 apply for designation as a redevelopment county and municipality;
20887 however, the county and municipality may submit a single
20888 application to the MDA, but the governing bodies of both the
20889 county and the municipality must pass resolutions meeting the
20890 requirements of paragraph (c)(ii) of subsection (1) of this
20891 section.

20892 **SECTION 551.** Section 57-91-9, Mississippi Code of 1972, is
20893 brought forward as follows:

20894 57-91-9. (1) There is created in the State Treasury a
20895 special fund to be known as the "Redevelopment Project Incentive
20896 Fund," into which shall be deposited certain state taxes and fees



20897 collected from business enterprises located within the
20898 redevelopment project area.

20899 The monies in the fund shall be used for the purpose of
20900 making the incentive payments authorized in this section. The
20901 fund shall be administered by the MDA. Any interest earned on or
20902 investment earnings on the amounts in the fund shall be deposited
20903 to the credit of the fund. Unexpended amounts remaining in the
20904 fund at the end of a fiscal year that are not necessary for
20905 incentive payments shall lapse into the General Fund. The MDA may
20906 use not more than one percent (1%) of interest earned or
20907 investment earnings, or both, on amounts in the fund for
20908 administration and management of the incentive program. The MDEQ
20909 may use not more than one percent (1%) of interest earned or
20910 investment earnings, or both, on amounts in the fund for oversight
20911 costs of the assessment and remediation of the contaminated site.

20912 (2) (a) Incentive payments may be made by the MDA to a
20913 developer in connection with a redevelopment project. Subject to
20914 the provisions of this subsection, the payments to a developer
20915 shall be for the amount of state taxes and fees collected from
20916 business enterprises located and operating within a redevelopment
20917 project area and deposited into the Redevelopment Project
20918 Incentive Fund. In the case of sales taxes, the amounts deposited
20919 in the Redevelopment Project Incentive Fund shall be reduced by
20920 the diversions required in Section 27-65-75. The MDA shall make
20921 payments to an approved participant on a semiannual basis with



20922 payments being made in the months of January and July. The MDA
20923 shall make the calculations necessary to make the payments
20924 provided for in this section. The MDA shall cease making
20925 incentive payments to a developer fifteen (15) years from the date
20926 that is two (2) years after the date on which the redevelopment
20927 project is approved by the MDA.

20928 (b) Except as otherwise provided in this subsection,
20929 payments made to a developer under this section shall be in the
20930 following amounts:

20931 (i) For the first six (6) years in which such
20932 payments are made, the developer shall receive one hundred percent
20933 (100%) of the funds deposited into the Redevelopment Project
20934 Incentive Fund;

20935 (ii) For the seventh year in which such payments
20936 are made, the developer shall receive eighty percent (80%) of the
20937 funds deposited into the Redevelopment Project Incentive Fund;

20938 (iii) For the eighth year in which such payments
20939 are made, the developer shall receive seventy percent (70%) of the
20940 funds deposited into the Redevelopment Project Incentive Fund;

20941 (iv) For the ninth year in which such payments are
20942 made, the developer shall receive sixty percent (60%) of the funds
20943 deposited into the Redevelopment Project Incentive Fund; and

20944 (v) For the tenth year and any subsequent year in
20945 which such payments are made, the developer shall receive fifty



20946 percent (50%) of the funds deposited into the Redevelopment
20947 Project Incentive Fund.

20948 (c) In no event shall the total aggregate amount of
20949 incentive payments that may be made to a developer under this
20950 section exceed two and one-half (2-1/2) times the amount of the
20951 allowable cost of remediation of the contaminated site. The
20952 allowable cost of remediation of the contaminated site shall be
20953 jointly determined by the MDEQ and the MDA.

20954 (d) Any monies in the Redevelopment Project Incentive
20955 Fund which are not used for the purpose of making incentive
20956 payments to a developer shall be deposited into the State General
20957 Fund. The developer shall not distribute the proceeds of any
20958 incentive payment to a business enterprise.

20959 (3) At such time as payments are no longer required to be
20960 made to a developer, the MDA shall notify the Department of
20961 Revenue and the state taxes and fees collected from business
20962 enterprises located within the redevelopment project area shall no
20963 longer be deposited into the Redevelopment Project Incentive Fund.

20964 **SECTION 552.** Section 57-91-11, Mississippi Code of 1972, is
20965 brought forward as follows:

20966 57-91-11. The MDA shall promulgate rules and regulations, in
20967 accordance with the Mississippi Administrative Procedures Law, for
20968 the implementation and administration of this chapter.

20969 **SECTION 553.** Section 57-93-1, Mississippi Code of 1972, is
20970 brought forward as follows:



20971 57-93-1. (1) As used in this section:

20972 (a) "Existing industry" means a manufacturing

20973 enterprise that has been operating in this state for not less than

20974 two (2) consecutive years that meets minimum criteria established

20975 by the Mississippi Development Authority.

20976 (b) "Long-term fixed assets" means assets that:

20977 (i) Through new technology will improve an

20978 enterprise's productivity and competitiveness; and

20979 (ii) Meet criteria established by the Mississippi

20980 Development Authority.

20981 (c) "MDA" means the Mississippi Development Authority.

20982 (2) (a) There is established the Mississippi Existing

20983 Industry Productivity Loan Program to be administered by the MDA

20984 for the purpose of providing loans to:

20985 (i) Existing industries to deploy long-term fixed

20986 assets that through new technology will improve productivity and

20987 competitiveness;

20988 (ii) Existing industries for the purchase or

20989 refinancing of land, buildings or equipment; and

20990 (iii) Counties or incorporated municipalities to

20991 assist existing industries in deploying long-term fixed assets

20992 that through new technology will improve productivity and

20993 competitiveness and to assist existing industries through the

20994 purchase of land, buildings and equipment.



20995 (b) (i) An existing industry that accepts a loan under
20996 this program shall not reduce employment by more than twenty
20997 percent (20%) through the use of the long-term fixed assets for
20998 which the loan is granted.

20999 (ii) An existing industry that accepts assistance
21000 from a county or incorporated municipality through a loan made
21001 under this program shall not reduce employment by more than twenty
21002 percent (20%) through the use of the long-term fixed assets for
21003 which the assistance is granted.

21004 (c) An existing industry desiring a loan under this
21005 section must submit an application to the MDA. The application
21006 shall include:

21007 (i) A description of the purpose for which the
21008 loan is requested;

21009 (ii) The amount of the loan requested;

21010 (iii) The estimated total cost of the project;

21011 (iv) A two-year business plan for the project;

21012 (v) Financial statements or tax returns for the
21013 existing industry for the two (2) years immediately prior to the
21014 application;

21015 (vi) Credit reports on all persons or entities
21016 with a twenty percent (20%) or greater interest in the enterprise;
21017 and

21018 (vii) Any other information required by the MDA.



21019 (d) A county or incorporated municipality desiring a
21020 loan under this section must submit an application to the MDA.
21021 The application shall include:
21022 (i) A description of the purpose for which the
21023 loan is requested;
21024 (ii) The amount of the loan requested;
21025 (iii) The estimated total cost of the project;
21026 (iv) A statement showing the sources of funding
21027 for the project;
21028 (v) A two-year business plan for the project;
21029 (vi) Financial statements or tax returns for the
21030 existing industry for the two (2) years immediately prior to the
21031 application;
21032 (vii) Credit reports on all persons or entities
21033 with a twenty percent (20%) or greater interest in the existing
21034 industry;
21035 (viii) Any commitment by the existing industry to
21036 pay rental on, or to make loan repayments related to, the
21037 assistance; and
21038 (ix) Any other information required by the MDA.
21039 (e) The MDA shall require that binding commitments be
21040 entered into requiring that:
21041 (i) The minimum requirements of this section and
21042 such other requirements as the MDA considers proper shall be met;
21043 and



21044 (ii) If such requirements are not met, all or a
21045 portion of the funds provided by this section as determined by the
21046 MDA shall be repaid.

21047 (f) The rate of interest on loans under this section
21048 shall be set by the MDA.

21049 (g) The MDA shall have all powers necessary to
21050 implement and administer the program established under this
21051 section, and the MDA shall promulgate rules and regulations, in
21052 accordance with the Mississippi Administrative Procedures Law,
21053 necessary for the implementation of this section. However, in
21054 making loans under this section, the MDA shall attempt to provide
21055 for an equitable distribution of such loans among each of the
21056 congressional districts of this state in order to promote economic
21057 development across the entire state.

21058 (3) (a) There is created in the State Treasury a special
21059 fund to be designated as the "Mississippi Existing Industry
21060 Productivity Loan Fund," which shall consist of funds appropriated
21061 or otherwise made available by the Legislature in any manner and
21062 funds from any other source designated for deposit into such fund.
21063 Unexpended amounts remaining in the fund at the end of a fiscal
21064 year shall not lapse into the State General Fund, and any
21065 investment earnings or interest earned on amounts in the fund
21066 shall be deposited to the credit of the fund. Monies in the fund
21067 shall be used by the MDA for the purposes described in this
21068 section.



21069 (b) Monies in the fund which are derived from the
21070 proceeds of general obligation bonds may be used to reimburse
21071 reasonable actual and necessary costs incurred by the MDA for the
21072 administration of the various grant, loan and financial incentive
21073 programs administered by the MDA. An accounting of actual costs
21074 incurred for which reimbursement is sought shall be maintained by
21075 the MDA. Reimbursement of reasonable actual and necessary costs
21076 shall not exceed three percent (3%) of the proceeds of bonds that
21077 are deposited into the fund. Reimbursements made under this
21078 subsection shall satisfy any applicable federal tax law
21079 requirements.

21080 (c) (i) There is hereby created the Mississippi
21081 Existing Industry Productivity Loan Program Bond Sinking Fund from
21082 which the principal and interest on bonds whose proceeds are
21083 deposited into the Mississippi Existing Industry Productivity Loan
21084 Fund and utilized to provide loans authorized under this section,
21085 shall be repaid. Unexpended amounts remaining in the bond sinking
21086 fund at the end of a fiscal year shall not lapse into the State
21087 General Fund, and any interest earned or investment earnings on
21088 amounts in the bond sinking fund shall be deposited into the bond
21089 sinking fund. At any time when the funds required to pay the
21090 principal and interest on bonds whose proceeds are deposited into
21091 the Mississippi Existing Industry Productivity Loan Fund and are
21092 utilized to provide loans under this section are more than the
21093 amount available in the bond sinking fund, the Legislature shall



21094 appropriate the balance of the funds necessary to pay the
21095 principal and interest on such bonds.

21096 (ii) Money repaid on loans authorized under this
21097 section that are derived from the proceeds of bonds deposited into
21098 the Mississippi Existing Industry Productivity Loan Fund shall be
21099 deposited into the Mississippi Existing Industry Productivity Loan
21100 Program Bond Sinking Fund.

21101 (4) (a) A county that receives a loan under this section
21102 shall pledge for repayment of the loan any part of the homestead
21103 exemption annual tax loss reimbursement to which it may be
21104 entitled under Section 27-33-77. An incorporated municipality
21105 that receives a loan under this section shall pledge for repayment
21106 of the loan any part of the sales tax revenue distribution to
21107 which it may be entitled under Section 27-65-75. Each loan
21108 agreement shall provide for monthly payments, semiannual payments
21109 or other periodic payments, the annual total of which shall not
21110 exceed the annual total for any other year of the loan by more
21111 than fifteen percent (15%). The loan agreement shall provide for
21112 the repayment of all funds received within not more than twenty
21113 (20) years from the date of project completion.

21114 (b) The State Auditor, upon request of the MDA, shall
21115 audit the receipts and expenditures of a county or an incorporated
21116 municipality whose loan payments appear to be in arrears, and if
21117 he finds that the county or municipality is in arrears in such
21118 payments, he shall immediately notify the Executive Director of



21119 the Department of Finance and Administration who shall withhold
21120 all future payments to the county of homestead exemption
21121 reimbursements under Section 27-33-77 and all sums allocated to
21122 the county or the municipality under Section 27-65-75 until such
21123 time as the county or the municipality is again current in its
21124 loan payments as certified by the MDA. In addition, the State
21125 Auditor may conduct performance and compliance audits under this
21126 chapter according to Section 7-7-211(o) and may bill the oversight
21127 agency.

21128 (c) Evidences of indebtedness which are issued pursuant
21129 to this chapter shall not be deemed indebtedness within the
21130 meaning specified in Section 21-33-303 with regard to cities or
21131 incorporated towns, and in Section 19-9-5 with regard to counties.

21132 **SECTION 554.** Section 57-95-1, Mississippi Code of 1972, is
21133 brought forward as follows:

21134 57-95-1. (1) As used in this section:

21135 (a) "At-risk industry" means any enterprise that has
21136 been operating in this state for not less than three (3)
21137 consecutive years that has lost jobs or is at risk to lose jobs
21138 because such jobs have been outsourced.

21139 (b) "MDA" means the Mississippi Development Authority.

21140 (c) "Outsource" means to send out work or jobs of a
21141 certain provider or manufacturer of the State of Mississippi to an
21142 overseas provider or manufacturer or a provider or manufacturer



21143 located outside the boundaries of the United States or any
21144 territory of the United States.

21145 (2) (a) There is established the Mississippi Job Protection
21146 Act to be administered by the MDA for the purpose of providing
21147 grants and loans to:

21148 (i) At-risk industries to be used for job
21149 retention and to improve productivity and competitiveness; and

21150 (ii) Counties and incorporated municipalities to
21151 provide assistance to at-risk industries to be used for job
21152 retention and to improve productivity and competitiveness.

21153 (b) (i) An at-risk industry that accepts a grant or
21154 loan under this program shall not reduce employment by more than
21155 twenty percent (20%).

21156 (ii) An at-risk industry that accepts assistance
21157 from a county or incorporated municipality through a loan or grant
21158 made under this section shall not reduce employment by more than
21159 twenty percent (20%).

21160 (c) An at-risk industry desiring a grant or loan under
21161 this section must submit an application to the MDA. The
21162 application shall include:

21163 (i) A description of the purpose for which the
21164 grant or loan is requested;

21165 (ii) The amount of the grant or loan requested;

21166 (iii) The estimated total cost of the project;

21167 (iv) A two-year business plan for the project;



21168 (v) Financial statements or tax returns for the
21169 at-risk industry for the two (2) years immediately prior to the
21170 application;

21171 (vi) Credit reports on all persons or entities
21172 with a twenty percent (20%) or greater interest in the at-risk
21173 industry; and

21174 (vii) Any other information required by the MDA.

21175 (d) A county or incorporated municipality desiring a
21176 grant or loan under this section must submit an application to the
21177 MDA. The application shall include:

21178 (i) A description of the purpose for which the
21179 loan is requested;

21180 (ii) The amount of the grant or loan requested;

21181 (iii) The estimated total cost of the project;

21182 (iv) A statement showing the sources of funding
21183 for the project;

21184 (v) A two-year business plan for the project;

21185 (vi) Financial statements or tax returns for the
21186 at-risk industry for the two (2) years immediately prior to the
21187 application;

21188 (vii) Credit reports on all persons or entities
21189 with a twenty percent (20%) or greater interest in the at-risk
21190 industry;



21191 (viii) Any commitment by the at-risk industry to
21192 pay rental on, or to make loan repayments related to, the
21193 assistance; and

21194 (ix) Any other information required by the MDA.

21195 (e) The MDA shall require that binding commitments be
21196 entered into requiring that:

21197 (i) The minimum requirements of this section and
21198 such other requirements as the MDA considers proper shall be met;
21199 and

21200 (ii) If such requirements are not met, all or a
21201 portion of the funds provided by this section as determined by the
21202 MDA shall be repaid.

21203 (f) The amount of a grant or loan under this section
21204 shall not exceed fifty percent (50%) of the total cost of the
21205 project.

21206 (g) The MDA shall have all powers necessary to
21207 implement and administer the program established under this
21208 section, and the MDA shall promulgate rules and regulations, in
21209 accordance with the Mississippi Administrative Procedures Law,
21210 necessary for the implementation of this section.

21211 (3) Grants under this section shall not exceed Two Hundred
21212 Thousand Dollars (\$200,000.00).

21213 (4) (a) There is created in the State Treasury a special
21214 fund to be designated as the "Mississippi Job Protection Act
21215 Fund," which shall consist of funds appropriated or otherwise made



21216 available by the Legislature in any manner and funds from any
21217 other source designated for deposit into such fund. Unexpended
21218 amounts remaining in the fund at the end of a fiscal year shall
21219 not lapse into the State General Fund, and any investment earnings
21220 or interest earned on amounts in the fund shall be deposited to
21221 the credit of the fund. Monies in the fund shall be used by the
21222 MDA for the purposes described in this section.

21223 (b) Monies in the fund which are derived from the
21224 proceeds of general obligation bonds may be used to reimburse
21225 reasonable actual and necessary costs incurred by the MDA for the
21226 administration of the various grant, loan and financial incentive
21227 programs administered by the MDA. An accounting of actual costs
21228 incurred for which reimbursement is sought shall be maintained by
21229 the MDA. Reimbursement of reasonable actual and necessary costs
21230 shall not exceed three percent (3%) of the proceeds of bonds
21231 issued under Sections 40 through 55 of Chapter 1, Laws of Third
21232 Extraordinary Session of 2005. Reimbursements made under this
21233 subsection shall satisfy any applicable federal tax law
21234 requirements.

21235 (c) (i) There is hereby created the Mississippi Job
21236 Protection Act Bond Sinking Fund from which the principal and
21237 interest on bonds whose proceeds are deposited into the
21238 Mississippi Job Protection Act Fund and utilized to provide loans
21239 authorized under this section, shall be repaid. Unexpended
21240 amounts remaining in the bond sinking fund at the end of a fiscal



21241 year shall not lapse into the State General Fund, and any interest
21242 earned or investment earnings on amounts in the bond sinking fund
21243 shall be deposited into the bond sinking fund. At any time when
21244 the funds required to pay the principal and interest on bonds
21245 whose proceeds are deposited into the Mississippi Job Protection
21246 Act Fund and are utilized to provide loans under this section are
21247 more than the amount available in the bond sinking fund, the
21248 Legislature shall appropriate the balance of the funds necessary
21249 to pay the principal and interest on such bonds.

21250 (ii) Money repaid on loans authorized under this
21251 section that are derived from the proceeds of bonds deposited into
21252 the Mississippi Job Protection Act Fund shall be deposited into
21253 the Mississippi Job Protection Act Bond Sinking Fund.

21254 (5) (a) A county that receives a loan under this section
21255 shall pledge for repayment of the loan any part of the homestead
21256 exemption annual tax loss reimbursement to which it may be
21257 entitled under Section 27-33-77. An incorporated municipality
21258 that receives a loan under this section shall pledge for repayment
21259 of the loan any part of the sales tax revenue distribution to
21260 which it may be entitled under Section 27-65-75. Each loan
21261 agreement shall provide for monthly payments, semiannual payments
21262 or other periodic payments, the annual total of which shall not
21263 exceed the annual total for any other year of the loan by more
21264 than fifteen percent (15%). The loan agreement shall provide for



21265 the repayment of all funds received within not more than twenty
21266 (20) years from the date of project completion.

21267 (b) The State Auditor, upon request of the MDA, shall
21268 audit the receipts and expenditures of a county or an incorporated
21269 municipality whose loan payments appear to be in arrears, and if
21270 he finds that the county or municipality is in arrears in such
21271 payments, he shall immediately notify the Executive Director of
21272 the Department of Finance and Administration who shall withhold
21273 all future payments to the county of homestead exemption
21274 reimbursements under Section 27-33-77 and all sums allocated to
21275 the county or the municipality under Section 27-65-75 until such
21276 time as the county or the municipality is again current in its
21277 loan payments as certified by the MDA. The State Auditor may
21278 conduct performance and compliance audits under this chapter
21279 according to Section 7-7-211(o) and may bill the oversight agency.

21280 (c) Evidences of indebtedness which are issued pursuant
21281 to this section shall not be deemed indebtedness within the
21282 meaning specified in Section 21-33-303 with regard to cities or
21283 incorporated towns, and in Section 19-9-5 with regard to counties.

21284 **SECTION 555.** Section 57-99-1, Mississippi Code of 1972, is
21285 brought forward as follows:

21286 57-99-1. As used in Sections 57-99-1 through 57-99-9, the
21287 following words and phrases shall have the meanings ascribed in
21288 this section unless the context clearly indicates otherwise:



21289 (a) "Qualified business or industry" means any company
21290 and affiliates thereof, pursuant to rules and regulations of the
21291 MDA, which is:

21292 (i) A project that has been certified by the MMEIA
21293 as a project defined in Section 57-75-5(f)(xxi) and creates at
21294 least one thousand five hundred (1,500) jobs within sixty (60)
21295 months of the beginning of the project;

21296 (ii) A project that has been certified by the
21297 MMEIA as a project defined in Section 57-75-5(f)(xxii) and creates
21298 at least five hundred (500) jobs within seventy-two (72) months of
21299 the beginning of the project;

21300 (iii) A project:

21301 1. That has been certified by the MMEIA as a
21302 project defined in Section 57-75-5(f)(xxviii);

21303 2. Creates at least twenty-five (25) jobs
21304 within sixty (60) months of the beginning of the project; and

21305 3. In which the average annual wages and
21306 taxable benefits of the jobs created by such project are at least
21307 one hundred ten percent (110%) of the most recently published
21308 average annual wage of the state or the most recently published
21309 average annual wage of the county in which the project is located,
21310 as determined by the Mississippi Department of Employment
21311 Security, whichever is the lesser; or

21312 (iv) A project:



21313 1. That has been certified by the MMEIA as a
21314 project defined in Section 57-75-5(f) (xxix);

21315 2. That creates at least twenty-five (25)
21316 jobs within sixty (60) months following the date required by the
21317 MMEIA and prescribed by written agreement between the MMEIA and
21318 the enterprise establishing the project described in item 1 of
21319 this subparagraph (iv); and

21320 3. In which the average annual wages of the
21321 jobs created by such project are at least one hundred ten percent
21322 (110%) of the most recently published average annual wage of the
21323 state, as determined by the Mississippi Department of Employment
21324 Security.

21325 (b) "Qualified job" means full-time employment in this
21326 state within the project site of a qualified business or industry
21327 that has qualified to receive an incentive payment pursuant to
21328 Sections 57-99-1 through 57-99-9, which employment did not exist
21329 in this state before the date of approval by the MDA of the
21330 application of the qualified business or industry pursuant to the
21331 provisions of Sections 57-99-1 through 57-99-9. "Qualified job"
21332 also shall include full-time employment in this state of employees
21333 who are employed by an entity other than the establishment that
21334 has qualified to receive an incentive payment such as employees
21335 who are leased to and managed by the qualified business or
21336 industry, if such employment did not exist in this state before
21337 the date of approval by the MDA of the application of the



21338 establishment; provided, however, that in order for a qualified
21339 business or industry to receive incentive payments for such
21340 employees, the actual employer of the employees must agree to such
21341 payments being made to the qualified business or industry.

21342 (c) "Full-time employment" means a job of at least
21343 thirty-five (35) hours per week.

21344 (d) "Rebate amount" means the amount of Mississippi
21345 income taxes withheld from employees in qualified jobs that is
21346 available for rebate to the qualified business or industry,
21347 provided that:

21348 (i) Except as otherwise provided in this paragraph
21349 (d), the rebate amount shall be three and one-half percent
21350 (3-1/2%) of the wages and taxable benefits for qualified jobs; and

21351 (ii) In no event shall incentive payments exceed
21352 the actual Mississippi income taxes withheld from employees in
21353 qualified jobs that are available for rebate to the qualified
21354 business or industry.

21355 (e) "MDA" means the Mississippi Development Authority.

21356 (f) "MMEIA" means the Mississippi Major Economic Impact
21357 Authority.

21358 **SECTION 556.** Section 57-99-3, Mississippi Code of 1972, is
21359 brought forward as follows:

21360 57-99-3. (1) Except as otherwise provided in this section,
21361 a qualified business or industry that meets the qualifications
21362 specified in Sections 57-99-1 through 57-99-9 may receive



21363 quarterly incentive payments for a period not to exceed
21364 twenty-five (25) years from the Department of Revenue pursuant to
21365 the provisions of Sections 57-99-1 through 57-99-9 in an amount
21366 which shall be equal to the lesser of three and one-half percent
21367 (3-1/2%) of the wages and taxable benefits for qualified jobs or
21368 the actual amount of Mississippi income tax withheld by the
21369 employer for the qualified jobs. A qualified business or industry
21370 may elect the date upon which the incentive rebate period will
21371 begin. Such date may not be later than sixty (60) months after
21372 the date the business or industry applied for incentive payments;
21373 however, in the case of a qualified business or industry described
21374 in Section 57-99-1(a)(ii), such date may not be later than
21375 seventy-two (72) months after the date the business or industry
21376 applied for incentive payments, or for a qualified business or
21377 industry described in Section 57-99-1(a)(iv), such date may not be
21378 later than the date that is sixty (60) months after the earlier
21379 of:

21380 (a) The date the qualified business or industry applied
21381 for incentive payments; or

21382 (b) The start of commercial production as defined in a
21383 definitive agreement between such qualified business or industry
21384 and the MDA.

21385 (2) In order to receive incentive payments, an establishment
21386 shall apply to the MDA. The application shall be on a form



21387 prescribed by the MDA and shall contain such information as may be
21388 required by the MDA to determine if the applicant is qualified.

21389 (3) In order to qualify to receive such payments, the
21390 establishment applying shall be required to:

21391 (a) Be engaged in a qualified business or industry; and

21392 (b) The business or industry must create and maintain
21393 the minimum number of qualified jobs as set forth in Section
21394 57-99-1. Establishments that are approved as a qualified business
21395 or industry under Sections 57-99-1 through 57-99-9 may not receive
21396 incentive payments under Section 57-62-1 et seq.

21397 (4) Upon approval of such an application, the MDA shall
21398 notify the Department of Revenue and shall provide it with a copy
21399 of the approved application. The Department of Revenue may
21400 require the qualified business or industry to submit such
21401 additional information as may be necessary to administer the
21402 provisions of Sections 57-99-1 through 57-99-9. The qualified
21403 business or industry shall report to the Department of Revenue
21404 periodically to show its continued eligibility for incentive
21405 payments. The qualified business or industry may be audited by
21406 the Department of Revenue to verify such eligibility.

21407 **SECTION 557.** Section 57-99-5, Mississippi Code of 1972, is
21408 brought forward as follows:

21409 57-99-5. (1) There is created in the State Treasury a
21410 special fund to be known as the "MMEIA Withholding Rebate Fund,"
21411 into which shall be deposited withholding tax revenue required to



21412 be deposited into such fund pursuant to Section 27-7-312. The
21413 money in the fund shall be used for the purpose of making the
21414 incentive payments authorized under Sections 57-99-1 through
21415 57-99-9.

21416 (2) The liability of the State of Mississippi to make the
21417 incentive payments authorized under Sections 57-99-1 through
21418 57-99-9 shall be limited to the balance contained in the fund.

21419 **SECTION 558.** Section 57-99-7, Mississippi Code of 1972, is
21420 brought forward as follows:

21421 57-99-7. (1) As soon as practicable after the end of a
21422 calendar quarter for which a qualified business or industry has
21423 qualified to receive an incentive payment, the qualified business
21424 or industry shall file a claim for the payment with the State Tax
21425 Commission and shall specify the actual number of qualified jobs
21426 created and maintained by the business or industry for the
21427 calendar quarter and the wages and taxable benefits thereof. The
21428 State Tax Commission shall verify the actual number of qualified
21429 jobs created and maintained by the business or industry. If the
21430 State Tax Commission is not able to provide such verification
21431 utilizing all available resources, the State Tax Commission may
21432 request such additional information from the business or industry
21433 as may be necessary.

21434 (2) (a) The business or industry must meet the job
21435 requirements of Sections 57-99-1 through 57-99-9 for four (4)
21436 consecutive calendar quarters prior to payment of the first



21437 incentive payment. If the business or industry does not maintain
21438 the job requirements of Sections 57-99-1 through 57-99-9 at any
21439 other time during the twenty-five-year period after the date the
21440 first payment was made, the incentive payments shall not be made
21441 and shall not be resumed until such time as the actual verified
21442 number of qualified jobs created and maintained by the business or
21443 industry equals or exceeds the requirements of Sections 57-99-1
21444 through 57-99-9 for one (1) calendar quarter.

21445 (3) An establishment that has qualified pursuant to Sections
21446 57-99-1 through 57-99-9 may receive payments only in accordance
21447 with the provision under which it initially applied and was
21448 approved. If an establishment that is receiving incentive
21449 payments expands, it may apply for additional incentive payments
21450 based on the wages and taxable benefits for qualified jobs
21451 anticipated from the expansion only, pursuant to Sections 57-99-1
21452 through 57-99-9.

21453 (4) As soon as practicable after verification of the
21454 qualified business or industry meeting the requirements of
21455 Sections 57-99-1 through 57-99-9 and all rules and regulations,
21456 the Department of Finance and Administration, upon requisition of
21457 the State Tax Commission, shall issue a warrant drawn on the MMEIA
21458 Withholding Rebate Fund to the establishment in the amount of the
21459 rebate as determined pursuant to subsection (1) of this section
21460 for the calendar quarter.



21461 **SECTION 559.** Section 57-99-9, Mississippi Code of 1972, is
21462 brought forward as follows:

21463 57-99-9. The MDA and the State Tax Commission shall
21464 promulgate rules and regulations, in accordance with the
21465 Mississippi Administrative Procedures Law, and all application
21466 forms and other forms necessary to implement their respective
21467 duties and responsibilities under the provisions of Sections
21468 57-99-1 through 57-99-9.

21469 **SECTION 560.** Section 57-99-21, Mississippi Code of 1972, is
21470 brought forward as follows:

21471 57-99-21. As used in Sections 57-99-21 through 57-99-29, the
21472 following words and phrases shall have the meanings ascribed in
21473 this section unless the context clearly indicates otherwise:

21474 (a) "Qualified business or industry" means any
21475 enterprise which is a project that has been certified by the
21476 Mississippi Major Economic Impact Authority (MMEIA) as a project
21477 defined in Section 57-75-5(f)(xxiv).

21478 (b) "Qualified job" means full-time employment at the
21479 location of the manufacturing plant in this state of a qualified
21480 business or industry that has qualified to receive an incentive
21481 payment pursuant to Sections 57-99-21 through 57-99-29, which
21482 employment existed in this state at the location of the
21483 manufacturing plant on July 1, 2009.

21484 (c) "Full-time employment" means a job of at least
21485 thirty-five (35) hours per week.



21486 (d) "Rebate amount" means the amount of Mississippi
21487 income taxes withheld from employees in qualified jobs that is
21488 available for rebate to the qualified business or industry,
21489 provided that:

21490 (i) Except as otherwise provided in this paragraph
21491 (d), the rebate amount shall be one percent (1%) of the wages and
21492 taxable benefits for qualified jobs;

21493 (ii) In no event shall incentive payments exceed
21494 the actual Mississippi income taxes withheld from employees in
21495 qualified jobs that are available for rebate to the qualified
21496 business or industry; and

21497 (iii) In no event shall the aggregate amount of
21498 incentive payments authorized under Sections 57-99-21 through
21499 57-99-29 exceed Six Million Dollars (\$6,000,000.00).

21500 (e) "MDA" means the Mississippi Development Authority.

21501 **SECTION 561.** Section 57-99-23, Mississippi Code of 1972, is
21502 brought forward as follows:

21503 57-99-23. (1) Except as otherwise provided in this section,
21504 a qualified business or industry that meets the qualifications
21505 specified in Sections 57-99-21 through 57-99-29 may receive
21506 quarterly incentive payments for a period not to exceed ten (10)
21507 years from the State Tax Commission pursuant to the provisions of
21508 Sections 57-99-21 through 57-99-29 in an amount which shall be
21509 equal to the lesser of one percent (1%) of the wages and taxable



21510 benefits for qualified jobs or the actual amount of Mississippi
21511 income tax withheld by the employer for the qualified jobs.

21512 (2) In order to receive incentive payments, an establishment
21513 shall apply to the MDA by not later than July 1, 2010. The
21514 application shall be on a form prescribed by the MDA and shall
21515 contain such information as may be required by the MDA to
21516 determine if the applicant is qualified.

21517 (3) In order to qualify to receive such payments, the
21518 establishment applying shall be required to:

21519 (a) Be engaged in a qualified business or industry; and

21520 (b) The business or industry must maintain a minimum of
21521 one thousand two hundred (1,200) qualified jobs.

21522 (4) Upon approval of such an application, the MDA shall
21523 notify the State Tax Commission and shall provide it with a copy
21524 of the approved application. The State Tax Commission may require
21525 the qualified business or industry to submit such additional
21526 information as may be necessary to administer the provisions of
21527 Sections 57-99-21 through 57-99-29. The qualified business or
21528 industry shall report to the State Tax Commission periodically to
21529 show its continued eligibility for incentive payments. The
21530 qualified business or industry may be audited by the State Tax
21531 Commission to verify such eligibility.

21532 **SECTION 562.** Section 57-99-25, Mississippi Code of 1972, is
21533 brought forward as follows:



21534 57-99-25. (1) There is created in the State Treasury a
21535 special fund to be known as the "MMEIA Rebate Fund" into which
21536 shall be deposited withholding tax revenue required to be
21537 deposited into such fund pursuant to Section 27-7-312. The money
21538 in the fund shall be used for the purpose of making the incentive
21539 payments authorized under Sections 57-99-21 through 57-99-29.

21540 (2) The liability of the State of Mississippi to make the
21541 incentive payments authorized under Sections 57-99-21 through
21542 57-99-29 shall be limited to the balance contained in the fund.

21543 **SECTION 563.** Section 57-99-27, Mississippi Code of 1972, is
21544 brought forward as follows:

21545 57-99-27. (1) As soon as practicable after the end of a
21546 calendar quarter for which a qualified business or industry has
21547 qualified to receive an incentive payment, the qualified business
21548 or industry shall file a claim for the payment with the State Tax
21549 Commission and shall specify the actual number of qualified jobs
21550 created and maintained by the business or industry for the
21551 calendar quarter and the wages and taxable benefits thereof. The
21552 State Tax Commission shall verify the actual number of qualified
21553 jobs maintained by the business or industry. If the State Tax
21554 Commission is not able to provide such verification utilizing all
21555 available resources, the State Tax Commission may request such
21556 additional information from the business or industry as may be
21557 necessary.



21558 (2) If the business or industry does not maintain the job
21559 requirements of Sections 57-99-21 through 57-99-29 at any other
21560 time during the ten-year period after the date the first payment
21561 was made, the incentive payments shall not be made and shall not
21562 be resumed until such time as the actual verified number of
21563 qualified jobs created and maintained by the business or industry
21564 equals or exceeds the requirements of Sections 57-99-21 through
21565 57-99-29 for one (1) calendar quarter.

21566 (3) An establishment that has qualified pursuant to Sections
21567 57-99-21 through 57-99-29 may receive payments only in accordance
21568 with the provision under which it initially applied and was
21569 approved.

21570 (4) As soon as practicable after verification of the
21571 qualified business or industry meeting the requirements of
21572 Sections 57-99-21 through 57-99-29 and all rules and regulations,
21573 the Department of Finance and Administration, upon requisition of
21574 the State Tax Commission, shall issue a warrant drawn on the MMEIA
21575 Withholding Rebate Fund to the establishment in the amount of the
21576 rebate as determined pursuant to subsection (1) of this section
21577 for the calendar quarter.

21578 **SECTION 564.** Section 57-99-29, Mississippi Code of 1972, is
21579 brought forward as follows:

21580 57-99-29. The MDA and the State Tax Commission shall
21581 promulgate rules and regulations, in accordance with the
21582 Mississippi Administrative Procedures Law, and all application



21583 forms and other forms necessary to implement their respective
21584 duties and responsibilities under the provisions of Sections
21585 57-99-21 through 57-99-29.

21586 **SECTION 565.** Section 57-100-1, Mississippi Code of 1972, is
21587 brought forward as follows:

21588 57-100-1. As used in this chapter, the following words and
21589 phrases shall have the meanings ascribed in this section unless
21590 the context clearly indicates otherwise:

21591 (a) "Qualified business or industry" means a
21592 manufacturing enterprise that has been operating in this state for
21593 not less than two (2) consecutive years that meets minimum
21594 criteria established by the Mississippi Development Authority.

21595 (b) "Qualified job" means a full-time job in this
21596 state:

21597 (i) At the location of a qualified business or
21598 industry that has qualified to receive an incentive payment
21599 pursuant to this chapter;

21600 (ii) Which did not exist in this state before the
21601 date of approval by the MDA of the application of the qualified
21602 business or industry pursuant to the provisions of this chapter;
21603 and

21604 (iii) The average annual salary of which is at
21605 least one hundred percent (100%) of the state or county average
21606 annual wage, whichever is the lesser.



21607 (c) "Full-time employment" means a job of at least
21608 thirty-five (35) hours per week.

21609 (d) "Rebate amount" means the amount of Mississippi
21610 income taxes withheld from employees in qualified jobs that is
21611 available for rebate to the qualified business or industry,
21612 provided that:

21613 (i) Except as otherwise provided in this paragraph
21614 (d), the rebate amount shall be three and one-half percent
21615 (3-1/2%) of the wages and taxable benefits for qualified jobs; and

21616 (ii) In no event shall incentive payments exceed
21617 the actual Mississippi income taxes withheld from employees in
21618 qualified jobs that are available for rebate to the qualified
21619 business or industry.

21620 (e) "MDA" means the Mississippi Development Authority.

21621 **SECTION 566.** Section 57-100-3, Mississippi Code of 1972, is
21622 brought forward as follows:

21623 57-100-3. (1) Except as otherwise provided in this section,
21624 a qualified business or industry that meets the qualifications
21625 specified in this chapter may receive quarterly incentive payments
21626 for a period not to exceed two (2) years from the State Tax
21627 Commission pursuant to the provisions of this chapter in an amount
21628 which shall be equal to the lesser of three and one-half percent
21629 (3-1/2%) of the wages and taxable benefits for qualified jobs or
21630 the actual amount of Mississippi income tax withheld by the
21631 employer for the qualified jobs. The two-year period shall begin



21632 the quarter after the State Tax Commission verifies that the
21633 required number of jobs have been created.

21634 (2) In order to receive incentive payments, an establishment
21635 shall apply to the MDA. The application shall be on a form
21636 prescribed by the MDA and shall contain such information as may be
21637 required by the MDA to determine if the applicant is qualified.

21638 (3) In order to qualify to receive such payments, the
21639 establishment applying shall be required to:

21640 (a) Be engaged in a qualified business or industry; and

21641 (b) The business or industry must create a minimum of
21642 ten (10) qualified jobs within six (6) months after the date of
21643 the application and maintain at least ten (10) qualified jobs.

21644 (4) Upon approval of such an application, the MDA shall
21645 notify the State Tax Commission and shall provide it with a copy
21646 of the approved application. The State Tax Commission may require
21647 the qualified business or industry to submit such additional
21648 information as may be necessary to administer the provisions of
21649 this chapter. The State Tax Commission shall verify that at least
21650 ten (10) qualified jobs have been created within six (6) months
21651 after the date of the application before incentive payments may
21652 begin. The qualified business or industry shall report to the
21653 State Tax Commission periodically to show its continued
21654 eligibility for incentive payments. The qualified business or
21655 industry may be audited by the State Tax Commission to verify such
21656 eligibility.



21657 (5) No applications shall be accepted by MDA from and after
21658 July 1, 2011.

21659 **SECTION 567.** Section 57-100-5, Mississippi Code of 1972, is
21660 brought forward as follows:

21661 57-100-5. (1) There is created in the State Treasury a
21662 special fund to be known as the "Existing Industry Withholding
21663 Rebate Fund," into which shall be deposited withholding tax
21664 revenue required to be deposited into such fund pursuant to
21665 Section 27-7-312. The money in the fund shall be used for the
21666 purpose of making the incentive payments authorized under this
21667 chapter.

21668 (2) The liability of the State of Mississippi to make the
21669 incentive payments authorized under this chapter shall be limited
21670 to the balance contained in the fund.

21671 **SECTION 568.** Section 57-100-7, Mississippi Code of 1972, is
21672 brought forward as follows:

21673 57-100-7. (1) As soon as practicable after the end of a
21674 calendar quarter for which a qualified business or industry has
21675 qualified to receive an incentive payment, the qualified business
21676 or industry shall file a claim for the payment with the State Tax
21677 Commission and shall specify the actual number of qualified jobs
21678 created and maintained by the business or industry for the
21679 calendar quarter and the wages and taxable benefits thereof. The
21680 State Tax Commission shall verify the actual number of qualified
21681 jobs created and maintained by the business or industry. If the



21682 State Tax Commission is not able to provide such verification
21683 utilizing all available resources, the State Tax Commission may
21684 request such additional information from the business or industry
21685 as may be necessary.

21686 (2) If the business or industry does not maintain the job
21687 requirements of this chapter at any other time during the two-year
21688 period after the date the first payment was made, the incentive
21689 payments shall not be made and shall not be resumed until such
21690 time as the actual verified number of qualified jobs created and
21691 maintained by the business or industry equals or exceeds the
21692 requirements of this chapter for one (1) calendar quarter.

21693 (3) A qualified business or industry that has qualified
21694 pursuant to this chapter may receive payments only in accordance
21695 with the provision under which it initially applied and was
21696 approved. If an establishment that is receiving incentive
21697 payments expands, it may apply for additional incentive payments
21698 based on the wages and taxable benefits for qualified jobs
21699 anticipated from the expansion only, pursuant to this chapter.

21700 (4) As soon as practicable after verification of the
21701 qualified business or industry meeting the requirements of this
21702 chapter and all rules and regulations, the Department of Finance
21703 and Administration, upon requisition of the State Tax Commission,
21704 shall issue a warrant drawn on the Existing Industry Withholding
21705 Rebate Fund to the establishment in the amount of the rebate as



21706 determined pursuant to subsection (1) of this section for the
21707 calendar quarter.

21708 **SECTION 569.** Section 57-100-9, Mississippi Code of 1972, is
21709 brought forward as follows:

21710 57-100-9. The MDA and the State Tax Commission shall
21711 promulgate rules and regulations, in accordance with the
21712 Mississippi Administrative Procedures Law, and all application
21713 forms and other forms necessary to implement their respective
21714 duties and responsibilities under the provisions of this chapter.

21715 **SECTION 570.** Section 57-105-1, Mississippi Code of 1972, is
21716 brought forward as follows:

21717 57-105-1. (1) As used in this section:

21718 (a) "Adjusted purchase price" means the investment in
21719 the qualified community development entity for the qualified
21720 equity investment, substantially all of the proceeds of which are
21721 used to make qualified low-income community investments in
21722 Mississippi.

21723 For the purposes of calculating the amount of qualified
21724 low-income community investments held by a qualified community
21725 development entity, an investment will be considered held by a
21726 qualified community development entity even if the investment has
21727 been sold or repaid; provided that the qualified community
21728 development entity reinvests an amount equal to the capital
21729 returned to or recovered by the qualified community development
21730 entity from the original investment, exclusive of any profits



21731 realized, in another qualified low-income community investment in
21732 Mississippi, including any federal Indian reservation located
21733 within the geographical boundary of Mississippi within twelve (12)
21734 months of the receipt of such capital. A qualified community
21735 development entity will not be required to reinvest capital
21736 returned from the qualified low-income community investments after
21737 the sixth anniversary of the issuance of the qualified equity
21738 investment, the proceeds of which were used to make the qualified
21739 low-income community investment, and the qualified low-income
21740 community investment will be considered held by the qualified
21741 community development entity through the seventh anniversary of
21742 the qualified equity investment's issuance.

21743 (b) "Applicable percentage" means:

21744 (i) For any equity investment issued prior to July
21745 1, 2008, four percent (4%) for each of the second through seventh
21746 credit allowance dates for purposes of the taxes imposed by
21747 Section 27-7-5 and one and one-third percent (1-1/3%) for each of
21748 the second through seventh credit allowance dates for purposes of
21749 the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

21750 (ii) For any equity investment issued from and
21751 after July 1, 2008, eight percent (8%) for each of the first
21752 through third credit allowance dates for purposes of the taxes
21753 imposed by Section 27-7-5 or the taxes imposed by Sections
21754 27-15-103, 27-15-109 and 27-15-123.



21755 (c) "Credit allowance date" means, with respect to any
21756 qualified equity investment:

21757 (i) The later of:

21758 1. The date upon which the qualified equity
21759 investment is initially made; or

21760 2. The date upon which the Mississippi
21761 Development Authority issues a certificate under subsection (4) of
21762 this section; and

21763 (ii) 1. For equity investments issued prior to
21764 July 1, 2008, each of the subsequent six (6) anniversary dates of
21765 the date upon which the investment is initially made; or

21766 2. For equity investments issued from and
21767 after July 1, 2008, each of the subsequent two (2) anniversary
21768 dates of the date determined as provided for in subparagraph (i)
21769 of this paragraph.

21770 (d) "Qualified community development entity" shall have
21771 the meaning ascribed to such term in Section 45D of the Internal
21772 Revenue Code of 1986, as amended, if the entity has entered into
21773 an Allocation Agreement with the Community Development Financial
21774 Institutions Fund of the United States Department of the Treasury
21775 with respect to credits authorized by Section 45D of the Internal
21776 Revenue Code of 1986, as amended.

21777 (e) "Qualified active low-income community business"
21778 shall have the meaning ascribed to such term in Section 45D of the
21779 Internal Revenue Code of 1986, as amended.



21780 (f) "Qualified equity investment" shall have the
21781 meaning ascribed to such term in Section 45D of the Internal
21782 Revenue Code of 1986, as amended. The investment does not have to
21783 be designated as a qualified equity investment by the Community
21784 Development Financial Institutions Fund of the United States
21785 Treasury to be considered a qualified equity investment under this
21786 section but otherwise must meet the definition under the Internal
21787 Revenue Code. In addition to meeting the definition in Section
21788 45D of the Internal Revenue Code such investment must also:

21789 (i) Have been acquired after January 1, 2007, at
21790 its original issuance solely in exchange for cash; and

21791 (ii) Have been allocated by the Mississippi
21792 Development Authority.

21793 For the purposes of this section, such investment shall be
21794 deemed a qualified equity investment on the later of the date such
21795 qualified equity investment is made or the date on which the
21796 Mississippi Development Authority issues a certificate under
21797 subsection (4) of this section allocating credits based on such
21798 investment.

21799 (g) "Qualified low-income community investment" shall
21800 have the meaning ascribed to such term in Section 45D of the
21801 Internal Revenue Code of 1986, as amended; provided, however, that
21802 the maximum amount of qualified low-income community investments
21803 issued for a single qualified active low-income community
21804 business, on an aggregate basis with all of its affiliates, that



21805 may be included for purposes of allocating any credits under this
21806 section shall not exceed Ten Million Dollars (\$10,000,000.00), in
21807 the aggregate, whether issued by one (1) or several qualified
21808 community development entities.

21809 (2) A taxpayer that holds a qualified equity investment on
21810 the credit allowance date shall be entitled to a credit applicable
21811 against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109
21812 and 27-15-123 during the taxable year that includes the credit
21813 allowance date. The amount of the credit shall be equal to the
21814 applicable percentage of the adjusted purchase price paid to the
21815 qualified community development entity for the qualified equity
21816 investment. The amount of the credit that may be utilized in any
21817 one (1) tax year shall be limited to an amount not greater than
21818 the total tax liability of the taxpayer for the taxes imposed by
21819 the above-referenced sections. The credit shall not be refundable
21820 or transferable. Any unused portion of the credit may be carried
21821 forward for seven (7) taxable years beyond the credit allowance
21822 date on which the credit was earned. The maximum aggregate amount
21823 of qualified equity investments that may be allocated by the
21824 Mississippi Development Authority may not exceed an amount that
21825 would result in taxpayers claiming in any one (1) state fiscal
21826 year credits in excess of Fifteen Million Dollars
21827 (\$15,000,000.00), exclusive of credits that might be carried
21828 forward from previous taxable years; however, a maximum of
21829 one-third (1/3) of this amount may be allocated as credits for



21830 taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any
21831 taxpayer claiming a credit under this section against the taxes
21832 imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123
21833 shall not be required to pay any additional tax under Section
21834 27-15-123 as a result of claiming such credit. The Mississippi
21835 Development Authority shall allocate credits within this limit as
21836 provided for in subsection (4) of this section.

21837 (3) Tax credits authorized by this section that are earned
21838 by a partnership, limited liability company, S corporation or
21839 other similar pass-through entity, shall be allocated among all
21840 partners, members or shareholders, respectively, either in
21841 proportion to their ownership interest in such entity or as the
21842 partners, members or shareholders mutually agree as provided in an
21843 executed document. Such allocation shall be made each taxable
21844 year of such pass-through entity which contains a credit allowance
21845 date.

21846 (4) The qualified community development entity shall apply
21847 for credits with the Mississippi Development Authority on forms
21848 prescribed by the Mississippi Development Authority. The
21849 qualified community development entity must pay an application fee
21850 of One Thousand Dollars (\$1,000.00) to the Mississippi Development
21851 Authority at the time the application is submitted. In the
21852 application the qualified community development entity shall
21853 certify to the Mississippi Development Authority the dollar amount
21854 of the qualified equity investments made or to be made in this



21855 state, including in any federal Indian reservation located within
21856 the state's geographical boundary, during the first twelve-month
21857 period following the initial credit allowance date. The
21858 Mississippi Development Authority shall allocate credits based on
21859 the dollar amount of qualified equity investments as certified in
21860 the application. Once the Mississippi Development Authority has
21861 allocated credits to a qualified community development entity, if
21862 the corresponding qualified equity investment has not been issued
21863 as of the date of such allocation, then the corresponding
21864 qualified equity investment must be issued not later than one
21865 hundred twenty (120) days from the date of such allocation. If
21866 the qualified equity investment is not issued within such time
21867 period, the allocation shall be cancelled and returned to the
21868 Mississippi Development Authority for reallocation. Upon final
21869 documentation of the qualified low-income community investments,
21870 if the actual dollar amount of the investments is lower than the
21871 amount estimated, the Mississippi Development Authority shall
21872 adjust the tax credit allowed under this section. The Department
21873 of Revenue may recapture all of the credit allowed under this
21874 section if:

21875 (a) Any amount of federal tax credits available with
21876 respect to a qualified equity investment that is eligible for a
21877 tax credit under this section is recaptured under Section 45D of
21878 the Internal Revenue Code of 1986, as amended; or



21879 (b) The qualified community development entity redeems
21880 or makes any principal repayment with respect to a qualified
21881 equity investment prior to the seventh anniversary of the issuance
21882 of the qualified equity investment; or

21883 (c) The qualified community development entity fails to
21884 maintain at least eighty-five percent (85%) of the proceeds of the
21885 qualified equity investment in qualified low-income community
21886 investments in Mississippi at any time prior to the seventh
21887 anniversary of the issuance of the qualified equity investment.

21888 Any credits that are subject to recapture under this
21889 subsection shall be recaptured from the taxpayer that actually
21890 claimed the credit.

21891 The Mississippi Development Authority shall not allocate any
21892 credits under this section after July 1, 2021.

21893 (5) Each qualified community development entity that
21894 receives qualified equity investments to make qualified low-income
21895 community investments in Mississippi must annually report to the
21896 Mississippi Development Authority the North American Industry
21897 Classification System Code, the county, the dollars invested, the
21898 number of jobs assisted and the number of jobs assisted with wages
21899 over one hundred percent (100%) of the federal poverty level for a
21900 family of four (4) of each qualified low-income community
21901 investment.

21902 (6) The Mississippi Development Authority shall file an
21903 annual report on all qualified low-income community investments



21904 with the Governor, the Clerk of the House of Representatives, the
21905 Secretary of the Senate and the Secretary of State describing the
21906 North American Industry Classification System Code, the county,
21907 the dollars invested, the number of jobs assisted and the number
21908 of jobs assisted with wages over one hundred percent (100%) of the
21909 federal poverty level for a family of four (4) of each qualified
21910 low-income community investment. The annual report will be posted
21911 on the Mississippi Development Authority's internet website.

21912 (7) (a) The purpose of this subsection is to authorize the
21913 creation and establishment of public benefit corporations for
21914 financing arrangements regarding public property and facilities.

21915 (b) As used in this subsection:

21916 (i) "New Markets Tax Credit transaction" means any
21917 financing transaction which utilizes either this section or
21918 Section 45D of the Internal Revenue Code of 1986, as amended.

21919 (ii) "Public benefit corporation" means a
21920 nonprofit corporation formed or designated by a public entity to
21921 carry out the purposes of this subsection.

21922 (iii) "Public entity or public entities" includes
21923 utility districts, regional solid waste authorities, regional
21924 utility authorities, community hospitals, regional airport
21925 authorities, municipal airport authorities, community and junior
21926 colleges, educational building corporations established by or on
21927 behalf of the state institutions of higher learning, school
21928 districts, planning and development districts, county economic



21929 development districts, urban renewal agencies, any other regional
21930 or local economic development authority, agency or governmental
21931 entity, and any other regional or local industrial development
21932 authority, agency or governmental entity.

21933 (iv) "Public property or facilities" means any
21934 property or facilities owned or leased by a public entity or
21935 public benefit corporation.

21936 (c) Notwithstanding any other provision of law to the
21937 contrary, public entities are authorized pursuant to this
21938 subsection to create one or more public benefit corporations or
21939 designate an existing corporation as a public benefit corporation
21940 for the purpose of entering into financing agreements and engaging
21941 in New Markets Tax Credit transactions, which shall include,
21942 without limitation, arrangements to plan, acquire, renovate,
21943 construct, lease, sublease, manage, operate and/or improve new or
21944 existing public property or facilities located within the
21945 boundaries or service area of the public entity. Any financing
21946 arrangement authorized under this subsection shall further any
21947 purpose of the public entity and may include a term of up to fifty
21948 (50) years.

21949 (d) Notwithstanding any other provision of law to the
21950 contrary and in order to facilitate the acquisition, renovation,
21951 construction, leasing, subleasing, management, operating and/or
21952 improvement of new or existing public property or facilities to
21953 further any purpose of a public entity, public entities are



21954 authorized to enter into financing arrangements in order to
21955 transfer public property or facilities to and/or from public
21956 benefit corporations, including, without limitation, sales,
21957 sale-leasebacks, leases and lease-leasebacks, provided such
21958 transfer is related to any New Markets Tax Credit transaction
21959 furthering any purpose of the public entity. Any such transfer
21960 under this paragraph (d) and the public property or facilities
21961 transferred in connection therewith shall be exempted from any
21962 limitation or requirements with respect to leasing, acquiring,
21963 and/or constructing public property or facilities.

21964 (e) With respect to a New Markets Tax Credit
21965 transaction, public entities and public benefit corporations are
21966 authorized to enter into financing arrangements with any
21967 governmental, nonprofit or for-profit entity in order to leverage
21968 funds not otherwise available to public entities for the
21969 acquisition, construction and/or renovation of properties
21970 transferred to such public benefit corporations. The use of any
21971 funds loaned by or contributed by a public benefit corporation or
21972 borrowed by or otherwise made available to a public benefit
21973 corporation in such financing arrangement shall be dedicated
21974 solely to (i) the development of new properties or facilities
21975 and/or the renovation of existing properties or facilities or
21976 operation of properties or facilities, and/or (ii) the payment of
21977 costs and expenditures related to any such financing arrangements,
21978 including, but not limited to, funding any reserves required in



21979 connection therewith, the repayment of any indebtedness incurred
21980 in connection therewith, and the payment of fees and expenses
21981 incurred in connection with the closing, administration,
21982 accounting and/or compliance with respect to the New Markets Tax
21983 Credit transaction.

21984 (f) A public benefit corporation created pursuant to
21985 this subsection shall not be a political subdivision of the state
21986 but shall be a nonprofit corporation organized and governed under
21987 the provisions of the laws of this state and shall be a special
21988 purpose corporation established to facilitate New Markets Tax
21989 Credit transactions consistent with the requirements of this
21990 section.

21991 (g) Neither this subsection nor anything herein
21992 contained is or shall be construed as a restriction or limitation
21993 upon any powers which the public entity or public benefit
21994 corporation might otherwise have under any laws of this state, and
21995 this subsection is cumulative to any such powers. This subsection
21996 does and shall be construed to provide a complete additional and
21997 alternative method for the doing of the things authorized thereby
21998 and shall be regarded as supplemental and additional to powers
21999 conferred by other laws.

22000 (8) The Mississippi Development Authority shall promulgate
22001 rules and regulations to implement the provisions of this section.

22002 **SECTION 571.** Section 57-111-1, Mississippi Code of 1972, is
22003 brought forward as follows:



22004 57-111-1. (1) As used in this section:

22005 (a) "MDA" means the Mississippi Development Authority.

22006 (b) "Program" means the Mississippi Small Business and
22007 Existing Forestry Industry Enterprise Participating Loan Program
22008 established in this section.

22009 (c) "Small business" means any commercial enterprise
22010 with less than one hundred (100) full-time employees, less than
22011 Seven Million Dollars (\$7,000,000.00) in gross revenues or less
22012 than Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net
22013 annual profit after taxes.

22014 (d) "Existing forestry industry enterprise" means a
22015 manufacturing enterprise that:

22016 (i) Has its principal place of business in this
22017 state;

22018 (ii) Has been operating in this state for not less
22019 than three (3) consecutive years preceding the date of submitting
22020 an application for assistance under this section;

22021 (iii) Performs the initial processing of pine logs
22022 and/or hardwood logs in the production of lumber products or is
22023 engaged in the production of poles and/or timbers; and

22024 (iv) Has employed an average of not less than
22025 fifteen (15) employees based on the most recent thirty-six-month
22026 period preceding the date that the enterprise submits an
22027 application for assistance under this section.



22028 The term "existing forestry industry enterprise" does not include
22029 any (a) enterprise with the primary business of producing chips or
22030 (b) pulp manufacturer and/or paper manufacturer.

22031 (2) The MDA shall establish a program of loans to be made to
22032 small businesses and existing forestry industry enterprises for
22033 the purpose of encouraging the extension of conventional financing
22034 and the issuance of letters of credit to small businesses and
22035 existing forestry industry enterprises by private institutions.
22036 Money to make the loans under the program shall be drawn by the
22037 MDA from the Small Business Participating Loan Program Revolving
22038 Fund. The amount of a loan to any single small business or
22039 existing forestry industry enterprise under the program shall not
22040 exceed fifty percent (50%) of the total cost of the project for
22041 which financing is sought. Interest shall be charged on the loans
22042 at a rate equal to one percent (1%) above the current published
22043 prime rate. The term of any loan made under this section shall
22044 not exceed five (5) years. Repayments of loans made by the MDA
22045 under the program shall be deposited to the credit of the Small
22046 Business and Existing Forestry Industry Enterprise Participating
22047 Loan Program Revolving Fund. Small businesses may utilize loan
22048 proceeds for buildings, equipment and working capital. An
22049 existing forestry industry enterprise that receives a loan under
22050 this section may use the loan proceeds for the purpose of
22051 providing working capital, acquiring machinery and equipment,
22052 making upgrades and improvements to machinery and equipment,



22053 acquiring raw materials and any other purposes approved by the
22054 MDA.

22055 (3) There is created a special fund in the State Treasury to
22056 be known as the Small Business and Existing Forestry Industry
22057 Enterprise Participating Loan Program Revolving Fund which shall
22058 consist of money from any source designated for deposit into the
22059 fund. Unexpended amounts remaining in the fund at the end of a
22060 fiscal year shall not lapse into the State General Fund, and any
22061 investment earnings or interest earned on amounts in the fund
22062 shall be deposited to the credit of the fund. Money in the fund
22063 shall be disbursed by the Mississippi Development Authority for
22064 the purposes authorized in subsection (2) of this section.

22065 (4) Money in the fund that is derived from the proceeds of
22066 general obligation bonds may be used to reimburse reasonable
22067 actual and necessary costs incurred by the MDA for the
22068 administration of the various grant, loan and financial incentive
22069 programs administered by the MDA. An accounting of actual costs
22070 incurred for which reimbursement is sought shall be maintained by
22071 the MDA. Reimbursement of reasonable actual and necessary costs
22072 shall not exceed three percent (3%) of the proceeds of bonds
22073 issued. Reimbursements made under this subsection shall satisfy
22074 any applicable federal tax law requirements.

22075 **SECTION 572.** Section 57-113-1, Mississippi Code of 1972, is
22076 brought forward as follows:

22077 57-113-1. As used in this article:



22078 (a) "Business enterprise" means:

22079 (i) Any enterprise owning or operating a facility
22080 for the manufacture or assembly of systems or components used in
22081 the generation of clean energy that locates or expands in this
22082 state which will have a minimum capital investment in this state
22083 of Fifty Million Dollars (\$50,000,000.00) and will create a
22084 minimum of two hundred fifty (250) new, full-time jobs.

22085 (ii) Any enterprise owning or operating a facility
22086 that manufactures, assembles or processes products, components or
22087 systems for the aerospace industry or provides research and
22088 development or training services in the aerospace industry that
22089 locates or expands in this state, which will have a minimum
22090 capital investment in this state of Twenty-five Million Dollars
22091 (\$25,000,000.00) in land, building and equipment and will create a
22092 minimum of twenty-five (25) new, full-time jobs which provide an
22093 average annual salary, excluding benefits which are not subject to
22094 Mississippi income taxes, of at least one hundred ten percent
22095 (110%) of the most recently published state average annual wage or
22096 the most recently published average annual wage of the county in
22097 which the qualified business or industry is located as determined
22098 by the Mississippi Department of Employment Security, whichever is
22099 less.

22100 (b) "Aerospace industry" means the industry that
22101 researches, designs, manufactures, repairs, operates and/or



22102 maintains products, components and systems which enable vehicles
22103 to move through the air and space.

22104 (c) "Biomass" means and includes any of the following:

22105 (i) Forest-related mill residues, pulping
22106 by-product and other by-products of wood processing, thinnings,
22107 slash, limbs, bark, brush and other cellulosic plant material or
22108 nonmerchantable forest-related products;

22109 (ii) Solid wood waste materials, including
22110 dunnage, manufacturing and construction wood wastes, demolition
22111 and storm debris and landscape or right-of-way trimmings;

22112 (iii) Agriculture wastes, including orchard tree
22113 crops, vineyard, grain, legumes, sugar and other crop by-products
22114 or residues and livestock waste nutrients;

22115 (iv) All plant and grass material that is grown
22116 exclusively as a fuel for the production of electricity;

22117 (v) Refuse derived fuels consisting of organic
22118 components and fibers of waste water treatment solids; or

22119 (vi) Whole trees.

22120 (d) "Clean energy" means energy that is generated from
22121 either:

22122 (i) A renewable energy source such as wind, water,
22123 biomass or solar; or

22124 (ii) An alternative energy source such as nuclear.

22125 (e) "MDA" means the Mississippi Development Authority.

22126 (f) "State tax" means:



22127 (i) Any sales or use tax imposed on the business
22128 enterprise pursuant to law related to the purchase of component
22129 building materials and equipment for initial construction of
22130 facilities or expansion of facilities that are certified by the
22131 Mississippi Development Authority;

22132 (ii) All income tax imposed pursuant to law on
22133 income earned by the business enterprise certified by the
22134 Mississippi Development Authority;

22135 (iii) Franchise tax imposed pursuant to law on the
22136 value of capital used, invested or employed by the business
22137 enterprise certified by the Mississippi Development Authority; and

22138 (iv) Any sales or use tax imposed on the lease of
22139 machinery and equipment acquired in the initial construction to
22140 establish the facility or for an expansion certified by the
22141 Mississippi Development Authority.

22142 **SECTION 573.** Section 57-113-3, Mississippi Code of 1972, is
22143 brought forward as follows:

22144 57-113-3. Business enterprises wishing to apply for the tax
22145 exemptions authorized by this article shall make application to
22146 the MDA prior to construction or acquisition of the buildings for
22147 the location or expansion of the business enterprise in this
22148 state. The application shall, at a minimum, contain:

22149 (a) An overview of the project that includes the
22150 selected site, the number of jobs proposed, the length of time



22151 necessary for the company to meet its investment and employment
22152 requirements;

22153 (b) A two-year business plan, which shall include pro
22154 forma financial statements for the project;

22155 (c) Data supporting the expertise of the project's
22156 principals;

22157 (d) An acknowledgment that the business entity will be
22158 required to provide annual documentation to demonstrate that the
22159 minimum job requirement is being maintained; and

22160 (e) Such information as may be requested by the MDA.

22161 **SECTION 574.** Section 57-113-5, Mississippi Code of 1972, is
22162 brought forward as follows:

22163 57-113-5. (1) Upon approval of the application, the MDA
22164 shall issue certification designating the business enterprise as
22165 eligible for the tax exemptions authorized by this article. This
22166 certification shall document the date by which all commitments
22167 must be met.

22168 (2) Upon the issuance of the certification, the business
22169 enterprise shall be exempt from state taxes for a period of ten
22170 (10) years subject to the performance requirements set out in the
22171 agreement required by subsection (3)(c) of this section. If the
22172 business enterprise is located in an area that has been declared
22173 by the Governor to be a disaster area and as a direct result of
22174 the disaster the business enterprise is unable to utilize the
22175 exemption from state taxes, the MDA may extend the period of time



22176 by which the minimum requirements must be met and duration of the
22177 exemption from state taxes for not more than two (2) years. Any
22178 business enterprise that has property or equipment purchased
22179 utilizing the state tax exemption that is damaged or destroyed as
22180 a result of the disaster may purchase replacement equipment and
22181 component building materials exempt from sales and use tax.

22182 (3) The following conditions, along with any other
22183 conditions the MDA shall promulgate from time to time by rule or
22184 regulation, shall apply to such exemptions:

22185 (a) Any exemption provided under this article is
22186 nontransferable and cannot be applied, used or assigned to any
22187 other person or business or tax account without prior approval by
22188 the MDA;

22189 (b) No approved business enterprise may claim or use
22190 the exemption granted under this article unless that enterprise is
22191 in full compliance with all state and local tax laws, and related
22192 ordinances and resolutions; and

22193 (c) The business enterprise must enter into an
22194 agreement with the MDA which sets out, at a minimum, the
22195 performance requirements of the approved business enterprise
22196 during the term of the exemption and provisions for the recapture
22197 of all or a portion of the taxes exempted if the performance
22198 requirements of the business enterprise are not met.

22199 (4) Upon certifying a business enterprise as eligible for
22200 the exemptions under this article, the MDA shall forward the



22201 certification along with any other necessary information to the
22202 Department of Revenue so that the exemptions can be implemented.
22203 The Department of Revenue shall promulgate rules and regulations,
22204 in accordance with the Mississippi Administrative Procedures Law,
22205 for the implementation of the state tax exemptions granted under
22206 this article.

22207 **SECTION 575.** Section 57-113-7, Mississippi Code of 1972, is
22208 brought forward as follows:

22209 57-113-7. The MDA shall promulgate rules and regulations, in
22210 accordance with the Mississippi Administrative Procedures Law, for
22211 the implementation and administration of this article.

22212 **SECTION 576.** Section 57-113-21, Mississippi Code of 1972, is
22213 brought forward as follows:

22214 57-113-21. As used in this article:

22215 (a) "Business enterprise" means any business enterprise
22216 owning or operating a data center with a minimum capital
22217 investment in this state of Twenty Million Dollars
22218 (\$20,000,000.00) which will create a minimum of twenty (20) new,
22219 full-time jobs with a minimum average annual salary of not less
22220 than one hundred twenty-five percent (125%) of the average annual
22221 state wage.

22222 (b) "Data center" means a business enterprise that
22223 utilizes hardware, software, technology, infrastructure and/or
22224 workforce, to store, manage or manipulate digital data.

22225 (c) "MDA" means the Mississippi Development Authority.



22226 (d) "State tax" means:

22227 (i) Any sales and use tax imposed on the business
22228 enterprise pursuant to law related to the purchase or lease of
22229 component building materials and equipment for initial
22230 construction of facilities or expansion of facilities that are
22231 certified by the Mississippi Development Authority;

22232 (ii) Any sales and use tax imposed by law on the
22233 business enterprise pursuant to law related to the purchase of
22234 replacement hardware, software or other necessary technology to
22235 operate a data center;

22236 (iii) All income tax imposed pursuant to law on
22237 income earned by the business enterprise certified by the
22238 Mississippi Development Authority; and

22239 (iv) Franchise tax imposed pursuant to law on the
22240 value of capital used, invested or employed by the business
22241 enterprise certified by the Mississippi Development Authority.

22242 **SECTION 577.** Section 57-113-23, Mississippi Code of 1972, is
22243 brought forward as follows:

22244 57-113-23. Business enterprises wishing to apply for the tax
22245 exemptions authorized by this article shall make application to
22246 the MDA prior to construction or acquisition of the buildings for
22247 the location or expansion of the business enterprise in this
22248 state. The application, at a minimum, shall contain:

22249 (a) An overview of the project that includes the
22250 selected site, the number of jobs proposed, the length of time



22251 necessary for the company to meet its investment and employment
22252 requirements;

22253 (b) A two-year business plan, which shall include pro
22254 forma financial statements for the project and any service
22255 contracts to be performed at the Mississippi facility;

22256 (c) Data supporting the expertise of the project's
22257 principals;

22258 (d) An acknowledgment that the business entity will be
22259 required to provide annual documentation to demonstrate that the
22260 minimum job requirement is being maintained; and

22261 (e) Such information as may be requested by the MDA.

22262 **SECTION 578.** Section 57-113-25, Mississippi Code of 1972, is
22263 brought forward as follows:

22264 57-113-25. (1) Upon approval of the application, the MDA
22265 shall issue a certification designating the business enterprise as
22266 eligible for the tax exemptions authorized by this article. This
22267 certification shall document the date by which all commitments
22268 must be met.

22269 (2) Upon the issuance of the certification, the business
22270 enterprise shall be exempt from state taxes for a period of ten
22271 (10) years subject to the performance requirements set out in the
22272 agreement required by subsection (3)(c) of this section.

22273 (3) The following conditions, along with any other
22274 conditions the MDA shall promulgate from time to time by rule or
22275 regulation, shall apply to such exemptions:



22276 (a) Any exemption provided under this article is
22277 nontransferable and cannot be applied, used or assigned to any
22278 other person or business or tax account without prior approval by
22279 the MDA;

22280 (b) No approved business enterprise may claim or use
22281 the exemption granted under this article unless that enterprise is
22282 in full compliance with all state and local tax laws, and related
22283 ordinances and resolutions; and

22284 (c) The business enterprise must enter into an
22285 agreement with the MDA which sets out, at a minimum, the
22286 performance requirements of the approved business enterprise
22287 during the term of the exemption and provisions for the recapture
22288 of all or a portion of the taxes exempted if the performance
22289 requirements of the business enterprise are not met.

22290 (4) Upon certifying a business enterprise as eligible for
22291 the exemptions under this article, the MDA shall forward the
22292 certification along with any other necessary information to the
22293 Department of Revenue so that the exemptions can be implemented.
22294 The Department of Revenue shall promulgate rules and regulations,
22295 in accordance with the Mississippi Administrative Procedures Law,
22296 for the implementation of the state tax exemptions granted under
22297 this article.

22298 **SECTION 579.** Section 57-113-27, Mississippi Code of 1972, is
22299 brought forward as follows:



22300 57-113-27. The MDA shall promulgate rules and regulations,
22301 in accordance with the Mississippi Administrative Procedures Law,
22302 for the implementation and administration of this article.

22303 **SECTION 580.** Section 57-115-1, Mississippi Code of 1972, is
22304 brought forward as follows:

22305 57-115-1. This chapter shall be known and may be cited as
22306 the Mississippi Small Business Investment Company Act.

22307 **SECTION 581.** Section 57-115-3, Mississippi Code of 1972, is
22308 brought forward as follows:

22309 57-115-3. As used in this chapter, the following terms and
22310 phrases shall have the meanings ascribed in this section unless
22311 the context clearly indicates otherwise:

22312 (a) "Affiliate" means:

22313 (i) Any person who, directly or indirectly,
22314 beneficially owns, controls, or holds power to vote fifteen
22315 percent (15%) or more of the outstanding voting securities or
22316 other voting ownership interest of a Mississippi small business
22317 investment company or insurance company; and

22318 (ii) Any person, fifteen percent (15%) or more of
22319 whose outstanding voting securities or other voting ownership
22320 interests are directly or indirectly beneficially owned,
22321 controlled, or held, with power to vote by a Mississippi small
22322 business investment company or insurance company. Notwithstanding
22323 this paragraph (a), an investment by a participating investor in a
22324 Mississippi small business investment company pursuant to an



22325 allocation of tax credits under this chapter does not cause that
22326 Mississippi small business investment company to become an
22327 affiliate of that participating investor.

22328 (b) "Allocation date" means the date on which credits
22329 are allocated to the participating investors of a Mississippi
22330 small business investment company under this chapter.

22331 (c) "MDA" means the Mississippi Development Authority.

22332 (d) "Department" means the Mississippi Department of
22333 Banking and Consumer Finance.

22334 (e) "Designated capital" means an amount of money that:

22335 (i) Is invested by a participating investor in a
22336 Mississippi small business investment company; and

22337 (ii) Fully funds the purchase price of a
22338 participating investor's equity interest in a Mississippi small
22339 business investment company or a qualified debt instrument issued
22340 by a Mississippi small business investment company, or both.

22341 (f) "Mississippi small business investment company"
22342 means a partnership, corporation, trust, or limited liability
22343 company, organized on a for-profit basis, that:

22344 (i) Has its principal office located in
22345 Mississippi or is headquartered in Mississippi;

22346 (ii) Has as its primary business activity the
22347 investment of cash in qualified businesses; and



22348 (iii) Is certified by the MDA as meeting the
22349 criteria described in this section to qualify as either a primary
22350 or secondary Mississippi small business investment company.

22351 (g) "Participating investor" means any insurer that
22352 contributes designated capital pursuant to this chapter.

22353 (h) "Person" means any natural person or entity,
22354 including, but not limited to, a corporation, general or limited
22355 partnership, trust, or limited liability company.

22356 (i) "Qualified business" means a business that is
22357 independently owned and operated and meets all of the following
22358 requirements:

22359 (i) It is headquartered in Mississippi, its
22360 principal business operations are located in Mississippi and at
22361 least eighty percent (80%) of its employees are located in
22362 Mississippi;

22363 (ii) It has not more than one hundred (100)
22364 employees at the time of the first qualified investment in the
22365 business;

22366 (iii) It is not more than ten percent (10%)
22367 engaged in:

- 22368 1. Professional services provided by
22369 accountants, doctors, or lawyers;
- 22370 2. Banking or lending;
- 22371 3. Real estate development;
- 22372 4. Retail;



22373 5. Insurance; or
22374 6. Making loans to or investments in a
22375 Mississippi small business investment company or an affiliate; and
22376 (iv) It is not a franchise of and has no financial
22377 relationship with a Mississippi small business investment company
22378 or any affiliate of a Mississippi small business investment
22379 company prior to a Mississippi small business investment company's
22380 first qualified investment in the business.

22381 A business classified as a qualified business at the time of
22382 the first qualified investment in the business will remain
22383 classified as a qualified business and may receive continuing
22384 qualified investments from any Mississippi small business
22385 investment company. Continuing investments will constitute
22386 qualified investments even though the business may not meet the
22387 definition of a qualified business at the time of such continuing
22388 investments; however, the business cannot fail to satisfy
22389 subparagraph (iii) and (iv) of this paragraph (i).

22390 (j) "Qualified debt instrument" means a debt instrument
22391 issued by a Mississippi small business investment company that
22392 meets all of the following criteria:

22393 (i) It is issued at par value or a premium;
22394 (ii) It has an original maturity date of at least
22395 four (4) years from the date of issuance and a repayment schedule
22396 that is not faster than a level principal amortization over four
22397 (4) years; and



22398 (iii) Has no interest or payment features that
22399 allow for the prepayment of interest or are tied to the
22400 profitability of the Mississippi small business investment company
22401 or the success of its investments.

22402 (k) "Qualified distribution" means any distribution or
22403 payment by a Mississippi small business investment company in
22404 connection with the following:

22405 (i) Reasonable costs and expenses of forming,
22406 syndicating and organizing the Mississippi small business
22407 investment company, including fees paid for professional services
22408 and the costs of financing and insuring the obligations of a
22409 Mississippi small business investment company, provided no such
22410 payment is made to more than one (1) participating investor or an
22411 affiliate or related party of a participating investor;

22412 (ii) An annual management fee not to exceed two
22413 percent (2%) of designated capital on an annual basis to offset
22414 the costs and expenses of managing and operating a Mississippi
22415 small business investment company;

22416 (iii) Any projected increase in federal or state
22417 taxes, including penalties and interest related to state and
22418 federal income taxes, or to the equity owners of the company
22419 resulting from the earnings or other tax liability of the company
22420 to the extent that the increase is related to the ownership,
22421 management, or operation of the company;



22422 (iv) Reasonable and necessary fees in accordance
22423 with industry custom for ongoing professional services, including,
22424 but not limited to, legal and accounting services related to the
22425 operation of a Mississippi small business investment company, not
22426 including lobbying or governmental relations; and

22427 (v) Payments of principal and interest to holders
22428 of qualified debt instruments issued by a Mississippi small
22429 business investment company which may be made without restriction.

22430 (1) "Qualified investment" means the investment of
22431 money by a Mississippi small business investment company in a
22432 qualified business for the purchase of any debt, debt
22433 participation, equity, or hybrid security of any nature and
22434 description, including a debt instrument or security that has the
22435 characteristics of debt but which provides for conversion into
22436 equity or equity participation instruments such as options or
22437 warrants; provided that any debt, debt participation or other debt
22438 instrument or security shall have a maturity of at least three (3)
22439 years. Any repayment of a qualified investment prior to one (1)
22440 year from the date of issuance shall result in the amount of the
22441 qualified investment being reduced by fifty percent (50%) for
22442 purposes of the cumulative investment requirement set forth in
22443 Section 57-115-9(1) (c).

22444 (m) "State premium tax liability" means any liability
22445 incurred by an insurance company under the provisions of Section
22446 27-15-103, 27-15-109 or 27-15-123 or in the case of a repeal or a



22447 reduction by the state of the liability imposed by Section
22448 27-15-103, 27-15-109 or 27-15-123.

22449 **SECTION 582.** Section 57-115-5, Mississippi Code of 1972, is
22450 brought forward as follows:

22451 57-115-5. (1) (a) The MDA must provide a standardized
22452 format for applying for the Mississippi small business investment
22453 credit authorized under this chapter, and for certification as a
22454 Mississippi small business investment company.

22455 (b) An applicant for certification as a primary
22456 Mississippi small business investment company must:

22457 (i) File an application with the MDA which shall
22458 include a business plan detailing:

22459 1. The approximate percentage of designated
22460 capital the applicant will invest in qualified businesses by the
22461 second, fourth and sixth anniversaries of its allocation date;

22462 2. The industry segments listed by the North
22463 American Industrial Classification System code and percentage of
22464 designated capital in which the applicant will invest; and

22465 3. The number of jobs that will be created or
22466 retained as a result of the applicant's investments once all
22467 designated capital has been invested. A job shall be considered
22468 created or retained if the job pays one hundred twenty-five
22469 percent (125%) of the state average annual wage and is maintained
22470 for at least three (3) years. The application shall project, at a
22471 minimum, that one (1) job shall be created or maintained for each



22472 One Hundred Fifty Thousand Dollars (\$150,000.00) in credits
22473 awarded to the participating investors of the Mississippi small
22474 business investment company;

22475 (ii) Pay a nonrefundable application fee of Seven
22476 Thousand Five Hundred Dollars (\$7,500.00) at the time of filing
22477 the application;

22478 (iii) Submit as part of its application an audited
22479 balance sheet that contains an unqualified opinion of an
22480 independent certified public accountant issued not more than
22481 thirty-five (35) days before the application date that states that
22482 the applicant has an equity capitalization of Five Hundred
22483 Thousand Dollars (\$500,000.00) or more in the form of unencumbered
22484 cash, marketable securities or other liquid assets; and

22485 (iv) Have at least two (2) principals or persons,
22486 at least one (1) of which is primarily located in Mississippi,
22487 employed or engaged to manage the funds who each have a minimum of
22488 five (5) years of money management experience in the venture
22489 capital or private equity or lending industry.

22490 (c) An applicant for certification as a secondary
22491 Mississippi small business investment company must:

22492 (i) File an application with the MDA which shall
22493 include a business plan detailing:

22494 1. The approximate percentage of designated
22495 capital the applicant will invest in qualified businesses by the
22496 second, fourth and sixth anniversaries of its allocation date;



22497 2. The industry segments listed by the North
22498 American Industrial Classification System code and percentage of
22499 designated capital in which the applicant will invest; and

22500 3. The number of jobs that will be crested or
22501 retained as a result of the applicant's investments once all
22502 designated capital has been invested. A job shall be considered
22503 created or retained if the job pays one hundred twenty-five
22504 percent (125%) of the state average annual wage and is maintained
22505 for at least three (3) years. The application shall project, at a
22506 minimum, that one (1) job shall be created or maintained for each
22507 One Hundred Fifty Thousand Dollars (\$150,000.00) in credits
22508 awarded to the participating investors of the Mississippi small
22509 business investment company;

22510 (ii) Pay a nonrefundable application fee of Three
22511 Thousand Seven Hundred Fifty Dollars (\$3,750.00) at the time of
22512 filing the application;

22513 (iii) Submit as part of its application an audited
22514 balance sheet that contains an unqualified opinion of an
22515 independent certified public accountant issued not more than
22516 thirty-five (35) days before the application date that states that
22517 the applicant has an equity capitalization of One Hundred Fifty
22518 Thousand Dollars (\$150,000.00) or more in the form of unencumbered
22519 cash, marketable securities or other liquid assets;

22520 (iv) Demonstrate that fifty percent (50%) of all
22521 secondary investment company investments have been in Mississippi,



22522 and all of the applicant's employees have lived in Mississippi for
22523 at least two (2) years prior to the application being filed, and
22524 that those who are employed or engaged to manage the funds have a
22525 minimum of three (3) years of money management experience in the
22526 venture capital or private equity or lending industry;

22527 (v) Submit as part of its application a signed and
22528 notarized partnership agreement letter with a certified primary
22529 Mississippi small business investment company; and

22530 (vi) Any participating partner or individual in a
22531 certified secondary small business investment company that
22532 successfully participated in the initial authorization and
22533 allocation of credits in 2012, and which is a partner in a
22534 submitted application for credits allocated in subsection (4)(b)
22535 of this section, while partnered with the same primary small
22536 business investment company from the previous 2012 allocation,
22537 shall have the requirements in subparagraphs (iii) and (iv) of
22538 this paragraph (c) waived as having been completed through the
22539 previous allocation.

22540 (d) The MDA may certify partnerships, corporations,
22541 trusts, or limited liability companies, organized on a for-profit
22542 basis, which submit an application to be designated as a
22543 Mississippi small business investment company if the applicant is
22544 located, headquartered, and licensed or registered to conduct
22545 business in Mississippi, has as its primary business activity the



22546 investment of cash in qualified businesses, and meets all of the
22547 criteria of this section.

22548 (e) The MDA must:

22549 (i) Review the organizational documents of each
22550 applicant for certification and the business history of each
22551 applicant;

22552 (ii) Determine whether the applicant has satisfied
22553 all of the requirements of this section; and

22554 (iii) Determine whether the officers and the board
22555 of directors, general partners, trustees, managers or members are
22556 trustworthy and are thoroughly acquainted with the requirements of
22557 this chapter.

22558 (f) Within forty-five (45) days after the receipt of an
22559 application, the MDA may issue the certification or refuse the
22560 certification and may communicate in detail to the applicant the
22561 grounds for refusal, including suggestions for the removal of the
22562 grounds.

22563 (g) The MDA must begin accepting applications to become
22564 a Mississippi small business investment company not later than
22565 August 1, 2012, for credits allocated in subsection (4) (a) of this
22566 section, and not later than August 1, 2018, for credits allocated
22567 in subsection (4) (b) of this section.

22568 (h) Certification by the MDA and operation of a primary
22569 Mississippi small business investment company is not subject to
22570 completion of any relationship or agreement with a secondary



22571 Mississippi small business investment company, and it is not the
22572 intent of this chapter to compel any such agreement.

22573 (2) (a) An insurance company or affiliate of an insurance
22574 company must not, directly or indirectly:

22575 (i) Beneficially own, whether through rights,
22576 options, convertible interest, or otherwise, fifteen percent (15%)
22577 or more of the voting securities or other voting ownership
22578 interest of a Mississippi small business investment company;

22579 (ii) Manage a Mississippi small business
22580 investment company; or

22581 (iii) Control the direction of investments for a
22582 Mississippi small business investment company.

22583 (b) A Mississippi small business investment company may
22584 obtain one or more guaranties, indemnities, bonds, insurance
22585 policies, or other payment undertakings for the benefit of its
22586 participating investors from any entity, except that in no case
22587 can more than one (1) participating investor of a Mississippi
22588 small business investment company on an aggregate basis with all
22589 affiliates of the participating investor, be entitled to provide
22590 guaranties, indemnities, bonds, insurance policies, or other
22591 payment undertakings in favor of the participating investors of a
22592 Mississippi small business investment company and its affiliates
22593 in this state.

22594 (c) This subsection (2) does not preclude a
22595 participating investor, insurance company or other party from



22596 exercising its legal rights and remedies, including, without
22597 limitation, interim management of a Mississippi small business
22598 investment company, in the event that a Mississippi small business
22599 investment company is in default of its statutory obligations or
22600 its contractual obligations to a participating investor, insurance
22601 company, or other party, or from monitoring a Mississippi small
22602 business investment company to ensure its compliance with this
22603 chapter or disallowing any investments that have not been approved
22604 by the MDA.

22605 (d) The MDA may contract with an independent third
22606 party to review, investigate, and certify that the applications
22607 comply with the provisions of this chapter.

22608 (3) (a) At the time of its investment of designated capital
22609 a participating investor shall earn a vested credit against the
22610 participating investor's state premium tax liability in an amount
22611 equal to one hundred percent (100%) of the participating
22612 investor's investment of designated capital in a Mississippi small
22613 business investment company, subject to the limits imposed by this
22614 section.

22615 (b) From and after January 1, 2015, a participating
22616 investor may claim the credit allocated in subsection (4)(a) of
22617 this section as follows:

22618 (i) For the 2015 taxable year, an amount equal to
22619 twenty percent (20%) of the participating investor's investment of
22620 designated capital;



22621 (ii) For the 2016 taxable year, an amount equal to
22622 twenty percent (20%) of the participating investor's investment of
22623 designated capital;

22624 (iii) For the 2017 taxable year, an amount equal
22625 to twenty percent (20%) of the participating investor's investment
22626 of designated capital;

22627 (iv) For the 2018 taxable year, an amount equal to
22628 twenty percent (20%) of the participating investor's investment of
22629 designated capital; and

22630 (v) For the 2019 taxable year, an amount equal to
22631 twenty percent (20%) of the participating investor's investment of
22632 designated capital.

22633 (c) From and after January 1, 2021, a participating
22634 investor may claim the credit allocated in subsection (4)(b) of
22635 this section as follows:

22636 (i) For the 2021 taxable year, an amount equal to
22637 sixteen and sixty-six one-hundredths percent (16.66%) of the
22638 participating investor's investment of designated capital;

22639 (ii) For the 2022 taxable year, an amount equal to
22640 sixteen and sixty-six one-hundredths percent (16.66%) of the
22641 participating investor's investment of designated capital;

22642 (iii) For the 2023 taxable year, an amount equal
22643 to sixteen and sixty-six one-hundredths percent (16.66%) of the
22644 participating investor's investment of designated capital;



22645 (iv) For the 2024 taxable year, an amount equal to
22646 sixteen and sixty-six one-hundredths percent (16.66%) of the
22647 participating investor's investment of designated capital;

22648 (v) For the 2025 taxable year, an amount equal to
22649 sixteen and sixty-six one-hundredths percent (16.66%) of the
22650 participating investor's investment of designated capital; and

22651 (vi) For the 2026 taxable year, an amount equal to
22652 sixteen and seven-tenths percent (16.7%) of the participating
22653 investor's investment of designated capital.

22654 (d) The credit for any taxable year cannot exceed the
22655 state premium tax liability of the participating investor for the
22656 taxable year. If the amount of the credit exceeds the state
22657 premium tax liability of the participating investor for the
22658 taxable year, the excess is an investment tax credit carryover for
22659 five (5) years from the date the credit is first able to be
22660 utilized in accordance with paragraph (a) of this subsection (3).

22661 (e) Notwithstanding any provision of this chapter to
22662 the contrary, the granting of any credits against the insurance
22663 premium tax shall not affect the insurance premium tax receipts
22664 distributed pursuant to Sections 83-1-37, 83-1-39, 83-34-39,
22665 45-11-5 and 21-29-233, which shall take priority over all other
22666 distributions of premium tax receipts and shall be calculated
22667 based upon gross insurance premium tax liability before the
22668 application of the tax credits.



22669 (f) A participating investor claiming a credit under
22670 this chapter is not required to pay any additional retaliatory tax
22671 under Section 27-15-123 levied as a result of claiming the credit.

22672 (g) A participating investor is not required to reduce
22673 the amount of tax pursuant to the state premium tax liability
22674 included by the participating investor in connection with
22675 ratemaking for any insurance contract written in this state
22676 because of a reduction in the participating investor's tax
22677 liability based on the tax credit allowed under this chapter.

22678 (h) If the taxes paid by a participating investor with
22679 respect to its state premium tax liability constitute a credit
22680 against any other tax that is imposed by this state, the
22681 participating investor's credit against the other tax shall not be
22682 reduced by virtue of the reduction in the participating investor's
22683 tax liability based on the tax credit allowed under this chapter.

22684 (i) Final decertification of a Mississippi small
22685 business investment company under this chapter prior to such
22686 Mississippi small business investment company meeting the
22687 requirements of Section 57-115-7(1)(a)(ii), shall result in the
22688 disallowance and the recapture of all of the credits allocated to
22689 its participating investors under this chapter. Once a
22690 Mississippi small business investment company has satisfied the
22691 requirements of Section 57-115-7(1)(a)(ii), any subsequent
22692 decertification shall not cause the disallowance or recapture of



22693 any credits allocated to its participating investors under this
22694 chapter.

22695 (j) The credits allowed under this chapter are not
22696 transferable; however, a participating investor may transfer
22697 credits to an affiliated insurance company provided it gives prior
22698 written notice of such transfer to the MDA and the Department of
22699 Revenue.

22700 (4) (a) (i) Through January 1, 2018, the aggregate amount
22701 of investment tax credits that may be allocated to all
22702 participating investors of Mississippi small business investment
22703 companies under this section shall not exceed Fifty Million
22704 Dollars (\$50,000,000.00), and no Mississippi small business
22705 investment company, on an aggregate basis with its affiliates, may
22706 file credit allocation claims that exceed Fifty Million Dollars
22707 (\$50,000,000.00).

22708 (ii) The Fifty Million Dollars (\$50,000,000.00)
22709 aggregate amount of investment tax credits allocated in this
22710 paragraph (a) shall be divided into a primary tax credit pool
22711 which may be applied for by certified primary Mississippi small
22712 business investment companies and a secondary tax credit pool
22713 which may be applied for by certified secondary Mississippi small
22714 business investment companies. The secondary tax credit pool
22715 shall be Three Million Five Hundred Thousand Dollars
22716 (\$3,500,000.00) of the total Fifty Million Dollars
22717 (\$50,000,000.00) aggregate amount of investment tax credits.



22718 Secondary Mississippi small business investment companies may not
22719 apply for more than One Million Seven Hundred Fifty Thousand
22720 Dollars (\$1,750,000.00) worth of credits on a single application.
22721 A certified secondary Mississippi small business investment
22722 company may apply for additional tax credit allocation from the
22723 secondary tax credit pool, if the credits are available, after
22724 fifty percent (50%) of its previously allocated credits are used
22725 in qualified investments.

22726 (iii) If there are any tax credits remaining
22727 available for allocation in the secondary tax credit pool on
22728 August 1, 2013, those available tax credits shall revert to the
22729 primary tax credit pool and be made available to primary
22730 Mississippi small business investment companies according to rules
22731 and regulations promulgated by the MDA. Prior to August 1, 2013,
22732 primary Mississippi small business investment companies, including
22733 any wholly owned subsidiary company, shall be prohibited from
22734 making application to the MDA to be additionally certified as a
22735 secondary Mississippi small business investment company for
22736 purposes of the tax credits allocated in this paragraph (a) and
22737 prohibited from applying for any tax credit allocation from the
22738 secondary tax credit pool. A certified primary Mississippi small
22739 business investment company may have ownership equity in a
22740 certified secondary Mississippi small business investment company,
22741 but the equity interest owned by the certified primary Mississippi



22742 small business investment company shall not exceed forty percent
22743 (40%).

22744 (b) (i) From and after July 1, 2018, an additional
22745 aggregate amount of investment tax credits may be allocated to all
22746 participating investors of Mississippi small business investment
22747 companies under this section. The amount so allocated shall not
22748 exceed Forty-five Million Dollars (\$45,000,000.00), and no
22749 Mississippi small business investment company, on an aggregate
22750 basis with its affiliates, may file credit allocation claims on
22751 the additional aggregate amount of tax credits that exceed
22752 Forty-five Million Dollars (\$45,000,000.00).

22753 (ii) The Forty-five Million Dollars
22754 (\$45,000,000.00) aggregate amount of investment tax credits
22755 allocated in this paragraph (b) shall be divided into a primary
22756 tax credit pool which may be applied for by certified primary
22757 Mississippi small business investment companies and a secondary
22758 tax credit pool which may be applied for by certified secondary
22759 Mississippi small business investment companies. The secondary
22760 tax credit pool shall be Three Million Five Hundred Thousand
22761 Dollars (\$3,500,000.00) of the total Forty-five Million Dollars
22762 (\$45,000,000.00) aggregate amount of investment tax credits.
22763 Secondary Mississippi small business investment companies may not
22764 apply for more than One Million Seven Hundred Fifty Thousand
22765 Dollars (\$1,750,000.00) worth of credits on a single application.
22766 A certified secondary Mississippi small business investment



22767 company may apply for additional tax credit allocation from the
22768 secondary tax credit pool, if the credits are available, after
22769 fifty percent (50%) of its previously allocated credits are used
22770 in qualified investments.

22771 (iii) If there are any tax credits remaining
22772 available for allocation in the secondary tax credit pool on
22773 August 1, 2019, those available tax credits shall revert to the
22774 primary tax credit pool and be made available to primary
22775 Mississippi small business investment companies according to rules
22776 and regulations promulgated by the MDA. Prior to August 1, 2022,
22777 primary Mississippi small business investment companies, including
22778 any wholly owned subsidiary company, shall be prohibited from
22779 making application to the MDA to be additionally certified as a
22780 secondary Mississippi small business investment company for
22781 purposes of the tax credits allocated in this paragraph (b) and
22782 prohibited from applying for any tax credit allocation from the
22783 secondary tax credit pool. A certified primary Mississippi small
22784 business investment company may have ownership equity in a
22785 certified secondary Mississippi small business investment company,
22786 but the equity interest owned by the certified primary Mississippi
22787 small business investment company shall not exceed forty percent
22788 (40%).

22789 (c) Credits must be allocated to investors in the order
22790 that the credit allocation claims are filed with the MDA.



22791 (d) Any credit allocation claims filed with the MDA
22792 before the initial credit allocation claim filing date will be
22793 deemed to have been filed on the initial credit allocation claim
22794 filing date. The MDA will set the initial credit allocation claim
22795 filing date to be not less than one hundred twenty (120) days and
22796 not more than one hundred fifty (150) days after the date the MDA
22797 begins accepting applications for certification. Credit
22798 allocation claims filed on the same day with the MDA must be
22799 treated as having been filed contemporaneously.

22800 (e) If two (2) or more Mississippi small business
22801 investment companies file credit allocation claims with the MDA on
22802 behalf of their respective participating investors on the same day
22803 and the aggregate amount of credit allocation claims exceeds the
22804 aggregate limit of credits authorized under this subsection (4) or
22805 the lesser amount of credits that remain unallocated on that day,
22806 then the credits shall be allocated among the participating
22807 investors who filed on that day on a pro rata basis with respect
22808 to the amounts claimed. The pro rata allocation for any one (1)
22809 participating investor is the product obtained by multiplying a
22810 fraction, the numerator of which is the amount of the credit
22811 allocation claim filed on behalf of a participating investor and
22812 the denominator of which is the total of all credit allocation
22813 claims filed on behalf of all participating investors on that day,
22814 by the aggregate limit of credits authorized under this subsection



22815 (4) or the lesser amount of credits that remain unallocated on
22816 that day.

22817 (f) Within ten (10) business days after the MDA
22818 receives a credit allocation claim filed by a Mississippi small
22819 business investment company on behalf of one or more of its
22820 participating investors, the MDA may notify the Mississippi small
22821 business investment company of the amount of credits allocated to
22822 each of the participating investors of that Mississippi small
22823 business investment company. In the event a Mississippi small
22824 business investment company does not receive an investment of
22825 designated capital from each participating investor required to
22826 earn the amount of credits allocated to the participating investor
22827 within ten (10) business days of the Mississippi small business
22828 investment company's receipt of notice of allocation, then it
22829 shall notify the MDA on or before the next business day, and the
22830 credits allocated to the participating investor of the Mississippi
22831 small business investment company will be forfeited. The MDA may
22832 then reallocate those forfeited credits among the participating
22833 investors of the other Mississippi small business investment
22834 companies on a pro rata basis with respect to the credit
22835 allocation claims filed on behalf of the participating investors.
22836 The MDA may levy a fine of not more than Fifty Thousand Dollars
22837 (\$50,000.00) on any participating investor that does not invest
22838 the full amount of designated capital required to fund the credits



22839 allocated to it by the MDA in accordance with the credit
22840 allocation claim filed on its behalf.

22841 (g) No participating investor, on an aggregate basis
22842 with its affiliates, may file an allocation claim for more than
22843 twenty-five percent (25%) of the maximum amount of investment tax
22844 credits authorized under this subsection (4), regardless of
22845 whether the claim is made in connection with one or more
22846 Mississippi small business investment companies.

22847 **SECTION 583.** Section 57-115-7, Mississippi Code of 1972, is
22848 brought forward as follows:

22849 57-115-7. (1) (a) To maintain its certification, a
22850 Mississippi small business investment company must make qualified
22851 investments as follows:

22852 (i) Within two (2) years after the allocation
22853 date, a Mississippi small business investment company must invest
22854 an amount equal to at least thirty-five percent (35%) of its
22855 designated capital in qualified investments; and

22856 (ii) Within four (4) years after the allocation
22857 date, a Mississippi small business investment company must invest
22858 an amount equal to at least fifty percent (50%) of its designated
22859 capital in qualified investments.

22860 (b) Before making a proposed qualified investment in a
22861 specific business, a Mississippi small business investment company
22862 must request from the MDA a written determination that the
22863 proposed investment will qualify as a qualified investment in a



22864 qualified business and comply with the Mississippi small business
22865 investment company's business plan previously approved by the MDA.
22866 The MDA must notify a Mississippi small business investment
22867 company within ten (10) business days from the receipt of a
22868 request of its determination and an explanation thereof. If the
22869 MDA determines that the proposed investment does not meet the
22870 definition of a qualified investment, qualified business or comply
22871 with the Mississippi small business investment company's business
22872 plan, the MDA may nevertheless consider the proposed investment a
22873 qualified investment or a qualified business if the MDA determines
22874 that the proposed investment will further economic development. A
22875 Mississippi small business investment company may at any time
22876 apply to the MDA to amend its business plan, which the MDA may
22877 approve if it determines that the proposed amendment will further
22878 economic development in the state.

22879 (c) All designated capital not invested in qualified
22880 investments by a Mississippi small business investment company
22881 shall be held or invested in the manner the Mississippi small
22882 business investment company deems appropriate within the limits of
22883 this chapter. Designated capital and proceeds of designated
22884 capital returned to a Mississippi small business investment
22885 company after being originally invested in qualified investments
22886 may be invested in additional qualified investments and the
22887 investment shall count toward the requirements of paragraph (a) of
22888 this subsection (1) and of Section 57-115-9(1) (c) with respect to



22889 making investments of designated capital in qualified investments,
22890 provided that the qualified business returning the initial
22891 qualified investment of the designated capital:

22892 (i) Returns the capital pursuant to regularly
22893 scheduled amortization payments;

22894 (ii) Returns the capital after a change in control
22895 or sale of the company or substantially all of its assets;

22896 (iii) Returns the capital to the Mississippi small
22897 business investment company after defaulting on the terms of the
22898 qualified investment; or

22899 (iv) Has attracted follow-on investment equal to
22900 the amount returned to the Mississippi small business investment
22901 company from a source other than a Mississippi small business
22902 investment company.

22903 (d) (i) If, within five (5) years after its allocation
22904 date, a Mississippi small business investment company has not
22905 invested at least eighty-five percent (85%) of its designated
22906 capital in qualified investments, the Mississippi small business
22907 investment company shall not be permitted to pay management fees
22908 until it has invested such amount of designated capital in
22909 qualified investments.

22910 (ii) If within seven (7) years after its
22911 allocation date, a Mississippi small business investment company
22912 has no longer invested at least one hundred percent (100%) of its
22913 designated capital in qualified investments, the Mississippi small



22914 business investment company shall not be permitted to pay
22915 management fees.

22916 (2) (a) Each Mississippi small business investment company
22917 must report the following to the MDA and the Department of
22918 Revenue:

22919 (i) As soon as practicable after the receipt of
22920 designated capital:

22921 1. The name of each participating investor
22922 from which the designated capital was received, and each
22923 participating investor's affiliates that may claim credits,
22924 including the insurance tax identification number of the
22925 participating investor and its affiliates, if any;

22926 2. The amount of each participating
22927 investor's investment of designated capital; and

22928 3. The date on which the designated capital
22929 was received;

22930 (ii) On an annual basis, on or before January 31
22931 of each year:

22932 1. The amount of the Mississippi small
22933 business investment company's designated capital that remains to
22934 be invested in qualified investments at the end of the immediately
22935 preceding taxable year;

22936 2. Whether or not the Mississippi small
22937 business investment company has invested more than fifteen percent



22938 (15%) of its total designated capital in any one (1) qualified
22939 business;

22940 3. All qualified investments that the
22941 Mississippi small business investment company has made in the
22942 previous taxable year, including the number of employees of each
22943 qualified business in which it has made investments at the time of
22944 the investment and as of December 1 of the preceding taxable year;

22945 4. For any qualified business where the
22946 Mississippi small business investment company no longer has an
22947 investment, the Mississippi small business investment company must
22948 provide employment figures for that business as of the last day
22949 before the investment was terminated;

22950 (iii) Other information that the MDA and/or the
22951 Department of Revenue may reasonably request that will help the
22952 MDA ascertain the impact of the Mississippi small business
22953 investment company program both directly and indirectly on the
22954 economy of the State of Mississippi including, but not limited to,
22955 the number of jobs created by qualified businesses that have
22956 received qualified investments; and

22957 (iv) Within ninety (90) days after the close of
22958 its fiscal year, annual audited financial statements of the
22959 Mississippi small business investment company, which must include
22960 the opinion of an independent certified public accountant.

22961 (b) A Mississippi small business investment company
22962 must pay to the MDA an annual, nonrefundable certification fee of



22963 Two Thousand Five Hundred Dollars (\$2,500.00) on or before April
22964 1, or Five Thousand Dollars (\$5,000.00) if later. However, no
22965 annual certification fee is required if the payment date for the
22966 fee is within six (6) months of the date a Mississippi small
22967 business investment company is first certified by the MDA.

22968 (c) Upon satisfying the requirements of subsection
22969 (1) (a) (ii) of this section, a Mississippi small business
22970 investment company shall provide notice of the satisfaction to the
22971 MDA, and the MDA shall, within sixty (60) days of receipt of the
22972 notice, either confirm that the Mississippi small business
22973 investment company has satisfied the requirements of subsection
22974 (1) (a) (ii) of this section as of that date or provide notice of
22975 noncompliance and an explanation of any existing deficiencies.

22976 (3) (a) A Mississippi small business investment company may
22977 make qualified distributions at any time. In order for a
22978 Mississippi small business investment company to make a
22979 distribution other than a qualified distribution to its equity
22980 holders:

22981 (i) The qualified investments of the Mississippi
22982 small business investment company must equal or exceed one hundred
22983 percent (100%) of its designated capital; and

22984 (ii) The Mississippi small business investment
22985 company must attract follow-on investment from sources other than
22986 itself or another Mississippi small business investment company in



22987 the qualified businesses in which it made qualified investments
22988 equal to one hundred percent (100%) of its designated capital.

22989 (b) For all distributions other than qualified
22990 distributions, if the Mississippi small business investment
22991 company has not met or exceeded the jobs creation and retention
22992 goal agreed to by the MDA and the Mississippi small business
22993 investment company in its application and the MDA has not waived
22994 this requirement as a result of project location and business
22995 sector, the Mississippi small business investment company shall
22996 pay all such distributions to the state as a fee until the
22997 Mississippi small business investment company has paid to the
22998 state an amount equal to the penalty amount. For purposes of this
22999 section, the penalty amount shall equal one percent (1%) of the
23000 cumulative management fees previously paid by the Mississippi
23001 small business investment company for every one percent (1%) by
23002 which a Mississippi small business investment company fails to
23003 meet the jobs creation goal agreed to by the MDA and the
23004 Mississippi small business investment company in its application.

23005 **SECTION 584.** Section 57-115-9, Mississippi Code of 1972, is
23006 brought forward as follows:

23007 57-115-9. (1) (a) The MDA, or at its discretion the
23008 department, shall conduct an annual review of each Mississippi
23009 small business investment company to determine if a Mississippi
23010 small business investment company is abiding by the requirements
23011 of certification and to ensure that no investment has been made in



23012 violation this chapter. The cost of the annual review must be
23013 paid by each Mississippi small business investment company
23014 according to a reasonable fee schedule adopted by the MDA and/or
23015 the department. In the event the department conducts the annual
23016 review, the department shall provide copies of the review to the
23017 MDA. The MDA shall provide copies of each Mississippi small
23018 business investment company's annual review to the Mississippi
23019 small business investment company reviewed.

23020 (b) Any material violation of this chapter, including
23021 any material misrepresentation made to the MDA in connection with
23022 the application process, may be grounds for decertification of a
23023 Mississippi small business investment company and the disallowance
23024 of credits under this chapter, provided that in all instances the
23025 MDA shall provide notice to the Mississippi small business
23026 investment company of the grounds of the proposed decertification.
23027 The Mississippi small business investment company shall have at
23028 least one hundred twenty (120) days from receipt of notice from
23029 the MDA to remedy any violation before the decertification becomes
23030 effective.

23031 (c) After a Mississippi small business investment
23032 company has invested an amount cumulatively equal to one hundred
23033 percent (100%) of its designated capital in qualified investments,
23034 provided that the Mississippi small business investment company
23035 has met all other requirements under this chapter as of that date,
23036 the Mississippi small business investment company shall no longer



23037 be subject to regulation by the MDA or the department or the
23038 reporting requirements under Section 57-115-7(2). Upon receiving
23039 certification by a Mississippi small business investment company
23040 that it has invested an amount equal to one hundred percent (100%)
23041 of its designated capital, the MDA must notify a Mississippi small
23042 business investment company within sixty (60) days that it has or
23043 has not met the requirements, with a reason for the determination
23044 if it has not met the requirements.

23045 (d) The MDA must send written notice of any
23046 decertification proceedings to the Department of Revenue, the
23047 department, and to the address of each participating investor
23048 whose tax credit may be subject to recapture or forfeiture, using
23049 the address shown on the last filing submitted to the MDA.

23050 (2) All investments by participating investors for which tax
23051 credits are awarded under this chapter must be registered or
23052 specifically exempt from registration.

23053 (3) After January 1, 2015, the MDA must make an annual
23054 report to the Governor, the Chairman of the House Ways and Means
23055 Committee and Chairman of the Senate Finance Committee. The
23056 report must include:

23057 (a) The number of Mississippi small business investment
23058 companies holding designated capital;

23059 (b) The amount of designated capital invested in each
23060 Mississippi small business investment company;



23061 (c) The cumulative amount that each Mississippi small
23062 business investment company has invested as of January 1, 2015,
23063 and the cumulative total each year thereafter;

23064 (d) The cumulative amount of follow-on capital that the
23065 investments of each Mississippi small business investment company
23066 have created in terms of capital invested in qualified businesses
23067 at the same time or subsequent to investments made by a
23068 Mississippi small business investment company in the businesses by
23069 sources other than a Mississippi small business investment
23070 company;

23071 (e) The total amount of investment tax credits applied
23072 for and allocated under this chapter for each year;

23073 (f) The performance of each Mississippi small business
23074 investment company with regard to the requirements for continued
23075 certification;

23076 (g) The classification of the companies in which each
23077 Mississippi small business investment company has invested
23078 according to industrial sector and size of company;

23079 (h) The gross number of jobs created by investments
23080 made by each Mississippi small business investment company and the
23081 number of jobs retained;

23082 (i) The location of the companies in which each
23083 Mississippi small business investment company has invested;



23084 (j) Those Mississippi small business investment
23085 companies that have been decertified, including the reasons for
23086 decertification; and

23087 (k) Other related information necessary to evaluate the
23088 effect of this chapter on economic development.

23089 **SECTION 585.** Section 57-115-11, Mississippi Code of 1972, is
23090 brought forward as follows:

23091 57-115-11. The MDA and the department each may promulgate
23092 rules and regulations, in accordance with the Mississippi
23093 Administrative Procedures Law, for the implementation and
23094 administration of this chapter.

23095 **SECTION 586.** Section 57-117-1, Mississippi Code of 1972, is
23096 brought forward as follows:

23097 57-117-1. This chapter shall be known and may be cited as
23098 the "Mississippi Health Care Industry Zone Act."

23099 **SECTION 587.** Section 57-117-3, Mississippi Code of 1972, is
23100 brought forward as follows:

23101 57-117-3. In this chapter:

23102 (a) "Health care industry facility" means:

23103 (i) A business engaged in the research and
23104 development of pharmaceuticals, biologics, biotechnology,
23105 diagnostic imaging, medical supplies, medical equipment or
23106 medicine and related manufacturing or processing, medical service
23107 providers, medical product distribution, or laboratory testing
23108 that creates a minimum of twenty-five (25) new full-time jobs



23109 and/or Ten Million Dollars (\$10,000,000.00) of capital investment
23110 after July 1, 2012; or

23111 (ii) A business that * * * 1. is located on land
23112 owned by or leased from an academic health science center with a
23113 medical school accredited by the Liaison Committee on Medical
23114 Education and a hospital accredited by the Joint Committee on
23115 Accreditation of Healthcare Organizations and * * * 2. creates a
23116 minimum of twenty-five (25) new jobs and/or Twenty Million Dollars
23117 (\$20,000,000.00) of capital investment after July 1, 2012.

23118 (b) "MDA" means the Mississippi Development Authority.

23119 (c) "Health care industry zone" means a geographical
23120 area certified by the MDA as provided for in Section 57-117-5.

23121 (d) "Local government unit" means any county or
23122 incorporated city, town or village in the State of Mississippi.

23123 (e) "Person" means a natural person, partnership,
23124 limited liability company, association, corporation, business
23125 trust or other business entity.

23126 (f) "Qualified business" means a business or health
23127 care industry facility that meets the requirements of Section
23128 57-117-7 and any other requirements of this chapter.

23129 **SECTION 588.** Section 57-117-5, Mississippi Code of 1972, is
23130 brought forward as follows:

23131 57-117-5. (1) The MDA may certify an area as a health care
23132 industry zone if the following requirements are met:

23133 (a) The area is located within:



23134 (i) Three (3) contiguous counties which have
23135 certificates of need of more than three hundred seventy-five (375)
23136 acute care hospital beds; and/or

23137 (ii) A county which has a hospital with a minimum
23138 capital investment of Two Hundred Fifty Million Dollars
23139 (\$250,000,000.00) and for which construction is completed before
23140 July 1, 2017;

23141 (b) The health care industry facility is located within
23142 a five-mile radius of:

23143 (i) A facility with a certificate of need for
23144 hospital beds; and/or

23145 (ii) A university or college that is:

23146 1. Accredited by the Southern Association of
23147 Colleges and Schools and awards degrees and/or trains workers for
23148 jobs in health care or pharmaceutical fields of study and/or work,
23149 and

23150 2. Located along or near Mississippi Highway
23151 67 within a master planned community as defined in Section
23152 19-5-10; and

23153 (c) The zoning of the local government unit, if
23154 applicable, allows the construction or operation in the proposed
23155 health care industry zone of the health care industry facility.

23156 (2) A health care industry facility that engages in an
23157 activity for which a certificate of need is required must comply



23158 with the provisions of Section 41-7-191 in order to be certified
23159 as a qualified business.

23160 (3) The MDA may adopt and promulgate such rules and
23161 regulations, in compliance with the Mississippi Administrative
23162 Procedures Law, as are necessary for the efficient and effective
23163 administration of this section in keeping with the purposes for
23164 which it is enacted.

23165 **SECTION 589.** Section 57-117-7, Mississippi Code of 1972, is
23166 brought forward as follows:

23167 57-117-7. (1) Businesses and health care industry
23168 facilities shall apply to the MDA for certification as a qualified
23169 business. If the health care industry facility or business is
23170 located in a health care industry zone and meets the requirements
23171 of this chapter, the MDA shall certify it as a qualified business.

23172 (2) A health care industry facility or business certified by
23173 the MDA as a qualified business within a health care industry zone
23174 that constructs or renovates a health care industry facility
23175 within a health care industry zone shall qualify for the
23176 following:

23177 (a) An accelerated state income tax depreciation
23178 deduction. The accelerated depreciation deduction shall be
23179 computed by accelerating depreciation period required by
23180 Mississippi Administrative Code, to a ten-year depreciation
23181 period.



23182 (b) A sales tax exemption as authorized in Section
23183 27-65-101(pp).

23184 (c) A fee-in-lieu of taxes as authorized in Section
23185 27-31-104.

23186 (d) An ad valorem tax exemption as authorized in
23187 Section 27-31-101.

23188 **SECTION 590.** Section 57-117-9, Mississippi Code of 1972, is
23189 brought forward as follows:

23190 57-117-9. If the qualified business has not created the
23191 requisite number of jobs required by this chapter, the health care
23192 industry zone certification may be revoked by MDA after five (5)
23193 years have elapsed from the effective date of certification. A
23194 revocation under this section shall not act retroactively to
23195 remove any incentives granted by this chapter.

23196 **SECTION 591.** Section 57-117-11, Mississippi Code of 1972, is
23197 brought forward as follows:

23198 57-117-11. Sections 57-117-1 through 57-117-11 of this act
23199 shall be repealed from and after July 1, 2022.

23200 **SECTION 592.** Section 57-119-1, Mississippi Code of 1972, is
23201 brought forward as follows:

23202 57-119-1. (1) There is created in the State Treasury a
23203 special fund to be designated as the "Gulf Coast Restoration Fund"
23204 (GCRF). The GCRF shall consist of funds required to be deposited
23205 into the GCRF by Section 27-103-302, funds appropriated or
23206 otherwise made available by the Legislature in any manner, and



23207 funds from any other source designated for deposit into the GCRF.
23208 Unexpended amounts remaining in the GCRF at the end of a fiscal
23209 year shall not lapse into the State General Fund, and any
23210 investment earnings or interest earned on amounts in the GCRF
23211 shall be deposited to the credit of the GCRF.

23212 (2) Monies in the GCRF shall be administered by the
23213 Mississippi Development Authority (MDA), and shall be used, upon
23214 appropriation by the Legislature, to provide assistance to
23215 applicants through programs or projects authorized by this
23216 chapter. Monies in the GCRF shall be used only for programs or
23217 projects that are located in the Gulf Coast region as defined in
23218 the federal RESTORE Act, or twenty-five (25) miles from the
23219 northern boundaries of the three (3) coastal counties of Harrison,
23220 Hancock and Jackson, but not to expand beyond the boundaries of
23221 Hancock, Harrison, Jackson, Pearl River, Stone, and George
23222 Counties. If a county is included in the coastal zone, then the
23223 county seat and the land lying to the east, west and south within
23224 that county would be considered a part of the coastal zone.

23225 **SECTION 593.** Section 57-119-3, Mississippi Code of 1972, is
23226 brought forward as follows:

23227 57-119-3. (1) Monies in the Gulf Coast Restoration Fund
23228 shall be used only for the purposes specified in this chapter, and
23229 no other expenditure, appropriation or transfer of monies in the
23230 GCRF shall be made except by an act of the Legislature making
23231 specific reference to the GCRF as the source of those monies.



23232 (2) If any monies in the GCRF are obligated or pledged as
23233 security for any debt incurred by MDA, and the monies in the GCRF
23234 that have been obligated or pledged are later expended,
23235 appropriated, transferred, obligated or pledged for any other
23236 purpose, the debt for which the monies were originally obligated
23237 or pledged shall be the obligation and indebtedness of the State
23238 of Mississippi secured by the full faith and credit of the state.

23239 **SECTION 594.** Section 57-119-5, Mississippi Code of 1972, is
23240 brought forward as follows:

23241 57-119-5. (1) There is created the Gulf Coast Restoration
23242 Fund Advisory Board for the purpose of providing guidance and
23243 expertise to MDA when reviewing applications for assistance under
23244 this chapter. The advisory board shall consist of the following
23245 seven (7) members:

23246 (a) Three (3) appointments from the Governor;
23247 (b) Two (2) appointments from the Lieutenant Governor;
23248 and

23249 (c) Two (2) appointments from the Speaker of the House
23250 of Representatives.

23251 (2) The Governor shall appoint the chairman of the board and
23252 the board shall elect such other officers as it considers
23253 necessary from among its members.

23254 (3) A majority of the members of the board shall constitute
23255 a quorum for the conduct of meetings and all actions of the board
23256 shall be by a majority vote.



23257 (4) The Mississippi Development Authority shall provide any
23258 necessary administrative support to the board. No person
23259 nominated for, appointed to or serving as a member of the board
23260 may be an elected official.

23261 (5) Members of the board shall serve without compensation,
23262 per diem or mileage expense.

23263 (6) All expenses of the MDA in carrying out its duties and
23264 responsibilities under this section shall be paid from funds in
23265 the Gulf Coast Restoration Fund.

23266 **SECTION 595.** Section 57-119-7, Mississippi Code of 1972, is
23267 brought forward as follows:

23268 57-119-7. (1) MDA shall be the administrator of the Gulf
23269 Coast Restoration Fund. MDA is authorized to carry out any powers
23270 and duties authorized in this chapter and shall handle all of the
23271 day-to-day matters relating to the GCRF.

23272 (2) The annual administration expenses of MDA in carrying
23273 out its duties under this chapter shall not exceed one percent
23274 (1%) of the amount of the funds deposited into the GCRF under
23275 Section 27-103-302 for that year. MDA may recover from applicants
23276 and recipients of funds under this chapter a portion of the costs
23277 associated with administering assistance provided under this
23278 chapter, which shall not be subject to the one percent (1%)
23279 limitation under this subsection.

23280 **SECTION 596.** Section 57-119-9, Mississippi Code of 1972, is
23281 brought forward as follows:



23282 57-119-9. (1) Applicants who are eligible for assistance
23283 under this section include, but are not limited to, local units of
23284 government, nongovernmental organizations, institutions of higher
23285 learning, community colleges, ports, airports, public-private
23286 partnerships, private for-profit entities, private nonprofit
23287 entities and local economic development entities. Projects that
23288 are eligible for assistance under this section are projects that
23289 have the potential to generate increased economic activity in the
23290 region, as described in Section 57-119-11(3).

23291 (2) MDA shall establish criteria, rules, and procedures for
23292 accepting and reviewing applications for assistance under this
23293 section. MDA, with advice from the Gulf Coast Restoration Fund
23294 Advisory Board, shall review, compile and score all timely
23295 received applications, and shall present the applications and its
23296 recommendations for assistance to individual projects under this
23297 section to the Legislature no later than December 1 of the year.
23298 The Legislature shall determine individual projects that will be
23299 funded under this section by separate line items in an
23300 appropriation bill.

23301 (3) Applications for assistance under this section will be
23302 received through web portals set up by MDA. MDA shall set
23303 criteria for the web portal which may include protection of the
23304 confidentiality of any or all of the applications.

23305 **SECTION 597.** Section 57-119-11, Mississippi Code of 1972, is
23306 brought forward as follows:



23307 57-119-11. (1) MDA is further authorized, on such terms and
23308 conditions consistent with the criteria set forth in this section
23309 as it may determine, to establish programs for making loans, loan
23310 guarantees, grants and any other financial assistance from the
23311 GCRF to applicants whose projects are approved for assistance
23312 under this section. MDA shall establish criteria, rules and
23313 procedures for accepting, reviewing, granting or denying
23314 applications, and for terms and conditions of financial assistance
23315 under this section in accordance with state law. The Legislature
23316 shall appropriate monies from the GCRF to the MDA to fund the
23317 programs established under this section in an amount requested
23318 annually by MDA for such purpose.

23319 (2) Applicants who are eligible for assistance under this
23320 section include, but are not limited to, local units of
23321 government, nongovernmental organizations, institutions of higher
23322 learning, community colleges, ports, airports, public-private
23323 partnerships, private for-profit entities, private nonprofit
23324 entities, and local economic development entities.

23325 (3) MDA shall establish programs and an application process
23326 to provide assistance to applicants under this section that
23327 prioritize:

23328 (a) Projects that will impact the long-term
23329 competitiveness of the region and may result in a significant
23330 positive impact on tax base, private sector job creation and
23331 private sector investment in the region;



23332 (b) Projects that demonstrate the maximum long-term
23333 economic benefits and long-term growth potential of the region
23334 based on a financial analysis such as a cost-benefit analysis or a
23335 return-on-investment analysis;

23336 (c) Projects that demonstrate long-term financial
23337 sustainability, including clear performance metrics, over the
23338 duration of the project;

23339 (d) Projects that leverage or encourage leveraging of
23340 other private sector, local, state and federal funding sources
23341 with preference to projects that can demonstrate contributions
23342 from other sources than funds from the BP settlement;

23343 (e) Projects that are supported by multiple government
23344 or private sector entities;

23345 (f) Projects that can move quickly and efficiently to
23346 the design, engineering, and permitting phase;

23347 (g) Projects that enhance the quality of life/place and
23348 business environment of the region, including tourism and
23349 recreational opportunities;

23350 (h) Projects that expand the region's ability to
23351 attract high-growth industries or establish new high-growth
23352 industries in the region;

23353 (i) Projects that leverage or further enhance key
23354 regional assets, including educational institutions, research
23355 facilities, ports, airports, rails and military bases;



23356 (j) Projects that are transformational for the future
23357 of the region but create a wider regional impact;

23358 (k) Projects that enhance the marketability of existing
23359 industrial properties;

23360 (l) Projects that enhance a targeted industry cluster
23361 or create a Center of Excellence unique to the region;

23362 (m) Infrastructure projects for business retention and
23363 development;

23364 (n) Projects that enhance research and innovative
23365 technologies in the region; and

23366 (o) Projects that provide outcome and return on
23367 investment measures, to be judged by clear performance metrics,
23368 over the duration of the project or program.

23369 **SECTION 598.** Section 57-119-13, Mississippi Code of 1972, is
23370 brought forward as follows:

23371 57-119-13. (1) Assistance provided under this chapter may
23372 not be used to finance one hundred percent (100%) of the cost of
23373 any project.

23374 (2) Contracts executed by MDA with recipients of assistance
23375 under this chapter must include provisions requiring a performance
23376 report on the contracted activities, must account for the proper
23377 use of funds provided under the contract, and must include
23378 provisions for recovery of assistance if the assistance was based
23379 upon fraudulent information or the recipient of the assistance is
23380 not meeting the performance requirements established by MDA of the



23381 assistance. Recipients of assistance under this chapter must
23382 regularly report to MDA the status of the project on a schedule
23383 determined by MDA.

23384 **SECTION 599.** Section 57-119-15, Mississippi Code of 1972, is
23385 brought forward as follows:

23386 57-119-15. (1) The scope of a financial audit of recipients
23387 of assistance under this chapter shall include funds related to
23388 any year in which the recipient receives assistance under this
23389 chapter. The scope of review for these funds shall include, but
23390 is not limited to, compliance with state and federal laws related
23391 to the receipt and expenditure of those funds and the criteria
23392 established by MDA.

23393 (2) The State Auditor shall conduct performance audits of
23394 MDA's administration of the GCRF under this chapter. The scope of
23395 review shall include, but is not limited to, evaluating internal
23396 controls, internal audit functions, reporting and performance
23397 requirements required for use of the assistance, and compliance
23398 with state and federal law. The audit shall include any funds
23399 disbursed under this chapter and matching funds provided in the
23400 contract with MDA.

23401 (3) In addition to the rules of the State Auditor, the State
23402 Auditor shall adopt rules for the form and conduct all financial
23403 audits performed by independent certified public accountants and
23404 for audits of recipients of assistance under this chapter.



23405 (4) The State Auditor may report findings to the Secretary
23406 of the Treasury of the United States in addition to the reporting
23407 requirements under state law.

23408 (5) The costs of the audits performed as provided in this
23409 section may be paid from the GCRF.

23410 **SECTION 600.** Section 57-119-17, Mississippi Code of 1972, is
23411 brought forward as follows:

23412 57-119-17. MDA shall file an annual report with the Speaker
23413 of the House, the Lieutenant Governor, the Chairs of the
23414 Appropriations Committees of the House and the Senate, and the
23415 Legislative Budget Office not later than December 1 of each year,
23416 including detailed information regarding at least the following
23417 specific areas:

23418 (a) Receipts and expenditures of the funds received and
23419 provided as assistance under this chapter;

23420 (b) Expenditures for all administration expenses of MDA
23421 in carrying out its duties under this chapter;

23422 (c) Overview of applications reviewed and a detailed
23423 description of applications approved for assistance for the
23424 current year; and

23425 (d) Schedule of all applications for which assistance
23426 was provided under this chapter detailing status of progress,
23427 start date, anticipated completion date, benchmark achievements,
23428 and any modifications to the original application after receipt of
23429 assistance.



23430 **SECTION 601.** Section 25-3-39, Mississippi Code of 1972, is
23431 brought forward as follows:

23432 25-3-39. (1) (a) Except as otherwise provided in this
23433 section, no public officer, public employee, administrator, or
23434 executive head of any arm or agency of the state, in the executive
23435 branch of government, shall be paid a salary or compensation,
23436 directly or indirectly, greater than one hundred fifty percent
23437 (150%) of the salary fixed in Section 25-3-31 for the Governor,
23438 nor shall the salary of any public officer, public employee,
23439 administrator, or executive head of any arm or agency of the
23440 state, in the executive branch of government, be supplemented with
23441 any funds from any source, including federal or private funds.
23442 Such salaries shall be completely paid by the state. All academic
23443 officials, members of the teaching staffs and employees of the
23444 state institutions of higher learning, the Mississippi Community
23445 College Board, and community and junior colleges, and licensed
23446 physicians who are public employees, shall be exempt from this
23447 subsection. All professional employees who hold a bachelor's
23448 degree or more advanced degree from an accredited four-year
23449 college or university or a certificate or license issued by a
23450 state licensing board, commission or agency and who are employed
23451 by the Department of Mental Health shall be exempt from this
23452 subsection if the State Personnel Board approves the exemption.
23453 The Commissioner of Child Protection Services is exempt from this
23454 subsection. From and after July 1, 2018, the Executive Director



23455 of the Public Employees' Retirement System and the Chief
23456 Investment Officer of the Public Employees' Retirement System
23457 shall be exempt from this subsection.

23458 (b) The Governor shall fix the annual salary of the
23459 Executive Director of the Mississippi Development Authority, the
23460 annual salary of the Commissioner of Child Protection Services,
23461 and the annual salary of the Chief of Staff of the Governor's
23462 Office. The salary of the Governor's Chief of Staff shall not be
23463 greater than one hundred fifty percent (150%) of the salary of the
23464 Governor and shall be completely paid by the state without
23465 supplementation from another source. The salary of the Executive
23466 Director of the Mississippi Development Authority may be greater
23467 than one hundred fifty percent (150%) of the salary of the
23468 Governor and may be supplemented with funds from any source,
23469 including federal or private funds; however, any state funds used
23470 to pay the salary of the Executive Director of the Mississippi
23471 Development Authority shall not exceed one hundred fifty percent
23472 (150%) of the salary of the Governor. If the executive director's
23473 salary is supplemented with private funds, the Mississippi
23474 Development Authority shall publish on its website the amount of
23475 the supplement and the name of the donor of the private funds.

23476 (2) No public officer, employee or administrator shall be
23477 paid a salary or compensation, directly or indirectly, in excess
23478 of the salary authorized to be paid the executive head of the
23479 state agency or department in which he is employed. The State



23480 Personnel Board, based upon its findings of fact, may exempt
23481 physicians and actuaries from this subsection when the acquisition
23482 of such professional services is precluded based on the prevailing
23483 wage in the relevant labor market.

23484 (3) The executive head of any state agency or department
23485 appointed by the Governor, in such executive head's discretion,
23486 may waive all or any portion of the salary or compensation
23487 lawfully established for the position.

23488 **SECTION 602.** This act shall take effect and be in force from
23489 and after July 1, 2020.

