

By: Representative Lamar

To: Ways and Means

HOUSE BILL NO. 202

1 AN ACT TO BRING FORWARD SECTIONS 57-1-1, 57-1-2, 57-1-3,  
2 57-1-5, 57-1-7, 57-1-10, 57-1-11, 57-1-12, 57-1-12.1, 57-1-12.2,  
3 57-1-13, 57-1-14, 57-1-15, 57-1-16, 57-1-17, 57-1-18, 57-1-19,  
4 57-1-21, 57-1-23, 57-1-25, 57-1-27, 57-1-29, 57-1-31, 57-1-33,  
5 57-1-35, 57-1-37, 57-1-39, 57-1-41, 57-1-43, 57-1-45, 57-1-47,  
6 57-1-49, 57-1-51, 57-1-53, 57-1-54, 57-1-57, 57-1-58, 57-1-59,  
7 57-1-61, 57-1-63, 57-1-64, 57-1-64.1, 57-1-70, 57-1-71, 57-1-73,  
8 57-1-75, 57-1-77, 57-1-79, 57-1-81, 57-1-83, 57-1-101, 57-1-103,  
9 57-1-105, 57-1-107, 57-1-131, 57-1-133, 57-1-135, 57-1-137,  
10 57-1-139, 57-1-141, 57-1-143, 57-1-145, 57-1-171, 57-1-173,  
11 57-1-175, 57-1-177, 57-1-179, 57-1-221, 57-1-253, 57-1-255,  
12 57-1-257, 57-1-259, 57-1-261, 57-1-301, 57-1-303, 57-1-307,  
13 57-1-309, 57-1-311, 57-1-313, 57-1-315, 57-1-317, 57-1-321,  
14 57-1-323, 57-1-325, 57-1-327, 57-1-329, 57-1-331, 57-1-333,  
15 57-1-335, 57-1-357, 57-1-371, 57-1-373, 57-1-401, 57-1-421,  
16 57-1-451, 57-1-471, 57-1-501, 57-1-601, 57-1-701, 57-1-731,  
17 57-3-1, 57-3-3, 57-3-5, 57-3-7, 57-3-11, 57-3-13, 57-3-15,  
18 57-3-17, 57-3-21, 57-3-23, 57-3-25, 57-3-27, 57-3-29, 57-3-31,  
19 57-3-33, 57-4-1, 57-4-5, 57-4-7, 57-4-9, 57-4-11, 57-4-15,  
20 57-4-17, 57-4-19, 57-4-21, 57-4-23, 57-5-1, 57-5-3, 57-5-5,  
21 57-5-7, 57-5-9, 57-5-11, 57-5-13, 57-5-15, 57-5-17, 57-5-19,  
22 57-5-21, 57-5-23, 57-7-1, 57-7-3, 57-7-5, 57-7-7, 57-7-9, 57-7-11,  
23 57-7-13, 57-9-1, 57-9-3, 57-9-5, 57-9-7, 57-9-9, 57-10-1, 57-10-9,  
24 57-10-17, 57-10-19, 57-10-21, 57-10-23, 57-10-25, 57-10-29,  
25 57-10-31, 57-10-35, 57-10-39, 57-10-41, 57-10-101, 57-10-103,  
26 57-10-105, 57-10-109, 57-10-113, 57-10-115, 57-10-117, 57-10-119,  
27 57-10-121, 57-10-123, 57-10-125, 57-10-127, 57-10-129, 57-10-131,  
28 57-10-133, 57-10-135, 57-10-137, 57-10-151, 57-10-153, 57-10-161,  
29 57-10-163, 57-10-167, 57-10-201, 57-10-203, 57-10-207, 57-10-211,  
30 57-10-215, 57-10-217, 57-10-219, 57-10-221, 57-10-223, 57-10-225,  
31 57-10-227, 57-10-229, 57-10-231, 57-10-233, 57-10-235, 57-10-237,  
32 57-10-239, 57-10-241, 57-10-243, 57-10-245, 57-10-247, 57-10-249,  
33 57-10-251, 57-10-253, 57-10-255, 57-10-257, 57-10-259, 57-10-261,  
34 57-10-301, 57-10-303, 57-10-305, 57-10-307, 57-10-309, 57-10-401,



35 57-10-403, 57-10-405, 57-10-407, 57-10-409, 57-10-411, 57-10-413,  
36 57-10-415, 57-10-417, 57-10-419, 57-10-421, 57-10-423, 57-10-425,  
37 57-10-427, 57-10-429, 57-10-431, 57-10-433, 57-10-435, 57-10-437,  
38 57-10-439, 57-10-441, 57-10-443, 57-10-445, 57-10-447, 57-10-449,  
39 57-10-501, 57-10-503, 57-10-505, 57-10-507, 57-10-513, 57-10-517,  
40 57-10-521, 57-10-523, 57-10-525, 57-10-527, 57-10-529, 57-10-531,  
41 57-10-533, 57-10-601, 57-10-701, 57-10-703, 57-10-705, 57-10-707,  
42 57-10-709, 57-10-711, 57-11-3, 57-11-5, 57-11-15, 57-11-17,  
43 57-11-21, 57-11-31, 57-11-33, 57-11-35, 57-11-37, 57-11-39,  
44 57-11-61, 57-11-63, 57-11-65, 57-11-67, 57-11-69, 57-26-1,  
45 57-26-3, 57-26-5, 57-26-7, 57-27-3, 57-27-5, 57-27-7, 57-27-9,  
46 57-27-11, 57-27-13, 57-27-15, 57-28-1, 57-28-3, 57-28-5, 57-29-1,  
47 57-29-3, 57-30-1, 57-30-3, 57-39-1, 57-39-9, 57-39-11, 57-39-13,  
48 57-39-19, 57-39-21, 57-39-39, 57-39-43, 57-39-45, 57-39-101,  
49 57-39-103, 57-39-109, 57-39-112, 57-40-1, 57-40-3, 57-40-5,  
50 57-40-7, 57-41-1, 57-41-3, 57-41-5, 57-41-7, 57-41-9, 57-41-11,  
51 57-41-13, 57-41-15, 57-41-17, 57-44-1, 57-44-3, 57-44-7, 57-44-11,  
52 57-44-13, 57-44-15, 57-44-17, 57-44-19, 57-44-21, 57-44-25,  
53 57-44-27, 57-44-29, 57-44-31, 57-44-33, 57-44-35, 57-44-37,  
54 57-44-39, 57-46-1, 57-57-1, 57-57-3, 57-57-7, 57-57-9, 57-57-11,  
55 57-57-13, 57-61-1, 57-61-3, 57-61-7, 57-61-9, 57-61-11, 57-61-13,  
56 57-61-14, 57-61-15, 57-61-17, 57-61-19, 57-61-25, 57-61-27,  
57 57-61-29, 57-61-31, 57-61-32, 57-61-34, 57-61-35, 57-61-36,  
58 57-61-37, 57-61-41, 57-61-43, 57-61-44, 57-62-1, 57-62-3, 57-62-5,  
59 57-62-7, 57-62-9, 57-62-11, 57-62-13, 57-62-15, 57-62-17, 57-64-1,  
60 57-64-3, 57-64-5, 57-64-7, 57-64-9, 57-64-11, 57-64-13, 57-64-15,  
61 57-64-17, 57-64-19, 57-64-21, 57-64-23, 57-64-25, 57-64-27,  
62 57-64-29, 57-64-31, 57-67-1, 57-67-3, 57-67-5, 57-67-7, 57-67-9,  
63 57-67-11, 57-67-13, 57-67-21, 57-67-23, 57-67-27, 57-67-29,  
64 57-67-31, 57-67-33, 57-67-35, 57-67-39, 57-69-1, 57-69-5, 57-69-9,  
65 57-71-1, 57-71-5, 57-71-11, 57-71-13, 57-71-25, 57-71-27,  
66 57-71-29, 57-71-31, 57-71-33, 57-71-35, 57-73-21, 57-73-27,  
67 57-75-1, 57-75-3, 57-75-5, 57-75-9, 57-75-11, 57-75-13, 57-75-15,  
68 57-75-17, 57-75-19, 57-75-21, 57-75-22, 57-75-23, 57-75-25,  
69 57-75-27, 57-75-33, 57-75-35, 57-75-37, 57-77-1, 57-77-2, 57-77-3,  
70 57-77-7, 57-77-11, 57-77-13, 57-77-15, 57-77-17, 57-77-19,  
71 57-77-21, 57-77-23, 57-77-25, 57-77-27, 57-77-29, 57-77-31,  
72 57-77-33, 57-77-35, 57-77-37, 57-77-39, 57-79-1, 57-79-3, 57-79-7,  
73 57-80-1, 57-80-3, 57-80-5, 57-80-7, 57-80-9, 57-80-11, 57-85-1,  
74 57-85-3, 57-85-5, 57-89-1, 57-89-3, 57-89-7, 57-91-1, 57-91-3,  
75 57-91-5, 57-91-7, 57-91-9, 57-91-11, 57-93-1, 57-95-1, 57-99-1,  
76 57-99-3, 57-99-5, 57-99-7, 57-99-9, 57-99-21, 57-99-23, 57-99-25,  
77 57-99-27, 57-99-29, 57-100-1, 57-100-3, 57-100-5, 57-100-7,  
78 57-100-9, 57-105-1, 57-111-1, 57-113-1, 57-113-3, 57-113-5,  
79 57-113-7, 57-113-21, 57-113-23, 57-113-25, 57-113-27, 57-115-1,  
80 57-115-3, 57-115-5, 57-115-7, 57-115-9, 57-115-11, 57-117-1,  
81 57-117-5, 57-117-7, 57-117-9, 57-117-11, 57-119-1, 57-119-3,  
82 57-119-5, 57-119-7, 57-119-9, 57-119-11, 57-119-13, 57-119-15 AND  
83 57-119-17, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE  
84 MISSISSIPPI DEVELOPMENT AUTHORITY AND TO POWERS AND DUTIES AND  
85 PROGRAMS OF THE AUTHORITY, FOR THE PURPOSES OF POSSIBLE AMENDMENT;



86 TO BRING FORWARD SECTION 25-3-39, MISSISSIPPI CODE OF 1972, WHICH  
87 PROVIDES FOR THE MAXIMUM COMPENSATION THAT MAY BE PAID TO PUBLIC  
88 EMPLOYEES AND OFFICERS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO  
89 AMEND SECTIONS 57-1-52, 57-1-55, 57-1-56, 57-1-60, 57-1-65,  
90 57-1-66, 57-1-67, 57-1-68, 57-1-69, 57-1-251, 57-1-305, 57-1-319,  
91 57-1-351, 57-1-353, 57-1-355, 57-1-357, 57-1-359, 57-1-363,  
92 57-1-365, 57-1-367, 57-1-369, 57-3-9, 57-3-19, 57-4-13, 57-10-3,  
93 57-10-111, 57-10-155, 57-10-157, 57-10-159, 57-10-165, 57-10-169,  
94 57-10-205, 57-10-209, 57-10-213, 57-10-507, 57-10-509, 57-10-511,  
95 57-10-515, 57-10-519, 57-11-19, 57-13-22, 57-13-23, 57-27-1,  
96 57-44-5, 57-44-9, 57-44-23, 57-57-5, 57-61-5, 57-61-21, 57-61-23,  
97 57-61-33, 57-65-1, 57-67-15, 57-67-17, 57-67-19, 57-67-25,  
98 57-67-37, 57-69-3, 57-69-7, 57-71-3, 57-71-7, 57-71-9, 57-71-15,  
99 57-71-17, 57-71,19, 57-71-21, 57-71-23, 57-73-23, 57-73-29,  
100 57-75-7, 57-75-27, 57-77-5, 57-77-9, 57-79-5, 57-79-9, 57-79-11  
101 AND 57-117-3, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR  
102 NONSUBSTANTIVE CHANGES; AND FOR RELATED PURPOSES.

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

177                           (i) Industrial development, or

178                           (ii) Economic development.

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

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

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

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

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



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



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

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

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

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

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





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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

- 317                   (a) The total amount of incentives approved or awarded;  
318                   (b) The total amount of loans made by MDA;



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

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

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

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

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

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

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

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

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

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

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



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

346           57-1-14. (1) Any records of the Mississippi Development  
347 Authority which contain client information concerning development  
348 projects shall be exempt from the provisions of the Mississippi  
349 Public Records Act of 1983 for a period of two (2) years after  
350 receipt of the information by the department. Confidential client  
351 information as described in this section shall not include the  
352 information which must be disclosed by the certified applicant  
353 related to a qualified economic development project in the annual  
354 report described in Section 57-1-759.

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

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

363           57-1-15. The department is hereby authorized to cooperate  
364 and coordinate with economic development commissions, travel and  
365 other similar commissions and boards, and/or other similar  
366 agencies of other states, the federal government, and with county,  
367 municipal and regional economic development, travel and other  
368 similar commissions or boards, or other agencies thereof, for the



369 purposes of securing economic development within the State of  
370 Mississippi, and to accomplish this purpose, the department may  
371 contract for, receive and expend state, federal and other funds;  
372 and to that end, there is hereby created within the department a  
373 special fund designated as the "Economic Development Fund," to be  
374 kept separate and apart from all other funds and into which all  
375 funds received for the above-stated purposes shall be deposited  
376 and which funds are not appropriated by the State of Mississippi.

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

379 57-1-16. (1) As used in this section:

380 (a) "Extraordinary economic development opportunity"  
381 means a new or expanded business or industry which maintains a  
382 strong financial condition and minimal credit risk and creates  
383 substantial employment, particularly in areas of high  
384 unemployment.

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

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

392 (2) (a) There is hereby created in the State Treasury a  
393 special fund to be designated as the ACE Fund, which shall consist



394 of money from any public or private source designated for deposit  
395 into such fund. Unexpended amounts remaining in the fund at the  
396 end of a fiscal year shall not lapse into the State General Fund,  
397 and any interest earned on amounts in the fund shall be deposited  
398 to the credit of the fund. The purpose of the fund shall be to  
399 assist in maximizing extraordinary economic development  
400 opportunities related to any new or expanded business or industry  
401 or to assist a local unit of government as authorized in  
402 subsection (5) of this section. Such funds may be used to make  
403 grants to local economic development entities to assist any new or  
404 expanding business or industry that meets the criteria provided in  
405 this section when such assistance aids the consummation of a  
406 project within the State of Mississippi, or to make grants to a  
407 local unit of government as authorized in subsection (5) of this  
408 section.

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



419 (3) The MDA shall establish a grant program to make grants  
420 from the ACE Fund created under this section. Local economic  
421 development entities may apply to the MDA for a grant under this  
422 section in the manner provided for in subsection (4) of this  
423 section. Local units of government may apply to the MDA for a  
424 grant under this section in the manner provided in subsection (5)  
425 of this section.

426 (4) (a) Any business or industry desiring assistance from a  
427 local economic development entity under this section shall submit  
428 an application to the local economic development entity which  
429 shall include, at a minimum:

430 (i) Evidence that the business or industry meets  
431 the definition of an extraordinary economic development  
432 opportunity;

433 (ii) A demonstration that the business or industry  
434 is at an economic disadvantage by locating the new or expanded  
435 project in the county;

436 (iii) A description, including the cost, of the  
437 requested assistance;

438 (iv) A description of the purpose for which the  
439 assistance is requested;

440 (v) A two-year business plan;

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





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

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

447 (b) The MDA shall require that binding commitments be  
448 entered into requiring that:

449 (i) The minimum requirements of this section and  
450 such other requirements as the MDA considers proper shall be met;  
451 and

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

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

466 (d) The MDA shall have sole discretion in the awarding  
467 of ACE funds, provided that the business or industry and the local



468 economic development entity have met the statutory requirements of  
469 this section. However, in making grants under this section, the  
470 MDA shall attempt to provide for an equitable distribution of such  
471 grants among each of the congressional districts of this state in  
472 order to promote economic development across the entire state.

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

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

481 (c) The MDA shall require that binding commitments be  
482 entered into requiring that:

483 (i) The minimum requirements of this subsection  
484 and such other requirements as the MDA considers proper shall be  
485 met; and

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

489 (6) The MDA shall promulgate rules and regulations, in  
490 accordance with the Mississippi Administrative Procedures Law, for  
491 the implementation of this section. However, before the  
492 implementation of any such rules and regulations, they shall be



493 submitted to a committee consisting of five (5) members of the  
494 Senate Finance Committee and five (5) members of the House of  
495 Representatives Ways and Means Committee, appointed by the  
496 respective committee chairmen.

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

499 57-1-17. It shall be the duty of the executive director and  
500 he is hereby authorized to prepare and execute a program of  
501 publicity and advertising that will bring into favorable notice  
502 the industrial, commercial, recreational, educational and social  
503 advantages, opportunities, possibilities, resources, farm and  
504 dairy products, and facilities of the state, and in the  
505 preparation and execution of such program he may use any funds  
506 which may be appropriated or otherwise made available for the  
507 purpose of carrying out the provisions of Sections 57-1-1 through  
508 57-1-51. The department may erect, equip, maintain and operate a  
509 research laboratory for the purpose of finding new and additional  
510 uses for Mississippi products and is authorized and empowered to  
511 receive, use and expend any funds from state, federal or private  
512 sources which it may receive for that purpose.

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

515 57-1-18. (1) For the purposes of this section, the  
516 following terms shall have the meanings ascribed in this section  
517 unless the context clearly indicates otherwise:



518           (a) "Limited population county" means a county in the  
519 State of Mississippi with a population of thirty thousand (30,000)  
520 or less according to the most recent federal decennial census at  
521 the time the county submits its application to the MDA under this  
522 section.

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

524           (c) "Project" means highways, streets and other  
525 roadways, bridges, sidewalks, utilities, airfields, airports,  
526 acquisition of equipment, acquisition of real property,  
527 development of real property, improvements to real property, and  
528 any other project approved by the MDA.

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

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



543 shall be deposited to the credit of the fund. Monies in the fund  
544 shall be used to make grants to small municipalities and limited  
545 population counties or natural gas districts created by law and  
546 contained therein to assist in completing projects under this  
547 section.

548 (b) Monies in the fund which are derived from proceeds  
549 of bonds issued under Sections 1 through 16 of Chapter 538, Laws  
550 of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003,  
551 Sections 55 through 70 of Chapter 1, Laws of 2004 Third  
552 Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws  
553 of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of  
554 Chapter 503, Laws of 2008, Section 42 of Chapter 557, Laws of  
555 2009, Section 38 of Chapter 533, Laws of 2010, Section 41 of  
556 Chapter 480, Laws of 2011, Section 30 of Chapter 569, Laws of  
557 2013, Section 4 of Chapter 530, Laws of 2014, Section 11 of  
558 Chapter 472, Laws of 2015, Section 19 of Chapter 511, Laws of  
559 2016, Section 5 of Chapter 452, Laws of 2018, Section 19 of  
560 Chapter 454, Laws of 2019, or Section 11 of Chapter 492, Laws of  
561 2020, may be used to reimburse reasonable actual and necessary  
562 costs incurred by the MDA for the administration of the various  
563 grant, loan and financial incentive programs administered by the  
564 MDA. An accounting of actual costs incurred for which  
565 reimbursement is sought shall be maintained by the MDA.  
566 Reimbursement of reasonable actual and necessary costs shall not  
567 exceed three percent (3%) of the proceeds of bonds issued.



568 Reimbursements under this subsection shall satisfy any applicable  
569 federal tax law requirements.

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

579 (4) A small municipality or limited population county  
580 desiring assistance under this section must submit an application  
581 to the MDA. The application must include a description of the  
582 project for which assistance is requested, the cost of the project  
583 for which assistance is requested, the amount of assistance  
584 requested and any other information required by the MDA.

585 (5) The MDA shall have all powers necessary to implement and  
586 administer the program established under this section, and the  
587 department shall promulgate rules and regulations, in accordance  
588 with the Mississippi Administrative Procedures Law, necessary for  
589 the implementation of this section.

590 (6) The MDA shall file an annual report with the Governor,  
591 the Secretary of the Senate and the Clerk of the House of



592 Representatives not later than December 1 of each year, describing  
593 all assistance provided under this section.

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

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



616 investigation, and may issue such certificates of convenience and  
617 necessity as he deems advisable.

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

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

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

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

639             (c) That there are adequate property values and  
640 suitable financial conditions so that the total bonded





641 indebtedness of the municipality, solely for the purposes  
642 authorized by Sections 57-1-1 through 57-1-51, shall not exceed  
643 twenty percent (20%) of the total assessed valuation of all the  
644 property in the municipality.

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



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

682           If the executive director refuses to issue a certificate, an  
683 appeal of such refusal may be taken by the municipality to the  
684 Governor in the manner and within the time that the Governor shall  
685 establish by executive order.

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

688           57-1-23. (1) The several municipalities of this state,  
689 including counties, judicial districts of counties having two  
690 judicial districts, supervisors districts, cities, towns or



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

709 (2) Any city or town in this state situated in a county  
710 bordering on the Mississippi River and situated not more than five  
711 miles from the proposed industrial site or location of any  
712 industrial plant or proposed site of such plant, authorized to be  
713 established, built and erected under the terms of Sections 57-1-1  
714 through 57-1-51, such distance to be measured between the  
715 corporate line of any such city or town nearest such proposed site



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

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

734       57-1-25. The governing board of any municipality desiring to  
735 enter into the plan herein authorized, after receiving a  
736 certificate of public convenience and necessity from the executive  
737 director, as provided by Sections 57-1-19 and 57-1-21, by  
738 resolution spread upon its minutes, shall declare its intention of  
739 entering into such plan, and shall call an election to be held in  
740 the manner now provided by law for holding county or municipal



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



766 plan or bond issue. If such election results unfavorably to the  
767 proposition, then no second or other election shall be ordered or  
768 held until the board shall determine that such election may be  
769 held.

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

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

788 All qualified electors shall vote at their usual voting  
789 places and in event the usual voting place of electors residing  
790 outside the corporate limits of such town or city is in such town



791 or city, such elector shall vote in a separate ballot box provided  
792 for the purpose, and the officers holding the election shall make  
793 separate returns of the results of the vote of those residing  
794 within the town or city and those residing outside such town or  
795 city.

796 Unless sixty percent (60%) of the qualified electors residing  
797 in such town or city voting in the election and sixty percent  
798 (60%) of the qualified electors residing outside such town or city  
799 voting in such election shall vote for the proposed bond issue,  
800 computed and declared separately, the proposed bond issue shall be  
801 declared as disapproved.

802 It shall be the duty of the county election commissioners to  
803 provide necessary ballot boxes, separate voting lists containing  
804 the names of electors residing within and without the corporate  
805 limits of towns and cities when such is required by the proposal  
806 submitted, and records for the conduct of the election in  
807 accordance with the requirements of this section.

808 And in event the proposal to be voted on at the election  
809 required by this section includes bonds to be issued covering the  
810 entire county and the proposed industry is to be located in a town  
811 or city or within one (1) mile of the corporate limits thereof,  
812 the qualified electors voting in the election residing outside the  
813 corporate limits of the city or town, and whose regular voting  
814 place is within the corporate limits of the city or town, shall  
815 vote separately from those residing in such city or town, in



816 separate ballot boxes to be provided for such purposes, and the  
817 votes so cast shall be counted separately.

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

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

838 57-1-27. Before any bonds shall be issued under Sections  
839 57-1-1 through 57-1-51 by any municipality, or any contract shall  
840 be made to dispose of any public property hereunder acquired, the





841 same must be approved in its entirety by the executive director,  
842 but such approval shall not in any way render the State of  
843 Mississippi liable.

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

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



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



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

912 No interest payment shall be evidenced by more than one (1)  
913 coupon and neither cancelled nor supplemental coupons shall be  
914 permitted; the lowest interest rate specified for any bonds issued  
915 shall not be less than seventy percent (70%) of the highest



916 interest rate specified for the same bond issue. The interest  
917 rate of any one (1) interest coupon shall not exceed the maximum  
918 interest rate allowed on such bonds.

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

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

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



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

951           On all such bond issues the attorney's fees shall not exceed  
952 one percent (1%) of the first Five Hundred Thousand Dollars  
953 (\$500,000.00); one-half percent (1/2%) of all over Five Hundred  
954 Thousand Dollars (\$500,000.00) and not more than One Million  
955 Dollars (\$1,000,000.00); and one-fourth percent (1/4%) of all  
956 amounts in excess of One Million Dollars (\$1,000,000.00).

957           As used in this section, the term "municipalities" shall be  
958 construed to include any political subdivision of this state  
959 authorized to issue bonds under the authority contained in this  
960 chapter.

961           The limitations imposed herein shall not apply to any bond  
962 issue upon which a declaration of intent to issue bonds has  
963 heretofore been spread upon the minutes of the political  
964 subdivision desiring to issue same.



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

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

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

987           57-1-35. The bonds hereinabove provided for shall be sold by  
988 the governing authority of the municipality at not less than par  
989 and accrued interest at public sale held after notice of such sale



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

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

994         57-1-37. In the case any municipality shall have initiated  
995 any industry as provided in Sections 57-1-19 and 57-1-21, and  
996 thereafter said municipality lacks the requisite funds for  
997 completion by reason of emergency which was wholly unforeseen,  
998 then upon the approval of the commission, upon the same terms and  
999 conditions as herein set forth, additional bonds may be  
1000 authorized.

1001         **SECTION 27.** Section 57-1-39, Mississippi Code of 1972, is  
1002 brought forward as follows:

1003         57-1-39. All bonds issued pursuant to Sections 57-1-1  
1004 through 57-1-51 and all interest thereon or income therefrom shall  
1005 be exempt from all taxation except gift and inheritance taxes.  
1006 Necessary taxes levied and collection for the payment of these  
1007 bonds and interest thereon shall not be considered or accounted in  
1008 any limitation on the powers of the municipality to tax except as  
1009 otherwise herein provided.

1010         **SECTION 28.** Section 57-1-41, Mississippi Code of 1972, is  
1011 brought forward as follows:

1012         57-1-41. Any municipality having surplus sinking funds under  
1013 the provisions of Sections 57-1-1 through 57-1-51 may, in the  
1014 discretion of the governing board of such municipality, invest



1015 said sinking funds by purchasing bonds of any county or  
1016 municipality of this state, bonds of the State of Mississippi, or  
1017 bonds issued by authority of the United States government, except  
1018 drainage district bonds, provided, that the bonds so purchased  
1019 shall mature prior to the time when the bonds payable out of the  
1020 sinking fund hereunder shall fall due.

1021 **SECTION 29.** Section 57-1-43, Mississippi Code of 1972, is  
1022 brought forward as follows:

1023 57-1-43. Any municipality may use any sinking fund, reserve  
1024 fund, or surplus fund to purchase any bond hereunder issued, and  
1025 shall cancel and retire the same when, in the judgment of the  
1026 governing authorities of such municipality, the interest of such  
1027 municipality will be subserved thereby. Any surplus income from  
1028 said enterprise arising through its operation or from its  
1029 disposition, accruing to the municipality over and above the  
1030 amount necessary to pay for repairs, replacements, bonds herein  
1031 authorized which may be issued and interest thereon, may be  
1032 applied by the governing board of the municipality upon any of the  
1033 other outstanding debts or obligations of the municipality.

1034 **SECTION 30.** Section 57-1-45, Mississippi Code of 1972, is  
1035 brought forward as follows:

1036 57-1-45. The several municipalities when and to the extent  
1037 authorized by the executive director pursuant hereto, are hereby  
1038 authorized and empowered, if they so desire, by and through their  
1039 governing board, to sell, lease or otherwise dispose of such





1040 enterprise or enterprises, in whole or in part, on such terms and  
1041 conditions and with such safeguards as will best promote and  
1042 protect the public interest, and are authorized, acting with the  
1043 approval of the executive director by and through their respective  
1044 governing boards, to transfer title or possession to such industry  
1045 or to any property utilized therein, by warranty deed, lease, bill  
1046 of sale, contract or other customary business instrument, in the  
1047 same manner and to the same extent, when so thus authorized by the  
1048 executive director, that any private corporation, association or  
1049 person may now contract, with reference to such property of a  
1050 similar nature, provided that such disposition shall not be made  
1051 except by the affirmative vote of at least two-thirds (2/3) of the  
1052 members elected to the governing body of such municipality, and  
1053 all votes shall be of record. All income from any lease or  
1054 contract for the operation or from the disposition of such  
1055 industrial enterprise shall be paid into the bond sinking fund  
1056 provided for the bonds issued under the provisions of Sections  
1057 57-1-1 through 57-1-51 for the retirement of such bonds and the  
1058 interest thereon, and such income or proceeds shall not be used by  
1059 the municipality for any other purpose except as to disposition of  
1060 surplus income authorized above, and shall be subject to all of  
1061 the provisions hereof relative to such sinking fund.

1062       **SECTION 31.** Section 57-1-47, Mississippi Code of 1972, is  
1063 brought forward as follows:



1064 57-1-47. All enterprises acquired, constructed or owned by  
1065 any of said municipalities under the provisions of Sections 57-1-1  
1066 through 57-1-51, are declared the public property of each of said  
1067 municipalities, and as such, shall not be subject to taxation.

1068 **SECTION 32.** Section 57-1-49, Mississippi Code of 1972, is  
1069 brought forward as follows:

1070 57-1-49. Any port commission or authority created by law,  
1071 operating in any county or municipality of this state, is  
1072 authorized and empowered to assist and cooperate with such county  
1073 or municipality to effectuate the purposes of Sections 57-1-1  
1074 through 57-1-51.

1075 **SECTION 33.** Section 57-1-51, Mississippi Code of 1972, is  
1076 brought forward as follows:

1077 57-1-51. The provisions of Sections 57-1-1 through 57-1-51  
1078 shall not repeal or impair any law now in effect, except as  
1079 therein specifically provided, but shall exist as a separate,  
1080 several, independent, additional and cumulative method for giving  
1081 to the people of Mississippi the fulfillment of the public policy  
1082 of encouraging the promotion of economic development of new and  
1083 existing "enterprises." Nor shall the aforesaid sections or any  
1084 part thereof repeal any of the provisions of private or special  
1085 municipal charters, nor affect, limit or restrict the right of any  
1086 municipality, now operating under special charter, to amend said  
1087 charter pursuant to the provisions of Section 21-17-9, Mississippi



1088 Code of 1972, which section shall apply to Sections 57-1-1 through  
1089 57-1-51.

1090 **SECTION 34.** Section 57-1-52, Mississippi Code of 1972, is  
1091 amended as follows:

1092 57-1-52. (1) There is hereby created the Mississippi \* \* \*  
1093 Development Authority, whose principal offices shall be located in  
1094 Jackson, Mississippi.

1095 (2) The Mississippi \* \* \* Development Authority shall be  
1096 organized into the following offices:

- 1097 (a) Office of Economic Development;
- 1098 (b) Office of Community Development;
- 1099 (c) Office of Support Services.

1100 (3) The department shall be headed by an executive director,  
1101 who shall be appointed by and serve at the pleasure of the  
1102 Governor. The appointment of the executive director shall be made  
1103 with the advice and consent of the Senate. The executive director  
1104 may assign to the appropriate offices such powers and duties as  
1105 deemed appropriate to carry out the department's lawful functions.

1106 (4) The executive director of the department shall appoint  
1107 heads of offices, who shall serve at the pleasure of the executive  
1108 director. The executive director shall have the authority to  
1109 organize the offices established by subsection (2) of this section  
1110 as deemed appropriate to carry out the responsibilities of the  
1111 department. The organization charts of the department shall be



1112 presented annually with the budget request of the Governor for  
1113 review by the Legislature.

1114 **SECTION 35.** Section 57-1-53, Mississippi Code of 1972, is  
1115 brought forward as follows:

1116 57-1-53. The department is designated as the single state  
1117 agency to receive and expend any federal funds made available for  
1118 matters within the jurisdiction of the department.

1119 The department shall coordinate all functions of state  
1120 government related to economic development and tourism within the  
1121 jurisdiction of the department.

1122 **SECTION 36.** Section 57-1-54, Mississippi Code of 1972, is  
1123 brought forward as follows:

1124 57-1-54. The Mississippi Development Authority shall be the  
1125 Department of Economic and Community Development and shall retain  
1126 all powers and duties granted by law to the Mississippi Department  
1127 of Economic and Community Development and wherever the term  
1128 "Mississippi Department of Economic and Community Development,"  
1129 "Department of Economic and Community Development," "Mississippi  
1130 Department of Economic Development" or "Department of Economic  
1131 Development" appears in any law the same shall mean the  
1132 Mississippi Development Authority. The Mississippi Development  
1133 Authority may continue to refer to itself as the Mississippi  
1134 Department of Economic and Community Development for as long as it  
1135 may deem necessary. The Executive Director of the Mississippi  
1136 Development Authority may assign to the appropriate divisions such



1137 powers and duties as he deems appropriate to carry out its lawful  
1138 duties.

1139       Nothing in the Mississippi Executive Reorganization Act of  
1140 1989 [Laws, 1989, Chapter 544] shall be construed to eliminate or  
1141 change in any manner the duties, functions or operations of the  
1142 planning and development districts heretofore created by executive  
1143 order of the Governor.

1144       **SECTION 37.** Section 57-1-55, Mississippi Code of 1972, is  
1145 amended as follows:

1146       57-1-55. (1) The \* \* \* Mississippi Development Authority  
1147 shall have the following general powers and duties: To develop  
1148 and manage programs which enhance the climate for economic growth  
1149 through assistance to private sector businesses, local communities  
1150 and individuals, and through an extensive national and  
1151 international marketing effort.

1152       (2) The \* \* \* Mississippi Development Authority shall have  
1153 the following general powers and duties with respect to economic  
1154 development:

1155           (a) To plan, supervise and direct an active program of  
1156 solicitation of industries to locate within the state;

1157           (b) To prepare, maintain and disseminate information  
1158 which is needed by companies in evaluating site locations;

1159           (c) To consult with, advise and assist prospective  
1160 industries wishing to locate within the state;



1161 (d) To encourage new or expanding industries, which  
1162 will add to the economy, to locate within the state;

1163 (e) To maintain a coordinated liaison function with  
1164 other development groups, including state and federal agencies,  
1165 and planning and development districts, utility companies,  
1166 chambers of commerce and railroads;

1167 (f) To assist communities and counties within the state  
1168 in preparation for economic growth;

1169 (g) To assist new and existing business and industry  
1170 and encourage their development and expansion;

1171 (h) To plan and conduct a nationwide advertising  
1172 program promoting the state to prospective industry. Any contract  
1173 entered into for such purposes shall be advertised, bid and  
1174 accepted in accordance with the same procedure as prescribed for  
1175 the advertisement and acceptance of bids for the purchase of  
1176 commodities and contracts for public purchases under Chapter 7,  
1177 Title 31, Mississippi Code of 1972;

1178 (i) To work with economic development agencies of the  
1179 federal government in areas of industrial development and provide  
1180 information to industrial prospects regarding the availability of  
1181 federal funds and assistance;

1182 (j) To work with the Department of Corrections,  
1183 pursuant to the provisions of Section 47-5-501 et seq., in  
1184 identifying and evaluating acceptable industries and businesses  
1185 and in acting as an agent of the Department of Corrections by



1186 communicating with such concerns and aggressively soliciting their  
1187 participation in the Correctional Industries Work Program;

1188 (k) To perform related work as required;

1189 (l) To disseminate information about financial and  
1190 other programs of the \* \* \* Mississippi Development Authority that  
1191 will assist in the creation or expansion of industries processing  
1192 wood products in this state;

1193 (m) To market processed and raw agricultural products  
1194 domestically and abroad;

1195 (n) To aid in the establishment of business incubation  
1196 centers by private business interests, not for profit  
1197 corporations, and/or governmental entities. The department may  
1198 provide funds by contract for the establishment of business  
1199 incubation centers and may contract for space in which business  
1200 incubation centers will be located. Business incubation centers  
1201 are defined as facilities and support services that encourage the  
1202 establishment of successful small businesses by providing a  
1203 short-term sheltered environment. The department may solicit and  
1204 accept grants and other financial aid or support from private or  
1205 public sources to aid in the development of business incubation  
1206 centers. In addition, advice and assistance to established  
1207 business incubation centers may be provided by the department; and

1208 (o) To employ licensed real estate brokers and  
1209 appraisers necessary for the industrial development of any real  
1210 estate under the ownership or control of the \* \* \* Mississippi



1211 Development Authority. Any contract entered into for such  
1212 purposes shall be advertised, bid and accepted in accordance with  
1213 the same procedure as prescribed for the advertisement and  
1214 acceptance of bids for the purchase of commodities and contracts  
1215 for public purchases under Chapter 7, Title 31, Mississippi Code  
1216 of 1972.

1217 **SECTION 38.** Section 57-1-56, Mississippi Code of 1972, is  
1218 amended as follows:

1219 57-1-56. The Occupational Information Coordinating Committee  
1220 shall be located within the \* \* \* Mississippi Development  
1221 Authority and shall develop and implement an occupational  
1222 information system for vocational education, employment and  
1223 training programs.

1224 **SECTION 39.** Section 57-1-57, Mississippi Code of 1972, is  
1225 brought forward as follows:

1226 57-1-57. The Mississippi Development Authority shall conduct  
1227 and prepare, or shall contract for the preparation of, a study to  
1228 determine if there is a significant statistical disparity in the  
1229 total number of qualified minority contractors of goods and  
1230 services doing business in the State of Mississippi and the actual  
1231 number of such minority contractors with whom the State of  
1232 Mississippi, or with whom a prime contractor with the State of  
1233 Mississippi, has contracted to provide goods and services.

1234 **SECTION 40.** Section 57-1-58, Mississippi Code of 1972, is  
1235 brought forward as follows:





1236           57-1-58. It is the policy of the Mississippi Development  
1237 Authority and the Mississippi Development Authority is authorized  
1238 to accommodate and support any entity using funds authorized and  
1239 made available under Section 57-93-1 and Sections 2 through 37 of  
1240 Chapter 1, Laws of Third Extraordinary Session of 2005, that  
1241 wishes to have a program of diversity in contracting, and/or that  
1242 wishes to do business with or cause its prime contractor to do  
1243 business with Mississippi companies, including those companies  
1244 that are small business concerns owned and controlled by socially  
1245 and economically disadvantaged individuals. The term "socially  
1246 and economically disadvantaged individuals" shall have the meaning  
1247 ascribed to that term under Section 8(d) of the Small Business Act  
1248 (15 USCS 637(d)) and relevant subcontracting regulations  
1249 promulgated pursuant thereto; except that women shall be presumed  
1250 to be socially and economically disadvantaged individuals for the  
1251 purposes of this section.

1252           **SECTION 41.** Section 57-1-59, Mississippi Code of 1972, is  
1253 brought forward as follows:

1254           57-1-59. The Mississippi Development Authority shall have  
1255 the following general powers and duties with respect to tourism:

1256                   (a) To promote and advertise the image of Mississippi  
1257 both within and without the boundaries of this state;

1258                   (b) To promote and advertise fairs and similar  
1259 activities of interest to tourists and the traveling public;



1260 (c) To promote and advertise the use of wildlife and  
1261 natural areas by tourists and the traveling public;

1262 (d) To promote and advertise the use of state  
1263 recreational and park facilities by tourists and the traveling  
1264 public;

1265 (e) To promote and advertise all resources of the State  
1266 of Mississippi as attractions to tourists and the traveling  
1267 public;

1268 (f) To develop for all agencies of state government the  
1269 necessary promotional and advertising materials needed to promote  
1270 all facilities and programs which may be of interest to travelers  
1271 and tourists;

1272 (g) To maintain an educational awareness program for  
1273 the citizens of the state to constantly encourage increased  
1274 development of activities of interest to tourists and the  
1275 traveling public;

1276 (h) To develop and maintain an information services  
1277 system to adequately guide tourists and the traveling public  
1278 within the boundaries of the state;

1279 (i) To develop and maintain an extensive media program  
1280 to adequately inform the national and international consumer about  
1281 Mississippi;

1282 (j) To enter into contracts and other agreements with  
1283 local tourism commissions or similar entities for the purpose of  
1284 developing regional strategies for tourism promotion. The



1285 Mississippi Development Authority, in conjunction with the  
1286 formulation of regional strategies for tourism promotion, may  
1287 require that local tourism commissions or similar entities enter  
1288 into agreements with the authority as a condition for receiving  
1289 any state grants to promote tourism; and

1290 (k) To develop programs and projects promoting the  
1291 state's heritage, history, culture, literature and arts, including  
1292 the positive recovery of the state after damages caused by natural  
1293 disasters, and demonstrating the state's attractiveness as a  
1294 tourism destination for those and other reasons.

1295 **SECTION 42.** Section 57-1-60, Mississippi Code of 1972, is  
1296 amended as follows:

1297 57-1-60. The \* \* \* Mississippi Development Authority, in its  
1298 discretion, may establish a program of grants to be matched by  
1299 tourism entities in the state to finance, promote and advertise  
1300 local tourist attractions. Monies committed to the program of  
1301 grants shall not lapse into the State General Fund at the end of a  
1302 fiscal year. Any program of grants established under this section  
1303 shall be in addition to those grants authorized by Chapter 27,  
1304 Title 57, Mississippi Code of 1972.

1305 **SECTION 43.** Section 57-1-61, Mississippi Code of 1972, is  
1306 brought forward as follows:

1307 57-1-61. The staff and resources of the travel and tourism  
1308 department of the Agricultural and Industrial Board shall be, and  
1309 are hereby transferred to the Department of Economic Development.



1310           **SECTION 44.** Section 57-1-63, Mississippi Code of 1972, is  
1311 brought forward as follows:

1312           57-1-63. It is the intent of the Legislature that all powers  
1313 and duties of any state agency relating to the promotion and  
1314 advertising of tourism which are not provided for by statute shall  
1315 be transferred to and vested in the department.

1316           **SECTION 45.** Section 57-1-64, Mississippi Code of 1972, is  
1317 brought forward as follows:

1318           57-1-64. (1) The Mississippi Development Authority is  
1319 authorized to sell advertising and other tourism promotional  
1320 information through the Mississippi Development Authority Internet  
1321 website and other marketing outlets, and to enter into agreements  
1322 with tourism associations and similar entities for the purpose of  
1323 making and facilitating sales through the use of such entities.  
1324 Revenues received from such sales shall be placed into the special  
1325 fund created in subsection (2) of this section.

1326           (2) There is created a special fund in the State Treasury to  
1327 be known as the Mississippi Development Authority Tourism  
1328 Advertising Fund which shall consist of monies from any source  
1329 designated for deposit into the fund. Unexpended amounts  
1330 remaining in the fund at the end of a fiscal year shall not lapse  
1331 into the State General Fund, and any investment earnings or  
1332 interest earned on amounts in the fund shall be deposited to the  
1333 credit of the fund. Monies in the fund may be used by the  
1334 Mississippi Development Authority for the purpose of paying costs



1335 incurred in connection with the purchase of Internet advertising  
1336 and other promotional information and materials related to  
1337 Mississippi tourism resources and activities.

1338 (3) The Mississippi Development Authority shall have all  
1339 powers necessary to implement and administer the provisions of  
1340 this section.

1341 **SECTION 46.** Section 57-1-64.1, Mississippi Code of 1972, is  
1342 brought forward as follows:

1343 57-1-64.1. (1) There is hereby created a Mississippi  
1344 Tourism Association Marketing Advisory Board to assist the  
1345 Mississippi Development Authority in the planning of initiatives  
1346 for advertising and promoting tourism in Mississippi.

1347 (2) The advisory board shall be composed of the following  
1348 members:

1349 (a) The Executive Director of the Mississippi Tourism  
1350 Association;

1351 (b) The members of the Mississippi Tourism Association  
1352 Board of Directors, composed through the bylaws of the Mississippi  
1353 Tourism Association as being geographically and ethnically diverse  
1354 members from the five (5) tourism regions designated as the Hills,  
1355 the Delta, the Capital/River, the Pines and the Coastal regions of  
1356 Mississippi, and three (3) at-large members;

1357 (c) Three (3) at-large members appointed by the  
1358 Governor;



1359 (d) One (1) at-large member appointed by the Lieutenant  
1360 Governor; and

1361 (e) One (1) at-large member appointed by the Speaker of  
1362 the House of Representatives.

1363 (3) Members of the advisory board may not be compensated for  
1364 the performance of their duties.

1365 (4) The advisory board will give input and advice to the  
1366 Mississippi Development Authority's Tourism Division on marketing  
1367 and advertising planning, but shall have no executive powers at  
1368 the Mississippi Development Authority.

1369 (5) For marketing activities paid for with federal funds  
1370 related to the COVID-19 public health emergency and carried out by  
1371 either the Mississippi Development Authority's Tourism Division or  
1372 destination marketing organizations, the advisory board will give  
1373 input on appropriate branding and messaging that communicates  
1374 pertinent public health information. The advisory board shall  
1375 convene for the purposes of this subsection within fifteen (15)  
1376 calendar days of July 9, 2020.

1377 **SECTION 47.** Section 57-1-65, Mississippi Code of 1972, is  
1378 amended as follows:

1379 57-1-65. The Mississippi \* \* \* Development Authority shall  
1380 have the following general powers and duties with respect to  
1381 marketing:

1382 (a) To promote and stimulate the development of new  
1383 markets for Mississippi products and goods.



1384 (b) To encourage the establishment of industrial  
1385 operations to process agricultural and forestry raw products to an  
1386 end-product stage, ready for sale to the markets of the nation and  
1387 the world; and

1388 (c) To coordinate all studies in the State of  
1389 Mississippi concerned with the development of markets for  
1390 Mississippi products and goods.

1391 **SECTION 48.** Section 57-1-66, Mississippi Code of 1972, is  
1392 amended as follows:

1393 57-1-66. The \* \* \* Mississippi Development Authority is  
1394 authorized to produce publications, booklets, brochures,  
1395 directories, materials and merchandise for the purposes of  
1396 promoting and marketing Mississippi and assisting businesses  
1397 through the provision of information in printed form or on  
1398 computer disk, and to license or sell such items for a fee;  
1399 however, no public entity or any agency thereof established  
1400 pursuant to the laws of this state shall be charged a fee for the  
1401 provision of such items. The funds which are received from the  
1402 licensing or sale of items described herein shall be paid into a  
1403 special revolving fund which is hereby established in the State  
1404 Treasury. Monies in this fund shall be expended as appropriated  
1405 by the Legislature. Any monies remaining in the special fund at  
1406 the close of a fiscal year shall not lapse into the State General  
1407 Fund.



1408           **SECTION 49.** Section 57-1-67, Mississippi Code of 1972, is  
1409 amended as follows:

1410           57-1-67. The Mississippi \* \* \* Development Authority,  
1411 pursuant to contractual agreements with individual planning and  
1412 development districts, may assign field office staff of the  
1413 department to a planning and development district office.  
1414 Planning and development district directors may be consulted by  
1415 the department as any annual work programs for field office staff  
1416 so assigned are prepared. Any such work programs shall be  
1417 designed to address issues and projects of mutual interest to the  
1418 department and districts and to the accomplishment of their  
1419 respective economic development missions.

1420           **SECTION 50.** Section 57-1-68, Mississippi Code of 1972, is  
1421 amended as follows:

1422           57-1-68. The \* \* \* Mississippi Development Authority, in its  
1423 discretion, may establish a program of grants to be matched by  
1424 economic development entities in the state to finance and promote  
1425 local economic development. Monies committed to the program of  
1426 grants shall not lapse into the State General Fund at the end of a  
1427 fiscal year.

1428           **SECTION 51.** Section 57-1-69, Mississippi Code of 1972, is  
1429 amended as follows:

1430           57-1-69. The \* \* \* Mississippi Development Authority is  
1431 authorized to cooperate with Mississippi Miss Hospitality, Inc.,  
1432 in the production of the Mississippi Miss Hospitality Pageant and





1433 with Miss Mississippi Pageant, Inc., in the production of the Miss  
1434 Mississippi Pageant, and with Mrs. Mississippi-America Pageant,  
1435 Inc., in the production of the Mrs. Mississippi Pageant, and in  
1436 defraying expenses incurred by Miss Hospitality and Miss  
1437 Mississippi and Mrs. Mississippi when making official appearances  
1438 to represent this state, by expending in furtherance of such  
1439 purposes any money appropriated or otherwise made available to the  
1440 department therefor. Money received by the department for such  
1441 purposes shall be deposited into a special fund which is hereby  
1442 created in the State Treasury. Unexpended amounts remaining in  
1443 such special fund at the end of a fiscal year shall not lapse into  
1444 the State General Fund, and any interest earned on amounts in such  
1445 special fund shall be deposited to the credit of the special fund.

1446       **SECTION 52.** Section 57-1-70, Mississippi Code of 1972, is  
1447 brought forward as follows:

1448       57-1-70. The person selected as Miss Mississippi in the  
1449 annual pageant sponsored by Miss Mississippi Pageant, Inc., and  
1450 the person selected as Miss Hospitality in the annual Mississippi  
1451 Miss Hospitality Pageant, and the person selected as Mrs.  
1452 Mississippi in the annual Mrs. Mississippi Pageant, shall be the  
1453 official nongovernmental representatives of the State of  
1454 Mississippi, and shall be the only persons selected in pageants in  
1455 the state who are recognized by the state as its official  
1456 representatives in appearances made at functions, ceremonies or



1457 other activities on behalf of the state or for the promotion or  
1458 goodwill of the state.

1459 **SECTION 53.** Section 57-1-71, Mississippi Code of 1972, is  
1460 brought forward as follows:

1461 57-1-71. Any municipality located in two adjacent counties  
1462 which forms a part of a municipal separate school district the  
1463 territory of which is located in two adjacent counties which  
1464 desires to enter into the establishment of an enterprise under the  
1465 provisions of Sections 57-1-1 through 57-1-51, jointly with the  
1466 territory forming a part of such municipal separate school  
1467 district shall, by and through its governing authority, declare  
1468 its intention of entering into such plan by resolution spread upon  
1469 its minutes and shall jointly with the boards of supervisors of  
1470 the counties affected file with the Mississippi Agricultural and  
1471 Industrial Board, a petition for certificate of public convenience  
1472 and necessity in the manner and for the purpose prescribed by  
1473 Section 57-1-21, and the governing authority of such municipality  
1474 is authorized to proceed under Sections 57-1-1 through 57-1-51,  
1475 for and on behalf of the municipality and the municipal separate  
1476 school district territory the same as if such territory were a  
1477 part of said municipality.

1478 **SECTION 54.** Section 57-1-73, Mississippi Code of 1972, is  
1479 brought forward as follows:

1480 57-1-73. Should the certificate of public convenience and  
1481 necessity be issued by the Mississippi Agricultural and Industrial



1482 Board the governing authority of such municipality shall call an  
1483 election in the municipality and in the territory outside the  
1484 municipality in the manner and method for calling, conducting and  
1485 holding elections provided in Section 57-1-25, and should two  
1486 thirds of the qualified electors residing in the municipality and  
1487 voting in the election, and two thirds of the qualified electors  
1488 residing in the territory outside the municipality forming a part  
1489 of the municipal separate school district of which such territory  
1490 and municipality are a part and voting in the election, vote in  
1491 favor of the enterprise, such municipal separate school district  
1492 including the municipality shall be deemed a municipality within  
1493 the meaning of Sections 57-1-1 through 57-1-51, and shall have all  
1494 rights, powers and authority to act by and through the governing  
1495 authority of such municipality granted to municipalities as  
1496 defined in Sections 57-1-1 through 57-1-51 and by said sections.

1497       **SECTION 55.** Section 57-1-75, Mississippi Code of 1972, is  
1498 brought forward as follows:

1499       57-1-75. The governing authority of the municipality as  
1500 defined in Sections 57-1-71 and 57-1-73, subject to the approval  
1501 of the boards of supervisors of each county having territory  
1502 involved, may issue such bonds as may be authorized in the  
1503 election held for the operation of the enterprise, and may make  
1504 all contracts for the erection of buildings and structures and the  
1505 acquisition and purchase of lands, and for the operation of such  
1506 enterprise. It shall not be necessary for contracts entered into



1507 by the governing authority of the municipality to be approved by  
1508 the boards of supervisors of the counties having territory  
1509 included in such municipal separate school district.

1510 **SECTION 56.** Section 57-1-77, Mississippi Code of 1972, is  
1511 brought forward as follows:

1512 57-1-77. The bonds issued under Section 57 1 75 shall be  
1513 issued and signed in the manner provided for the issuance of bonds  
1514 by municipalities by Sections 57-1-1 through 57-1-51, and shall  
1515 pledge the full faith and credit of the entire municipal separate  
1516 school district for which said bonds are issued, including the  
1517 municipality and the territory outside such municipality lying in  
1518 adjoining supervisors districts of adjacent counties.

1519 **SECTION 57.** Section 57-1-79, Mississippi Code of 1972, is  
1520 brought forward as follows:

1521 57-1-79. The governing authority of such municipality as  
1522 defined in Sections 57-1-71 and 57-1-73 shall designate a  
1523 depository for the funds of the municipality in the same manner as  
1524 county depositories are designated.

1525 **SECTION 58.** Section 57-1-81, Mississippi Code of 1972, is  
1526 brought forward as follows:

1527 57-1-81. On or before the first Monday of September of each  
1528 year the governing authority of the municipality shall meet and  
1529 levy a tax sufficient upon the taxable property of the territory,  
1530 including the municipality, to provide funds for the payment of  
1531 interest on bonds and the payment of bonds maturing within one



1532 year, and to provide a sinking fund for the redemption of any  
1533 outstanding bonds and shall certify such levy to the boards of  
1534 supervisors of each of the counties affected, prior to the date on  
1535 which county tax levies are fixed, and it shall be the duty of the  
1536 respective boards of supervisors to levy the tax prescribed by the  
1537 governing authority of the municipality upon the taxable property  
1538 of the territory, including the municipality located in their  
1539 respective county. The tax collector of each county shall  
1540 thereupon collect such tax in the same manner and at the same time  
1541 as other taxes are collected and shall transmit the proceeds  
1542 thereof to the governing authority of the municipality for deposit  
1543 to the proper depository.

1544       **SECTION 59.** Section 57-1-83, Mississippi Code of 1972, is  
1545 brought forward as follows:

1546       57-1-83. For the purpose of operating or engaging in the  
1547 enterprise as authorized at the election held for that purpose the  
1548 municipality herein authorized acting by and through its governing  
1549 authority shall have all the rights, powers and authority granted  
1550 to municipalities by Sections 57-1-1 through 57-1-51, to act for  
1551 the territory comprising the municipal separate school district of  
1552 which such municipality is a part.

1553       **SECTION 60.** Section 57-1-101, Mississippi Code of 1972, is  
1554 brought forward as follows:

1555       57-1-101. When a city, town or village and the supervisors  
1556 district wherein such city, town or village is situated desire to



1557 enter jointly into the establishment of an industrial enterprise  
1558 under the provisions of Sections 57-1-1 through 57-1-51, the  
1559 governing body of such city, town or village and the board of  
1560 supervisors of the county in which such supervisors district is  
1561 situated shall each declare its intention of entering into such  
1562 plan by resolution spread upon its minutes, and they shall jointly  
1563 file with the Mississippi Agricultural and Industrial Board, a  
1564 petition for a joint certificate of public convenience and  
1565 necessity in the manner and for the purposes prescribed by Section  
1566 57-1-21. Such joint petition for such joint certificate of public  
1567 convenience and necessity shall, in addition to any other  
1568 information required to be furnished, set out the amount of bonds  
1569 or other expenditures such city, town or village and such  
1570 supervisors district propose separately to issue or make for such  
1571 enterprise. The Mississippi Agricultural and Industrial Board is  
1572 authorized and empowered to issue or refuse to issue such joint  
1573 certificate of public convenience and necessity in accordance with  
1574 the provisions of Section 57-1-21, except that such certificate  
1575 when issued shall be entitled and be a joint certificate of public  
1576 convenience and necessity. Where such a petition for a joint  
1577 certificate is filed, the board, in addition to the findings  
1578 prescribed by Section 57-1-21, shall before it issues such joint  
1579 certificate also find and determine affirmatively that the  
1580 aggregate bonded indebtedness of such city, town or village and  
1581 such supervisors district incurred under the provisions of



1582 Sections 57-1-101 through 57-1-107, shall not exceed the aggregate  
1583 of twenty percent (20%) of the total assessed valuation of all the  
1584 property in the city, town or village, computed as in the case of  
1585 an application by such city, town or village alone, plus twenty  
1586 percent (20%) of the total assessed valuation of all the property  
1587 in the supervisors district.

1588         **SECTION 61.** Section 57-1-103, Mississippi Code of 1972, is  
1589 brought forward as follows:

1590         57-1-103. Should such joint certificate of public  
1591 convenience and necessity be issued by the Mississippi  
1592 Agricultural and Industrial Board, the governing authority of such  
1593 city, town or village shall direct the holding of an election in  
1594 the manner provided as to it by Section 57-1-25, and the board of  
1595 supervisors of the county in which such supervisors district is  
1596 situated shall direct the holding of a separate election in such  
1597 supervisors district in the manner provided by Section 57-1-25 for  
1598 such elections. In the event the proposal be approved as required  
1599 by Section 57-1-25, both in the election for the supervisors  
1600 district and in the election for the city, town or village,  
1601 computed and declared separately, then the board of supervisors  
1602 and the governing authority of such city, town or village,  
1603 respectively, may issue the bonds authorized by said elections,  
1604 respectively, as provided by the aforesaid Sections 57-1-1 through  
1605 57-1-51.



1606           **SECTION 62.** Section 57-1-105, Mississippi Code of 1972, is  
1607 brought forward as follows:

1608           57-1-105. When a city, town or village and the supervisors  
1609 district wherein such city, town or village is situated join for  
1610 the establishment of an industrial enterprise under the provisions  
1611 of Sections 57-1-101 through 57-1-107 they shall be and they are  
1612 hereby authorized to exercise the powers conferred by Sections  
1613 57-1-1 through 57-1-51; and for the purpose of carrying out such  
1614 joint industrial enterprise, all provisions of Sections 57-1-1  
1615 through 57-1-51, so far as the same are applicable, shall apply to  
1616 all proceedings by such city, town or village and to all  
1617 proceedings by such board of supervisors for the county in which  
1618 such supervisors district is situated. The city, town or village  
1619 and the supervisors district so joining shall have each an  
1620 undivided interest in the industrial enterprise, including any  
1621 land acquired for such purpose, in the same proportion as the  
1622 amount of bonds issued by each bears to the total issued by both.

1623           **SECTION 63.** Section 57-1-107, Mississippi Code of 1972, is  
1624 brought forward as follows:

1625           57-1-107. When a city, town or village and the supervisors  
1626 district wherein such city, town or village is situated join as  
1627 provided in Sections 57-1-101 through 57-1-107 for the  
1628 establishment of an industrial enterprise under the provisions of  
1629 said sections, they shall be and are hereby authorized to contract  
1630 jointly for the acquisition of land and to jointly enter into





1631 contracts for the purpose of establishing, operating, maintaining  
1632 or leasing such industrial enterprise, including contracts for the  
1633 construction thereof; or they may, by agreement adopted by  
1634 resolution spread upon the minutes of the governing authority of  
1635 such city, town or village and upon the minutes of the board of  
1636 supervisors of the county, authorize either the governing  
1637 authority of such city, town or village or the board of  
1638 supervisors to enter into such contracts for and on behalf of  
1639 both.

1640           **SECTION 64.** Section 57-1-131, Mississippi Code of 1972, is  
1641 brought forward as follows:

1642           57-1-131. When two (2) or more adjoining supervisors  
1643 districts of adjacent counties which desire to enter jointly into  
1644 the establishment of an enterprise under the provisions of  
1645 Sections 57-1-1 through 57-1-51, the board of supervisors of each  
1646 county shall declare its intention of entering into such plan by  
1647 resolution spread upon its minutes and shall jointly with the  
1648 boards of supervisors of the counties affected file with the  
1649 Mississippi Agricultural and Industrial Board, a petition for a  
1650 certificate of public convenience and necessity in the manner and  
1651 for the purposes prescribed by Section 57-1-21, and the board of  
1652 supervisors of each county affected shall name two commissioners  
1653 who, together with the commissioners appointed by the other  
1654 counties acting jointly with them, shall constitute a board of  
1655 commissioners for the purpose of proceeding the same as if the



1656 supervisors districts of the adjacent counties were within the  
1657 same county.

1658 A petition bearing the signatures of a majority of the  
1659 qualified electors of a supervisors district filed with the  
1660 chancery clerk, shall make it the mandatory duty of the board of  
1661 supervisors of the county to pass the necessary resolution,  
1662 appoint the commissioners and perform all other duties and  
1663 functions necessary for the establishment of the enterprise.

1664 **SECTION 65.** Section 57-1-133, Mississippi Code of 1972, is  
1665 brought forward as follows:

1666 57-1-133. Should a certificate of public convenience and  
1667 necessity be issued by the Mississippi Agricultural and Industrial  
1668 Board, the boards of supervisors of each of the counties affected  
1669 shall call an election in each of the supervisors districts  
1670 affected in the manner and method for calling, conducting and  
1671 holding elections provided in Section 57-1-25, and should two  
1672 thirds of the qualified electors residing in each of the  
1673 supervisors districts affected voting in the election, vote in  
1674 favor of the enterprise, the supervisors districts included in the  
1675 petition for public convenience and necessity shall be deemed a  
1676 municipality within the meaning of Sections 57-1-1 through  
1677 57-1-51, and shall have all rights, powers and authority granted  
1678 to municipalities as defined in said sections and by said  
1679 sections.



1680           **SECTION 66.** Section 57-1-135, Mississippi Code of 1972, is  
1681 brought forward as follows:

1682           57-1-135. The commissioners authorized by Section 57-1-131  
1683 shall be deemed to be the governing body of the municipality.  
1684 Except as hereinafter provided, the term of each commissioner  
1685 shall be four (4) years, and until his successor shall have been  
1686 appointed in like manner and shall have qualified. In case of  
1687 death, disability or resignation, the vacancy shall be filled for  
1688 the unexpired term by appointment to be made by the board of  
1689 supervisors of the county in which such vacancy occurred. Of the  
1690 two (2) commissioners first appointed by each county, one (1)  
1691 shall be designated to serve for a term of two (2) years, and the  
1692 other shall be designated to serve for a term of four (4) years,  
1693 and until their respective successors shall have been appointed  
1694 and qualified. The aforesaid designations shall be made by the  
1695 respective boards of supervisors. Such commissioners shall  
1696 constitute a board, and shall organize by electing a president and  
1697 a secretary, and by adopting an official seal with which to attest  
1698 its official acts, and by adopting a name by which the  
1699 municipality formed by the districts involved shall be known and  
1700 recognized. The adoption of a name for any such municipality  
1701 prior to the enactment of this statute is hereby validated and  
1702 confirmed. The commissioners shall meet at such time and place as  
1703 they may determine, shall keep full, complete and permanent  
1704 minutes of their meetings and records of their proceedings, and



1705 shall receive no compensation for their services, except  
1706 reimbursement for actual and necessary expenses incurred by them  
1707 in traveling in performance of their duties. No action taken by  
1708 such commissioners and no contract or agreement entered into by  
1709 them shall be valid and effectual unless and until the same is  
1710 approved by the board of supervisors of each county having  
1711 territory involved, by resolution spread at large upon the minutes  
1712 of such board.

1713       **SECTION 67.** Section 57-1-137, Mississippi Code of 1972, is  
1714 brought forward as follows:

1715       57-1-137. For the purpose of operating or engaging in the  
1716 enterprise as authorized at the election held for that purpose,  
1717 the municipality herein authorized acting through its board of  
1718 commissioners and subject to the approval of the boards of  
1719 supervisors of each of the counties having territory included  
1720 within such municipality shall have all the rights, powers, and  
1721 authority granted to municipalities by Sections 57-1-1 through  
1722 57-1-51.

1723       **SECTION 68.** Section 57-1-139, Mississippi Code of 1972, is  
1724 brought forward as follows:

1725       57-1-139. The board of commissioners of the municipality as  
1726 defined in Section 57-1-133, subject to the approval of the boards  
1727 of supervisors of each county having territory involved, may issue  
1728 such bonds as may be authorized in the election held for the  
1729 operation of the enterprise, and may make all contracts for the



1730 erection of buildings and structures and the acquisition and  
1731 purchase of lands, and for the operation of such enterprise. All  
1732 such contracts so entered into by such commissioners shall not be  
1733 valid, however, until approved by resolution spread at large upon  
1734 the minutes of each of the boards of supervisors of the counties  
1735 having territory included in the municipality.

1736       **SECTION 69.** Section 57-1-141, Mississippi Code of 1972, is  
1737 brought forward as follows:

1738       57-1-141. The bonds issued under Section 57 1 139 shall be  
1739 signed by the president of the board of commissioners, counter  
1740 signed by the clerk of said board of commissioners, and shall  
1741 pledge the full faith and credit of the supervisors districts  
1742 included in the municipality.

1743       **SECTION 70.** Section 57-1-143, Mississippi Code of 1972, is  
1744 brought forward as follows:

1745       57-1-143. The board of commissioners of the municipality as  
1746 defined in Section 57-1-133 shall designate a depository for the  
1747 funds of the municipality in the same manner as county  
1748 depositories are designated.

1749       **SECTION 71.** Section 57-1-145, Mississippi Code of 1972, is  
1750 brought forward as follows:

1751       57-1-145. On or before the first Monday of September of each  
1752 year, the board of commissioners for the municipality comprising  
1753 two or more supervisors districts of adjacent counties shall meet  
1754 and levy a tax sufficient upon the taxable property of the



1755 territory to provide funds for the payment of interest on bonds  
1756 and the payment of bonds maturing within one year, and to provide  
1757 a sinking fund for the redemption of any outstanding bond and  
1758 shall certify such levy to the boards of supervisors of each of  
1759 the counties affected, prior to the date on which county tax  
1760 levies are fixed, and it shall be the duty of the respective  
1761 boards of supervisors to levy the tax prescribed by the board of  
1762 commissioners of the municipality upon the taxable property of the  
1763 territory of the county which is embraced in the municipality.  
1764 The tax collector of each county shall thereupon collect such tax  
1765 in the same manner and at the same time as other taxes are  
1766 collected and shall transmit the proceeds thereof to the proper  
1767 depositories.

1768         **SECTION 72.** Section 57-1-171, Mississippi Code of 1972, is  
1769 brought forward as follows:

1770             57-1-171. The word "municipality" as used in Sections  
1771 57-1-171 through 57-1-179 shall mean "county, supervisors  
1772 district, city, town or village."

1773         **SECTION 73.** Section 57-1-173, Mississippi Code of 1972, is  
1774 brought forward as follows:

1775             57-1-173. Whenever a supervisors district or a city, town or  
1776 village in a supervisors district, or both, which adjoins a  
1777 supervisors district in the same county, already having a  
1778 certificate of convenience and necessity issued under the  
1779 provisions of Sections 57-1-1 through 57-1-51, and which has



1780 already voted to engage in an enterprise authorized under the  
1781 provisions of said sections, desires to join in the enterprise,  
1782 the adjoining supervisors district or city, town or village, or  
1783 both, wishing to so join may make application to the Mississippi  
1784 Agricultural and Industrial Board for a certificate of convenience  
1785 and necessity, the same as if such supervisors district or city,  
1786 town or village, or both, had joined with the supervisors district  
1787 already having a certificate of convenience and necessity in its  
1788 original application. Such application shall show that the  
1789 joining of the said supervisors district or city, town or village,  
1790 or both, will benefit such municipality by the use of its natural  
1791 resources or the employment of its labor, and that it has adequate  
1792 property values and suitable financial conditions so that the  
1793 total bonded indebtedness of the municipality shall not exceed  
1794 twenty percent (20%) of the total assessed valuation of all of the  
1795 property in the municipality, and that the joining of such  
1796 municipality in the operation of the enterprise by the supervisors  
1797 district already holding a certificate of convenience and  
1798 necessity shall result in the enlargement of the enterprise and  
1799 that such enlargement of the enterprise shall benefit the  
1800 petitioning municipality. The board may issue a certificate of  
1801 convenience and necessity the same as if the petitioning  
1802 municipality had joined in the original application. However,  
1803 when bonds are issued jointly by a municipality and a county or a  
1804 supervisors district of such county, then in such event, the



1805 limitation of twenty percent (20%) of the assessed valuation of  
1806 such municipality or county or supervisors district shall apply to  
1807 each such taxing district even though such assessments include  
1808 identical property.

1809         **SECTION 74.** Section 57-1-175, Mississippi Code of 1972, is  
1810 brought forward as follows:

1811             57-1-175. When such certificate of convenience and necessity  
1812 is issued authorizing the petitioning municipality to join in the  
1813 operation of the enterprise, proceedings thereafter shall be held  
1814 within such municipality as is provided in Sections 57-1-1 through  
1815 57-1-51 with reference to notice, voting and election, and such  
1816 municipality may issue its bonds in such amount as may be  
1817 authorized by the board for the enlargement and extension of the  
1818 enterprise.

1819         **SECTION 75.** Section 57-1-177, Mississippi Code of 1972, is  
1820 brought forward as follows:

1821             57-1-177. All provisions of Sections 57-1-1 through 57-1-51,  
1822 so far as the same are applicable, shall apply to all proceedings  
1823 by the municipality desiring to join with another municipality  
1824 which has already received a certificate of convenience and  
1825 necessity.

1826         **SECTION 76.** Section 57-1-179, Mississippi Code of 1972, is  
1827 brought forward as follows:

1828             57-1-179. The municipality joining with another municipality  
1829 which has already received a certificate of convenience and





1830 necessity shall have an undivided interest in the enterprise in  
1831 the same proportion as the amount of bonds issued by such  
1832 municipality bears to the total bonds issued by both  
1833 municipalities in the establishment of such enterprise.

1834         **SECTION 77.** Section 57-1-221, Mississippi Code of 1972, is  
1835 brought forward as follows:

1836             57-1-221. (1) As used in this section:

1837                 (a) "Approved business enterprise" means any project  
1838 that:

1839                     (i) Locates or expands in this state and creates a  
1840 minimum of two hundred fifty (250) new, full-time jobs with a  
1841 total capital investment in the state of a minimum of Thirty  
1842 Million Dollars (\$30,000,000.00) in Tier 1 or Tier 2 counties;

1843                     (ii) Locates or expands in this state and creates  
1844 a minimum of one hundred fifty (150) new, full-time jobs with a  
1845 total capital investment in the state of a minimum of Fifteen  
1846 Million Dollars (\$15,000,000.00) in areas federally designated as  
1847 low-income census tracts;

1848                     (iii) Locates or expands in this state and creates  
1849 a minimum of one thousand (1,000) new, full-time jobs;

1850                     (iv) Is a manufacturer of high-end kitchen  
1851 appliances having at least four hundred (400) employees working at  
1852 its Mississippi facilities on January 1, 2015, and with a capital  
1853 investment of at least Five Million Dollars (\$5,000,000.00) made  
1854 after July 1, 2014, through four (4) years after July 1, 2015,



1855 that expands in this state, and retains a minimum of four hundred  
1856 (400) jobs; or

1857 (v) Locates or expands in this state with  
1858 significant regional impact as determined by MDA.

1859 (b) "MDA" means the Mississippi Development Authority.

1860 (c) "Facility related to the project" means and  
1861 includes any of the following, as they may pertain to the project:

1862 (i) Facilities to provide potable and industrial  
1863 water supply systems, sewage and waste disposal systems and water,  
1864 natural gas and electric transmission systems to the site of the  
1865 project;

1866 (ii) Building facilities and equipment necessary  
1867 to operate the facility;

1868 (iii) Rail lines;

1869 (iv) Airports, airfields, air terminals and port  
1870 facilities;

1871 (v) Highways, streets and other roadways; and

1872 (vi) Fire protection facilities, equipment and  
1873 elevated water tanks.

1874 (d) "Project" means any industrial, commercial,  
1875 research and development, warehousing, distribution,  
1876 transportation, processing, mining, United States government or  
1877 tourism enterprise together with all real property required for  
1878 construction, maintenance and operation of the enterprise that is  
1879 approved by the MDA.



1880           (2)   (a)   There is created a special fund in the State  
1881 Treasury to be known as the Mississippi Industry Incentive  
1882 Financing Revolving Fund which shall consist of monies from any  
1883 source designated for deposit into the fund. Unexpended amounts  
1884 remaining in the fund at the end of a fiscal year shall not lapse  
1885 into the State General Fund, and any interest earned on amounts in  
1886 the fund shall be deposited to the credit of the fund. Except as  
1887 otherwise provided, monies in the fund shall be disbursed by the  
1888 Mississippi Development Authority for the purposes authorized in  
1889 subsection (3) of this section. The Mississippi Development  
1890 Authority shall allocate and disburse Thirty Million Dollars  
1891 (\$30,000,000.00) from the fund as a grant to Mississippi State  
1892 University for the construction, furnishing and equipping of a  
1893 high-performance computing data center that is home to federally  
1894 designated centers of computing excellence. The disbursement of  
1895 such funds shall not be subject to any requirements of this  
1896 section relating to grants and loans made by the Mississippi  
1897 Development Authority under this section.

1898           (b)   Monies in the fund that are derived from the  
1899 proceeds of general obligation bonds may be used to reimburse  
1900 reasonable actual and necessary costs incurred by the MDA for the  
1901 administration of the various grant, loan and financial incentive  
1902 programs administered by the MDA. An accounting of actual costs  
1903 incurred for which reimbursement is sought shall be maintained by  
1904 the MDA. Reimbursement of reasonable actual and necessary costs



1905 shall not exceed three percent (3%) of the proceeds of bonds  
1906 issued. Reimbursements made under this subsection shall satisfy  
1907 any applicable federal tax law requirements.

1908 (3) The MDA shall establish a program to make grants or  
1909 loans from the Mississippi Industry Incentive Financing Revolving  
1910 Fund to local governments, including, but not limited to,  
1911 counties, municipalities, industrial development authorities and  
1912 economic development districts, and approved business enterprises  
1913 to construct or otherwise provide facilities related to the  
1914 project. Local governments are authorized to accept grants and  
1915 enter into loans authorized under the program, and to sell, lease  
1916 or otherwise dispose of a project or any property related to the  
1917 project in whole or in part.

1918 (4) (a) Except as otherwise provided in this section, any  
1919 business enterprise or local government desiring a grant or loan  
1920 under this section shall submit an application to the MDA which  
1921 shall include, at a minimum:

1922 (i) Evidence that the business or industry meets  
1923 the definition of an approved business enterprise;

1924 (ii) A description, including the cost, of the  
1925 requested assistance;

1926 (iii) A description of the purpose for which the  
1927 assistance is requested; and

1928 (iv) Any other information required by the MDA.



1929                   (b) Except as otherwise provided in this section, the  
1930 MDA shall require that binding commitments be entered into  
1931 requiring that:

1932                   (i) The minimum requirements of this section and  
1933 such other requirements as the MDA considers proper shall be met;  
1934 and

1935                   (ii) If such requirements are not met, all or a  
1936 portion of the funds provided by this section as determined by the  
1937 MDA shall be repaid.

1938                   (c) Upon receipt of the application from a business  
1939 enterprise or local government for a grant or loan under this  
1940 section, the MDA shall determine whether the enterprise meets the  
1941 definition of an approved business enterprise and determine  
1942 whether to provide the assistance requested in the form of a grant  
1943 or a loan.

1944                   (d) Except as otherwise provided in subsection (2)(a)  
1945 of this section, the MDA shall have sole discretion in providing  
1946 grants or loans under this section. The terms of a grant or loan  
1947 provided under this section and the manner of repayment of any  
1948 loan shall be within the discretion of the MDA. Repayments of  
1949 loans made under this section shall be deposited to the credit of  
1950 the Mississippi Industry Incentive Financing Revolving Fund until  
1951 the uncommitted balance in the fund reaches Fifty Million Dollars  
1952 (\$50,000,000.00). Once the uncommitted balance in the fund  
1953 reaches Fifty Million Dollars (\$50,000,000.00), repayments of



1954 loans under this section shall be deposited to the credit of Fund  
1955 No. 3951 in the State Treasury to pay debt service on bonds until  
1956 such time as the uncommitted balance in the fund falls below Fifty  
1957 Million Dollars (\$50,000,000.00).

1958 (e) The MDA shall notify the Chairman of the Senate  
1959 Finance Committee and the Chairman of the House Ways and Means  
1960 Committee of the approval of any grant or loan application thirty  
1961 (30) days prior to the disbursement of any monies for the loan or  
1962 grant from the Mississippi Industry Incentive Financing Revolving  
1963 Fund. The notification shall identify the applicant and the  
1964 purposes for which the loan or grant is made.

1965 (5) (a) Contracts, by local governments, including, but not  
1966 limited to, design and construction contracts, for the  
1967 acquisition, purchase, construction or installation of a project  
1968 shall be exempt from the provisions of Section 31-7-13 if:

1969 (i) The MDA finds and records such finding on its  
1970 minutes, that because of availability or the particular nature of  
1971 a project, it would not be in the public interest or would less  
1972 effectively achieve the purposes of this section to enter into  
1973 such contracts on the basis of Section 31-7-13; and

1974 (ii) The approved business enterprise that is  
1975 involved in the project concurs in such finding.

1976 (b) When the requirements of paragraph (a) of this  
1977 subsection are met:



1978 (i) The requirements of Section 31-7-13 shall not  
1979 apply to such contracts; and

1980 (ii) The contracts may be entered into on the  
1981 basis of negotiation.

1982 (6) It is the policy of the MDA and the MDA is authorized to  
1983 accommodate and support any enterprise that receives a loan under  
1984 this section for a project defined in Section 17-25-23 that wishes  
1985 to have a program of diversity in contracting, and/or that wishes  
1986 to do business with or cause its prime contractor to do business  
1987 with Mississippi companies, including those companies that are  
1988 small business concerns owned and controlled by socially and  
1989 economically disadvantaged individuals. The term "socially and  
1990 economically disadvantaged individuals" shall have the meaning  
1991 ascribed to such term under Section 8(d) of the Small Business Act  
1992 (15 USCS 637(d)) and relevant subcontracting regulations  
1993 promulgated pursuant thereto; except that women shall be presumed  
1994 to be socially and economically disadvantaged individuals for the  
1995 purposes of this subsection.

1996 (7) The MDA shall promulgate rules and regulations, in  
1997 accordance with the Mississippi Administrative Procedures Law, for  
1998 the implementation of this section.

1999 **SECTION 78.** Section 57-1-251, Mississippi Code of 1972, is  
2000 amended as follows:



2001           57-1-251. Words and phrases used in Sections 57-1-251  
2002 through 57-1-261 shall have meanings as follows, unless the  
2003 context clearly indicates a different meaning:

2004           (a) "Bonds" means general obligation bonds, interim  
2005 notes and other evidences of debt of the State of Mississippi  
2006 issued pursuant to Sections 57-1-251 through 57-1-261.

2007           (b) "Department" means the \* \* \* Mississippi  
2008 Development Authority.

2009           (c) "Facility related to the project" means and  
2010 includes any of the following, as the same may pertain to the  
2011 project: (i) facilities to provide potable and industrial water  
2012 supply systems and sewage and waste disposal systems to the site  
2013 of the project; (ii) airports, airfields and air terminals; (iii)  
2014 rail lines; (iv) port and marine terminal facilities; (v)  
2015 pipelines; (vi) storage facilities; (vii) highways, streets and  
2016 other roadways, including curbing, guttering and storm water  
2017 sewers; (viii) public school buildings, classrooms and  
2018 instructional facilities, day care centers, including any  
2019 functionally related facilities; (ix) parks, outdoor recreation  
2020 facilities and athletic facilities; (x) auditoriums, pavilions,  
2021 campgrounds, art centers, cultural centers, folklore centers and  
2022 other public facilities; (xi) health care facilities, public or  
2023 private; (xii) buildings and appurtenances used in support of the  
2024 project; (xiii) security systems, fire suppression and prevention  
2025 systems, utility distribution systems; and (xiv) on-site





2026 utilities, including, but not limited to, electricity, natural  
2027 gas, telephone and other telecommunications facilities.

2028 (d) "Person" means any natural person, corporation,  
2029 association, partnership, receiver, trustee, guardian, executor,  
2030 administrator, fiduciary, governmental unit, public agency,  
2031 political subdivision, or any other group acting as a unit, and  
2032 the plural as well as the singular.

2033 (e) "Project" means the Strategic Petroleum Reserve,  
2034 proposed to be constructed by the Department of Energy, any  
2035 successor agency thereto, or a private entity engaged in the  
2036 business of purchasing, storing, and offering for sale or resale,  
2037 petroleum products or natural gas, together with all real property  
2038 required for construction, maintenance and operation of the  
2039 Strategic Petroleum Reserve, and all building, tunneling and other  
2040 supporting land facilities required or useful for construction,  
2041 maintenance and operation of the Strategic Petroleum Reserve; or  
2042 any project specifically designed to produce, manufacture, mine,  
2043 or temporarily store a source of energy, either as primary energy  
2044 or as a secondary energy for distribution or sale, or both, to  
2045 persons located at or near the site of production, manufacture,  
2046 mining, or storage, when such production, manufacturing, mining  
2047 and temporary storage activities are limited to the indigenous  
2048 natural resources of the state, including oil, natural gas,  
2049 lignite and other coal resources, bioenergy resources, salt domes,  
2050 depleted underground reservoirs and aquifers suited for the



2051 temporary storage of hydrocarbons to be used as primary energy  
2052 sources.

2053 (f) "Public agency" means and includes:

2054 (i) Any department, board, commission, institution  
2055 or other agency or instrumentality of the state;

2056 (ii) Any city, town, county, political  
2057 subdivision, school district or other district created or existing  
2058 under the laws of the state or any public agency of any such city,  
2059 town, county, political subdivision or district;

2060 (iii) Any department, commission, agency or  
2061 instrumentality of the United States of America; and

2062 (iv) Any other state of the United States of  
2063 America which may be cooperating with respect to location of the  
2064 project within the state, or any agency thereof.

2065 (g) "State" means State of Mississippi.

2066 **SECTION 79.** Section 57-1-253, Mississippi Code of 1972, is  
2067 brought forward as follows:

2068 57-1-253. The department is hereby designated and empowered  
2069 to act on behalf of the state in submitting a siting proposal for  
2070 the project. The department is empowered to take all steps  
2071 appropriate or necessary to effect the siting, development, and  
2072 operation of the project within the state. If the state is  
2073 selected as the preferred site for the project, the department is  
2074 hereby designated and empowered to act on behalf of the state and  
2075 to represent the state in the planning, financing, development,



2076 construction and operation of the project or any facility related  
2077 to the project, with the concurrence of the affected public  
2078 agency. The department may take affirmative steps to coordinate  
2079 fully all aspects of the submission of a siting proposal for the  
2080 project and, if the state is selected as the preferred site, to  
2081 coordinate fully, with the concurrence of the affected public  
2082 agency, the development of the project or any facility related to  
2083 the project with private business, the United States government  
2084 and other public agencies. All public agencies are encouraged to  
2085 cooperate to the fullest extent possible to effectuate the duties  
2086 of the department; however, the development of the project or any  
2087 facility related to the project by the department may be done only  
2088 with the concurrence of the affected public agency.

2089       **SECTION 80.** Section 57-1-255, Mississippi Code of 1972, is  
2090 brought forward as follows:

2091       57-1-255. (1) Upon notification to the department by the  
2092 enterprise that the state has been finally selected as the site  
2093 for the project, the State Bond Commission shall have the power  
2094 and is hereby authorized and directed, upon receipt of a  
2095 declaration from the department as hereinafter provided, to borrow  
2096 money and issue general obligation bonds of the state in one or  
2097 more series for the purposes herein set out. Upon such  
2098 notification, the department may thereafter from time to time  
2099 declare the necessity for the issuance of general obligation bonds  
2100 as authorized by this section and forward such declaration to the



2101 State Bond Commission, provided that prior to said notification,  
2102 the department may enter into agreements with the United States  
2103 government, private companies and others that will commit the  
2104 department to direct the State Bond Commission to issue bonds for  
2105 eligible undertakings set out in subsection (4) of this section,  
2106 conditioned on the siting of the project in the state.

2107 (2) Upon receipt of any such declaration from the  
2108 department, the State Bond Commission, upon verifying that the  
2109 state has been selected as the site of the project, shall act as  
2110 the issuing agent for the series of bonds directed to be issued in  
2111 such declaration pursuant to authority granted in this section.

2112 (3) Bonds issued under the authority of this section shall  
2113 not exceed an aggregate principal amount in the sum of Thirty  
2114 Million Dollars (\$30,000,000.00). No bonds shall be issued under  
2115 the authority of this section after June 30, 2000.

2116 (4) The proceeds from the sale of the bonds issued pursuant  
2117 to this section may be applied for the purposes of: (a) defraying  
2118 all or any designated portion of the costs incurred with respect  
2119 to acquisition, planning, design, construction, installation,  
2120 rehabilitation, improvement and relocation of the project and any  
2121 facility related to the project, including costs of design and  
2122 engineering, all costs incurred to provide land, easements and  
2123 rights-of-way, relocation costs with respect to the project and  
2124 with respect to any facility related to the project located within  
2125 the project area, and costs associated with mitigation of



2126 environmental impacts; (b) providing for the payment of interest  
2127 on the bonds; (c) providing debt service reserves; and (d) paying  
2128 underwriters discount, original issue discount, accountants' fees,  
2129 engineers' fees, attorneys' fees, rating agency fees and other  
2130 fees and expenses in connection with the issuance of the bonds.  
2131 Such bonds shall be issued from time to time and in such principal  
2132 amounts as shall be designated by the department not to exceed in  
2133 aggregate principal amount the amount authorized in subsection (3)  
2134 of this section. Proceeds from the sale of the bonds issued  
2135 pursuant to this section may be invested, subject to federal  
2136 limitations, pending their use, in such securities as may be  
2137 specified in the resolution authorizing the issuance of the bonds  
2138 or the trust indenture securing them, and the earning on such  
2139 investment applied as provided in such resolution or trust  
2140 indenture.

2141 (5) The principal of and the interest on the bonds shall be  
2142 payable in the manner hereinafter set forth. The bonds shall bear  
2143 date or dates, be in such denomination or denominations, bear  
2144 interest at such rate or rates, be payable at such place or places  
2145 within or without the state, shall mature absolutely at such time  
2146 or times, be redeemable prior to maturity at such time or times  
2147 and upon such terms, with or without premium, shall bear such  
2148 registration privileges, and shall be substantially in such form,  
2149 all as shall be determined by resolution of the State Bond  
2150 Commission. Provided, however, that such bonds shall mature or



2151 otherwise be retired in annual installments beginning not more  
2152 than five (5) years from date thereof and extending not more than  
2153 twenty-five (25) years from date thereof. The bonds shall be  
2154 signed by the Chairman of the State Bond Commission, or by his  
2155 facsimile signature, and the official seal of the State Bond  
2156 Commission shall be imprinted on or affixed thereto, attested by  
2157 the manual or facsimile signature of the Secretary of the State  
2158 Bond Commission. Whenever any such bonds shall have been signed  
2159 by the officials herein designated to sign the bonds, who were in  
2160 office at the time of such signing but who may have ceased to be  
2161 such officers prior to the sale and delivery of such bonds, or who  
2162 may not have been in office on the date such bonds may bear, the  
2163 signatures of such officers upon such bonds shall nevertheless be  
2164 valid and sufficient for all purposes and have the same effect as  
2165 if the person so officially signing such bonds had remained in  
2166 office until the delivery of the same to the purchaser, or had  
2167 been in office on the date such bonds may bear.

2168 (6) All bonds issued under the provisions of this section  
2169 shall be and are hereby declared to have all the qualities and  
2170 incidents of negotiable instruments under the provisions of the  
2171 Uniform Commercial Code and in exercising the powers granted by  
2172 Sections 57-1-251 through 57-1-261, the State Bond Commission  
2173 shall not be required to and need not comply with the provisions  
2174 of the Uniform Commercial Code.



2175           (7) The State Bond Commission shall sell the bonds on sealed  
2176 bids at public sale, and for such price as it may determine to be  
2177 for the best interest of the State of Mississippi, but no such  
2178 sale shall be made at a price less than par plus accrued interest  
2179 to date of delivery of the bonds to the purchaser. The bonds  
2180 shall bear interest at such rate or rates not exceeding the limits  
2181 set forth in Section 75-17-101, as shall be fixed by the State  
2182 Bond Commission. All interest accruing on such bonds so issued  
2183 shall be payable semiannually or annually; provided that the first  
2184 interest payment may be for any period of not more than one (1)  
2185 year.

2186           Notice of the sale of any bond shall be published at least  
2187 one (1) time, the first of which shall be made not less than ten  
2188 (10) days prior to the date of sale, and shall be so published in  
2189 one or more newspapers having a general circulation in the City of  
2190 Jackson and in one or more other newspapers or financial journals  
2191 with a large national circulation, to be selected by the State  
2192 Bond Commission.

2193           The State Bond Commission, when issuing any bonds under the  
2194 authority of this section, may provide that the bonds, at the  
2195 option of the state, may be called in for payment and redemption  
2196 at the call price named therein and accrued interest on such date  
2197 or dates named therein.

2198           (8) State bonds issued under the provisions of this section  
2199 shall be the general obligations of the state and backed by the



2200 full faith and credit of the state, and if the funds appropriated  
2201 by the Legislature shall be insufficient to pay the principal of  
2202 and the interest on such bonds as they become due, then the  
2203 deficiency shall be paid by the State Treasurer from any funds in  
2204 the State Treasury not otherwise appropriated. All bonds shall  
2205 contain recitals on their faces substantially covering the  
2206 foregoing provisions of this section.

2207 (9) The State Treasurer is hereby authorized, without  
2208 further process of law, to certify to the Department of Finance  
2209 and Administration the necessity for warrants, and the Department  
2210 of Finance and Administration is hereby authorized and directed to  
2211 issue such warrants payable out of any funds authorized by this  
2212 section for such purpose, in such amounts as may be necessary to  
2213 pay when due the principal of and interest on all bonds issued  
2214 under the provisions of this section; and the State Treasurer  
2215 shall forward the necessary amount to the designated place or  
2216 places of payment of such bonds in ample time to discharge such  
2217 bonds, or the interest thereon, on the due dates thereof.

2218 (10) The bonds may be issued without any other proceedings  
2219 or the happening of any other conditions or things other than  
2220 those proceedings, conditions and things which are specified or  
2221 required by Sections 57-1-251 through 57-1-261. Any resolution  
2222 providing for the issuance of general obligation bonds under the  
2223 provisions of this section shall become effective immediately upon  
2224 its adoption by the State Bond Commission, and any such resolution





2225 may be adopted at any regular or special meeting of the State Bond  
2226 Commission by a majority of its members.

2227           (11) In anticipation of the issuance of bonds hereunder, the  
2228 State Bond Commission is hereby authorized to negotiate and enter  
2229 into any purchase, loan, credit or other agreement with any bank,  
2230 trust company or other lending institution or to issue and sell  
2231 interim notes for the purpose of making any payments authorized  
2232 under this section. All borrowings made under this provision  
2233 shall be evidenced by notes of the state which shall be issued  
2234 from time to time, for such amounts not exceeding the amount of  
2235 bonds authorized herein, in such form and in such denomination and  
2236 subject to such terms and conditions of sale and issuance,  
2237 prepayment or redemption and maturity, rate or rates of interest  
2238 not to exceed the maximum rate authorized herein for bonds, and  
2239 time of payment of interest as the State Bond Commission shall  
2240 agree to in such agreement. Such notes shall constitute general  
2241 obligations of the state and shall be backed by the full faith and  
2242 credit of the state. Such notes may also be issued for the  
2243 purpose of refunding previously issued notes; provided that no  
2244 notes shall mature more than three (3) years following the date of  
2245 issuance of the first note hereunder and provided further, that  
2246 all outstanding notes shall be retired from the proceeds of the  
2247 first issuance of bonds hereunder. The State Bond Commission is  
2248 authorized to provide for the compensation of any purchaser of the  
2249 notes by payment of a fixed fee or commission and for all other



2250 costs and expenses of issuance and service, including paying agent  
2251 costs. Such costs and expenses may be paid from the proceeds of  
2252 the notes.

2253 (12) The bonds and interim notes authorized under the  
2254 authority of this section may be validated in the First Judicial  
2255 District of the Chancery Court of Hinds County, Mississippi, in  
2256 the manner and with the force and effect provided now or hereafter  
2257 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
2258 validation of county, municipal, school district and other bonds.  
2259 The necessary papers for such validation proceedings shall be  
2260 transmitted to the State Bond Attorney, and the required notice  
2261 shall be published in a newspaper published in the City of  
2262 Jackson, Mississippi.

2263 (13) Any bonds or interim notes issued under the provisions  
2264 of Sections 57-1-251 through 57-1-261, a transaction relating to  
2265 the sale or securing of such bonds or interim notes, their  
2266 transfer and the income therefrom shall at all times be free from  
2267 taxation by the state or any local unit or political subdivision  
2268 or other instrumentality of the state, excepting inheritance and  
2269 gift taxes.

2270 (14) All bonds issued pursuant to Sections 57-1-251 through  
2271 57-1-261 shall be legal investments for trustees, other  
2272 fiduciaries, savings banks, trust companies and insurance  
2273 companies organized under the laws of the State of Mississippi;  
2274 and such bonds shall be legal securities which may be deposited



2275 with and shall be received by all public officers and bodies of  
2276 the state and all municipalities and other political subdivisions  
2277 thereof for the purpose of securing the deposit of public funds.

2278       (15) There is hereby created a special fund in the State  
2279 Treasury to be known as the "Major Energy Project Development  
2280 Fund" wherein shall be deposited the proceeds of the bonds issued  
2281 under Sections 57-1-251 through 57-1-261 and all monies received  
2282 by the department to carry out the purposes of such sections.  
2283 Expenditures authorized herein shall be paid by the State  
2284 Treasurer upon warrants drawn from the fund, and the Department of  
2285 Finance and Administration shall issue warrants upon requisitions  
2286 signed by the director of the department.

2287       (16) (a) There is hereby created the "Major Energy Project  
2288 Development Sinking Fund" from which the principal of and interest  
2289 on such bonds shall be paid by appropriation. All monies paid  
2290 into the sinking fund not appropriated to pay accruing bonds and  
2291 interest shall be invested by the State Treasurer in such  
2292 securities as are provided by law for the investment of the  
2293 sinking funds of the state.

2294       (b) In the event that all or any part of the bonds and  
2295 notes are purchased, they shall be canceled and returned to the  
2296 loan and transfer agent as canceled and paid bonds and notes and  
2297 thereafter all payments of interest thereon shall cease and the  
2298 canceled bonds, notes and coupons, together with any other  
2299 canceled bonds, notes and coupons, shall be destroyed as promptly



2300 as possible after cancellation but not later than two (2) years  
2301 after cancellation. A certificate evidencing the destruction of  
2302 the canceled bonds, notes and coupons shall be provided by the  
2303 loan and transfer agent to the seller.

2304 (c) The State Treasurer shall determine and report to  
2305 the Department of Finance and Administration and Legislative  
2306 Budget Office by September 1 of each year the amount of money  
2307 necessary for the payment of the principal of and interest on  
2308 outstanding obligations for the following fiscal year and the  
2309 times and amounts of the payments. It shall be the duty of the  
2310 Governor to include in every executive budget submitted to the  
2311 Legislature full information relating to the issuance of bonds and  
2312 notes under the provisions of Sections 57-1-251 through 57-1-261  
2313 and the status of the sinking fund for the payment of the  
2314 principal of and interest on the bonds and notes.

2315 **SECTION 81.** Section 57-1-257, Mississippi Code of 1972, is  
2316 brought forward as follows:

2317 57-1-257. For the purpose of aiding in the planning, design,  
2318 undertaking and carrying out of the project or any facility  
2319 related to the project, any public agency is authorized and  
2320 empowered upon such terms, with or without consideration, as it  
2321 may determine: (a) to enter into agreements, which may extend  
2322 over any period, with the department respecting action to be taken  
2323 by such public agency with respect to the acquisition, planning,  
2324 construction, improvement, operation, maintenance or funding of



2325 the project or any such facility, and which agreements may include  
2326 (i) the appropriation or payment of funds to the department or to  
2327 a trustee in amounts which shall be sufficient to enable the  
2328 department to defray any designated portion or percentage of the  
2329 expenses of administering, planning, designing, constructing,  
2330 acquiring, improving, operating, and maintaining the project or  
2331 any facility related to the project, (ii) the appropriation or  
2332 payment of funds to the department or to a trustee to pay interest  
2333 and principal (whether at maturity or upon sinking fund  
2334 redemption) on bonds of the department issued pursuant to Sections  
2335 57-1-251 through 57-1-261 and to fund reserves for debt service,  
2336 for operation and maintenance and for renewals and replacements,  
2337 and to fulfill requirements of any covenant with respect to debt  
2338 service contained in any resolution, trust indenture or other  
2339 security agreement relating to the bonds of the department issued  
2340 pursuant to Sections 57-1-251 through 57-1-261, and (iii) the  
2341 furnishing of other assistance in connection with the project or  
2342 facility related to the project; (b) to dedicate, sell, donate,  
2343 convey or lease any property or interest in property to the  
2344 department or grant easements, licenses or other rights or  
2345 privileges therein to the department; (c) to incur the expense of  
2346 any public improvements made or to be made by such public agency  
2347 in exercising the powers granted in this section; (d) to lend,  
2348 grant or contribute funds to the department; (e) to cause public  
2349 buildings and public facilities, including parks, playgrounds,



2350 recreational areas, community meeting facilities, water, sewer or  
2351 drainage facilities, or any other works which it is otherwise  
2352 empowered to undertake, to be furnished to or with respect to the  
2353 project or any such facility; (f) to furnish, dedicate, close,  
2354 vacate, pave, install, upgrade or improve highways, streets,  
2355 roads, sidewalks, airports, railroads, or ports; (g) to plan or  
2356 replan, zone or rezone any parcel of land within the public agency  
2357 or make exceptions from land use, building and zoning regulations;  
2358 and (h) to cause administrative and other services to be furnished  
2359 to the department, including services pertaining to the  
2360 acquisition of real property and the furnishing of relocation  
2361 assistance. Any contract between a public agency entered into  
2362 with the department pursuant to any of the powers granted by  
2363 Sections 57-1-251 through 57-1-261 shall be binding upon said  
2364 public agency according to its terms, and such public agency shall  
2365 have the power to enter into such contracts as in the discretion  
2366 of the governing authorities thereof would be to the best interest  
2367 of the people of such public agency. Such contracts may include  
2368 within the discretion of such governing authorities of public  
2369 agencies defined under Section 57-1-251(f)(ii) a pledge of the  
2370 full faith and credit of such public agency for the performance  
2371 thereof. If at any time title to or possession of the project or  
2372 any such facility is held by any public body or governmental  
2373 agency other than the department, including any agency or  
2374 instrumentality of the United States of America, the agreements



2375 referred to in this section shall inure to the benefit of and may  
2376 be enforced by such public body or governmental agency.

2377 Notwithstanding any provisions of Sections 57-1-251 through  
2378 57-1-261 to the contrary, any contract entered into between the  
2379 department and any public agency for the appropriation or payment  
2380 of funds to the department under item (a)(ii) of this section  
2381 shall contain a provision therein requiring monthly payments by  
2382 the public agency to pay its indebtedness and, if the public  
2383 agency is not a county or municipality, such contract shall  
2384 include as an additional party to the contract the county or  
2385 municipality (referred to in this paragraph as "levying  
2386 authority") that levies and collects taxes for the contracting  
2387 public agency. If the public agency fails to pay its indebtedness  
2388 for any month, the department shall certify to the State Tax  
2389 Commission, or other appropriate agency, the amount of the  
2390 delinquency, and the State Tax Commission shall deduct such amount  
2391 from the public agency's or levying authority's, as the case may  
2392 be, next allocation of sales taxes, petroleum taxes, highway  
2393 privilege taxes, severance taxes, Tennessee Valley Authority  
2394 payments in lieu of taxes and homestead exemption reimbursements  
2395 in that order of priority. The State Tax Commission, or other  
2396 appropriate agency, shall pay the sums so deducted to the  
2397 department to be applied to the discharge of the contractual  
2398 obligation.



2399           **SECTION 82.** Section 57-1-259, Mississippi Code of 1972, is  
2400 brought forward as follows:

2401           57-1-259. The department shall not undertake to develop any  
2402 project or facility related to the project within a county,  
2403 municipality and/or school district without the concurrence of the  
2404 affected county, municipality and/or school district.

2405           **SECTION 83.** Section 57-1-261, Mississippi Code of 1972, is  
2406 brought forward as follows:

2407           57-1-261. The provisions of Sections 57-1-251 through  
2408 57-1-261 are cumulative of other statutes now or hereafter enacted  
2409 relating to the department, and the department may exercise all  
2410 presently held powers in the furtherance of Sections 57-1-251  
2411 through 57-1-261. If any section, paragraph, sentence, clause,  
2412 phrase or any part of the provisions of Sections 57-1-251 through  
2413 57-1-261 is declared to be unconstitutional or void, or for any  
2414 reason is declared to be invalid or of no effect, the remaining  
2415 sections, paragraphs, sentences, clauses and phrases shall in no  
2416 manner be affected thereby but shall remain in full force and  
2417 effect.

2418           **SECTION 84.** Section 57-1-301, Mississippi Code of 1972, is  
2419 brought forward as follows:

2420           57-1-301. (1) There is established a local governments  
2421 capital improvements revolving loan program to be administered by  
2422 the Mississippi Development Authority for the purpose of assisting  
2423 counties and municipalities in making capital improvements.





2424 (2) For purposes of Sections 57-1-301 through 57-1-335,  
2425 "capital improvements" include any combination of the following:  
2426 (a) Construction or repair of water and sewer  
2427 facilities;  
2428 (b) Construction or repair of drainage systems for  
2429 industrial development;  
2430 (c) Improvements in fire protection;  
2431 (d) Construction of new buildings for economic  
2432 development purposes;  
2433 (e) Renovation or repair of existing buildings for  
2434 economic development purposes;  
2435 (f) Construction or repair of access roads for  
2436 industrial development;  
2437 (g) Purchase of buildings for economic development  
2438 purposes;  
2439 (h) Construction or repair of railroad spurs for  
2440 industrial development;  
2441 (i) Construction of any county or municipally owned  
2442 health care facilities, excluding any county health departments;  
2443 (j) Construction, purchase, renovation or repair of any  
2444 building to be utilized as an auditorium or convention center;  
2445 (k) Construction of multipurpose facilities for tourism  
2446 development;



2447 (l) Loans to a county to aid in retiring  
2448 interest-bearing loans utilized for the purchase of a motion  
2449 picture sound stage;

2450 (m) Construction, repair and renovation of parks,  
2451 swimming pools and recreational and athletic facilities; or

2452 (n) Remediation of brownfield agreement sites in  
2453 accordance with Sections 49-35-1 through 49-35-25.

2454 **SECTION 85.** Section 57-1-303, Mississippi Code of 1972, is  
2455 brought forward as follows:

2456 57-1-303. (1) (a) (i) There is created a special fund in  
2457 the State Treasury to be designated as the "Local Governments  
2458 Capital Improvements Revolving Loan Fund," which fund shall  
2459 consist of such monies as provided in Sections 57-1-307 through  
2460 57-1-335. The fund shall be maintained in perpetuity for the  
2461 purposes established in Sections 57-1-301 through 57-1-335.

2462 Unexpended amounts remaining in the fund at the end of a fiscal  
2463 year shall not lapse into the State General Fund, and any interest  
2464 earned on amounts in the fund shall be deposited to the credit of  
2465 the fund. Monies in the fund may not be used or expended for any  
2466 purpose except as authorized under Sections 57-1-301 through  
2467 57-1-335.

2468 (ii) Monies in the Local Governments Capital  
2469 Improvements Revolving Loan Fund which are derived from interest  
2470 on loan payments received by the Mississippi Development Authority  
2471 after January 1, 2002, for loans funded with proceeds of bonds



2472 whose interest is not exempt from income taxation under the  
2473 provisions of the Internal Revenue Code may be used by the  
2474 Mississippi Development Authority for the ordinary and necessary  
2475 general support of the Mississippi Development Authority.  
2476 However, such monies may not be used for the purpose of providing  
2477 salary increases for Mississippi Development Authority employees.  
2478 The Mississippi Development Authority may escalate its budget and  
2479 expend such monies in accordance with rules and regulations of the  
2480 Department of Finance and Administration in a manner consistent  
2481 with the escalation of federal funds. This subparagraph (ii)  
2482 shall be repealed from and after July 1, 2022.

2483 (b) The Local Governments Capital Improvements  
2484 Revolving Loan Fund shall be divided into the Taxable Local  
2485 Governments Capital Improvements Revolving Loan Subaccount and the  
2486 Nontaxable Local Governments Capital Improvements Revolving Loan  
2487 Subaccount. Funds allocated to the Nontaxable Local Governments  
2488 Capital Improvements Revolving Loan Subaccount shall be utilized  
2489 to provide loans for capital improvements that would qualify for  
2490 the issuance of bonds whose interest is exempt from income  
2491 taxation under the provisions of the Internal Revenue Code. Funds  
2492 allocated to the Taxable Local Governments Capital Improvements  
2493 Revolving Loan Subaccount shall be utilized to provide loans for  
2494 any eligible capital improvements, including, but not limited to,  
2495 capital improvements that would qualify for the issuance of bonds



2496 whose interest is exempt from income taxation under the provisions  
2497 of the Internal Revenue Code.

2498 (c) Of the funds deposited into the Local Governments  
2499 Capital Improvements Revolving Loan Fund, not less than  
2500 Twenty-five Million Dollars (\$25,000,000.00) shall be allocated to  
2501 the Nontaxable Local Governments Capital Improvements Revolving  
2502 Loan Subaccount, and the remainder of such funds shall be  
2503 allocated to the Taxable Local Governments Capital Improvements  
2504 Revolving Loan Subaccount.

2505 (2) A county or an incorporated municipality may apply to  
2506 the Mississippi Development Authority for a loan under the local  
2507 governments capital improvements revolving loan program  
2508 established under Sections 57-1-301 through 57-1-335.

2509 (3) (a) The Mississippi Development Authority shall  
2510 establish a loan program by which loans, at the rate of interest  
2511 provided for in paragraph (b) of this subsection, may be made  
2512 available to counties and incorporated municipalities to assist  
2513 counties and incorporated municipalities in making capital  
2514 improvements. Loans from the revolving fund may be made to  
2515 counties and municipalities as set forth in a loan agreement in  
2516 amounts not to exceed one hundred percent (100%) of eligible  
2517 project costs as established by the Mississippi Development  
2518 Authority. The Mississippi Development Authority may require  
2519 county or municipal participation or funding from other sources,  
2520 or otherwise limit the percentage of costs covered by loans from



2521 the revolving fund. The Mississippi Development Authority may  
2522 establish a maximum amount for any loan in order to provide for  
2523 broad and equitable participation in the program and loans for  
2524 projects described in Section 57-1-301(1)(m) shall not exceed Two  
2525 Hundred Fifty Thousand Dollars (\$250,000.00) per project.

2526 (b) (i) Except as otherwise provided in this paragraph  
2527 (b), the rate of interest on loans made from the Local Governments  
2528 Capital Improvements Revolving Loan Fund for capital improvements  
2529 that would qualify for the issuance of bonds whose interest is  
2530 exempt from income taxation under the provisions of the Internal  
2531 Revenue Code shall be at the rate of three percent (3%) per annum,  
2532 calculated according to the actuarial method. The rate of  
2533 interest on loans for all other capital improvements shall be at  
2534 the true interest cost on the most recent issue of twenty-year  
2535 state general obligation bonds occurring prior to the date such  
2536 loan is made.

2537 (ii) The rate of interest on loans made after  
2538 April 9, 2002, from the Local Governments Capital Improvements  
2539 Revolving Loan Fund for capital improvements that would qualify  
2540 for the issuance of bonds whose interest is exempt from income  
2541 taxation under the provisions of the Internal Revenue Code shall  
2542 be at the rate of the lesser of two percent (2%) per annum,  
2543 calculated according to the actuarial method, or the true interest  
2544 cost on the most recent issue of state general obligation bonds  
2545 occurring prior to the date such loan is made. The rate of



2546 interest on loans made after April 9, 2002, for all other capital  
2547 improvements shall be at the rate of three percent (3%) per annum,  
2548 calculated according to the actuarial method.

2549 (iii) Notwithstanding the provisions of this  
2550 paragraph to the contrary, loans made for the purposes of the  
2551 capital project described in Section 57-1-301(2)(1) shall bear no  
2552 interest.

2553 (4) A county that receives a loan from the revolving fund  
2554 shall pledge for repayment of the loan any part of the homestead  
2555 exemption annual tax loss reimbursement to which it may be  
2556 entitled under Section 27-33-77. An incorporated municipality  
2557 that receives a loan from the revolving fund shall pledge for  
2558 repayment of the loan any part of the sales tax revenue  
2559 distribution to which it may be entitled under Section 27-65-75.  
2560 Each loan agreement shall provide for (i) monthly payments, (ii)  
2561 semiannual payments, or (iii) other periodic payments, the annual  
2562 total of which shall not exceed the annual total for any other  
2563 year of the loan by more than fifteen percent (15%). The loan  
2564 agreement shall provide for the repayment of all funds received  
2565 within not more than twenty (20) years from the date of project  
2566 completion.

2567 (5) The State Auditor, upon request of the Mississippi  
2568 Development Authority, shall audit the receipts and expenditures  
2569 of a county or an incorporated municipality whose loan payments  
2570 appear to be in arrears, and if he finds that the county or



2571 municipality is in arrears in such payments, he shall immediately  
2572 notify the Executive Director of the Department of Finance and  
2573 Administration who shall withhold all future payments to the  
2574 county of homestead exemption reimbursements under Section  
2575 27-33-77 and all sums allocated to the county or the municipality  
2576 under Section 27-65-75 until such time as the county or the  
2577 municipality is again current in its loan payments as certified by  
2578 the Mississippi Development Authority.

2579 (6) Evidences of indebtedness which are issued pursuant to  
2580 this chapter shall not be deemed indebtedness within the meaning  
2581 specified in Section 21-33-303 with regard to cities or  
2582 incorporated towns, and in Section 19-9-5 with regard to counties.

2583 (7) There is created a special fund in the State Treasury to  
2584 be designated as the "Local Governments Brownfields Redevelopment  
2585 Grant Fund." The fund shall consist of those monies as provided  
2586 in Section 57-1-307. Unexpended amounts remaining in the fund at  
2587 the end of the fiscal year shall not lapse into the State General  
2588 Fund, and any interest earned on amounts in the fund shall be  
2589 deposited to the credit of the fund. Monies in the fund may not  
2590 be used or expended for any purpose except as authorized in this  
2591 section. From and after July 1, 2009, the Local Governments  
2592 Brownfields Redevelopment Grant Fund is abolished and all money in  
2593 the fund shall be transferred to the Local Governments Capital  
2594 Improvements Revolving Loan Fund.



2595 (8) The Mississippi Development Authority may, on a  
2596 case-by-case basis, renegotiate the payment of principal and  
2597 interest on loans made under Sections 57-1-301 through 57-1-335 to  
2598 the six (6) most southern counties of the state covered by the  
2599 Presidential Declaration of Major Disaster for the State of  
2600 Mississippi (FEMA-1604-DR) dated August 29, 2005, and to political  
2601 subdivisions located in such counties; however, the interest on  
2602 the loans shall not be forgiven for a period of more than  
2603 twenty-four (24) months and the maturity of the loans shall not be  
2604 extended for a period of more than forty-eight (48) months.

2605 **SECTION 86.** Section 57-1-305, Mississippi Code of 1972, is  
2606 amended as follows:

2607 57-1-305. In administering the provisions of Sections  
2608 57-1-301 through 57-1-335, the \* \* \* Mississippi Development  
2609 Authority shall have the following powers and duties:

2610 (a) To supervise the use of all funds made available  
2611 under Sections 57-1-301 through 57-1-335 for local governments  
2612 capital improvements;

2613 (b) To review and certify all projects for which funds  
2614 are authorized to be made available under Sections 57-1-301  
2615 through 57-1-335 for local governments capital improvements;

2616 (c) To requisition monies in the Local Governments  
2617 Capital Improvements Revolving Loan Fund and distribute those  
2618 monies on a project-by-project basis in accordance with the  
2619 provisions of Sections 57-1-301 through 57-1-335;





2620 (d) To insure that the funds made available to a county  
2621 or an incorporated municipality under Sections 57-1-301 through  
2622 57-1-335 provide for an equitable distribution of projects and  
2623 funds among the counties and incorporated municipalities;

2624 (e) To maintain an accurate record of all local  
2625 governments capital improvements funds made available to counties  
2626 and municipalities and the costs for each project.

2627 (f) To adopt and promulgate such rules and regulations  
2628 as may be necessary or desirable for the purpose of implementing  
2629 the provisions of Sections 57-1-301 through 57-1-335; and

2630 (g) To file annually with the Legislature a report  
2631 detailing how monies in the Local Governments Capital Improvements  
2632 Revolving Loan Fund were spent during the preceding fiscal year in  
2633 each county and incorporated municipality, the number of projects  
2634 approved and constructed, and the cost of each project.

2635 **SECTION 87.** Section 57-1-307, Mississippi Code of 1972, is  
2636 brought forward as follows:

2637 57-1-307. (1) The State Bond Commission, at one time, or  
2638 from time to time, may declare by resolution the necessity for  
2639 issuance of general obligation bonds of the State of Mississippi  
2640 to provide funds for all costs incurred or to be incurred for the  
2641 purposes described in Section 57-1-303. Upon the adoption of a  
2642 resolution by the Mississippi Development Authority, declaring the  
2643 necessity for the issuance of any part or all of the general  
2644 obligation bonds authorized by this section, the Mississippi



2645 Development Authority shall deliver a certified copy of its  
2646 resolution or resolutions to the State Bond Commission. Upon  
2647 receipt of such resolution, the State Bond Commission, in its  
2648 discretion, may act as the issuing agent, prescribe the form of  
2649 the bonds, determine the appropriate method for sale of the bonds,  
2650 advertise for and accept bids or negotiate the sale of the bonds,  
2651 issue and sell the bonds so authorized to be sold and do any and  
2652 all other things necessary and advisable in connection with the  
2653 issuance and sale of such bonds. The total amount of bonds issued  
2654 under Sections 57-1-307 through 57-1-335 shall not exceed One  
2655 Hundred Fifteen Million Dollars (\$115,000,000.00); provided,  
2656 however, that an additional amount of bonds may be issued under  
2657 Sections 57-1-307 and 57-1-335 in an amount not to exceed Thirteen  
2658 Million Dollars (\$13,000,000.00), and the proceeds of any such  
2659 additional amount of bonds so issued shall be utilized solely to  
2660 provide loans for capital improvements that would qualify for the  
2661 issuance of bonds whose interest is exempt from income taxation  
2662 under the provisions of the Internal Revenue Code.

2663 (2) Proceeds from the sale of bonds shall be deposited in  
2664 the special fund created in Section 57-1-303. Any investment  
2665 earnings on amounts deposited into the special fund created in  
2666 Section 57-1-303 shall be used to pay debt service on bonds issued  
2667 under Sections 57-1-307 through 57-1-335, in accordance with the  
2668 proceedings authorizing issuance of such bonds.



2669           **SECTION 88.** Section 57-1-309, Mississippi Code of 1972, is  
2670 brought forward as follows:

2671           57-1-309. The principal of and interest on the bonds  
2672 authorized under Section 57-1-307 shall be payable in the manner  
2673 provided in this section. Such bonds shall bear such date or  
2674 dates, be in such denomination or denominations, bear interest at  
2675 such rate or rates (not to exceed the limits set forth in Section  
2676 75-17-101, Mississippi Code of 1972), be payable at such place or  
2677 places within or without the State of Mississippi, shall mature  
2678 absolutely at such time or times not to exceed twenty-five (25)  
2679 years from date of issue, be redeemable before maturity at such  
2680 time or times and upon such terms, with or without premium, shall  
2681 bear such registration privileges, and shall be substantially in  
2682 such form, all as shall be determined by resolution of the State  
2683 Bond Commission.

2684           **SECTION 89.** Section 57-1-311, Mississippi Code of 1972, is  
2685 brought forward as follows:

2686           57-1-311. The bonds authorized by Section 57-1-307 shall be  
2687 signed by the Chairman of the State Bond Commission, or by his  
2688 facsimile signature, and the official seal of the commission shall  
2689 be affixed thereto, attested by the Secretary of the State Bond  
2690 Commission. The interest coupons, if any, to be attached to such  
2691 bonds may be executed by the facsimile signatures of such  
2692 officers. Whenever any such bonds shall have been signed by the  
2693 officials designated to sign the bonds who were in office at the



2694 time of such signing but who may have ceased to be such officers  
2695 before the sale and delivery of such bonds, or who may not have  
2696 been in office on the date such bonds may bear, the signatures of  
2697 such officers upon such bonds and coupons shall nevertheless be  
2698 valid and sufficient for all purposes and have the same effect as  
2699 if the person so officially signing such bonds had remained in  
2700 office until their delivery to the purchaser, or had been in  
2701 office on the date such bonds may bear. However, notwithstanding  
2702 anything herein to the contrary, such bonds may be issued as  
2703 provided in the Registered Bond Act of the State of Mississippi.

2704       **SECTION 90.** Section 57-1-313, Mississippi Code of 1972, is  
2705 brought forward as follows:

2706       57-1-313. All bonds and interest coupons issued under the  
2707 provisions of Sections 57-1-307 through 57-1-335 have all the  
2708 qualities and incidents of negotiable instruments under the  
2709 provisions of the Uniform Commercial Code, and in exercising the  
2710 powers granted by this chapter, the State Bond Commission shall  
2711 not be required to and need not comply with the provisions of the  
2712 Uniform Commercial Code.

2713       **SECTION 91.** Section 57-1-315, Mississippi Code of 1972, is  
2714 brought forward as follows:

2715       57-1-315. The State Bond Commission shall act as issuing  
2716 agent for the bonds authorized under Section 57-1-307, prescribe  
2717 the form of the bonds, determine the appropriate method for sale  
2718 of the bonds, advertise for and accept bids or negotiate the sale



2719 of the bonds, issue and sell the bonds so authorized to be sold,  
2720 pay all fees and costs incurred in such issuance and sale, and do  
2721 any and all other things necessary and advisable in connection  
2722 with the issuance and sale of such bonds. The State Bond  
2723 Commission is authorized and empowered to pay the costs that are  
2724 incident to the sale, issuance and delivery of the bonds  
2725 authorized under Sections 57-1-307 through 57-1-335 from the  
2726 proceeds derived from the sale of such bonds. The State Bond  
2727 Commission may sell such bonds on sealed bids at public sale or  
2728 may negotiate the sale of the bonds for such price as it may  
2729 determine to be for the best interest of the State of Mississippi.  
2730 All interest accruing on such bonds so issued shall be payable  
2731 semiannually or annually.

2732 If such bonds are sold by sealed bids at public sale, notice  
2733 of the sale shall be published at least one time, not less than  
2734 ten (10) days before the date of sale, and shall be so published  
2735 in one or more newspapers published or having a general  
2736 circulation in the City of Jackson, Mississippi, selected by the  
2737 commission.

2738 The State Bond Commission, when issuing any bonds under the  
2739 authority of Sections 57-1-307 through 57-1-335, may provide that  
2740 bonds, at the option of the State of Mississippi, may be called in  
2741 for payment and redemption at the call price named therein and  
2742 accrued interest on such date or dates named therein.



2743           **SECTION 92.** Section 57-1-317, Mississippi Code of 1972, is  
2744 brought forward as follows:

2745           57-1-317. The bonds issued under the provisions of Sections  
2746 57-1-307 through 57-1-335 are general obligations of the State of  
2747 Mississippi, and for the payment thereof the full faith and credit  
2748 of the State of Mississippi is irrevocably pledged. If the funds  
2749 appropriated by the Legislature are insufficient to pay the  
2750 principal of and the interest on such bonds as they become due,  
2751 then the deficiency shall be paid by the State Treasurer from any  
2752 funds in the State Treasury not otherwise appropriated. All such  
2753 bonds shall contain recitals on their faces substantially covering  
2754 the provisions of this section.

2755           **SECTION 93.** Section 57-1-319, Mississippi Code of 1972, is  
2756 amended as follows:

2757           57-1-319. Upon the issuance and sale of bonds under the  
2758 provisions of Sections 57-1-307 through 57-1-335, the State Bond  
2759 Commission shall transfer the proceeds of any such sale or sales  
2760 to the special fund created in Section 57-1-303. The proceeds of  
2761 such bonds shall be disbursed solely upon the order of the \* \* \*  
2762 Mississippi Development Authority under such restrictions, if any,  
2763 as may be contained in the resolution providing for the issuance  
2764 of the bonds.

2765           **SECTION 94.** Section 57-1-321, Mississippi Code of 1972, is  
2766 brought forward as follows:



2767           57-1-321. The bonds authorized under Sections 57-1-307  
2768 through 57-1-335 may be issued without any other proceedings or  
2769 the happening of any other conditions or things other than those  
2770 proceedings, conditions and things which are specified or required  
2771 by Sections 57-1-307 through 57-1-335. Any resolution providing  
2772 for the issuance of bonds under the provisions of Sections  
2773 57-1-307 through 57-1-335 shall become effective immediately upon  
2774 its adoption by the State Bond Commission, and any such resolution  
2775 may be adopted at any regular or special meeting of the State Bond  
2776 Commission by a majority of its members.

2777           **SECTION 95.** Section 57-1-323, Mississippi Code of 1972, is  
2778 brought forward as follows:

2779           57-1-323. The bonds authorized under the authority of  
2780 Sections 57-1-307 through 57-1-335 may be validated in the  
2781 Chancery Court of the First Judicial District of Hinds County,  
2782 Mississippi, in the manner and with the force and effect provided  
2783 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
2784 validation of county, municipal, school district and other bonds.  
2785 The notice to taxpayers required by such statutes shall be  
2786 published in a newspaper published or having a general circulation  
2787 in the City of Jackson, Mississippi.

2788           **SECTION 96.** Section 57-1-325, Mississippi Code of 1972, is  
2789 brought forward as follows:

2790           57-1-325. Any holder of bonds issued under the provisions of  
2791 Sections 57-1-307 through 57-1-335 or of any of the interest



2792 coupons pertaining thereto may, either at law or in equity, by  
2793 suit, action, mandamus or other proceeding, protect and enforce  
2794 any and all rights granted under Sections 57-1-307 through  
2795 57-1-335, or under such resolution, and may enforce and compel  
2796 performance of all duties required by Sections 57-1-307 through  
2797 57-1-335 to be performed, in order to provide for the payment of  
2798 bonds and interest thereon.

2799         **SECTION 97.** Section 57-1-327, Mississippi Code of 1972, is  
2800 brought forward as follows:

2801         57-1-327. All bonds issued under the provisions of Sections  
2802 57-1-307 through 57-1-335 shall be legal investments for trustees  
2803 and other fiduciaries, and for savings banks, trust companies and  
2804 insurance companies organized under the laws of the State of  
2805 Mississippi, and such bonds shall be legal securities which may be  
2806 deposited with and shall be received by all public officers and  
2807 bodies of this state and all municipalities and political  
2808 subdivisions for the purpose of securing the deposit of public  
2809 funds.

2810         **SECTION 98.** Section 57-1-329, Mississippi Code of 1972, is  
2811 brought forward as follows:

2812         57-1-329. Bonds issued under the provisions of Sections  
2813 57-1-307 through 57-1-335 and income therefrom shall be exempt  
2814 from all taxation in the State of Mississippi.

2815         **SECTION 99.** Section 57-1-331, Mississippi Code of 1972, is  
2816 brought forward as follows:





2817           57-1-331. The proceeds of the bonds issued under Sections  
2818 57-1-307 through 57-1-335 shall be used solely for the purposes  
2819 herein provided, including the costs incident to the issuance and  
2820 sale of such bonds.

2821           **SECTION 100.** Section 57-1-333, Mississippi Code of 1972, is  
2822 brought forward as follows:

2823           57-1-333. The State Treasurer is authorized to certify to  
2824 the Department of Finance and Administration the necessity for  
2825 warrants, and the Executive Director of the Department of Finance  
2826 and Administration is authorized and directed to issue such  
2827 warrants, in such amounts as may be necessary to pay when due the  
2828 principal of, premium, if any, and interest on, or the accreted  
2829 value of, all bonds issued under Sections 57-1-307 through  
2830 57-1-335; and the State Treasurer shall forward the necessary  
2831 amount to the designated place or places of payment of such bonds  
2832 in ample time to discharge such bonds, or the interest thereon, on  
2833 the due dates thereof.

2834           **SECTION 101.** Section 57-1-335, Mississippi Code of 1972, is  
2835 brought forward as follows:

2836           57-1-335. Sections 57-1-307 through 57-1-335 shall be deemed  
2837 to be full and complete authority for the exercise of the powers  
2838 herein granted, but Sections 57-1-307 through 57-1-335 shall not  
2839 be deemed to repeal or to be in derogation of any existing law of  
2840 this state.



2841           **SECTION 102.** Section 57-1-351, Mississippi Code of 1972, is  
2842 amended as follows:

2843           57-1-351. Words and phrases used in Sections 57-1-351  
2844 through 57-1-369 shall have meanings as follows, unless the  
2845 context clearly indicates a different meaning:

2846           (a) "Bonds" means general obligation bonds, interim  
2847 notes and other evidences of debt of the State of Mississippi  
2848 issued pursuant to Sections 57-1-351 through 57-1-369.

2849           (b) " \* \* \* MDA" means the \* \* \* Mississippi  
2850 Development Authority.

2851           (c) "Facility related to the project" means and  
2852 includes any of the following, as the same may pertain to the  
2853 project within the project area: (i) facilities to provide  
2854 potable and industrial water supply systems, sewage and waste  
2855 disposal systems and water, natural gas and electric transmission  
2856 systems to the site of the project; (ii) airports, airfields and  
2857 air terminals; (iii) rail lines; (iv) port facilities; (v)  
2858 highways, streets and other roadways; (vi) public school  
2859 buildings, classrooms and instructional facilities, including any  
2860 functionally related facilities; (vii) parks, outdoor recreation  
2861 facilities and athletic facilities; (viii) auditoriums, pavilions,  
2862 campgrounds, art centers, cultural centers, folklore centers and  
2863 other public facilities; and (ix) health care facilities, public  
2864 or private.



2865 (d) "Person" means any natural person, corporation,  
2866 association, partnership, receiver, trustee, guardian, executor,  
2867 administrator, fiduciary, governmental unit, public agency,  
2868 political subdivision, or any other group acting as a unit, and  
2869 the plural as well as the singular.

2870 (e) "Project" means any private company developed under  
2871 the name "Project Cougar" that is a heavy manufacturing enterprise  
2872 which will be located on more than two hundred fifty (250) acres  
2873 of land, will require a building that contains in excess of five  
2874 hundred thousand (500,000) square feet and will employ in excess  
2875 of one thousand (1,000) people at the facility in a full-time  
2876 capacity.

2877 (f) "Project area" means the project site, together  
2878 with any area or territory within the state lying within fifteen  
2879 (15) miles of any portion of the project site whether or not such  
2880 area or territory be contiguous. The project area shall also  
2881 include all territory within a county if any portion of such  
2882 county lies within fifteen (15) miles of any portion of the  
2883 project site. "Project site" means the real property on which the  
2884 principal facilities of the enterprise will operate.

2885 (g) "Public agency" means:

2886 (i) Any department, board, commission, institution  
2887 or other agency or instrumentality of the state;

2888 (ii) Any city, town, county, political  
2889 subdivision, school district or other district created or existing



2890 under the laws of the state or any public agency of any such city,  
2891 town, county, political subdivision or district;

2892 (iii) Any department, commission, agency or  
2893 instrumentality of the United States of America; and

2894 (iv) Any other state of the United States of  
2895 America which may be cooperating with respect to location of the  
2896 project within the state, or any agency thereof.

2897 (h) "State" means State of Mississippi.

2898 **SECTION 103.** Section 57-1-353, Mississippi Code of 1972, is  
2899 amended as follows:

2900 57-1-353. \* \* \* MDA is hereby designated and empowered to  
2901 act on behalf of the state in submitting a siting proposal for the  
2902 project eligible for assistance under this act. \* \* \* MDA is  
2903 empowered to take all steps appropriate or necessary to effect the  
2904 siting, development, and operation of the project within the  
2905 state. If the state is selected as the preferred site for the  
2906 project, \* \* \* MDA is hereby designated and empowered to act on  
2907 behalf of the state and to represent the state in the planning,  
2908 financing, development, construction and operation of the project  
2909 or any facility related to the project, with the concurrence of  
2910 the affected public agency. \* \* \* MDA may take affirmative steps  
2911 to coordinate fully all aspects of the submission of a siting  
2912 proposal for the project and, if the state is selected as the  
2913 preferred site, to coordinate fully, with the concurrence of the  
2914 affected public agency, the development of the project or any



2915 facility related to the project with private business, the United  
2916 States government and other public agencies. All public agencies  
2917 are encouraged to cooperate to the fullest extent possible to  
2918 effectuate the duties of \* \* \* MDA; however, the development of  
2919 the project or any facility related to the project by \* \* \* MDA  
2920 may be done only with the concurrence of the affected public  
2921 agency.

2922 **SECTION 104.** Section 57-1-355, Mississippi Code of 1972, is  
2923 amended as follows:

2924 57-1-355. \* \* \* MDA, in addition to any and all powers now  
2925 or hereafter granted to it, is empowered and shall exercise  
2926 discretion and the use of these powers depending on the  
2927 circumstances of the project or projects:

2928 (a) To employ or contract with architects, engineers,  
2929 attorneys, accountants, construction and financial experts and  
2930 such other advisors, consultants and agents as may be necessary in  
2931 its judgment and to fix and pay their compensation.

2932 (b) To make such applications and enter into such  
2933 contracts for financial assistance as may be appropriate under  
2934 applicable federal or state law.

2935 (c) To apply for, accept and utilize grants, gifts and  
2936 other funds or aid from any source for any purpose contemplated by  
2937 Sections 57-1-351 through 57-1-369, and to comply, subject to the  
2938 provisions of Sections 57-1-351 through 57-1-369, with the terms  
2939 and conditions thereof.



2940 (d) To acquire by purchase or lease any public lands  
2941 and public property, including sixteenth section lands and lieu  
2942 lands, within the project area, which are necessary for the  
2943 project. Sixteenth section lands or lieu lands acquired under  
2944 Sections 57-1-351 through 57-1-369 shall be deemed to be acquired  
2945 for the purposes of industrial development thereon and such  
2946 acquisition will serve a higher public interest in accordance with  
2947 the purposes of Sections 57-1-351 through 57-1-369.

2948 (e) If \* \* \* MDA identifies any land owned by the state  
2949 as being necessary, for the location or use of the project, or any  
2950 facility related to the project, to recommend to the Legislature  
2951 the conveyance of such land or any interest therein, as the  
2952 Legislature deems appropriate.

2953 (f) To make or cause to be made such examinations and  
2954 surveys as may be necessary to the planning, design, construction  
2955 and operation of the project.

2956 (g) From and after the date of notification to \* \* \*  
2957 MDA by the enterprise that the state has been finally selected as  
2958 the site of the project, to acquire by condemnation and to own,  
2959 maintain, use, operate and convey or otherwise dispose of any and  
2960 all property of any kind, real, personal or mixed, or any interest  
2961 or estate therein, within the project area, necessary for the  
2962 project or any facility related to the project, with the  
2963 concurrence of the affected public agency, and the exercise of the  
2964 powers granted by Sections 57-1-351 through 57-1-369, according to



2965 the procedures provided by Chapter 27, Title 11, Mississippi Code  
2966 of 1972, except as modified by Sections 57-1-351 through 57-1-369.

2967 (i) In acquiring lands by condemnation, \* \* \* MDA  
2968 shall not acquire minerals or royalties in minerals unless a  
2969 competent registered professional engineer shall have certified  
2970 that the acquisition of such minerals and royalties in minerals is  
2971 necessary for purposes of the project; provided that limestone,  
2972 clay, chalk, sand and gravel shall not be considered as minerals  
2973 within the meaning of this section; and

2974 (ii) Unless minerals or royalties in minerals have  
2975 been acquired by condemnation or otherwise, no person or persons  
2976 owning the drilling rights or the right to share in production of  
2977 minerals shall be prevented from exploring, developing, or  
2978 producing oil or gas with necessary rights-of-way for ingress and  
2979 egress, pipelines and other means of transporting interests on any  
2980 land or interest therein of the authority held or used for the  
2981 purposes of Sections 57-1-351 through 57-1-369; but any such  
2982 activities shall be under such reasonable regulation by \* \* \* MDA  
2983 as will adequately protect the project contemplated by Sections  
2984 57-1-351 through 57-1-369 as provided in paragraph (r) of this  
2985 section.

2986 (h) To negotiate the necessary relocation or rerouting  
2987 of roads and highways, railroad, telephone and telegraph lines and  
2988 properties, electric power lines, pipelines and related  
2989 facilities, or to require the anchoring or other protection of any



2990 of these, provided due compensation is paid to the owners thereof  
2991 or agreement is had with such owners regarding the payment of the  
2992 cost of such relocation, and to acquire by condemnation or  
2993 otherwise easements or rights-of-way for such relocation or  
2994 rerouting and to convey the same to the owners of the facilities  
2995 being relocated or rerouted in connection with the purposes of  
2996 Sections 57-1-351 through 57-1-369.

2997 (i) To negotiate the necessary relocation of cemeteries  
2998 and to pay all reasonable costs thereof.

2999 (j) To perform or have performed any and all acts and  
3000 make all payments necessary to comply with all applicable federal  
3001 laws, rules or regulations including, but not limited to, the  
3002 Uniform Relocation Assistance and Real Property Acquisition  
3003 Policies Act of 1970 (42 \* \* \* USCS 4601, 4602, 4621 to 4638, and  
3004 4651 to 4655) and relocation rules and regulations promulgated by  
3005 any agency or department of the federal government.

3006 (k) To construct, extend, improve, maintain, and  
3007 reconstruct, to cause to be constructed, extended, improved,  
3008 maintained, and reconstructed, and to use and operate any and all  
3009 components of the project or any facility related to the project,  
3010 with the concurrence of the affected public agency, within the  
3011 project area, necessary to the project and to the exercise of such  
3012 powers, rights, and privileges granted \* \* \* MDA.





3013 (l) To incur or defray any designated portion of the  
3014 cost of any component of the project or any facility related to  
3015 the project acquired or constructed by any public agency.

3016 (m) To lease, sell or convey any or all property  
3017 acquired by \* \* \* MDA under the provisions of Sections 57-1-351  
3018 through 57-1-369 to the enterprise, its successors or assigns, and  
3019 in connection therewith to pay the costs of title search,  
3020 perfection of title, title insurance and recording fees as may be  
3021 required. \* \* \* MDA may provide in the instrument conveying such  
3022 property a provision that such property shall revert to \* \* \* MDA  
3023 if, as and when the property is declared by the enterprise to be  
3024 no longer needed.

3025 (n) To enter into contracts with any person or public  
3026 agency including, but not limited to, contracts authorized by  
3027 Section 57-1-363, in furtherance of any of the purposes authorized  
3028 by Sections 57-1-351 through 57-1-369 upon such consideration  
3029 as \* \* \* MDA and such person or public agency may agree. Any such  
3030 contract may extend over any period of time, notwithstanding any  
3031 rule of law to the contrary, may be upon such terms as the parties  
3032 thereto shall agree, and may provide that it shall continue in  
3033 effect until bonds specified therein, refunding bonds issued in  
3034 lieu of such bonds, and all other obligations specified therein  
3035 are paid or terminated. Any such contract shall be binding upon  
3036 the parties thereto according to its terms. Such contracts may  
3037 include an agreement to reimburse the enterprise, its successors



3038 and assigns for any assistance provided by the enterprise in the  
3039 acquisition of real property for the project or any facility  
3040 related to the project.

3041 (o) To establish and maintain reasonable rates and  
3042 charges for the use of any facility within the project area owned  
3043 or operated by \* \* \* MDA, and from time to time to adjust such  
3044 rates and to impose penalties for failure to pay such rates and  
3045 charges when due.

3046 (p) To adopt and enforce with the concurrence of the  
3047 affected public agency all necessary and reasonable rules and  
3048 regulations to carry out and effectuate the implementation of the  
3049 project and any land use plan or zoning classification adopted for  
3050 the project area, including, but not limited to, rules,  
3051 regulations, and restrictions concerning mining, construction,  
3052 excavation or any other activity the occurrence of which may  
3053 endanger the structure or operation of the project. Such rules  
3054 may be enforced within the project area and without the project  
3055 area as necessary to protect the structure and operation of the  
3056 project. \* \* \* MDA is authorized to plan or replan, zone or  
3057 rezone, and make exceptions to any regulations, whether local or  
3058 state, with the concurrence of the affected public agency which  
3059 are inconsistent with the design, planning, construction or  
3060 operation of the project and facilities related to the project.



3061 (q) To plan, design, coordinate and implement measures  
3062 and programs to mitigate impacts on the natural environment caused  
3063 by the project or any facility related to the project.

3064 (r) To develop plans for technology transfer activities  
3065 to ensure private sector conduits for exchange of information,  
3066 technology and expertise related to the project to generate  
3067 opportunities for commercial development within the state.

3068 (s) To consult with the State Department of Education  
3069 and other public agencies for the purpose of improving public  
3070 schools and curricula within the project area.

3071 (t) To consult with the State Board of Health and other  
3072 public agencies for the purpose of improving medical centers,  
3073 hospitals and public health centers in order to provide  
3074 appropriate health care facilities within the project area.

3075 (u) To consult with the Office of Minority Business  
3076 Enterprise Development and other public agencies for the purpose  
3077 of developing plans for technical assistance and loan programs to  
3078 maximize the economic impact related to the project for minority  
3079 business enterprises within the State of Mississippi.

3080 (v) To promulgate rules and regulations necessary to  
3081 effectuate the purposes of Sections 57-1-351 through 57-1-369.

3082 **SECTION 105.** Section 57-1-357, Mississippi Code of 1972, is  
3083 amended as follows:

3084 57-1-357. The Board of Trustees of State Institutions of  
3085 Higher Learning is hereby authorized to support the project by



3086 creating institutes and developing curricula of direct benefit to  
3087 the enterprise. Upon notification to \* \* \* MDA by the enterprise  
3088 that the state has been selected as the site of the project, the  
3089 Board of Trustees of State Institutions of Higher Learning may  
3090 establish and create programs to enhance the project's success.

3091 **SECTION 106.** Section 57-1-359, Mississippi Code of 1972, is  
3092 amended as follows:

3093 57-1-359. \* \* \* MDA shall utilize not more than the amount  
3094 of the proceeds of the bonds authorized to be issued under Section  
3095 6(3)(b) of this act [Laws, 1998, Chapter 301], for the purpose of  
3096 making interest-bearing loans to counties or municipalities in  
3097 order for such counties or municipalities to lend to the private  
3098 company that falls under the definition of the term "project," the  
3099 proceeds of the loan from \* \* \* MDA to any such county or  
3100 municipality.

3101 **SECTION 107.** Section 57-1-363, Mississippi Code of 1972, is  
3102 amended as follows:

3103 57-1-363. For the purpose of aiding in the planning, design,  
3104 undertaking and carrying out of the project or any facility  
3105 related to the project, any public agency is authorized and  
3106 empowered upon such terms, with or without consideration, as it  
3107 may determine:

3108 (a) To enter into agreements, which may extend over any  
3109 period, with \* \* \* MDA respecting action to be taken by such  
3110 public agency with respect to the acquisition, planning,



3111 construction, improvement, operation, maintenance or funding of  
3112 the project or any such facility, and which agreements may include  
3113 (i) the appropriation or payment of funds to \* \* \* MDA or to a  
3114 trustee in amounts which shall be sufficient to enable \* \* \* MDA  
3115 to defray any designated portion or percentage of the expenses of  
3116 administering, planning, designing, constructing, acquiring,  
3117 improving, operating, and maintaining the project or any facility  
3118 related to the project, (ii) the appropriation or payment of funds  
3119 to \* \* \* MDA or to a trustee to pay interest and principal  
3120 (whether at maturity or upon sinking fund redemption) on bonds  
3121 issued pursuant to Sections 57-1-351 through 57-1-369 and to fund  
3122 reserves for debt service, for operation and maintenance and for  
3123 renewals and replacements, and to fulfill requirements of any  
3124 covenant with respect to debt service contained in any resolution,  
3125 trust indenture or other security agreement relating to the bonds  
3126 issued pursuant to Sections 57-1-351 through 57-1-369, and (iii)  
3127 the furnishing of other assistance in connection with the project  
3128 or facility related to the project;

3129 (b) To dedicate, sell, donate, convey or lease any  
3130 property or interest in property to \* \* \* MDA or grant easements,  
3131 licenses or other rights or privileges therein to \* \* \* MDA;

3132 (c) To incur the expense of any public improvements  
3133 made or to be made by such public agency in exercising the powers  
3134 granted in this section;

3135 (d) To lend, grant or contribute funds to \* \* \* MDA;



3136 (e) To cause public buildings and public facilities,  
3137 including parks, playgrounds, recreational areas, community  
3138 meeting facilities, water, sewer or drainage facilities, or any  
3139 other works which it is otherwise empowered to undertake, to be  
3140 furnished to or with respect to the project or any such facility;

3141 (f) To furnish, dedicate, close, vacate, pave, install,  
3142 upgrade or improve highways, streets, roads, sidewalks, airports,  
3143 railroads, or ports;

3144 (g) To plan or replan, zone or rezone any parcel of  
3145 land within the public agency or make exceptions from land use,  
3146 building and zoning regulations; and

3147 (h) To cause administrative and other services to be  
3148 furnished to \* \* \* MDA, including services pertaining to the  
3149 acquisition of real property and the furnishing of relocation  
3150 assistance.

3151 Any contract between a public agency entered into with \* \* \*  
3152 MDA pursuant to any of the powers granted by Sections 57-1-351  
3153 through 57-1-369 shall be binding upon the public agency according  
3154 to its terms, and such public agency shall have the power to enter  
3155 into such contracts as in the discretion of the governing  
3156 authorities thereof would be to the best interest of the people of  
3157 such public agency. Such contracts may include within the  
3158 discretion of such governing authorities of public agencies  
3159 defined under Section 57-1-351(g) (ii) a pledge of the full faith  
3160 and credit of such public agency for the performance thereof. If



3161 at any time title to or possession of the project or any such  
3162 facility is held by any public body or governmental agency other  
3163 than \* \* \* MDA, including any agency or instrumentality of the  
3164 United States of America, the agreements referred to in this  
3165 section shall inure to the benefit of and may be enforced by such  
3166 public body or governmental agency.

3167 Notwithstanding any provisions of Sections 57-1-351 through  
3168 57-1-369 to the contrary, any contract entered into between \* \* \*  
3169 MDA and any public agency for the appropriation or payment of  
3170 funds to \* \* \* MDA under paragraph (a)(ii) of this section shall  
3171 contain a provision therein requiring monthly payments by the  
3172 public agency to pay its indebtedness and, if the public agency is  
3173 not a county or municipality, such contract shall include as an  
3174 additional party to the contract the county or municipality  
3175 (referred to in this paragraph as "levying authority") that levies  
3176 and collects taxes for the contracting public agency. If the  
3177 public agency fails to pay its indebtedness for any month, \* \* \*  
3178 MDA shall certify to the \* \* \* Department of Revenue, or other  
3179 appropriate agency, the amount of the delinquency, and the \* \* \*  
3180 Department of Revenue shall deduct such amount from the public  
3181 agency's or levying authority's, as the case may be, next  
3182 allocation of sales taxes, petroleum taxes, highway privilege  
3183 taxes, severance taxes, Tennessee Valley Authority payments in  
3184 lieu of taxes and homestead exemption reimbursements in that order  
3185 of priority. The \* \* \* Department of Revenue, or other



3186 appropriate agency, shall pay the sums so deducted to \* \* \* MDA to  
3187 be applied to the discharge of the contractual obligation.

3188 **SECTION 108.** Section 57-1-365, Mississippi Code of 1972, is  
3189 amended as follows:

3190 57-1-365. \* \* \* MDA shall not undertake to develop any  
3191 project or facility related to the project within a county,  
3192 municipality and/or school district without the concurrence of the  
3193 affected county, municipality and/or school district.

3194 **SECTION 109.** Section 57-1-367, Mississippi Code of 1972, is  
3195 amended as follows:

3196 57-1-367. (1) (a) \* \* \* MDA shall set a goal to expend not  
3197 less than ten percent (10%) of the total amounts expended by \* \* \*  
3198 MDA on planning, construction, training, research, development,  
3199 testing, evaluation, personal services, procurement, and for the  
3200 operation and maintenance of any facilities or activities  
3201 controlled by \* \* \* MDA, with minority small business concerns  
3202 owned and controlled by socially and economically disadvantaged  
3203 individuals. For the purpose of determining the total amounts  
3204 expended with such minority small business concerns, credit shall  
3205 be given for that portion of any prime contract entered into  
3206 with \* \* \* MDA which inures to the benefit of such minority small  
3207 business concern as a subcontractor thereunder.

3208 (b) For the purposes of this section, the term  
3209 "socially and economically disadvantaged individuals" shall have  
3210 the meaning ascribed to such term under Section 8(d) of the Small





3211 Business Act (15 \* \* \* USCS, Section 637(d)) and relevant  
3212 subcontracting regulations promulgated pursuant thereto.

3213 (c) For the purposes of this section, the term  
3214 "minority small business concern" means any small business  
3215 concern:

3216 (i) Which is at least fifty-one percent (51%)  
3217 owned by one or more socially and economically disadvantaged  
3218 individuals; or, in the case of any publicly owned businesses, at  
3219 least fifty-one percent (51%) of the stock of which is owned by  
3220 one or more socially and economically disadvantaged individuals;  
3221 and

3222 (ii) Whose management and daily business  
3223 operations are controlled by one or more of such individuals.

3224 (d) For the purpose of this section, the term "small  
3225 business concern" shall mean "small business" as the latter term  
3226 is defined in Section 57-10-155, Mississippi Code of 1972.

3227 (2) In order to comply in a timely manner with its minority  
3228 small business participation mandate, \* \* \* MDA shall set an  
3229 annual goal to expend not less than ten percent (10%) of its  
3230 aggregate yearly expenditures with minority small business  
3231 concerns.

3232 (3) \* \* \* MDA shall:

3233 (a) Monitor the minority small business concerns  
3234 assistance programs prescribed in this section.



3235 (b) Review and determine the business capabilities of  
3236 minority small business concerns.

3237 (c) Establish standards for a certification procedure  
3238 for minority small business concerns seeking to do business  
3239 with \* \* \* MDA.

3240 (d) Provide technical assistance services to minority  
3241 small business concerns. Such technical assistance shall include  
3242 but not be limited to:

- 3243 (i) Research;
- 3244 (ii) Assistance in obtaining bonds;
- 3245 (iii) Bid preparation;
- 3246 (iv) Certification of business concerns;
- 3247 (v) Marketing assistance; and
- 3248 (vi) Joint venture and capital development.

3249 (e) Develop alternative bidding and contracting  
3250 procedures for minority small business concerns in conjunction  
3251 with the Department of Finance and Administration.

3252 (f) Utilize such alternative bidding and contracting  
3253 procedures in lieu of those prescribed in Title 31, Chapters 5 and  
3254 7, Mississippi Code of 1972, when contracting with minority small  
3255 business concerns that have qualified to bid for contracts and  
3256 have satisfied any other disclosure provisions required by \* \* \*  
3257 MDA.

3258 (g) Be authorized to accept in lieu of any bond  
3259 otherwise required from minority small business concerns or small



3260 business concerns contracting with \* \* \* MDA, in an amount equal  
3261 to one hundred percent (100%) of the total cost of the contracted  
3262 project, any combination of the following:

3263 (i) Cash;

3264 (ii) Certificates of deposit from any bank or  
3265 banking corporation insured by the Federal Deposit Insurance  
3266 Corporation or the Federal Savings and Loan Insurance Corporation;

3267 (iii) Federal treasury bills;

3268 (iv) Letters of credit issued by a bank as that  
3269 term is defined in Section 81-3-1, Mississippi Code of 1972; or

3270 (v) Surety bonds issued by an insurance company  
3271 licensed and qualified to do business in the State of Mississippi.

3272 (h) Be authorized, in its discretion, to waive any bond  
3273 required on any project which does not exceed a total dollar value  
3274 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall  
3275 be held by the authority in an amount not to exceed fifteen  
3276 percent (15%) from each draw according to American Institute of  
3277 Architects (AIA) standards. Upon satisfactory completion of such  
3278 project, ten percent (10%) of the total cost of the contract shall  
3279 be held in an interest-bearing escrow account for one (1) year.  
3280 Funds deposited in such escrow account shall stand as a surety for  
3281 any defects in workmanship or materials detected within twelve  
3282 (12) months of completion. The balance of all monies so escrowed  
3283 including accrued interest shall be paid to the contractor at the  
3284 end of such twelve-month period.



3285 (i) Be empowered to provide an incentive of bimonthly  
3286 payments to any prime contractors utilizing minority small  
3287 business concerns as subcontractors on twenty-five percent (25%)  
3288 or more of the total dollar value of any single project or  
3289 contract.

3290 (j) Submit an annual report on its progress concerning  
3291 minority small business contracts to the Legislature by January 30  
3292 of each year.

3293 (k) Take all steps necessary to implement the  
3294 provisions of this section.

3295 **SECTION 110.** Section 57-1-369, Mississippi Code of 1972, is  
3296 amended as follows:

3297 57-1-369. The provisions of Sections 57-1-351 through  
3298 57-1-369 are cumulative of other statutes now or hereafter enacted  
3299 relating to \* \* \* MDA, and \* \* \* MDA may exercise all presently  
3300 held powers in the furtherance of Sections 57-1-351 through  
3301 57-1-369. If any section, paragraph, sentence, clause, phrase or  
3302 any part of the provisions of Sections 57-1-351 through 57-1-369  
3303 is declared to be unconstitutional or void, or for any reason is  
3304 declared to be invalid or of no effect, the remaining sections,  
3305 paragraphs, sentences, clauses and phrases shall in no manner be  
3306 affected thereby but shall remain in full force and effect.

3307 **SECTION 111.** Section 57-1-371, Mississippi Code of 1972, is  
3308 brought forward as follows:



3309           57-1-371. Any business, enterprise or other entity that is  
3310 criminally convicted by a court of competent jurisdiction of  
3311 intentionally hiring illegal immigrants shall be ineligible to  
3312 receive any loan, grant or other form of assistance made available  
3313 under Section 57-93-1, Sections 2 through 37, Sections 57-1-10 and  
3314 57-95-1, Sections 40 through 55 and Sections 27-7-22.28 and  
3315 27-7-22.29 of Chapter 1, Laws of Third Extraordinary Session of  
3316 2005. Any business, enterprise or other entity that receives any  
3317 loan, grant or other form of assistance made available under  
3318 Section 57-93-1, Sections 2 through 37, Sections 57-1-10 and  
3319 57-95-1, Sections 40 through 55 and Sections 27-7-22.28 and  
3320 27-7-22.29 of Chapter 1, Laws of Third Extraordinary Session of  
3321 2005, and is criminally convicted by a court of competent  
3322 jurisdiction of intentionally hiring illegal immigrants shall  
3323 repay the full amount of such loan, grant or other form of  
3324 assistance.

3325           **SECTION 112.** Section 57-1-373, Mississippi Code of 1972, is  
3326 brought forward as follows:

3327           57-1-373. (1) No business, enterprise or other entity that  
3328 is, or has ever been, criminally convicted by a court of competent  
3329 jurisdiction of intentionally hiring illegal immigrants that  
3330 develops or is located in a "project" as defined in Section  
3331 57-75-5(f) (xx) shall be eligible to receive:



3332 (a) Any funds provided or derived from the issuance of  
3333 any bonds under Sections 1 through 7, Chapter 2, Laws of First  
3334 Extraordinary Session of 2006;

3335 (b) Any loan, grant or other form of assistance that  
3336 may be made available under Sections 1 through 7, Chapter 2, Laws  
3337 of First Extraordinary Session of 2006; or

3338 (c) Any funds, tax credit or other form of assistance  
3339 that may be made available as an incentive payment under Sections  
3340 1 through 7, Chapter 2, Laws of First Extraordinary Session of  
3341 2006.

3342 (2) If a business, enterprise or other entity that develops  
3343 or is located in a "project" as defined in Section 57-75-5(f) (xx)  
3344 has received funds or assistance as described in paragraphs (a)  
3345 through (c) of subsection (1) of this section, and thereafter is  
3346 convicted by a court of competent jurisdiction of intentionally  
3347 hiring illegal immigrants, then the business, enterprise or other  
3348 entity shall repay the full amount of the funds or assistance  
3349 received. The repayment shall be certified by the State  
3350 Treasurer, who shall deposit such amounts into the specific  
3351 special fund in the State Treasury from which the funds were  
3352 awarded, or, in the case of incentive payments under Sections  
3353 57-28-1 through 57-28-5, into the State General Fund.

3354 **SECTION 113.** Section 57-1-401, Mississippi Code of 1972, is  
3355 brought forward as follows:



3356           57-1-401. (1) A special fund, to be designated as the  
3357 "Mississippi Development Authority Workforce Training Fund," is  
3358 created within the State Treasury into which shall be deposited  
3359 money from any source that is designated for deposit therein. The  
3360 fund shall be maintained by the State Treasurer as a separate and  
3361 special fund, separate and apart from the General Fund of the  
3362 state. Unexpended amounts remaining in the fund at the end of a  
3363 fiscal year shall not lapse into the State General Fund, and any  
3364 interest earned or investment earnings on amounts in the fund  
3365 shall be deposited into such fund.

3366           (2) All money deposited into the Mississippi Development  
3367 Authority Workforce Training Fund shall be disbursed by the  
3368 Mississippi Development Authority to provide workforce training  
3369 through state institutions of higher learning, community and  
3370 junior colleges, and Workforce Investment Network job centers to  
3371 meet workforce training needs not met by other resources.  
3372 Employers may request training for existing employees and/or newly  
3373 hired employees from the Mississippi Development Authority. The  
3374 Mississippi Development Authority shall establish criteria for  
3375 utilization of the money in the fund and be responsible for  
3376 approving the training.

3377           **SECTION 114.** Section 57-1-421, Mississippi Code of 1972, is  
3378 brought forward as follows:

3379           57-1-421. (1) As used in this subsection:



3380 (a) "Alternative fuel" means compressed natural gas and  
3381 liquefied natural gas, as defined in Section 27-59-3, and propane  
3382 fuel when used as a fuel in a motor vehicle or motor vehicles on  
3383 the highways of the state.

3384 (b) "Alternative fuel school bus" means a school bus  
3385 propelled by alternative fuel either as a dedicated alternative  
3386 fuel vehicle, as a bi-fuel vehicle using alternative fuel as one  
3387 of its fuels, or as a dual-fuel vehicle using alternative fuel as  
3388 one of its fuels.

3389 (c) "Conversion kit" means the fuel system equipment  
3390 necessary in order to retrofit a motor vehicle propelled by  
3391 gasoline, diesel or other fuel so that the motor vehicle may be  
3392 converted or modified into an alternative fuel motor vehicle.

3393 (d) "Cost of qualified alternative fuel motor vehicle  
3394 fuel property" means any of the following:

3395 (i) The actual cost per school bus paid by the  
3396 school district for the purchase and installation of qualified  
3397 alternative fuel motor vehicle fuel property described in  
3398 paragraph (1)(i) of this subsection.

3399 (ii) The incremental cost per school bus paid by  
3400 the school district upon the purchase of an OEM alternative fuel  
3401 school bus for the qualified alternative fuel motor vehicle fuel  
3402 property (including installation) described in paragraph (1)(ii)  
3403 of this subsection.





3404 (iii) The cost of the qualified alternative fuel  
3405 motor vehicle fuel property described in paragraph (1)(iii) of  
3406 this subsection and its installation.

3407 (iv) The cost of the qualified alternative fuel  
3408 motor vehicle fuel property described in paragraph (1)(iv) of this  
3409 subsection and its construction and installation. The cost  
3410 directly related to a refueling station shall not include costs  
3411 associated with exploration and development activities necessary  
3412 for severing natural resources from the soil or ground.

3413 (e) "Fuel system equipment" means tanks, pumps, hoses,  
3414 injectors, electronic controls and related supplies, materials,  
3415 parts and components for the storage of alternative fuel as fuel  
3416 for an alternative fuel school bus, the delivery of alternative  
3417 fuel to the engine of an alternative fuel school bus, and the  
3418 exhaust from an alternative fuel school bus of gases from  
3419 combustion of alternative fuel used to propel an alternative fuel  
3420 school bus, excluding equipment necessary for operation of a  
3421 school bus on gasoline, diesel or any fuel other than alternative  
3422 fuel.

3423 (f) "Incremental cost" means:

3424 (i) The stated MSRP of the fuel system equipment  
3425 and its installation for an OEM alternative fuel school bus; or

3426 (ii) If no separate MSRP is stated, the difference  
3427 between the MSRP of the OEM alternative fuel school bus and the



3428 MSRP of the same make and model of school bus manufactured without  
3429 the fuel system equipment but otherwise identically equipped.

3430 When an OEM alternative fuel school bus is sold for less (or  
3431 more) than its MSRP, the amount determined in subparagraph (i) or  
3432 (ii) of this paragraph (f) shall be proportionately reduced (or  
3433 increased) by the same percentage as the discount (or premium) on  
3434 the MSRP, as applicable.

3435 (g) "School district" means a public school district.

3436 (h) "OEM alternative fuel motor vehicle" means an  
3437 alternative fuel school bus manufactured by the original vehicle  
3438 manufacturer (or its contractor) with the fuel system equipment  
3439 installed as original equipment by the manufacturer (or its  
3440 contractor) at the factory or at another installation site  
3441 approved by the manufacturer (or its contractor).

3442 (i) "Motor vehicle" shall have the meaning ascribed to  
3443 such term in Section 27-59-3.

3444 (j) "MSRP" means manufacturer's suggested retail price.

3445 (k) "Original purchase" means the purchase directly  
3446 from a dealer at retail of a new OEM alternative fuel school bus  
3447 which has never been titled.

3448 (l) "Qualified alternative fuel motor vehicle fuel  
3449 property" means any of the following:

3450 (i) A conversion kit which has not previously been  
3451 used to retrofit any motor vehicle and is installed and results in  
3452 a reduction in emissions.



3453 (ii) The fuel system equipment on an OEM  
3454 alternative fuel school bus which results in a reduction in  
3455 emissions.

3456 (iii) A refueling system installed at a  
3457 governmental entity location for the nonpublic refueling with  
3458 alternative fuel of the governmental entity's alternative fuel  
3459 school buses.

3460 (iv) A refueling station located in the state and  
3461 operated by a school district for refueling of alternative fuel  
3462 motor vehicles owned by the school district.

3463 (v) Upgrades to a refueling system included in  
3464 subparagraphs (iii) and (iv) of this paragraph (1).

3465 (vi) Portable or mobile refueling systems.

3466 (m) "Reduction in emissions" means a reduction in  
3467 atmospheric emissions from fuel consumption by an alternative fuel  
3468 motor vehicle as demonstrated by certification of the fuel system  
3469 equipment by the federal Environmental Protection Agency or the  
3470 Mississippi Department of Environmental Quality or any other test  
3471 or standard recognized by the Mississippi Department of  
3472 Environmental Quality.

3473 (n) "Refueling system" means compressors (whether used  
3474 separately or in combination with cascade tanks), process piping,  
3475 hoses, dispensing units at the point where alternative fuel is  
3476 delivered as a fuel, meters and other parts and equipment and  
3477 installation supplies and materials therefor that constitute a



3478 refueling system capable of dispensing alternative fuel into fuel  
3479 tanks of alternative fuel motor vehicles for use as a fuel.

3480 (o) "Refueling station" means property constituting a  
3481 facility operated for dispensing alternative fuel into fuel tanks  
3482 of alternative fuel motor vehicles, which shall include:

3483 (i) A refueling system; and

3484 (ii) A building or other structural components  
3485 constructed or installed as part of and directly related to such  
3486 refueling system.

3487 (p) "Retrofit" means the installation of a conversion  
3488 kit in a school bus designed to operate on gasoline, diesel or  
3489 other fuel in order to convert or modify the bus vehicle into an  
3490 alternative fuel school bus.

3491 (q) "School bus" means a vehicle owned by a school  
3492 district that is primarily used by the school district to  
3493 transport students.

3494 (2) As used in this subsection:

3495 (a) "Alternative fuel" means compressed natural gas and  
3496 liquefied natural gas, as defined in Section 27-59-3, and propane  
3497 fuel when used as a fuel in a motor vehicle or motor vehicles on  
3498 the highways of the state.

3499 (b) "Conversion kit" means the fuel system equipment  
3500 necessary in order to retrofit a motor vehicle propelled by  
3501 gasoline, diesel or other fuel so that the motor vehicle may be  
3502 converted or modified into an alternative fuel motor vehicle.



3503 (c) "Cost of qualified alternative fuel motor vehicle  
3504 fuel property" means any of the following:

3505 (i) The actual cost per vehicle paid by the  
3506 municipality for the purchase and installation of qualified  
3507 alternative fuel motor vehicle fuel property described in  
3508 paragraph (1)(i) of this subsection.

3509 (ii) The incremental cost per vehicle paid by the  
3510 municipality upon the purchase of an OEM alternative fuel motor  
3511 vehicle for the qualified alternative fuel motor vehicle fuel  
3512 property (including installation) described in paragraph (1)(ii)  
3513 of this subsection.

3514 (iii) The cost of the qualified alternative fuel  
3515 motor vehicle fuel property described in paragraph (1)(iii) of  
3516 this subsection and its installation.

3517 (iv) The cost of the qualified alternative fuel  
3518 motor vehicle fuel property described in paragraph (1)(iv) of this  
3519 subsection and its construction and installation. The cost  
3520 directly related to a refueling station shall not include costs  
3521 associated with exploration and development activities necessary  
3522 for severing natural resources from the soil or ground.

3523 (d) "Fuel system equipment" means tanks, pumps, hoses,  
3524 injectors, electronic controls and related supplies, materials,  
3525 parts and components for the storage of alternative fuel as fuel  
3526 for an alternative fuel motor vehicle, the delivery of alternative  
3527 fuel to the engine of an alternative fuel motor vehicle, and the



3528 exhaust from an alternative fuel motor vehicle of gases from  
3529 combustion of alternative fuel used to propel an alternative fuel  
3530 motor vehicle, excluding equipment necessary for operation of a  
3531 motor vehicle on gasoline, diesel or any fuel other than  
3532 alternative fuel.

3533 (e) "Incremental cost" means:

3534 (i) The stated MSRP of the fuel system equipment  
3535 and its installation for an OEM alternative fuel motor vehicle; or

3536 (ii) If no separate MSRP is stated, the difference  
3537 between the MSRP of the OEM alternative fuel motor vehicle and the  
3538 MSRP of the same make and model of motor vehicle manufactured  
3539 without the fuel system equipment but otherwise identically  
3540 equipped.

3541 When an OEM alternative fuel motor vehicle is sold for less  
3542 (or more) than its MSRP, the amount determined in subparagraph (i)  
3543 or (ii) of this paragraph (e) shall be proportionately reduced (or  
3544 increased) by the same percentage as the discount (or premium) on  
3545 the MSRP, as applicable.

3546 (f) "Municipality" means an incorporated city, town or  
3547 village in the State of Mississippi.

3548 (g) "OEM alternative fuel motor vehicle" means an  
3549 alternative fuel motor vehicle manufactured by the original  
3550 vehicle manufacturer (or its contractor) with the fuel system  
3551 equipment installed as original equipment by the manufacturer (or



3552 its contractor) at the factory or at another installation site  
3553 approved by the manufacturer (or its contractor).

3554 (h) "Motor vehicle" shall have the meaning ascribed to  
3555 such term in Section 27-59-3.

3556 (i) "MSRP" means manufacturer's suggested retail price.

3557 (j) "Alternative fuel motor vehicle" means a motor  
3558 vehicle propelled by alternative fuel either as a dedicated  
3559 alternative fuel vehicle, as a bi-fuel vehicle using alternative  
3560 fuel as one of its fuels, or as a dual fuel vehicle using  
3561 alternative fuel as one of its fuels.

3562 (k) "Original purchase" means the purchase directly  
3563 from a dealer at retail of a new OEM alternative fuel motor  
3564 vehicle which has never been titled.

3565 (l) "Qualified alternative fuel motor vehicle fuel  
3566 property" means any of the following:

3567 (i) A conversion kit which has not previously been  
3568 used to retrofit any motor vehicle and is installed and results in  
3569 a reduction in emissions.

3570 (ii) The fuel system equipment on an OEM  
3571 alternative fuel motor vehicle which results in a reduction in  
3572 emissions.

3573 (iii) A refueling system installed at a  
3574 municipality location for the nonpublic refueling with alternative  
3575 fuel of the municipality's alternative fuel motor vehicles.



3576 (iv) A refueling station located in the state and  
3577 operated by a municipality for refueling of alternative fuel motor  
3578 vehicles owned by the municipality.

3579 (v) Upgrades to a refueling system included in  
3580 subparagraphs (iii) and (iv) of this paragraph (1).

3581 (vi) Portable or mobile refueling systems.

3582 (m) "Reduction in emissions" means a reduction in  
3583 atmospheric emissions from fuel consumption by an alternative fuel  
3584 motor vehicle as demonstrated by certification of the fuel system  
3585 equipment by the federal Environmental Protection Agency or the  
3586 Mississippi Department of Environmental Quality or any other test  
3587 or standard recognized by the Mississippi Department of  
3588 Environmental Quality.

3589 (n) "Refueling system" means compressors (whether used  
3590 separately or in combination with cascade tanks), process piping,  
3591 hoses, dispensing units at the point where alternative fuel is  
3592 delivered as a fuel, meters and other parts and equipment and  
3593 installation supplies and materials therefor that constitute a  
3594 refueling system capable of dispensing alternative fuel into fuel  
3595 tanks of alternative fuel motor vehicles for use as a fuel.

3596 (o) "Refueling station" means property constituting a  
3597 facility operated for dispensing alternative fuel into fuel tanks  
3598 of alternative fuel motor vehicles, which shall include:

3599 (i) A refueling system; and





3600 (ii) A building or other structural components  
3601 constructed or installed as part of and directly related to such  
3602 refueling system.

3603 (p) "Retrofit" means the installation of a conversion  
3604 kit in a motor vehicle designed to operate on gasoline, diesel or  
3605 other fuel in order to convert or modify such motor vehicle into  
3606 an alternative fuel motor vehicle.

3607 (3) (a) The Mississippi Development Authority shall  
3608 establish a revolving loan program to provide loans to (i) school  
3609 districts for the purpose of assisting school districts with  
3610 paying the cost of qualified alternative fuel motor vehicle fuel  
3611 property and (ii) municipalities for the purpose of assisting  
3612 municipalities with paying the cost of qualified alternative fuel  
3613 motor vehicle fuel property. Loans made under this section shall  
3614 bear no interest.

3615 (b) A school district or municipality desiring a loan  
3616 under this section must submit an application to the Mississippi  
3617 Development Authority. The application shall include:

3618 (i) A description of the purpose for which the  
3619 loan is requested;

3620 (ii) The amount of the loan requested; and

3621 (iii) Any other information required by the  
3622 Mississippi Development Authority.



3623 (c) Repayments of loans made under this section shall  
3624 be deposited to the credit of the Mississippi Alternative Fuel  
3625 School Bus and Municipal Motor Vehicle Revolving Loan Fund.

3626 (4) (a) There is created in the State Treasury a special  
3627 fund to be designated as the "Mississippi Alternative Fuel School  
3628 Bus and Municipal Motor Vehicle Revolving Loan Fund," which shall  
3629 consist of funds appropriated or otherwise made available by the  
3630 Legislature in any manner and funds from any other source  
3631 designated for deposit into such fund. Unexpended amounts  
3632 remaining in the fund at the end of a fiscal year shall not lapse  
3633 into the State General Fund, and any investment earnings or  
3634 interest earned on amounts in the fund shall be deposited to the  
3635 credit of the fund. Monies in the fund shall be used by the  
3636 Mississippi Development Authority for the purposes described in  
3637 this section.

3638 (b) Monies in the fund which are derived from the  
3639 proceeds of general obligation bonds may be used to reimburse  
3640 reasonable actual and necessary costs incurred by the Mississippi  
3641 Development Authority for the administration of the various grant,  
3642 loan and financial incentive programs administered by the  
3643 authority. Reimbursements made under this subsection shall  
3644 satisfy any applicable federal tax law requirements.

3645 (5) The Mississippi Development Authority shall have all  
3646 powers necessary to implement and administer the program  
3647 established under this section, and the Mississippi Development



3648 Authority shall promulgate rules and regulations, in accordance  
3649 with the Mississippi Administrative Procedures Law, necessary for  
3650 the implementation of this section.

3651         **SECTION 115.** Section 57-1-451, Mississippi Code of 1972, is  
3652 brought forward as follows:

3653         57-1-451. (1) There is created in the State Treasury a  
3654 special fund to be known as the "Mississippi Development Authority  
3655 Job Training Grant Fund" into which shall be deposited such money  
3656 as provided in Section 27-65-75(21)(b). The money in the fund  
3657 shall be used for the purpose of making job training grants to  
3658 community and junior colleges, public universities and local  
3659 workforce investment areas to pay a portion of the costs of  
3660 providing training or retraining for employees of business  
3661 enterprises that are eligible for the jobs tax credit authorized  
3662 in Section 57-73-21. The fund shall be administered by the  
3663 Mississippi Development Authority (MDA). Unexpended amounts  
3664 remaining in the fund at the end of a fiscal year shall not lapse  
3665 into the State General Fund, and any interest earned on or  
3666 investment earnings on the amounts in the fund shall be deposited  
3667 to the credit of the fund. The MDA may use not more than one  
3668 percent (1%) of interest earned or investment earnings, or both,  
3669 on amounts in the fund for administration and management of the  
3670 incentive program authorized under this section.

3671         (2) Subject to the provisions of this section, job training  
3672 grants may be made by the MDA to a community or junior college,



3673 public university or local workforce investment area to pay costs  
3674 incurred in training or retraining employees for a business  
3675 enterprise that is eligible for the jobs tax credit authorized in  
3676 Section 57-73-21. A business enterprise that chooses to utilize a  
3677 job training grant under this section shall not be eligible for  
3678 the job tax credit authorized in Section 57-73-21. The election  
3679 to utilize a job training grant shall be made by the business  
3680 enterprise before the creation of any jobs. The grant payments  
3681 may be made during a five-year period beginning with years two (2)  
3682 through six (6) after the creation of the minimum number of jobs  
3683 required by the MDA. The amount of the grants authorized by this  
3684 section shall be seventy-five percent (75%) of the costs of  
3685 training or retraining employees not to exceed:

3686 (a) One Thousand Dollars (\$1,000.00) per job in  
3687 counties designated as Tier One areas under Section 57-73-21;

3688 (b) One Thousand Five Hundred Dollars (\$1,500.00) per  
3689 job in counties designated as Tier Two areas under Section  
3690 57-73-21; and

3691 (c) Two Thousand Dollars (\$2,000.00) per job in  
3692 counties designated as Tier Three areas under Section 57-73-21.

3693 (3) The MDA shall cease making job training grant payments  
3694 if it determines the required number of jobs are not being  
3695 maintained by the business enterprise.

3696 (4) The MDA shall require that the business enterprise shall  
3697 enter into binding commitments requiring that:



3698 (a) A minimum number of jobs be maintained that shall  
3699 not be less than the number of jobs required to be eligible for  
3700 the jobs tax credit authorized in Section 57-73-21; and

3701 (b) That if the minimum number of jobs are not  
3702 maintained, all or a portion of the grant funds paid under this  
3703 section, as determined by the MDA, shall be repaid by the business  
3704 enterprise.

3705 (5) The MDA shall develop, implement and administer the job  
3706 training grant program authorized under this section and shall  
3707 promulgate rules and regulations necessary for the development,  
3708 implementation and administration of the program.

3709 (6) A business enterprise desiring to utilize job training  
3710 grants under this section must submit requests for job training  
3711 grants to the MDA. The MDA shall review the request and determine  
3712 if the business enterprise is eligible and if a payment shall be  
3713 made from the fund. The liability of the State of Mississippi to  
3714 make the job training grants authorized under this section shall  
3715 be limited to the balance contained in the fund.

3716 **SECTION 116.** Section 57-1-471, Mississippi Code of 1972, is  
3717 brought forward as follows:

3718 57-1-471. (1) This section shall be known and may be cited  
3719 as the "Mississippi Air Service Development Program Act."

3720 (2) There is created in the State Treasury a fund designated  
3721 as the "Mississippi Air Service Development Program Fund" referred  
3722 to in this section as "fund."



3723 (3) (a) The fund shall be used to provide grants to  
3724 commercial service airports, as provided in this section, for one  
3725 or more of the following air service development goals:

3726 (i) Adding air service to a new destination;  
3727 (ii) Adding frequencies to current services;  
3728 (iii) Lowering fares/introducing new competitive  
3729 service;

3730 (iv) Upgauging aircraft; and

3731 (v) Adding a new Federal Aviation Administration  
3732 (FAA) Part 121 commercial air carrier.

3733 (b) Eligible projects for grants shall include  
3734 marketing and advertising of new service and routes and additional  
3735 frequencies, as well as other risk abatement plans; however, use  
3736 of grant funds to purchase airline passenger seats is prohibited.

3737 (4) (a) The fund shall be administered by the Mississippi  
3738 Development Authority which shall promulgate reasonable  
3739 regulations consistent with the purposes of this section.

3740 (b) The Mississippi Development Authority shall monitor  
3741 and evaluate the Air Service Development Program and shall also  
3742 report its evaluation of the program to the Governor, Lieutenant  
3743 Governor and the Speaker of the House on an annual basis.

3744 (5) (a) Airline grant recipients shall be limited to  
3745 scheduled air carriers that hold a Federal Aviation Administration  
3746 (FAA) Part 121 Certificate and that provide scheduled air service  
3747 at Mississippi airports that maintain FAA Part 139 Certification.



3748 An airport grant recipient shall only utilize grant funds in  
3749 accordance with FAA regulation.

3750 (b) The amount of a grant shall be based on a formula  
3751 of Ten Dollars (\$10.00) per seat per day calculation, not to  
3752 exceed an annual total of Five Hundred Thousand Dollars  
3753 (\$500,000.00) per grant per FAA Part 139 airport. In no instance  
3754 will a combination of airline or airport grants exceed a combined  
3755 total of Five Hundred Thousand Dollars (\$500,000.00) per year per  
3756 airport.

3757 (c) Seasonal service is also eligible for grants based  
3758 on the per seat per day calculation provided in paragraph (b) of  
3759 this subsection (5). For the purposes of this subsection (5),  
3760 "seasonal service" means any service flown which lasts less than  
3761 twelve (12) months and more than two (2) months in length.  
3762 Multiple seasons may be flown by a particular air carrier within a  
3763 twelve (12) month period with a gap in service between seasons of  
3764 not less than two (2) months.

3765 (d) (i) Except as otherwise provided in this section,  
3766 grants shall be disbursed by the Mississippi Development Authority  
3767 within twelve (12) consecutive months as follows:

- 3768 1. Thirty-five percent (35%) at the end of  
3769 the first three (3) months of service;
- 3770 2. Twenty-five percent (25%) at the end of  
3771 the second three (3) months of service;



3772 3. Twenty-five percent (25%) at the end of  
3773 the third three (3) months of service; and

3774 4. Fifteen percent (15%) at the end of the  
3775 fourth three (3) months of service.

3776 (ii) Grants for seasonal service shall be  
3777 disbursed by the Mississippi Development Authority at the rate of  
3778 one hundred percent (100%) at the end of the seasonal service.

3779 (e) (i) Each grant shall require a forty percent (40%)  
3780 match, which may be provided by private sources and/or public  
3781 sources.

3782 (ii) Of the forty percent (40%) match prescribed  
3783 under this subsection, only one-half (1/2) or twenty percent (20%)  
3784 of the grant may derive from in-kind sources.

3785 (f) All expenditures of the fund by airport or airline  
3786 grant recipients shall be utilized for the purposes prescribed  
3787 under subsection (3) of this section.

3788 **SECTION 117.** Section 57-1-501, Mississippi Code of 1972, is  
3789 brought forward as follows:

3790 57-1-501. (1) There is created in the State Treasury a  
3791 special fund to be designated as the "Economic Development and  
3792 Infrastructure Fund." The special fund shall consist of monies  
3793 deposited into the fund from any source that is designated for  
3794 deposit into such fund. Unexpended amounts remaining in the fund  
3795 at the end of a fiscal year shall not lapse into the State General  
3796 Fund, and any interest earned or investment earnings on amounts in





3797 the fund shall be deposited to the credit of the fund. Monies in  
3798 the fund shall be used by the Mississippi Development Authority  
3799 for the purposes authorized in subsection (2) of this section.

3800 (2) (a) The Mississippi Development Authority shall  
3801 establish a program to provide grants (i) to assist with  
3802 construction and repair of infrastructure in counties in this  
3803 state where legal gaming is being conducted or is authorized and  
3804 for structures designed to promote the gaming and entertainment  
3805 industry in such counties, and (ii) to aid in increasing  
3806 commercial air service at existing commercial service airports in  
3807 counties in this state in which legal gaming is being conducted or  
3808 is authorized by offering to assist Part 121 carriers through the  
3809 following air service development methods: revenue guaranty, seat  
3810 guaranty, seat cost mitigation, ground handling and marketing.

3811 (b) The Mississippi Development Authority shall  
3812 establish a procedure for accepting and reviewing applications for  
3813 grants under this section.

3814 (c) If funds are available in the fund created under  
3815 this section, not less than Two Million Five Hundred Thousand  
3816 Dollars (\$2,500,000.00) shall be used annually for grants provided  
3817 for under paragraph (a)(ii) of this subsection (2). Thereafter,  
3818 the funds may be used for grants provided for under paragraph  
3819 (a)(i) of this subsection (2).

3820 (3) The Mississippi Development Authority shall have all  
3821 powers necessary to implement and administer the program



3822 established under this section, and the Mississippi Development  
3823 Authority shall promulgate rules and regulations, in accordance  
3824 with the Mississippi Administrative Procedures Law, necessary for  
3825 the implementation of this section.

3826         **SECTION 118.** Section 57-1-601, Mississippi Code of 1972, is  
3827 brought forward as follows:

3828             57-1-601. (1) For the purposes of this section, the  
3829 following words shall have the following meanings ascribed in this  
3830 section, unless the context clearly otherwise requires:

3831             (a) "MDA" means the Mississippi Development Authority.

3832             (b) "Municipality" means the City of Senatobia,  
3833 Mississippi.

3834             (c) "Revitalization zone" means an area in the  
3835 municipality officially designated by ordinance or resolution of  
3836 the governing authorities of the municipality as a revitalization  
3837 zone and approved and certified by the MDA as meeting the  
3838 requirements of this section.

3839             (2) (a) There is created in the State Treasury a special  
3840 fund to be designated as the "Mississippi Main Street Investment  
3841 Grant Fund" which shall consist of funds from any source  
3842 designated for deposit into the fund. Unexpended amounts  
3843 remaining in the fund at the end of a fiscal year shall not lapse  
3844 into the State General Fund, and any interest earned on amounts in  
3845 the fund shall be deposited to the credit of the fund. Monies in



3846 the fund shall be used by the MDA for the purposes authorized in  
3847 subsection (3) of this section.

3848 (b) Monies in the fund which are derived from the  
3849 proceeds of general obligation bonds may be used to reimburse  
3850 reasonable actual and necessary costs incurred by the MDA in  
3851 providing grants under this section through the use of proceeds of  
3852 such general obligation bonds. An accounting of actual costs  
3853 incurred for which reimbursement is sought shall be maintained for  
3854 the program. Reimbursement of reasonable actual and necessary  
3855 costs for assistance shall not exceed three percent (3%) of the  
3856 proceeds of bonds issued for such assistance. Reimbursements made  
3857 under this subsection shall satisfy any applicable federal tax law  
3858 requirements.

3859 (3) The MDA shall establish a program to make grants to the  
3860 municipality to assist with maintaining and improving the  
3861 viability of revitalization zones. The proceeds of a grant made  
3862 to the municipality under this section may be used for maintaining  
3863 and/or improving the viability of a revitalization zone through  
3864 means deemed appropriate by the governing authorities of the  
3865 municipality, including, but not limited to, making loans, grants  
3866 and/or other forms of assistance to any person or public or  
3867 private association or other entity for use for infrastructure  
3868 projects, improvements to properties, signage and other purposes  
3869 related to maintaining and/or improving the viability of the  
3870 revitalization zone.



3871 (4) (a) If the municipality desires a grant under this  
3872 section, the municipality shall submit an application to the MDA  
3873 seeking (i) approval and certification of the proposed  
3874 revitalization zone and (ii) a grant for the purposes authorized  
3875 in this section. The application shall include, at a minimum:

3876 1. The name of the proposed revitalization  
3877 zone, together with the words, "revitalization zone";

3878 2. A description of the revitalization zone  
3879 by metes and bounds;

3880 3. A map showing the parcels of real property  
3881 included in the revitalization zone and the present use of such  
3882 parcels;

3883 4. A master plan for the revitalization zone  
3884 that has been approved by sixty percent (60%) of the property  
3885 owners within the zone at the time the municipality submits the  
3886 application; and

3887 5. Any other information required by the MDA.  
3888 The governing authorities of the municipality may designate the  
3889 boundaries of a proposed revitalization zone by adoption of an  
3890 ordinance or resolution that is spread upon its minutes and  
3891 describes the boundaries of the zone.

3892 (b) The MDA shall review the application to confirm  
3893 that the revitalization zone meets the requirements of this  
3894 section. A revitalization zone may embrace two (2) or more  
3895 separate parcels of real property, and such property may be



3896 publicly and/or privately owned. Each revitalization zone shall  
3897 be of such size and form as to include all properties that, in the  
3898 determination of the municipality and the MDA, constitute an  
3899 integral part of the revitalization zone. If the MDA determines  
3900 that the boundaries of the proposed revitalization zone exceed the  
3901 area that is reasonably deemed to be integral to the  
3902 revitalization zone, the MDA may reduce the boundaries of the  
3903 proposed area. Upon the approval and selection of a municipal  
3904 revitalization zone project, the MDA shall certify the  
3905 revitalization zone.

3906 (5) The MDA shall have all powers necessary to implement and  
3907 administer the program established under this section, and the MDA  
3908 shall promulgate rules and regulations, in accordance with the  
3909 Mississippi Administrative Procedures Law, necessary for the  
3910 implementation of this section.

3911 **SECTION 119.** Section 57-1-701, Mississippi Code of 1972, is  
3912 brought forward as follows:

3913 57-1-701. (1) For the purposes of this section, the  
3914 following words and phrases shall have the meanings ascribed in  
3915 this subsection unless the context clearly indicates otherwise:

3916 (a) "Eligible entity" means any (i) county, (ii)  
3917 municipality or (iii) public or private nonprofit local economic  
3918 development entity including, but not limited to, local  
3919 authorities, commissions, or other entities created by local and  
3920 private legislation or pursuant to Section 19-5-99.



3921 (b) "Eligible expenditures" means:  
3922 (i) Fees for architects, engineers, environmental  
3923 consultants, attorneys, and such other advisors, consultants and  
3924 agents that MDA determines are necessary to complete site due  
3925 diligence associated with site development improvements located on  
3926 industrial property that is publicly owned; and/or  
3927 (ii) Contributions toward site development  
3928 improvements, as approved by MDA, located on industrial property  
3929 that is publicly owned.  
3930 (c) "MDA" means the Mississippi Development Authority.  
3931 (d) "Site development improvements" means site  
3932 clearing, grading, and environmental mitigation; improvements to  
3933 drainage systems; easement and right-of-way acquisition; sewer  
3934 systems; transportation directly affecting the site, including  
3935 roads, bridges or rail; bulkheads; land reclamation; water supply  
3936 (storage, treatment and distribution); aesthetic improvements; the  
3937 dredging of channels and basins; or other improvements as approved  
3938 by MDA.  
3939 (2) (a) There is hereby created in the State Treasury a  
3940 special fund to be designated as the "Mississippi Site Development  
3941 Grant Fund," which shall consist of funds made available by the  
3942 Legislature in any manner and funds from any other source  
3943 designated for deposit into such fund. Unexpended amounts  
3944 remaining in the fund at the end of a fiscal year shall not lapse  
3945 into the State General Fund, and any investment earnings or



3946 interest earned on amounts in the fund shall be deposited to the  
3947 credit of the fund. Monies in the fund shall be used to make  
3948 grants to assist eligible entities as provided in this section.

3949 (b) Monies in the fund which are derived from proceeds  
3950 of bonds issued under Section 2 of Chapter 390, Laws of 2017,  
3951 Section 5 of Chapter 412, Laws of 2018, Section 1 of Chapter 421,  
3952 Laws of 2019, or Section 4 of Chapter 492, Laws of 2020, may be  
3953 used to reimburse reasonable actual and necessary costs incurred  
3954 by MDA for the administration of the various grant, loan and  
3955 financial incentive programs administered by MDA. An accounting  
3956 of actual costs incurred for which reimbursement is sought shall  
3957 be maintained by MDA. Reimbursement of reasonable actual and  
3958 necessary costs shall not exceed three percent (3%) of the  
3959 proceeds of bonds issued. Reimbursements under this subsection  
3960 shall satisfy any applicable federal tax law requirements.

3961 (3) (a) MDA shall establish a program to make grants to  
3962 eligible entities to match local or other funds associated with  
3963 improving the marketability of publicly owned industrial property  
3964 for industrial economic development purposes and other property  
3965 improvements as approved by MDA. An eligible entity may apply to  
3966 MDA for a grant under this program in the manner provided for in  
3967 this section. An eligible entity desiring assistance under this  
3968 section must provide matching funds in an amount determined by  
3969 MDA. Matching funds may be provided in the form of cash and/or  
3970 in-kind services as determined by MDA.



3971 (b) An eligible entity desiring assistance under this  
3972 section must submit an application to MDA. The application must  
3973 include:

3974 (i) A description of the eligible expenditures for  
3975 which assistance is requested;

3976 (ii) The amount of assistance requested;

3977 (iii) The amount and type of matching funds to be  
3978 provided by the eligible entity; and

3979 (iv) Any other information required by MDA.

3980 (c) Upon request by MDA, an eligible entity shall  
3981 provide MDA with access to all studies, reports, documents and/or  
3982 plans developed as a result of or related to an eligible entity  
3983 receiving assistance under this section.

3984 (4) MDA shall have all powers necessary to implement and  
3985 administer the program established under this section, and the  
3986 department shall promulgate rules and regulations, in accordance  
3987 with the Mississippi Administrative Procedures Law, necessary for  
3988 the implementation of this section.

3989 (5) MDA shall file an annual report with the Governor, the  
3990 Secretary of the Senate and the Clerk of the House of  
3991 Representatives not later than December 1 of each year, describing  
3992 all assistance provided under this section.

3993 **SECTION 120.** Section 57-1-731, Mississippi Code of 1972, is  
3994 brought forward as follows:





3995           57-1-731. (1) (a) There is created a special fund in the  
3996 State Treasury to be known as the Mississippi Ports Improvements  
3997 Fund which shall consist of monies from any source designated for  
3998 deposit into the fund. Unexpended amounts remaining in the fund  
3999 at the end of a fiscal year shall not lapse into the State General  
4000 Fund, and any investment earnings or interest earned on amounts in  
4001 the fund shall be deposited to the credit of the fund. Monies in  
4002 the fund shall be disbursed by the Mississippi Development  
4003 Authority (MDA) for the purposes authorized in subsection (2) of  
4004 this section.

4005           (b) Monies in the fund that are derived from the  
4006 proceeds of general obligation bonds may be used to reimburse  
4007 reasonable actual and necessary costs incurred by the MDA in  
4008 providing grants under this section using general obligation  
4009 bonds. An accounting of actual costs incurred for which  
4010 reimbursement is sought shall be maintained for each grant by the  
4011 MDA. Reimbursement of reasonable actual and necessary costs for  
4012 assistance shall not exceed two percent (2%) of the proceeds of  
4013 bonds issued for such assistance. Reimbursements made under this  
4014 paragraph shall satisfy any applicable federal tax law  
4015 requirements.

4016           (2) The MDA shall establish a program to make grants from  
4017 the Mississippi Ports Improvements Fund to assist in paying a  
4018 portion of the costs associated with the repair, rehabilitation,  
4019 construction, reconstruction, upgrading and improvement of



4020 existing port facilities, including projects necessary to ensure  
4021 safety and structural integrity of such facilities.

4022 (3) (a) An entity desiring a grant under this section shall  
4023 submit an application to the MDA which shall include, at a  
4024 minimum:

4025 (i) A description, including the cost, of the  
4026 requested assistance;

4027 (ii) A description of the purpose for which the  
4028 assistance is requested; and

4029 (iii) Any other information required by the MDA.

4030 (b) There is hereby created the Ports Improvements Fund  
4031 Advisory Committee whose membership shall consist of:

4032 (i) Six (6) directors of ports, appointed by the  
4033 President of the Mississippi Ports Council, or his or her  
4034 designee, as follows: two (2) directors of the coastal ports, two  
4035 (2) directors of inland river ports located on the Mississippi  
4036 River and two (2) directors of inland ports located on the  
4037 Tennessee-Tombigbee Waterway; and

4038 (ii) The Executive Director of the MDA, or his or  
4039 her designee.

4040 (c) The MDA, in consultation with the Ports  
4041 Improvements Fund Advisory Committee, shall provide grants under  
4042 this section. The terms of a grant shall be within the discretion  
4043 of the MDA.



4044 (4) The MDA shall have all powers necessary to implement and  
4045 administer the program established under this section, including  
4046 the establishing of requirements for matching funds and criteria  
4047 regarding the evaluation of applications for assistance. The MDA  
4048 shall promulgate rules and regulations, in accordance with the  
4049 Administrative Procedures Law, necessary for the implementation  
4050 and administration of this section.

4051 **SECTION 121.** Section 57-3-1, Mississippi Code of 1972, is  
4052 brought forward as follows:

4053 57-3-1. It is hereby declared that the state public welfare  
4054 demands, and the state public policy requires:

4055 (a) That a balanced economic development of this state  
4056 is essential.

4057 (b) That the present and prospective health, safety,  
4058 morals, pursuit of happiness, right of gainful employment and the  
4059 general welfare of the citizens demand as a public purpose, the  
4060 development within Mississippi of commercial, industrial,  
4061 agricultural and manufacturing enterprises, herein called  
4062 "enterprises" by the several counties, supervisors districts and  
4063 municipalities, all herein called "municipalities."

4064 (c) That the means and measures herein authorized to  
4065 promote said enterprises are as a matter of public policy, for the  
4066 public purposes of the several counties, supervisors districts,  
4067 municipalities, and of the State of Mississippi.



4068 (d) That the present and prospective promotion of  
4069 health, safety, morals, pursuit of happiness, right to gainful  
4070 employment, and the general welfare of the state requires that  
4071 herein and hereby authorized, and to that end the provisions  
4072 hereof will help afford ready and attractive markets for farm and  
4073 garden products, for the development of natural resources, and for  
4074 the conversion of raw materials of farm, mine and forest into  
4075 finished products for the general welfare of each of said  
4076 municipalities, and of the entire people of the state.

4077 (e) That the accomplishment of the things herein  
4078 authorized to be done by the several municipalities will give to  
4079 them local benefits peculiar to each, and will accomplish the  
4080 purposes set forth in this section.

4081 **SECTION 122.** Section 57-3-3, Mississippi Code of 1972, is  
4082 brought forward as follows:

4083 57-3-3. It is the intent of the Legislature by the passage  
4084 of this chapter to authorize municipalities to acquire, own and  
4085 lease projects for the purpose of promoting industry and trade by  
4086 inducing manufacturing, and industrial enterprises to locate in  
4087 this state, promoting the use of agricultural products and natural  
4088 resources of this state, and promoting a sound and proper balance  
4089 in this state between agriculture, commerce and industry. It is  
4090 intended that each project be self liquidating. This chapter  
4091 shall be liberally construed in conformity with the said intent.  
4092 The powers conferred upon the municipalities hereby shall be



4093 exercised only after such municipality has obtained a certificate  
4094 of public convenience and necessity from the Mississippi  
4095 Agricultural and Industrial Board in the manner and form as  
4096 provided in Sections 57-1-19, 57-1-21, 57-1-23 and 57-1-27, with  
4097 the exception that such board shall not be required to adjudicate  
4098 either "that there are adequate property values and suitable  
4099 financial conditions so that the total bonded indebtedness of the  
4100 municipality, solely for the purposes authorized by this chapter,  
4101 shall not exceed twenty percent (20%) of the total assessed  
4102 valuation of the property in the municipality," nor that the  
4103 enterprise "will not become a burden upon the taxpayers of the  
4104 municipality," the bonds authorized under this chapter being  
4105 solely revenue bonds.

4106       **SECTION 123.** Section 57-3-5, Mississippi Code of 1972, is  
4107 brought forward as follows:

4108       57-3-5. Wherever used in this chapter, unless a different  
4109 meaning clearly appears in the context, the following terms,  
4110 whether used in the singular or plural, shall be given the  
4111 following respective interpretations:

4112       (1) "Municipality" means any county, supervisors district,  
4113 incorporated city, town or village in the State of Mississippi;

4114       (2) "Project" means land, buildings, improvements, fixtures,  
4115 machinery, equipment and furnishings, and all real and personal  
4116 properties deemed necessary in connection therewith, or any part  
4117 or combination of parts of the foregoing, whether or not now in



4118 existence, which shall be suitable for use by any of the following  
4119 or by any combination thereof:

4120           (a) Any industrial enterprise for the manufacturing,  
4121 processing or assembling of any products of agriculture, mining or  
4122 industry;

4123           (b) Any industrial enterprise for storing or  
4124 warehousing products of agriculture, mining or industry;

4125           (c) Any industrial or commercial enterprise for  
4126 distributing any products of agriculture, mining or industry;

4127           (d) Any enterprise for the purpose of research in  
4128 connection with:

4129                   (i) Any of the foregoing;

4130                   (ii) The development of new products or processes;  
4131 or

4132                   (iii) The improvement of existing products or  
4133 known processes;

4134           (e) Any industrial enterprise for national, regional or  
4135 divisional offices or facilities in connection with the  
4136 management, supervision or service of its manufacturing,  
4137 processing, assembling, storing, warehousing, distribution or  
4138 research operations, wherever located; but does not include  
4139 facilities designed for the sale or distribution to the public of  
4140 electricity, gas, water, telephone or other services commonly  
4141 classified as public utilities;



4142 (f) Any enterprise allowed under Section 144(a) of the  
4143 Internal Revenue Code of 1986;

4144 (g) Any conference center, or any final destination or  
4145 resort hotel having a minimum of one hundred fifty (150) rooms, or  
4146 any combination of the foregoing; or

4147 (h) Any theme park or movie industry production studio,  
4148 or any combination thereof, which would employ a minimum of two  
4149 hundred (200) net full-time employees.

4150 (3) "Governing body" means the board or body in which the  
4151 legislative powers of the municipality are vested, and as to  
4152 supervisors districts such board or body shall be the county board  
4153 of supervisors, acting with the consent of the member from the  
4154 district affected;

4155 (4) "Mortgage" means a mortgage, indenture of trust, deed of  
4156 trust or any other instrument securing bonds.

4157 **SECTION 124.** Section 57-3-7, Mississippi Code of 1972, is  
4158 brought forward as follows:

4159 57-3-7. Neither this chapter nor anything herein contained  
4160 shall be construed as a restriction or limitation upon any powers  
4161 which a municipality might otherwise have under laws of this state  
4162 nor to limit or change the provisions of Sections 57-1-1 through  
4163 57-1-51, but shall be construed as cumulative; nor shall the bonds  
4164 issued hereunder be affected by or counted in connection with any  
4165 statutory limitation upon the amount of bonds which otherwise may  
4166 be issued by such municipality. The bonds herein authorized may



4167 be issued in addition to any bonds issued under Sections 57-1-1  
4168 through 57-1-51, and without regard to the amount of any other  
4169 bonds issued or outstanding.

4170           **SECTION 125.** Section 57-3-9, Mississippi Code of 1972, is  
4171 amended as follows:

4172           57-3-9. In addition to any other powers which it may now  
4173 have, each municipality shall have the following powers: (a) to  
4174 acquire, whether by construction, purchase, gift or lease, one or  
4175 more projects, which shall be located within the State of  
4176 Mississippi and may be located within or without the municipality,  
4177 or partially within or partially without the municipality, but  
4178 which shall not be located more than fifteen (15) miles outside of  
4179 the boundary limits of the municipality; provided, however, that  
4180 when any such project shall be located in whole or in part outside  
4181 the municipal or incorporated boundaries of any city, town or  
4182 village of this state the powers granted under this chapter shall  
4183 not be exercised by a city, town or village until a resolution  
4184 approving such project has been duly adopted and spread upon the  
4185 official minutes of the board of supervisors of the county in  
4186 which such city, town or village is located. The municipality is  
4187 authorized to negotiate a contract for the acquisition,  
4188 construction and erection of a project or any portion of a project  
4189 hereunder (i) where the municipality finds that, because of the  
4190 secret nature of such project or any portion thereof, or because  
4191 such project or any portion thereof will be used for the





4192 manufacture of products to be utilized by the United States of  
4193 America in the national defense, public bidding thereon, pursuant  
4194 to advertisement therefor, is not in the public interest; and  
4195 provided, further, such finding is approved, through issuance of  
4196 appropriate certificate or resolution of approval, by the \* \* \*  
4197 Mississippi Development Authority, or (ii) where the municipality  
4198 finds that, because of the particular nature of said project or  
4199 any portion thereof, it would be in the best public interest of  
4200 the municipality so to negotiate, and such finding is approved,  
4201 through issuance of appropriate certificate or resolution of  
4202 approval, by the \* \* \* Mississippi Development Authority; (b) to  
4203 lease or sell to others any or all of its projects for such  
4204 rentals and upon such terms and conditions as the governing body  
4205 may deem advisable and as shall not be in conflict with the  
4206 provisions of this chapter; and (c) to issue revenue bonds for the  
4207 purposes of defraying the cost of acquiring any project, and to  
4208 secure the payment of such bonds, as hereinafter provided.

4209 No municipality shall have the power to operate any project  
4210 as a business or in any manner under this chapter except as a  
4211 lessor thereof.

4212 The municipality issuing bonds to acquire a project under  
4213 this chapter shall maintain a record of the location of projects  
4214 for which the proceeds of such bonds are expended and the amount  
4215 expended at each location. Such record shall indicate the  
4216 purpose, amount, date and recipient of each expenditure made out



4217 of the proceeds of such bonds. If a trustee has been named  
4218 pursuant to Section 57-3-21, the trustee shall make timely reports  
4219 to the clerk of the municipality setting forth the details  
4220 required in the preceding sentence with respect to the expenditure  
4221 of bond proceeds. Such records shall be maintained as public  
4222 records in the office of the clerk of the municipality and shall  
4223 be available for inspection and duplication during the regular  
4224 office hours of the municipality.

4225         **SECTION 126.** Section 57-3-11, Mississippi Code of 1972, is  
4226 brought forward as follows:

4227         57-3-11. Before issuing any bonds hereunder the governing  
4228 body, as hereinbefore defined, of any municipality, as  
4229 hereinbefore defined, shall adopt a resolution declaring its  
4230 intention so to do stating the amount of bonds proposed to be  
4231 issued, the purpose for which the bonds are to be issued, and the  
4232 date upon which the governing body proposes to direct the issuance  
4233 of such bonds. Such resolution shall be published once a week for  
4234 at least three (3) consecutive weeks in at least one (1) newspaper  
4235 published in the county in which such municipality is located.  
4236 The first publication of such resolution shall be made not less  
4237 than twenty-one (21) days prior to the date fixed in such  
4238 resolution for the issuance of the bonds and the last publication  
4239 shall be made not more than seven (7) days prior to such date. If  
4240 no newspaper be published in such county, then such notice shall  
4241 be given by publishing the resolution for the required time in



4242 some newspaper having a general circulation in such county, and,  
4243 in addition, by posting a copy of such resolution for at least  
4244 twenty-one (21) days next preceding the date fixed therein at  
4245 three (3) public places in such county. If twenty per centum  
4246 (20%) of the qualified electors of the municipality shall file a  
4247 written protest against the issuance of such bonds on or before  
4248 the date specified in such resolution, then an election on the  
4249 question of the issuance of such bonds shall be called and held as  
4250 herein provided. If no such protest be filed, then such bonds may  
4251 be issued without an election on the question of the issuance  
4252 thereof, at any time within a period of two (2) years after the  
4253 date specified in the above-mentioned resolution. However, the  
4254 governing body of such municipality, in its discretion, may  
4255 nevertheless call an election on such question, in which event it  
4256 shall not be necessary to publish the resolution declaring its  
4257 intention to issue bonds as herein provided.

4258         **SECTION 127.** Section 57-3-13, Mississippi Code of 1972, is  
4259 brought forward as follows:

4260         57-3-13. Where an election is to be called as provided in  
4261 Section 57-3-11, notice of such election shall be signed by the  
4262 clerk of the governing body of any municipality, and shall be  
4263 published once a week for at least three (3) consecutive weeks, in  
4264 at least one (1) newspaper published in such county. The first  
4265 publication of such notice shall be made not less than twenty-one  
4266 (21) days prior to the date fixed for such election and the last



4267 publication shall be made not more than seven (7) days prior to  
4268 such date. If no newspaper is published in such county, then such  
4269 notice shall be given by publishing the same for the required time  
4270 in some newspaper having a general circulation in such county,  
4271 and, in addition, by posting a copy of such notice for at least  
4272 twenty-one (21) days next preceding such election at three (3)  
4273 public places in such county.

4274 **SECTION 128.** Section 57-3-15, Mississippi Code of 1972, is  
4275 brought forward as follows:

4276 57-3-15. The election provided for in Section 57-3-11 shall  
4277 be held, as far as is practicable, in the same manner as other  
4278 elections are held in municipalities. At such election, all  
4279 qualified electors of such municipality may vote, and the ballots  
4280 used at such election shall have printed thereon a brief statement  
4281 of the amount and purpose of the proposed bond issue and the words  
4282 "FOR THE BOND ISSUE" and "AGAINST THE BOND ISSUE," and the voter  
4283 shall vote by placing a cross (x) or check mark (✓) opposite his  
4284 choice on the proposition.

4285 **SECTION 129.** Section 57-3-17, Mississippi Code of 1972, is  
4286 brought forward as follows:

4287 57-3-17. When the results of the election on the question of  
4288 the issuance of such bonds as hereinabove provided for shall have  
4289 been canvassed by the election commissioners of such municipality  
4290 and certified by them to the governing body of such municipality,  
4291 it shall be the duty of such governing body to determine and



4292 adjudicate whether or not a majority of the qualified electors who  
4293 voted thereon in such election voted in favor of the issuance of  
4294 such bonds, and unless a majority of the qualified electors who  
4295 voted thereon in such election shall have voted in favor of the  
4296 issuance of such bonds, then such bonds shall not be issued.  
4297 Should a majority of the qualified electors who vote thereon in  
4298 such election vote in favor of the issuance of such bonds, then  
4299 the governing body of the municipality may issue such bonds,  
4300 either in whole or in part, within two (2) years from the date of  
4301 such election, or within two (2) years after the final favorable  
4302 termination of any litigation affecting the issuance of such  
4303 bonds, as such governing body shall deem best.

4304         **SECTION 130.** Section 57-3-19, Mississippi Code of 1972, is  
4305 amended as follows:

4306         57-3-19. (1) All bonds issued by a municipality under  
4307 authority of this chapter shall be limited obligations of the  
4308 municipality, the principal of and interest on which shall be  
4309 payable solely out of the revenue derived from the leasing of the  
4310 project to finance which bonds are issued. Bonds and interest  
4311 coupons issued under authority of this chapter shall never  
4312 constitute an indebtedness of the municipality within the meaning  
4313 of any state constitutional provision or statutory limitation, and  
4314 shall never constitute nor give rise to a pecuniary liability of  
4315 the municipality or a charge against its general credit or taxing  
4316 powers, and such fact shall be plainly stated in the face of each



4317 such bond. Such bonds may be executed and delivered at any time  
4318 and from time to time, may be in such form and denominations and  
4319 may bear interest irrespective of any interest rate limitation;  
4320 may be of such tenor, may be in registered or bearer form either  
4321 as to principal or interest or both, may be payable in such  
4322 installments and at such time or times not exceeding thirty (30)  
4323 years from their date, may be payable at such place or places and  
4324 evidenced in such manner, and may contain such provisions not  
4325 inconsistent herewith, all as shall be provided in the proceedings  
4326 of the governing body whereunder the bonds shall be authorized to  
4327 be issued. Any bonds issued under the authority of this chapter  
4328 may be sold at public or private sale from time to time in such  
4329 manner and at such price as may be determined by the governing  
4330 body to be most advantageous, and the municipality may pay all  
4331 expenses, premiums and commissions which the governing body may  
4332 deem necessary or advantageous in connection with the  
4333 authorization, sale and issuance thereof. All bonds issued under  
4334 the authority of this chapter and all interest coupons applicable  
4335 thereto shall be construed to be negotiable instruments, despite  
4336 the fact that they are payable solely from a specified source.

4337 (2) Any funds received from the sale of bonds issued under  
4338 this chapter, including accrued interest thereon, which are not  
4339 required for immediate disbursement for the purpose for which  
4340 issued may be invested at the direction of the enterprise in any  
4341 one or more of the following:



4342 (a) Bonds or other obligations of the United States;

4343 (b) Bonds or other obligations, the payment of the  
4344 principal and interest of which is unconditionally guaranteed by  
4345 the United States;

4346 (c) Direct obligations issued by the United States of  
4347 America or obligations guaranteed in full as to principal and  
4348 interest by the United States of America, maturing or subject to a  
4349 repurchase agreement with a qualified state depository bank  
4350 maturing on or before the date when such funds will be required  
4351 for disbursement;

4352 (d) Certificates of deposit issued by qualified  
4353 depositories of the State of Mississippi as approved by the  
4354 State \* \* \* Treasurer;

4355 (e) Prime commercial paper;

4356 (f) Bankers' acceptances drawn on and accepted by  
4357 commercial banks \* \* \*;

4358 (g) Any other investment authorized by any bank,  
4359 savings bank, savings and loan association, insurance company or  
4360 similar institutional investor, or combination thereof, which, at  
4361 the time of authorization, is the owner of all of the bonds.

4362 **SECTION 131.** Section 57-3-21, Mississippi Code of 1972, is  
4363 brought forward as follows:

4364 57-3-21. The principal of, redemption premium, if any, and  
4365 interest on any bonds issued under the authority of this chapter  
4366 shall be secured by a pledge of the revenues derived from the



4367 lease or sale of the project, may be secured by a mortgage  
4368 covering all or any part of the project or any additional property  
4369 granted as security for the bonds, may be secured by a pledge of  
4370 the lease of such project and may be secured by such additional  
4371 security as the governing body shall require. The proceedings  
4372 under which such bonds are authorized to be issued or any such  
4373 mortgage may contain any agreements and provisions customarily  
4374 contained in instruments securing bonds, including, without  
4375 limitation, the generality of the foregoing provisions respecting  
4376 the fixing and collection of rents for any projects, covered by  
4377 such proceedings or mortgage, the terms to be incorporated in the  
4378 lease of such project, the maintenance and insurance of such  
4379 project, to include the establishment of an escrow or reserve fund  
4380 for deposits of advance insurance premiums, the creation and  
4381 maintenance of special funds from revenues from such project, and  
4382 rights and remedies available in event of default to the  
4383 bondholders or to the trustee under a mortgage, all as the  
4384 governing body shall deem advisable and as shall not be in  
4385 conflict with the provisions of this chapter. However, in making  
4386 such agreements or provisions, a municipality shall not have the  
4387 power to obligate itself except with respect to the project and  
4388 application of revenues therefrom and shall not have the power to  
4389 incur a pecuniary liability or a charge upon its general credit or  
4390 against its taxing powers. The proceedings authorizing any bonds  
4391 hereunder and any mortgage securing such bonds may provide that,





4392 in the event of default in payment of principal of, or the  
4393 interest on, such bonds, or in the performance of any agreement  
4394 contained in such proceedings or mortgage, such payment and  
4395 performance may be enforced by mandamus or by the appointment of a  
4396 receiver in equity with power to charge and collect rents and to  
4397 apply the revenues from the project in accordance with such  
4398 proceedings or the provisions of such mortgage. Any such mortgage  
4399 may provide also that, in the event of default in such payment or  
4400 the violation of any agreement contained therein, it may be  
4401 foreclosed either by sale at public outcry or by proceedings in  
4402 equity, and may provide that any trustee under such mortgage or  
4403 the holder of any of the bonds secured thereby may become the  
4404 purchaser at any foreclosure sale if the highest bidder therefor.  
4405 No breach of any such agreement shall impose any pecuniary  
4406 liability upon a municipality or any charge upon its general  
4407 credit or against its taxing powers. The trustee or any trustees  
4408 under any mortgage or any depository specified by such mortgage  
4409 may be such persons or corporations as the governing body shall  
4410 designate, including nonresidents of Mississippi and banks or  
4411 trust companies incorporated under the laws of the United States  
4412 or the laws of other states of the United States. When any  
4413 municipal property acquired under the authority of this chapter  
4414 becomes vacant, through unforeseen circumstances, such as default  
4415 by the lessee, the municipality may exercise the authority  
4416 contained in Sections 19-7-7 and 21-37-45, Mississippi Code of



4417 1972, to have this property insured and the cost thereof paid out  
4418 of the municipal treasury until such a time as the property is  
4419 again leased.

4420 **SECTION 132.** Section 57-3-23, Mississippi Code of 1972, is  
4421 brought forward as follows:

4422 57-3-23. Prior to the leasing of any project, the governing  
4423 body must determine and find the following: the amount necessary  
4424 in each year to pay the principal of and the interest on the bonds  
4425 proposed to be issued to finance such project; the amount  
4426 necessary to be paid each year into any reserve funds, which  
4427 amounts may include deposits in escrow or reserve amounts as  
4428 advance sums for the payment of insurance, which the governing  
4429 body may deem it advisable to establish in connection with the  
4430 retirement of the proposed bonds and the maintenance of the  
4431 project; and, unless the terms under which the project is to be  
4432 leased provide that the lessee shall maintain the project and  
4433 carry all proper insurance with respect thereto, the estimated  
4434 cost of maintaining the project in good repair and keeping it  
4435 properly insured. The determinations and findings of the  
4436 governing body required to be made in the preceding sentence shall  
4437 be set forth in the proceedings under which the proposed bonds are  
4438 to be issued; and prior to the issuance of such bonds, the  
4439 municipality shall lease the project to a lessee under an  
4440 agreement conditioned upon completion of the project and providing  
4441 for payment to the municipality of such rentals as, upon the basis



4442 of such determinations and findings, will be sufficient (a) to pay  
4443 the principal of and interest on the bonds issued to finance the  
4444 project, (b) to build up and maintain any reserve deemed by the  
4445 governing body to be advisable in connection therewith, and (c)  
4446 unless the agreement of lease obligated the lessee to pay for the  
4447 maintenance and insurance of the project, to pay the cost of  
4448 maintaining the project in good repair and keeping it properly  
4449 insured. Such lease shall be made upon such other terms and  
4450 conditions and for the time which may be determined by the  
4451 municipality and may contain provisions authorizing the purchase  
4452 of the entire project or any portion thereof by the industry or  
4453 its assignee after all bonds (if any) issued thereunder have been  
4454 paid in full, for such consideration and upon such terms and  
4455 conditions as the municipality may determine.

4456       **SECTION 133.** Section 57-3-25, Mississippi Code of 1972, is  
4457 brought forward as follows:

4458       57-3-25. Any bonds issued hereunder and at any time  
4459 outstanding may at any time and from time to time be refunded by a  
4460 municipality by the issuance of its refunding bonds in such amount  
4461 as the governing body may deem necessary but not exceeding an  
4462 amount sufficient to refund the principal of the bonds so to be  
4463 refunded, together with any unpaid interest thereon and any  
4464 premiums and commissions necessary to be paid in connection  
4465 therewith. Any such refunding may be effected whether the bonds  
4466 to be refunded shall have been matured or shall thereafter mature,



4467 either by sale of the refunding bonds and the application of the  
4468 proceeds thereof for the payment of the bonds to be refunded  
4469 thereby, or by exchange of the refunding bonds for the bonds to be  
4470 refunded thereby, provided that the holders of any bonds so to be  
4471 refunded shall not be compelled without their consent to surrender  
4472 their bonds for payment or exchange prior to the date on which  
4473 they are payable or, if they are called for redemption, prior to  
4474 the date on which they are by their terms subject to redemption.  
4475 Any refunding bonds issued under the authority of this section  
4476 shall be payable solely from the revenues out of which the bonds  
4477 to be refunded hereby were payable, and shall be subject to the  
4478 provisions contained in Section 57-3-11, and may be secured in  
4479 accordance with the provisions of Section 57-3-21.

4480       **SECTION 134.** Section 57-3-27, Mississippi Code of 1972, is  
4481 brought forward as follows:

4482       57-3-27. The proceeds from the sale of any bonds issued  
4483 under authority of this chapter shall be applied only for the  
4484 purpose for which the bonds were issued. However, any accrued  
4485 interest and premium received in any such sale shall be applied to  
4486 the payment of the principal of or the interest on the bonds sold;  
4487 and, if for any reason, any portion of such proceeds shall not be  
4488 needed for the purpose for which the bonds were issued, then such  
4489 unneeded portion of said proceeds shall be applied to the payment  
4490 of the principal of or the interest on said bonds. The cost of  
4491 acquiring any project shall be deemed to include the following:



4492 the actual cost of the construction of any part of a project which  
4493 may be constructed, including equipment, machinery, facilities,  
4494 attorney's, architect's and engineer's fees; abstracts, cost of  
4495 preparing and recording warranty deeds; the purchase price of any  
4496 part of a project that may be acquired by purchase; the deposit  
4497 into a reserve or escrow fund advance payments for insurance, in  
4498 the event that the prospective lessee shall be in default of any  
4499 payments and the municipality has to take over the operation of  
4500 said project; all expenses in connection with the authorization,  
4501 sale and issuance of the bonds to finance such acquisition; and  
4502 the interest on such bonds for a reasonable time prior to  
4503 construction, during construction, and for not exceeding six (6)  
4504 months after completion of construction. Proceeds of said bonds  
4505 shall be placed in the municipal treasury or with the trustee  
4506 named in the mortgage or indentured trust as provided in Section  
4507 57-3-21 as a special fund and shall be used for no other purpose  
4508 than the purpose set forth in the original resolution, and any  
4509 officer diverting or assisting to divert any such fund to any  
4510 other purpose than the purpose originally set forth in said  
4511 resolution of the governing authority of said municipality shall  
4512 be guilty of a misdemeanor, shall be punished accordingly, and  
4513 shall also be liable both personally and on his official bond for  
4514 such diversion, together with the costs of collection and  
4515 reasonable attorney's fees. The Mississippi Agricultural and  
4516 Industrial Board is authorized to employ necessary competent



4517 attorneys to proceed by action for injunction or mandamus to  
4518 require compliance with said original resolution by any officer or  
4519 municipal board.

4520         **SECTION 135.** Section 57-3-29, Mississippi Code of 1972, is  
4521 brought forward as follows:

4522             57-3-29. No municipality shall have the power to pay out of  
4523 its general funds or otherwise contribute any part of the costs of  
4524 acquiring a project, but, the entire cost of acquiring any project  
4525 must be paid out of the proceeds from the sale of bonds issued  
4526 under the authority of this chapter. This provision shall not be  
4527 construed to prevent a municipality from accepting donation of  
4528 property to be used as a part of any such project or money to be  
4529 used for defraying any part of the cost of any such project.

4530         **SECTION 136.** Section 57-3-31, Mississippi Code of 1972, is  
4531 brought forward as follows:

4532             57-3-31. Bonds issued under the provisions of this chapter  
4533 shall be legal investments for savings banks and insurance  
4534 companies organized under the laws of this state.

4535         **SECTION 137.** Section 57-3-33, Mississippi Code of 1972, is  
4536 brought forward as follows:

4537             57-3-33. The bonds authorized by this chapter, the income  
4538 therefrom, all mortgages or deeds of trust executed as security  
4539 therefor, all lease or purchase agreements made pursuant to the  
4540 provisions hereof, and all purchases required to establish the  
4541 enterprise and financed by bond proceeds shall be exempt from all



4542 taxation in the State of Mississippi except the contractors' tax  
4543 imposed by Section 27-65-21 and the tax levied by Section  
4544 27-65-24(1)(b) and all projects and the revenue derived from any  
4545 lease thereof shall be exempt from all taxation in the State of  
4546 Mississippi, except the tax levied by Sections 27-65-21 and  
4547 27-65-24(1)(b). From and after July 1, 1989, there shall be no  
4548 new exemption under this section or under Chapter 10, Title 57,  
4549 Mississippi Code of 1972, from ad valorem taxes levied for school  
4550 district purposes. The time of any ad valorem tax exemption  
4551 provided for hereunder shall not exceed a total of ten (10) years,  
4552 which shall run from the date of completion of the project. In no  
4553 event shall the term of the ad valorem tax exemption provided for  
4554 hereunder be limited, terminated or otherwise affected by payment  
4555 in full of the bonds issued under this chapter or by the change  
4556 from a leasehold to a fee title in the enterprise financed with  
4557 bonds issued under this chapter.

4558       **SECTION 138.** Section 57-4-1, Mississippi Code of 1972, is  
4559 brought forward as follows:

4560       57-4-1. There is hereby established in the State Treasury a  
4561 revolving fund to be designated as the "Industrial Development  
4562 Fund." Such funds as may be deposited in the fund shall be used,  
4563 either as loans or grants, for the purpose of making the state's  
4564 contribution for matching federal grants available under the  
4565 provisions of Section 304, Public Works and Economic Development



4566 Act of 1965, as amended, for political subdivisions of the state  
4567 as hereinafter set forth.

4568 **SECTION 139.** Section 57-4-3, Mississippi Code of 1972, is  
4569 brought forward as follows:

4570 57-4-3. Any state contribution made as a loan on behalf of a  
4571 political subdivision under the provisions of this chapter is  
4572 hereby made a full faith and credit obligation of such political  
4573 subdivision to the State of Mississippi, and binding on the  
4574 governing body obtaining such state contribution and their  
4575 successors in office until repaid in full as to principal and  
4576 interest thereon, without regard to existing statutory  
4577 limitations.

4578 **SECTION 140.** Section 57-4-5, Mississippi Code of 1972, is  
4579 brought forward as follows:

4580 57-4-5. The Agricultural and Industrial Board shall require  
4581 a certified copy of a resolution, order or other appropriate  
4582 excerpt of the official minutes of the governing authority, to be  
4583 of such general form and content as the board may deem  
4584 appropriate, together with application forms for such state  
4585 contribution.

4586 **SECTION 141.** Section 57-4-7, Mississippi Code of 1972, is  
4587 brought forward as follows:

4588 57-4-7. All contributions made as loans by the state under  
4589 the provisions of this chapter shall be evidenced by negotiable  
4590 promissory notes of the political subdivision to be in such





4591 standard form and content of acceptable banking standards, shall  
4592 mature at such time, to bear interest as hereinafter provided, and  
4593 shall bear the signature of the president or presiding officer and  
4594 the clerk or secretary of the political subdivision and the  
4595 official seal.

4596         **SECTION 142.** Section 57-4-9, Mississippi Code of 1972, is  
4597 brought forward as follows:

4598             57-4-9. The indebtedness for a loan incurred hereunder shall  
4599 bear interest at the rate of five percent (5%) per annum.

4600         **SECTION 143.** Section 57-4-11, Mississippi Code of 1972, is  
4601 brought forward as follows:

4602             57-4-11. Indebtedness incurred as a loan under the  
4603 provisions of this chapter shall not exceed five (5) years from  
4604 the date of the contribution by the state, and any such  
4605 indebtedness shall be repaid in equal annual installments. Any  
4606 indebtedness incurred as a loan under the provisions of this  
4607 chapter shall not be included in computing the debt limit under  
4608 any other statute.

4609         **SECTION 144.** Section 57-4-13, Mississippi Code of 1972, is  
4610 amended as follows:

4611             57-4-13. The governing authority of any county or  
4612 municipality incurring indebtedness under this chapter is hereby  
4613 authorized to annually levy a millage on all of the taxable  
4614 property of such political subdivision at any time after the  
4615 indebtedness is incurred in an amount sufficient to repay any such



4616 indebtedness, and it shall not be charged against the existing  
4617 authority as to limitations of millage for local governmental  
4618 purposes. In the event that such indebtedness has not been repaid  
4619 in accordance with the contract, the Mississippi Agricultural and  
4620 Industrial Board shall determine that there is a default in the  
4621 terms of the promissory note, including interest due thereon,  
4622 shall enter an order to that effect upon its official minutes, and  
4623 shall send a certified copy of said order by certified mail to the  
4624 governing authority of such political subdivision and to the \* \* \*  
4625 Department of Revenue. If the default is not satisfied within  
4626 ninety (90) days after such certified notice, the \* \* \* Department  
4627 of Revenue shall deduct from any funds held by the state for  
4628 disbursement to said political subdivision such amount as is in  
4629 default, and shall remit it to the Mississippi Agricultural and  
4630 Industrial Board for deposit into the Industrial Development Fund.

4631 **SECTION 145.** Section 57-4-15, Mississippi Code of 1972, is  
4632 brought forward as follows:

4633 57-4-15. The proceeds of all state contributions as a loan  
4634 or grant shall be used only for matching federal funds as provided  
4635 under the provisions of this chapter. The federal funds may also  
4636 be matched by the provision of in kind services, equipment,  
4637 personnel, supplies or other in kind matching.

4638 **SECTION 146.** Section 57-4-17, Mississippi Code of 1972, is  
4639 brought forward as follows:



4640           57-4-17. The Agricultural and Industrial Board shall require  
4641 governing authorities to keep such records as are necessary to  
4642 assure that the funds are spent in accordance with this chapter.

4643           **SECTION 147.** Section 57-4-19, Mississippi Code of 1972, is  
4644 brought forward as follows:

4645           57-4-19. All funds received by the Board of Economic  
4646 Development in repayment of state contributions or unused funds  
4647 from any project approved by the board shall be promptly deposited  
4648 into the Industrial Development Fund.

4649           **SECTION 148.** Section 57-4-21, Mississippi Code of 1972, is  
4650 brought forward as follows:

4651           57-4-21. All expenditures for approved state contributions  
4652 shall be paid upon warrants drawn on the Industrial Development  
4653 Fund as created pursuant to this chapter, and the State Auditor of  
4654 Public Accounts shall issue warrants upon requisitions signed by  
4655 the Director of the Agricultural and Industrial Board, after  
4656 approval of such state contributions by the board.

4657           **SECTION 149.** Section 57-4-23, Mississippi Code of 1972, is  
4658 brought forward as follows:

4659           57-4-23. The state participation shall be used only for the  
4660 purposes of Title I, Public Works and Economic Development Act of  
4661 1965, as amended, and expenditures from the Industrial Development  
4662 Fund shall be used primarily for the development of industrial  
4663 parks, exclusive of land purchases. If the board determines that  
4664 such funds will serve a more useful purpose when expended for



4665 other purposes approved under said Title I, it shall have the  
4666 authority to approve applications for such additional purposes and  
4667 make contributions in accordance with the provisions of this  
4668 chapter. Prior to the approval of any application for a purpose  
4669 other than development of an industrial park, the board shall  
4670 spread upon its minutes the reasons for its determination that the  
4671 additional purpose will be a better use of the available funds.

4672 No funds shall be expended from the fund for any projects  
4673 other than those approved by the board, and only after such  
4674 approval has been spread on the minutes of the board. In the  
4675 event the board receives applications which would exceed the funds  
4676 available, it shall approve those projects which appear to have  
4677 the greatest potential for immediate benefit to the areas most in  
4678 need of an improved economy.

4679 No applicant shall receive a state contribution in excess of  
4680 ten percent (10%) of the amount appropriated to the Industrial  
4681 Development Fund by the 1977 Regular Session of the Mississippi  
4682 Legislature.

4683 **SECTION 150.** Section 57-5-1, Mississippi Code of 1972, is  
4684 brought forward as follows:

4685 57-5-1. It is hereby declared that the state public welfare  
4686 demands and the state public policy requires legislation to  
4687 encourage the establishment of standard industrial parks or  
4688 districts by various subdivisions of the state in order to further  
4689 stimulate the industrial development of the state.



4690           **SECTION 151.** Section 57-5-3, Mississippi Code of 1972, is  
4691 brought forward as follows:

4692           57-5-3. The Mississippi Agricultural and Industrial Board,  
4693 hereinafter referred to as the "board," shall be and is hereby  
4694 authorized, empowered and directed to encourage the establishment  
4695 of such industrial parks or districts where said parks or  
4696 districts are found to be necessary to the development of the  
4697 several municipalities of this state, including counties,  
4698 supervisors districts, cities, towns or villages, or combinations  
4699 thereof lying in the same or in adjacent counties, all hereinafter  
4700 referred to as "municipalities."

4701           **SECTION 152.** Section 57-5-5, Mississippi Code of 1972, is  
4702 brought forward as follows:

4703           57-5-5. The board shall establish, adopt and promulgate  
4704 certain specific minimum requirements that will clearly describe  
4705 and define the minimum requirements for an industrial park or  
4706 district within the meaning of this chapter. Such minimum  
4707 requirements shall, in all cases, include a complete engineering  
4708 study composed of maps of the proposed park or district, details  
4709 of proposed development, and itemized estimate of all costs  
4710 involved in acquiring and developing such industrial park or  
4711 district. Such engineering study, including the details of the  
4712 proposed development and the cost estimates shall be made by a  
4713 reputable engineer or engineering firm licensed to do business in



4714 Mississippi and qualified to make a survey or study of the cost  
4715 and feasibility of such an industrial park or district.

4716         **SECTION 153.** Section 57-5-7, Mississippi Code of 1972, is  
4717 brought forward as follows:

4718         57-5-7. When any municipality shall desire to have a study  
4719 made to determine the cost and feasibility of establishing a  
4720 standard industrial park or district, the governing body of such  
4721 municipality may, by resolution, make application to the  
4722 Agricultural and Industrial Board for the assistance to the  
4723 municipality provided by this chapter. Upon receipt of a written  
4724 request for such assistance from the governing body of such  
4725 municipality, the board is authorized and empowered to jointly  
4726 undertake the study by mutual and written consent with the  
4727 municipality, and to jointly employ an engineer or engineering  
4728 firm to make the study. In case of such joint action by the board  
4729 and the municipality, the board is authorized and empowered to pay  
4730 up to twenty five percent (25%) of the cost of such jointly  
4731 authorized engineering study. However, the amount to be paid by  
4732 the board shall not exceed a total of Two Thousand Dollars  
4733 (\$2,000.00) for any one municipality.

4734         **SECTION 154.** Section 57-5-9, Mississippi Code of 1972, is  
4735 brought forward as follows:

4736         57-5-9. The board is charged with the duty of making  
4737 effective the declared public policy of the state and  
4738 municipalities as hereinabove set forth, and for that purpose is



4739 hereby authorized and empowered to determine whether the public  
4740 convenience and necessity require that any municipality shall have  
4741 the right to acquire lands, and thereon to bring into completion  
4742 such "standard" industrial districts or parks and to dispose of or  
4743 rent, let or lease any part or parts or all of such developed  
4744 parks or districts for industrial purposes.

4745         **SECTION 155.** Section 57-5-11, Mississippi Code of 1972, is  
4746 brought forward as follows:

4747         57-5-11. Each municipality within this state shall have the  
4748 right to apply to the board for a certificate of public  
4749 convenience and necessity from the board as to whether the general  
4750 welfare requires that such municipality enter into the development  
4751 of such a "standard" industrial park or district. In determining  
4752 whether such certificate shall be issued, the board may hold  
4753 hearings, make such investigation as may be desired, and shall  
4754 have power to summon witnesses, administer oaths, hear testimony  
4755 and make a record of all things had and done at such hearings or  
4756 investigations, and to order issued such certificates of  
4757 convenience and necessity as to the board may seem advisable.

4758         **SECTION 156.** Section 57-5-13, Mississippi Code of 1972, is  
4759 brought forward as follows:

4760         57-5-13. The board shall investigate, find and determine,  
4761 upon application of any municipality therefor, as to whether a  
4762 certificate of public convenience and necessity shall be issued to  
4763 such municipality to engage in the acquisition and development of



4764 a "standard" industrial park or district deemed essential under  
4765 the above declared public policy for the economic development and  
4766 advancement of said municipality, and in considering and  
4767 determining whether or not such certificate shall be issued, the  
4768 board shall find and determine affirmatively the following:

4769 (1) That there are sufficient natural resources readily  
4770 and economically available to attract industrial plants to sites  
4771 within said municipality or (in the case of a city, town or  
4772 village constituting a municipality as defined in this chapter)  
4773 situate in reasonable proximity thereto.

4774 (2) That there is available a labor supply to furnish  
4775 workers to plants that might be induced to locate in such  
4776 industrial park or district.

4777 (3) That there are adequate property values and  
4778 suitable financial conditions so that the total bonded  
4779 indebtedness of the municipality, solely for the purposes  
4780 authorized by this chapter, shall not exceed ten percent (10%) of  
4781 the total assessed valuation of all the property in the  
4782 municipality.

4783 (4) That the complete engineering study reveals that a  
4784 suitable site for a "standard" industrial park or district does  
4785 exist within the municipality or (in the case of a city, town or  
4786 village constituting a municipality as defined in this chapter)  
4787 situate in reasonable proximity thereto, and that it can be





4788 properly developed at costs that will make sites in the proposed  
4789 district attractive to prospective new industries.

4790       When the board shall have determined said facts favorably, it  
4791 is authorized and empowered to issue or refuse to issue a  
4792 certificate of public convenience and necessity to said  
4793 municipality to acquire and properly develop the said "standard"  
4794 industrial park or district. If and when such certificate is  
4795 issued, it shall authorize the particular municipality to acquire,  
4796 to own, to develop, to sell, to convey, to let, to lease or to  
4797 rent any part, or parts, or all of said industrial district but  
4798 said certificate shall expire in twelve (12) months from its date  
4799 unless within said time such industrial park or district shall  
4800 have been established; subject, however, to any delays  
4801 necessitated by any litigation, or acts of God, delaying the  
4802 establishment of said development.

4803       Should any municipality sell, convey, let, lease or rent any  
4804 part or parcel of an industrial park established under this  
4805 chapter, the municipality must receive a consideration therefor,  
4806 equal to an amount which said part or parcel so sold, conveyed,  
4807 let, leased or rented bears to its proportionate part of the total  
4808 cost of the entire industrial park. Any sums received by said  
4809 municipality from the sale or lease of any part or parcel of said  
4810 industrial park shall be paid into a sinking fund to be designated  
4811 and used for the payment of both principal and interest on all



4812 bonds issued by the municipality for the purpose of acquiring and  
4813 developing said industrial park or parks.

4814         **SECTION 157.** Section 57-5-15, Mississippi Code of 1972, is  
4815 brought forward as follows:

4816             57-5-15. If and when the certificate is issued, the board  
4817 therein shall fix and determine: (1) The extent and the amount to  
4818 which the municipality may issue bonds or make expenditures for  
4819 such development; (2) what property may be acquired therefor; (3)  
4820 the terms upon which such acquisition may be had; (4) what  
4821 expenditures may be made to properly develop said property into a  
4822 "standard" industrial park or district; and, (5) the method of  
4823 operation of said industrial park by the municipality.

4824         **SECTION 158.** Section 57-5-17, Mississippi Code of 1972, is  
4825 brought forward as follows:

4826             57-5-17. Municipalities of this state, including counties,  
4827 judicial districts of counties having two judicial districts in  
4828 which State Highways No. 18 and 15 intersect or in which State  
4829 Highway No. 6 and Interstate Highway No. 55 intersect, supervisors  
4830 districts, cities, towns or villages whether existing under  
4831 special charters or otherwise, hereinabove called "municipalities"  
4832 acting severally or jointly with one or more other municipalities,  
4833 be and each of them is hereby authorized and empowered to make  
4834 effective the provisions herein contained, for the general welfare  
4835 of the state and the several municipalities thereof. When and  
4836 after such municipality shall have obtained therefor a certificate



4837 of public convenience and necessity, under the provisions of this  
4838 chapter, then it may acquire land by purchase, gift or otherwise  
4839 for the "standard" industrial park or district thus approved, and  
4840 may directly or by contract, such contract to be entered into and  
4841 governed as now provided by law for other public contracts entered  
4842 into by boards of supervisors, grade, level, drain, build streets,  
4843 wharf, dock and water terminal facilities, install water and  
4844 sewage facilities, erect fences, establish an office, obtain and  
4845 install such essential facilities, equipment or appliances,  
4846 construct railroad spurs, contribute toward making rail and  
4847 utility services available to the district subject to the  
4848 provisions of Sections 77-3-1 through 77-3-89, Mississippi Code of  
4849 1972, and do such other things as may be essential to the complete  
4850 development of said industrial district, including the right to  
4851 operate the district, and with concurrence of the board, to sell,  
4852 to convey, to let, to lease or to rent any part, or parts, or all  
4853 of said district. The power thus to do is hereby generally  
4854 conferred upon all such municipalities and shall be in addition to  
4855 all other powers now possessed without in anywise limiting or  
4856 circumscribing them.

4857       Any city or town in this state situated in a county bordering  
4858 on the Mississippi River and situated not more than five miles  
4859 from the proposed site of any industrial park or district proposed  
4860 to be created and established under the provisions of this  
4861 chapter, such distance to be measured between the corporate line



4862 of any such city or town nearest such proposed site and the  
4863 boundary of such proposed site nearest such corporate line, is  
4864 hereby authorized and empowered to join with another municipality,  
4865 as defined herein, in the creation, establishment, acquisition,  
4866 ownership, control, sale, lease, disposition and disposal of any  
4867 such industrial park or district, and the property, real and  
4868 personal, acquired, owned or otherwise possessed and controlled by  
4869 or for such industrial park or district under the authority of  
4870 this chapter, notwithstanding the fact that the industrial park or  
4871 district, or the proposed industrial park or district, and the  
4872 property thereof, is situated in another supervisors district  
4873 other than the supervisors district in which such city or town is  
4874 situated. In all cases provided for in this paragraph, all  
4875 authority, powers, privileges and rights provided for in this  
4876 chapter shall be and are hereby conferred upon and vested in such  
4877 city or town and such other municipality as may join therewith, as  
4878 herein authorized.

4879       **SECTION 159.** Section 57-5-19, Mississippi Code of 1972, is  
4880 brought forward as follows:

4881       57-5-19. The board is hereby authorized and empowered to  
4882 adopt and put into effect all reasonable rules and regulations  
4883 that it may deem necessary to carry out the provisions of this  
4884 chapter, not inconsistent therewith, and the board and the  
4885 municipalities receiving certificates of convenience and necessity  
4886 under this chapter, shall be governed in holding municipal



4887 elections, in the issuance of municipal bonds, their forms, terms,  
4888 the necessary tax levies, the exemption of bonds from taxation and  
4889 the joining of various municipalities in establishing said  
4890 industrial districts, by the same conditions, terms and laws  
4891 applicable to the issuance of industrial bonds as authorized and  
4892 provided by Sections 57-1-1 through 57-1-51, 57-1-101 through  
4893 57-1-107 and 57-1-131 through 57-1-145.

4894         **SECTION 160.** Section 57-5-21, Mississippi Code of 1972, is  
4895 brought forward as follows:

4896         57-5-21. The several municipalities of this state, including  
4897 counties, supervisors districts, cities, towns or villages, or  
4898 combinations thereof contiguous to and lying in the same or  
4899 adjacent counties, all hereinafter referred to as  
4900 "municipalities," shall have all the rights, powers and duties as  
4901 contained in Sections 57-5-1 through 57-5-19, plus the right of  
4902 eminent domain in the acquisition of up to twenty five percent  
4903 (25%) of the land for a "standard" industrial park if and when the  
4904 owner or owners of at least seventy five percent (75%) of the  
4905 acreage involved have either sold such acreage to the municipality  
4906 or placed such acreage under option to said municipality.

4907         **SECTION 161.** Section 57-5-23, Mississippi Code of 1972, is  
4908 brought forward as follows:

4909         57-5-23. The Mississippi Agricultural and Industrial Board,  
4910 hereinafter referred to as the "board," in issuing a certificate  
4911 of public convenience and necessity to a municipality to engage in



4912 the acquisition and development of a "standard" industrial park or  
4913 district shall be advised by the municipality of its need to use  
4914 the power of eminent domain in the acquisition of a part of the  
4915 acreage involved, not to exceed twenty five percent (25%), and the  
4916 board shall so specify in said certificate, which shall be the  
4917 municipality's evidence of authority to use the power of eminent  
4918 domain as above specifically defined.

4919         **SECTION 162.** Section 57-7-1, Mississippi Code of 1972, is  
4920 brought forward as follows:

4921         57-7-1. In the event that any municipality, county,  
4922 supervisors district, municipal airport authority, regional  
4923 airport authority or other governmental subdivision shall have  
4924 surplus airport land or other lands which are not needed for  
4925 airport purposes or for other governmental purposes, then such  
4926 property so designated and described may be set aside and improved  
4927 for industrial and commercial purposes and the same may thereafter  
4928 be operated or the same may be leased or sold upon such terms and  
4929 conditions as a municipality, county, municipal airport authority,  
4930 regional airport authority or governmental subdivision shall  
4931 prescribe.

4932         In order to provide for the improvement of such property for  
4933 industrial and commercial purposes, the municipality or other  
4934 authority shall be authorized to provide all necessary utilities  
4935 therefor and to lay out, construct and/or improve and hard-surface  
4936 roadways, streets, driveways and access roads, railroads and spur



4937 tracks, and provide for the grading, drainage, sewer, lights and  
4938 water, and all other necessary or proper utilities as may be  
4939 necessary or proper to make such land desirable or useful as a  
4940 site or sites for industrial and commercial enterprises. The cost  
4941 and expense of such improvements to said real estate shall be paid  
4942 for from funds made available from the lease or sale of such lands  
4943 to the extent such funds are available.

4944 **SECTION 163.** Section 57-7-3, Mississippi Code of 1972, is  
4945 brought forward as follows:

4946 57-7-3. For the purpose of providing funds to defray the  
4947 expenses of improving and developing the airport properties as set  
4948 forth in Section 57-7-1, the said municipality or other authority  
4949 shall have the right to borrow money for the industrial  
4950 improvement of its lands and property, and to issue revenue bonds  
4951 therefor, payable out of any revenues derived from such property,  
4952 including grants or contributions from the federal government or  
4953 other sources. Such bonds may be sold at public or private sale  
4954 at not less than par and shall bear interest at a rate or rates  
4955 not exceeding that allowed in Section 75-17-103. Any such bonds  
4956 so issued shall not constitute a debt of any municipality, the  
4957 state, or any political subdivision thereof, other than the  
4958 municipality or other authority.

4959 **SECTION 164.** Section 57-7-5, Mississippi Code of 1972, is  
4960 brought forward as follows:



4961           57-7-5. All bonds issued under the authority of this chapter  
4962 shall bear such date or dates, shall be in such form or  
4963 denomination, shall bear such rate of interest, and shall mature  
4964 at such times as the said municipality or other authority shall  
4965 determine, but no bonds issued under the authority of this chapter  
4966 shall mature more than twenty-five (25) years from the date of the  
4967 issuance thereof and none of said bonds shall be sold for less  
4968 than par and accrued interest. All such bonds shall be sold in  
4969 the manner now provided by law for the sale of bonds without any  
4970 restrictions, limitations, requirements or conditions applicable  
4971 to the borrowing of such money and the issuance of such bonds  
4972 which are not herein contained. The denomination, form, place of  
4973 payment and other details of such bonds may be determined by  
4974 resolution or order of the municipality or other authority, and  
4975 shall be executed on behalf of the municipality or other authority  
4976 as is now provided by law.

4977           **SECTION 165.** Section 57-7-7, Mississippi Code of 1972, is  
4978 brought forward as follows:

4979           57-7-7. Before issuing any bonds under the provisions of  
4980 this chapter, the municipality or other authority shall, by  
4981 resolution spread upon the minutes, declare its intention to issue  
4982 such bonds for the purposes authorized by this chapter and shall  
4983 state in said resolution the amount of bonds proposed to be issued  
4984 and shall likewise fix in said resolution the date upon which the  
4985 said municipality or other authority proposes to direct the





4986 issuance of such bonds. Notice of such intention shall be  
4987 published once a week for at least three (3) consecutive weeks in  
4988 a newspaper published or having a general circulation in the  
4989 municipality or the governmental subdivision issuing the bonds,  
4990 with the first publication of said notice to be made not less than  
4991 twenty one (21) days prior to the date fixed in the resolution for  
4992 the issuance of said bonds and the last publication to be made not  
4993 more than seven (7) days prior to such date. If, on or before the  
4994 date specified in the resolution, twenty percent (20%) of the  
4995 qualified electors of the municipality or other governmental  
4996 subdivision shall file a written protest against the issuance of  
4997 such bonds, then an election upon the issuance thereof shall be  
4998 called, and held, as is hereby provided. If no such protest shall  
4999 be filed, then the said municipality or other authority may issue  
5000 such bonds without an election on the question of the issuance  
5001 thereof at any time within a period of two (2) years after the  
5002 date specified in the resolution.

5003 **SECTION 166.** Section 57-7-9, Mississippi Code of 1972, is  
5004 brought forward as follows:

5005 57-7-9. If an election shall be called under the provisions  
5006 of this chapter on the question of the issuance of bonds, the  
5007 election shall be held, insofar as practicable, in the same manner  
5008 as other elections are held in said municipality or other  
5009 governmental subdivision. At such election, all qualified  
5010 electors of the municipality or other governmental subdivision may



5011 vote and the ballots used in such election shall have printed  
5012 thereon a brief statement of the amount and purposes of the  
5013 proposed bond issue and the words "FOR THE BOND ISSUE" and the  
5014 words "AGAINST THE BOND ISSUE," and the voters shall vote by  
5015 placing a cross (X) or check mark (✓) opposite their choice on  
5016 the proposition.

5017         **SECTION 167.** Section 57-7-11, Mississippi Code of 1972, is  
5018 brought forward as follows:

5019         57-7-11. When the results of any election hereinabove  
5020 provided for shall have been canvassed by the election  
5021 commissioners of said municipality or governmental district and  
5022 certified by them to the proper authorities, it shall be the duty  
5023 of the municipality or other authority involved to determine and  
5024 adjudicate whether or not a majority of the qualified electors who  
5025 voted in such election voted in favor of such bonds and unless a  
5026 majority of the qualified electors who voted in said election  
5027 shall have voted in favor of such bonds, then the same shall not  
5028 be issued. Should a majority of the qualified electors who vote  
5029 in such election vote in favor of said bonds, the municipality or  
5030 other authority may issue said bonds, either in whole or in part,  
5031 within two (2) years from the date of such election, or within two  
5032 (2) years after final favorable determination of any litigation  
5033 affecting the issuance of such bonds at such time or times, and in  
5034 such amount or amounts, not exceeding that specified in the notice  
5035 of the election, as shall be deemed proper.



5036           **SECTION 168.** Section 57-7-13, Mississippi Code of 1972, is  
5037 brought forward as follows:

5038           57-7-13. This chapter, without reference to any other  
5039 statute, shall be deemed to be full and complete authority for the  
5040 issuance of bonds and borrowing of money as hereby authorized by  
5041 municipalities or other governmental authority, and shall be  
5042 construed as an additional and alternate method therefor. The  
5043 bonds hereby authorized shall not constitute an indebtedness  
5044 within the meaning of any constitutional or statutory limitation  
5045 or restriction.

5046           **SECTION 169.** Section 57-9-1, Mississippi Code of 1972, is  
5047 brought forward as follows:

5048           57-9-1. This chapter may be cited as the "Industrial  
5049 Training Law of 1964."

5050           **SECTION 170.** Section 57-9-3, Mississippi Code of 1972, is  
5051 brought forward as follows:

5052           57-9-3. It is hereby declared that the state public welfare  
5053 demands, and the state public policy requires:

5054           (a) That a balanced economic development of this state  
5055 is essential.

5056           (b) That the present and prospective health, safety,  
5057 morals, pursuit of happiness, right of gainful employment and the  
5058 general welfare of the citizens demand as a public purpose, the  
5059 development within Mississippi of trade preparatory or industrial



5060 plant training and recruitment program for the various commercial,  
5061 industrial, agricultural and manufacturing enterprises.

5062 (c) That the means and measures herein authorized to  
5063 promote said commercial, industrial, agricultural and  
5064 manufacturing enterprises, are as a matter of public policy, for  
5065 the public purposes of increasing gainful employment and business  
5066 activities of the municipalities, counties, and supervisors  
5067 districts of Mississippi, hereinafter called "municipalities."

5068 (d) That the currently existing critical gap in the  
5069 employment and use of skilled and semiskilled residents of the  
5070 state resulting from deficient training programs and facilities be  
5071 eliminated, and that the proper promotion of the health, safety,  
5072 morals, pursuit of happiness, right of gainful employment, and the  
5073 general welfare of the state demands the enactment of the program  
5074 herein authorized.

5075 (e) That the accomplishment of the things herein  
5076 authorized will stimulate and provide ready and attractive  
5077 employment for the skilled and semiskilled residents of the state  
5078 through the proper increase of the skilled and semiskilled labor  
5079 force available which will further develop the agricultural,  
5080 commercial, industrial and other resources of the state for the  
5081 general welfare.

5082 **SECTION 171.** Section 57-9-5, Mississippi Code of 1972, is  
5083 brought forward as follows:



5084           57-9-5. The Mississippi Agricultural and Industrial Board,  
5085 hereinafter referred to as the "board," is hereby authorized and  
5086 empowered to formulate and place into existence, plans for  
5087 industrial plant training and recruitment for new and expanded  
5088 industries, or both, in Mississippi. To that end, there is hereby  
5089 created and provided within the board, in addition to all other  
5090 funds that may be appropriated to the board, an "Industrial  
5091 Revolving Fund," and all sums of monies received or obtained by  
5092 the board under the provisions of this chapter, by appropriation  
5093 or otherwise, shall be paid into the State Treasury, and the State  
5094 Treasurer shall deposit said monies into the industrial revolving  
5095 fund. All expenditures therefrom shall be authorized by the board  
5096 in the manner hereinafter set forth and such expenditures shall be  
5097 paid therefrom by the State Treasurer on warrants of the Auditor  
5098 of Public Accounts; and said Auditor shall issue his warrant upon  
5099 requisition properly signed by the director and secretary of the  
5100 board.

5101           **SECTION 172.** Section 57-9-7, Mississippi Code of 1972, is  
5102 brought forward as follows:

5103           57-9-7. Any municipality, hereinafter referred to as "the  
5104 applicant," may, on behalf of any new or expanded industry, or  
5105 both, in Mississippi, apply to the board for a loan, not to exceed  
5106 Twenty Thousand Dollars (\$20,000.00) for any one (1) new or one  
5107 (1) expanded industry, which funds shall be used exclusively for  
5108 the purposes of preparatory or industrial plant training and



5109 recruitment. The board is authorized and empowered to determine  
5110 whether the public convenience and necessity requires that the  
5111 application therefor be approved or denied, and what amount, if  
5112 any, should be loaned by the board to the applicant for said new  
5113 or expanded industry. For the purpose of administering provisions  
5114 of this chapter, the board shall establish reasonable rules and  
5115 regulations to be followed by the applicant in making application  
5116 for loans hereby authorized. The board shall investigate, find  
5117 and determine as to whether a certificate of public convenience  
5118 and necessity shall be issued and contract for a loan of funds to  
5119 the applicant shall be made. In considering and determining  
5120 whether or not such certificate of public convenience and  
5121 necessity shall be issued and whether a loan shall be made or not,  
5122 the board shall find and determine, to include, but not be limited  
5123 to, the following:

5124           (a) That the net worth of the new or expanded industry,  
5125 on behalf of which the municipality is making said application,  
5126 meets the prerequisites and requirements of the board. The  
5127 applicant shall furnish upon request to the board such information  
5128 with regard to the new or expanded industry's net worth as may be  
5129 required by the board.

5130           (b) That the new or expanded industry, on behalf of  
5131 which the municipality is making such application, shall submit  
5132 along with the applicant, a detailed and complete study of its  
5133 training needs, plans, and total amount of funds to be used for



5134 industrial training and preparatory training only, and the same  
5135 shall appear to be feasible and practicable to the board.

5136 (c) That the new or expanded industry, on behalf of  
5137 which the municipality is making such application, shall submit a  
5138 plan of repayment, along with the applicant, and which repayment  
5139 shall be made within five (5) years after the loan, and such plan  
5140 shall be approved by the board.

5141 When the board shall have determined said facts favorably, it  
5142 is authorized and empowered, having due regard to the promotion of  
5143 the public policy and general welfare herein declared, to issue or  
5144 refuse to issue a certificate of public convenience and necessity  
5145 to the applicant, approve or disapprove the loan of any part or  
5146 all of the funds requested by the applicant. If and when said  
5147 certificate is issued, and if and when said loan is approved, the  
5148 board therein shall fix and determine:

5149 (a) The amount of monies to be loaned.

5150 (b) The time, amount, and method of repayment.

5151 (c) The method, manner, and what legally valid and  
5152 enforceable documents, promissory notes, deeds of trust, or  
5153 contracts, or any combination thereof, shall be executed by the  
5154 applicant and the new or expanded industry.

5155 **SECTION 173.** Section 57-9-9, Mississippi Code of 1972, is  
5156 brought forward as follows:

5157 57-9-9. In the event the board shall issue a certificate of  
5158 public convenience and necessity to the applicant, and approve a



5159 loan of a sum, such sum as approved to be loaned, shall be  
5160 disbursed to the applicant upon the execution of a legally valid  
5161 and enforceable promissory note, deed of trust, or contract, or  
5162 any combination thereof, by the new or expanded industry and the  
5163 applicant, in accordance with the approved plan of repayment. In  
5164 the event a contract is required by the plan of repayment, the  
5165 board is authorized to join in the execution thereof. The board  
5166 is further authorized to require such provisions and covenants in  
5167 such promissory note, deed of trust, or contract, or any  
5168 combination thereof, deemed reasonably necessary to carry out the  
5169 provisions of this chapter and require the repayment of said  
5170 loans. The board and municipalities are further authorized to  
5171 institute suit, at law or equity, to cause the repayment of such  
5172 loans, and to protect the interest of the State of Mississippi,  
5173 and may employ private counsel to do so.

5174       **SECTION 174.** Section 57-10-1, Mississippi Code of 1972, is  
5175 brought forward as follows:

5176       57-10-1. It is hereby declared to be the public policy of  
5177 this state and the purpose of this article to improve and  
5178 stimulate the state's economy in general, and the small business  
5179 segment thereof in particular, by establishing a program to  
5180 stimulate and supplement the flow of private equity capital and  
5181 long term loan funds which small business concerns of this state  
5182 need for the sound financing of their business operations and for  
5183 their growth, expansion and modernization, and which are not





5184 available in adequate supply. It is the intent of the Legislature  
5185 that this policy shall be carried out in such manner as to insure  
5186 the maximum participation of private financing sources. It is  
5187 further hereby declared that the public welfare of the state  
5188 demands the establishment of such a program to provide for the  
5189 maximum development of this state's agricultural, industrial and  
5190 commercial resources, offering increased employment opportunities  
5191 for all of the citizens of the state, encouraging the  
5192 establishment of new agricultural, industrial and commercial  
5193 enterprises and providing the citizens of the state of all races  
5194 greater opportunities for entrepreneurship.

5195         **SECTION 175.** Section 57-10-3, Mississippi Code of 1972, is  
5196 amended as follows:

5197         57-10-3. The \* \* \* Mississippi Business Finance Corporation,  
5198 created pursuant to Section 57-10-167, hereinafter referred to as  
5199 the "corporation," shall exercise the powers and duties and  
5200 discharge the responsibilities as provided herein.

5201         **SECTION 176.** Section 57-10-9, Mississippi Code of 1972, is  
5202 brought forward as follows:

5203         57-10-9. This corporation is organized, and it shall be  
5204 operated primarily for the purpose of providing financial  
5205 resources necessary to implement the economic development of the  
5206 state by creating a pool of capital assets to expand the  
5207 agricultural, industrial and commercial enterprises of the state  
5208 and to provide loan guaranties for term loans to improve the



5209 marketability of such loans, and to encourage the expansion of  
5210 available equity financing through small business investment  
5211 companies.

5212           **SECTION 177.** Section 57-10-17, Mississippi Code of 1972, is  
5213 brought forward as follows:

5214           57-10-17. The board of directors of the corporation is  
5215 hereby authorized, in its discretion, based on sound business  
5216 principles, to:

5217           (a) Receive applications for and make direct term loans  
5218 to small businesses, including any person, firm, corporation,  
5219 joint-stock company, partnership, association or trust located  
5220 within the state unable to obtain sufficient funds for the  
5221 successful operation of such businesses from conventional  
5222 commercial sources or other governmental agencies or in the event  
5223 the financial needs of such businesses exceed the legal loan  
5224 limits of local banks or other financial institutions or in the  
5225 event the degree of risk involved in extending loans to such  
5226 businesses exceed local standards;

5227           (b) Make direct equity investments and/or seed money  
5228 loans to local economic development corporations;

5229           (c) Seek the participation of private banks or  
5230 financial institutions, either within or without the state, in the  
5231 term loans extended by the corporation;



5232 (d) Sell its own commercial paper and other evidences  
5233 of indebtedness to obtain funds for the making of term loans to  
5234 creditworthy businesses;

5235 (e) Provide a loan guaranty program for conventional  
5236 loans extended to qualified small businesses in the State of  
5237 Mississippi;

5238 (f) Sell its debenture bonds to banks and other  
5239 financial institutions;

5240 (g) Apply for and receive funds in any amount from any  
5241 private source or federal governmental entity, or the Small  
5242 Businessman's Loan Fund or Guaranty Fee Fund as authorized by  
5243 Sections 57-10-101 through 57-10-137, whether by way of grant,  
5244 donation or loan;

5245 (h) Make contracts, including contracts for services,  
5246 and incur liabilities for any of the purposes authorized herein;

5247 (i) Borrow money for any of the purposes authorized  
5248 herein; incur debt, including the power to issue therefor its  
5249 bonds, debentures, notes or other evidences of indebtedness,  
5250 whether secured or unsecured; and secure the same by mortgage,  
5251 pledge, deed of trust or other lien on its property, rights and  
5252 privileges of every kind and nature, or any part thereof, or  
5253 interest therein;

5254 (j) Purchase, receive, hold, lease or acquire by  
5255 foreclosure, and sell, convey, transfer or lease real and personal  
5256 property, together with such rights and privileges as may be



5257 incidental and appurtenant thereto and the use thereof, including,  
5258 but not restricted to, any real or personal property acquired by  
5259 the corporation from time to time in the satisfaction of debts or  
5260 enforcement of obligations;

5261 (k) Make all expenditures and incur any obligations  
5262 reasonably required in the exercise of sound business principles  
5263 to secure possession of, preserve, maintain, insure and, if  
5264 necessary, improve real and personal property acquired in the  
5265 liquidation of investments in order to realize the maximum return  
5266 for the corporation on any sale or disposition thereof;

5267 (l) Acquire, subscribe for, own, hold, sell, assign,  
5268 transfer, mortgage or pledge the stock, shares, bonds, debentures,  
5269 notes or other securities and evidences of interest in or  
5270 indebtedness of any person, firm, corporation, joint-stock  
5271 company, partnership, association or trust, and, while the owner  
5272 or holder thereof, exercise all the rights, powers and privileges  
5273 of ownership, including the right to vote thereon;

5274 (m) Mortgage, pledge or otherwise encumber any property  
5275 right or thing of value acquired pursuant to the powers contained  
5276 in paragraphs (j), (k) or (l) as security for the payment of any  
5277 part of the purchase price thereof;

5278 (n) Cooperate with and assist and otherwise encourage  
5279 agencies, organizations, local or regional, private or public, in  
5280 the various communities of the state in the promotion, assistance



5281 and development of the business prosperity and economic welfare of  
5282 such communities or of this state or of any part thereof;

5283 (o) Do all acts and things necessary and proper to  
5284 create, form, participate in or fund a State SBA 503 program as  
5285 authorized under Title V, Section 503 of the Small Business  
5286 Investment Act of 1958, as amended, Section 697, Title XV, United  
5287 States Code;

5288 (p) Do all acts and things necessary and proper to  
5289 carry out the powers expressly granted in this article, including,  
5290 but not limited to, employment of administrative and clerical  
5291 staff, and such other employees as may be necessary in its  
5292 judgment and to fix their compensation, and to perform its powers  
5293 and functions through its officers, agents and employees;

5294 (q) Do all acts and things necessary and proper for the  
5295 issuance of bonds for solid waste facilities;

5296 (r) Do all acts and things necessary to operate the  
5297 Mississippi Development Bank pursuant to Section 31-25-1 et seq.;

5298 (s) Maintain an office in the name of the corporation  
5299 at such place or places within this state as it may designate  
5300 without the approval of any other state agency or department.

5301 **SECTION 178.** Section 57-10-19, Mississippi Code of 1972, is  
5302 brought forward as follows:

5303 57-10-19. In addition to the other powers and authority  
5304 prescribed by this article, the corporation may purchase  
5305 debentures or the common stock of small business investment



5306 companies or minority enterprise small business investment  
5307 companies, incorporated or domiciled in the state under the  
5308 provisions of the Small Business Investment Law of 1958, as  
5309 amended, which debentures may be subordinate to any other  
5310 debenture bonds, promissory notes or other debts and obligations  
5311 of such small business investment companies except for those  
5312 purchased by the Small Business Administration in accordance with  
5313 the Federal Small Business Investment Act of 1958, as amended (15  
5314 USCS Section 661 et seq.); any purchases by the corporation of  
5315 stock shall be made from funds derived from sources other than the  
5316 State of Mississippi. The corporation is prohibited from  
5317 investing in both the stock and evidences of indebtedness of any  
5318 company.

5319         **SECTION 179.** Section 57-10-21, Mississippi Code of 1972, is  
5320 brought forward as follows:

5321         57-10-21. Any loans by the corporation to a small business  
5322 investment company or minority enterprise small business  
5323 investment company, shall be conditioned on the following:

5324             (a) A loan to a small business investment company or  
5325 minority enterprise small business investment company shall not  
5326 exceed the amount of its outstanding portfolio investments or the  
5327 amount of its private paid in capital and paid in surplus,  
5328 whichever is less.



5329 (b) The small business investment company or minority  
5330 enterprise small business investment company must agree that the  
5331 entire loan will be invested in firms located in this state.

5332 (c) The repayment period for any such loan shall not  
5333 exceed fifteen (15) years but such loans need not be amortized.

5334 (d) Such other conditions as may be prescribed by the  
5335 board of directors of the corporation.

5336 **SECTION 180.** Section 57-10-23, Mississippi Code of 1972, is  
5337 brought forward as follows:

5338 57-10-23. Any small business investment company or minority  
5339 enterprise small business investment company wishing to  
5340 participate under this article shall pay a Five Hundred Dollar  
5341 (\$500.00) fee annually on July 1 to the corporation which shall be  
5342 deposited in a qualified state depository, to the credit of the  
5343 "Mississippi Economic Development Corporation." The annual fee  
5344 paid on its initial application shall be prorated according to the  
5345 date of application.

5346 **SECTION 181.** Section 57-10-25, Mississippi Code of 1972, is  
5347 brought forward as follows:

5348 57-10-25. It is the further intention of this article that  
5349 the initial capital base of the corporation be raised from a  
5350 combination of private foundation grants, any funds available from  
5351 various federal programs, and such funds as may be appropriated by  
5352 the state. Additional funding of the corporation may be derived  
5353 from the sale of debenture bonds or long term funding from the



5354 sale of the corporation's commercial paper and notes. Such  
5355 additional funding and any guaranty executed by the corporation of  
5356 any loan or investment, and any other obligations incurred by the  
5357 corporation, shall be based solely on the credit of the  
5358 corporation and shall not pledge or loan the credit of the state  
5359 in aid of any person, association or corporation. Funds of the  
5360 corporation shall be primarily invested in amortized loans of ten  
5361 (10) years or shorter maturity. If feasible and possible, all  
5362 loans extended by the corporation shall be made in participation  
5363 with existing banks or other financial institutions.

5364 **SECTION 182.** Section 57-10-29, Mississippi Code of 1972, is  
5365 brought forward as follows:

5366 57-10-29. All funds received by the corporation from any  
5367 source whatsoever shall be deposited in a qualified state  
5368 depository to the credit of the "Mississippi Economic Development  
5369 Corporation," said funds to be disbursed therefrom upon checks  
5370 drawn upon said account after approval of said board and signed by  
5371 the chairman and treasurer of the corporation. The post audit  
5372 division of state government shall audit said corporation's books  
5373 not less than once each year.

5374 **SECTION 183.** Section 57-10-31, Mississippi Code of 1972, is  
5375 brought forward as follows:

5376 57-10-31. No officer or director of this corporation shall  
5377 ever be held personally liable for contracts, debts or defaults of  
5378 this corporation nor shall any mere informality in organization





5379 have the effect of rendering these null or of exposing the  
5380 officers or directors to any such liability or responsibility.  
5381 However, the officers, directors, agents and employees of the  
5382 corporation shall be liable for any fraudulent or illegal  
5383 diversion or misappropriation of the funds of the corporation  
5384 which any such person knowingly and willfully caused, permitted or  
5385 conspired to permit to be made, and all such officers, directors,  
5386 agents and employees entrusted with the custody of the securities  
5387 of or authorized to disburse the funds of the corporation shall be  
5388 bonded, either by a blanket bond or by individual bonds, with a  
5389 surety bond or bonds with a minimum limitation of One Hundred  
5390 Thousand Dollars (\$100,000.00) coverage for each person covered  
5391 thereby, conditioned upon the faithful performance of their  
5392 duties, the premium for which shall be paid out of the assets of  
5393 the corporation.

5394       **SECTION 184.** Section 57-10-35, Mississippi Code of 1972, is  
5395 brought forward as follows:

5396       57-10-35. All state agencies shall cooperate with the  
5397 corporation, and all public institutions of higher education shall  
5398 work with the corporation to facilitate the utilization of  
5399 technological information by small businesses in this state.

5400       **SECTION 185.** Section 57-10-39, Mississippi Code of 1972, is  
5401 brought forward as follows:

5402       57-10-39. An annual report concerning the operation of this  
5403 article shall be submitted by the corporation to the Legislature.



5404           **SECTION 186.** Section 57-10-41, Mississippi Code of 1972, is  
5405 brought forward as follows:

5406           57-10-41. In the event of dissolution and liquidation of the  
5407 corporation, whether voluntary or involuntary or by reason of the  
5408 repeal of this article and thereby terminating its corporate  
5409 existence, any surplus assets of the corporation in excess of the  
5410 corporation's outstanding liabilities shall be transferred to the  
5411 State of Mississippi and shall automatically vest in said state,  
5412 and the chairman and treasurer of the corporation shall execute  
5413 and deliver such conveyances or documents as are necessary to show  
5414 title in the state or to vest such assets in the state.

5415           **SECTION 187.** Section 57-10-101, Mississippi Code of 1972, is  
5416 brought forward as follows:

5417           57-10-101. This article shall be called the "Small  
5418 Businessman's Loan Assistance Law of 1972."

5419           **SECTION 188.** Section 57-10-103, Mississippi Code of 1972, is  
5420 brought forward as follows:

5421           57-10-103. The increasing need for commercial financing at  
5422 reasonable rates for the small businessman necessitates a new loan  
5423 guaranty program in order that the economy of the state may  
5424 continue to grow and prosper. It is the intent of this article to  
5425 encourage small business loans by furnishing lending institutions  
5426 additional security to place such loans on a sound, financial  
5427 basis and reap statewide benefits resulting from an expanded  
5428 economy. This article is intended to strengthen the economic



5429 security of this state and insure its permanent financial well  
5430 being.

5431 This article is hereby declared to be a public necessity, is  
5432 remedial in purpose, and should be liberally construed to effect  
5433 its purpose.

5434 **SECTION 189.** Section 57-10-105, Mississippi Code of 1972, is  
5435 brought forward as follows:

5436 57-10-105. Whenever the following terms or similar terms are  
5437 used herein they shall have the following meanings, unless the  
5438 context clearly indicates otherwise:

5439 (a) "Borrower" means any individual, firm, partnership  
5440 or corporation approved by the committee, residing in Mississippi  
5441 who applies for or borrows money from any lender under the  
5442 provisions of this article.

5443 (b) "Lender" shall mean any state or national bank,  
5444 savings and loan association or insurance company doing business  
5445 in Mississippi, which is approved by the committee.

5446 (c) "Manager" means the Executive Director of the  
5447 Mississippi Business Finance Corporation.

5448 (d) "Committee" means the Certified Development Company  
5449 of Mississippi, Inc., created pursuant to Section 57-10-167.

5450 (e) "Loan guaranty" means additional security to the  
5451 lender by the state for loans to small businessmen in this state.

5452 (f) "Guaranty fee fund" means a revolving fund  
5453 maintained in the State Treasury as a separate fund composed of



5454 guaranty fee payments from loans made under the provisions of this  
5455 article.

5456 (g) "Small businessman's loan fund" means a separate  
5457 and additional fund maintained in the State Treasury by  
5458 appropriation from the State Legislature and used exclusively to  
5459 guarantee loans as herein provided.

5460 (h) "Transfer" means to loan, to give, to make  
5461 available or to pass control of any available funds held in  
5462 paragraphs (f) and (g) above to the Mississippi Economic  
5463 Development Corporation, or its successor.

5464 **SECTION 190.** Section 57-10-109, Mississippi Code of 1972, is  
5465 brought forward as follows:

5466 57-10-109. The manager shall be required to have a surety  
5467 bond in an amount to be fixed by the committee.

5468 The manager, subject to the approval of the committee, is  
5469 authorized to employ such additional technical, clerical and  
5470 stenographic assistance as may be necessary to carry out the  
5471 provisions of this article. It is hereby made the duty of all of  
5472 the departments and agencies of the state government to give aid  
5473 and assistance to the manager in administering this program.

5474 **SECTION 191.** Section 57-10-111, Mississippi Code of 1972, is  
5475 amended as follows:

5476 57-10-111. The committee is authorized and empowered to  
5477 prepare and promulgate reasonable rules, regulations and policies  
5478 for applications for loans, credit instruments, and any and all



5479 other forms, rules, policies, regulations or procedures desirable  
5480 in order to carry out the provisions of this article. The  
5481 committee shall determine the amount of the guaranty fee to be  
5482 paid under the provisions of this article, subject to the  
5483 limitations set forth in Section 57-10-115. Such guaranty fee  
5484 payments shall be deposited in the Guaranty Fee Fund. It shall  
5485 also be the duty of the committee to formulate the policies to be  
5486 administered by the manager under the provisions of this article.  
5487 The function of the committee shall be that of policy-making and  
5488 the functions of the manager shall be administrative.

5489 In addition to the power and authority granted herein, the  
5490 committee is hereby authorized to use any available funds in the  
5491 Small Businessman's Loan Fund or the Guaranty Fee Fund to be used  
5492 for any authorized and legal purposes as contained in Sections  
5493 57-10-1 through 57-10-41, irrespective and notwithstanding any  
5494 limitations, restrictions or other provisions of this article.

5495 It is the intent of this section and the 1982 and 1983  
5496 amendments to Article 1 and Article 3 of this chapter, that the  
5497 Small Businessman's Loan Program and the Mississippi \* \* \*  
5498 Development Authority program shall pool and combine the resources  
5499 and efforts of each to make them more readily available to the  
5500 needs of the small businessmen and women of this state.

5501 However, in the event a loan is made to the Mississippi \* \* \*  
5502 Development Authority or its successor, the maximum liability  
5503 limit as expressed in Sections 57-10-115(3) and 57-10-133 shall



5504 automatically be reduced by an amount equal to five (5) times the  
5505 amount of the loan.

5506 The committee is hereby authorized and empowered to establish  
5507 and put in effect reasonable terms and conditions on any and all  
5508 such transfers to the corporation regarding repayment of any  
5509 transfers and security therefor, if applicable, default provisions  
5510 and annual reporting on the status of any transfer.

5511 **SECTION 192.** Section 57-10-113, Mississippi Code of 1972, is  
5512 brought forward as follows:

5513 57-10-113. A borrower may apply to the committee for a loan  
5514 guaranty necessary to meet the lender's approval of the loan. The  
5515 borrower must demonstrate his inability to obtain conventional  
5516 financing, and thus the need for the state loan guaranty.

5517 **SECTION 193.** Section 57-10-115, Mississippi Code of 1972, is  
5518 brought forward as follows:

5519 57-10-115. (1) On every loan, the borrower shall pay a  
5520 nonrefundable guaranty fee of two percent (2%) of the guaranteed  
5521 portion, to be paid at the time of disbursement of loan proceeds.  
5522 Upon collection, the committee shall remit all such guaranty fees  
5523 to a special fund for such fees created by the State Treasurer.

5524 (2) No loan guaranty made by the committee shall exceed  
5525 seventy-five percent (75%) of the principal of the loan.

5526 (3) The amount of all outstanding loan guaranties shall not  
5527 exceed five (5) times the combined total amount in the Small  
5528 Businessman's Loan Fund, plus the Guaranty Fee Fund and accrued



5529 interest on both funds, provided the liability of the two (2)  
5530 funds shall not exceed Fifteen Million Seven Hundred Fifty  
5531 Thousand Dollars (\$15,750,000.00).

5532 (4) No guaranty made under the provisions of this article  
5533 shall be an amount exceeding Three Hundred Seventy-five Thousand  
5534 Dollars (\$375,000.00) principal, and the term thereof shall not  
5535 exceed twenty (20) years.

5536 (5) More than one (1) loan may be outstanding to any one (1)  
5537 borrower at any one (1) time; provided, however, that the  
5538 aggregate amount of all loan guaranties to any one (1) borrower  
5539 shall not exceed Three Hundred Seventy-five Thousand Dollars  
5540 (\$375,000.00).

5541 (6) The total amount of a loan secured by any real and/or  
5542 personal property, including any previous indebtedness incurred  
5543 against real and/or personal property offered as security for such  
5544 loan, shall not exceed ninety percent (90%) of the market value as  
5545 determined by an appraisal made by the lender. In determining the  
5546 amount of indebtedness to be incurred against any real or personal  
5547 property securing such a loan, the lender may consider the  
5548 enhanced value of the real property and any other additional  
5549 capital assets accruing to the borrower through loans provided  
5550 under this article.

5551 **SECTION 194.** Section 57-10-117, Mississippi Code of 1972, is  
5552 brought forward as follows:



5553           57-10-117. If there is a corporate borrower, the committee  
5554 shall require the personal guarantee or endorsement of any  
5555 principal or entity owning at least twenty percent (20%) of the  
5556 corporation that is borrowing money from any lender under the  
5557 provisions of this article, and the committee may also require any  
5558 other guarantees it deems appropriate.

5559           **SECTION 195.** Section 57-10-119, Mississippi Code of 1972, is  
5560 brought forward as follows:

5561           57-10-119. If the loan is approved and the lender so  
5562 desires, the loan, where feasible, may be advanced in installments  
5563 under such rules and regulations as the committee may establish.

5564           **SECTION 196.** Section 57-10-121, Mississippi Code of 1972, is  
5565 brought forward as follows:

5566           57-10-121. If the borrower defaults in the payment of any  
5567 loan or any installments thereof, fails to follow his plan and  
5568 applies any installment or installments of his loan to purposes  
5569 other than those in his plan as certified by the committee,  
5570 violates any of the covenants and conditions contained in the  
5571 instrument securing the loan, or fails to comply with any other  
5572 provision of this article, the lender shall proceed to collect the  
5573 entire amount due under the loan.

5574           In the event the lender proceeds to collect the loan, he  
5575 shall be required to follow the procedures as established by the  
5576 committee and shall not have a claim against either the Guaranty  
5577 Fee Fund or the Small Businessman's Loan Fund in the State





5578 Treasury unless or until he has first exhausted his legal rights  
5579 and remedies in aid of the collection of the loan which include,  
5580 but are not limited to, his rights under the following: (a)  
5581 promissory note or notes and signers or endorsers thereon; (b)  
5582 deeds of trust and mortgages; (c) security agreements; and (d) any  
5583 set-offs or counterclaims which include the right to foreclose the  
5584 deeds of trust or mortgages and to sell, or cause to be sold, the  
5585 property secured thereby and obtain a judgment or decree for any  
5586 balance remaining due on the loan after such foreclosures and sale  
5587 of the property given as security.

5588         When the lender has obtained a judgment or decree against the  
5589 borrower for any deficiency in the amount of the principal of the  
5590 loan and interest not realized in the sale of the mortgaged  
5591 property or otherwise, the lender must have execution issued on  
5592 any such judgment or decree. If the judgment is not satisfied  
5593 following execution, the lender shall then assign the judgment or  
5594 decree to the State of Mississippi, using such form of assignment  
5595 as may be prescribed by regulation promulgated by the committee,  
5596 before either of the two (2) said funds in the State Treasury may  
5597 be liable in anywise for the benefit of the lender; however, the  
5598 committee may determine that it is economically or legally  
5599 infeasible for the lender to obtain a judgment or decree against  
5600 the borrower, such determination and the reasons therefor to be  
5601 reflected in the minutes of the committee. Upon the making of



5602 such a determination, the committee will succeed to whatever  
5603 rights the lender may possess in place of a judgment or decree.

5604         **SECTION 197.** Section 57-10-123, Mississippi Code of 1972, is  
5605 brought forward as follows:

5606         57-10-123. If the requirements appearing heretofore in  
5607 Section 57-10-121 have been met by the lender and any sum of money  
5608 remains due on the principal of the loan, the lender must file  
5609 with the manager, on the form prescribed by the committee, the  
5610 lender's claim for the amount of principal remaining due and  
5611 outstanding under the loan. The claim shall be accompanied by  
5612 papers showing that the lender has exhausted his legal rights and  
5613 remedies in an effort to collect the loan, or that such  
5614 requirement was waived by the committee, and must include an  
5615 assignment of the judgment from the lender to the State of  
5616 Mississippi, or an assignment of rights that the lender may  
5617 possess in the event requirement of judgment has been waived. In  
5618 the event that the borrower has declared bankruptcy, then the  
5619 lender must submit a final order of the bankruptcy court in that  
5620 cause or such other documents that prove to the satisfaction of  
5621 the committee that the lender has first exhausted his legal rights  
5622 and remedies in aid of his collection of the loan. The committee  
5623 shall review these papers and the claim by the lender and if the  
5624 committee is satisfied that the same are in due form and meet the  
5625 requirements under this article, the full committee shall allow  
5626 the claim and issue its requisition according to law to the State



5627 Auditor against the Guaranty Fee Fund in the State Treasury for  
5628 the balance of the principal under the loan. The State Auditor  
5629 shall, after determination of the legal validity of the claim,  
5630 issue a warrant therefor which shall be honored by the State  
5631 Treasurer by payment out of said Guaranty Fee Fund in the State  
5632 Treasury.

5633 If the balance remaining in the Guaranty Fee Fund of the  
5634 State Treasury is insufficient to pay the amount of the principal  
5635 of the loan remaining due, as shown by the written certificate of  
5636 the State Treasurer to the manager, then the committee shall issue  
5637 its requisition according to law, for the amount of the principal  
5638 remaining due under the loan against the Small Businessman's Loan  
5639 Fund on which the State Auditor shall issue his warrant, which  
5640 shall be honored by the State Treasurer to the limit of the funds  
5641 allowable in the Small Businessman's Loan Fund.

5642 **SECTION 198.** Section 57-10-125, Mississippi Code of 1972, is  
5643 brought forward as follows:

5644 57-10-125. (1) If either the guaranty fee fund or the small  
5645 businessman's loan fund becomes liable for any principal due under  
5646 any loan and any payment is made from either fund to the lender in  
5647 payment of the balance of the principal remaining due under such  
5648 loan, the amount thus paid shall become a debt due the State of  
5649 Mississippi in favor of the fund from which said balance for the  
5650 principal of the loan was paid, or prorate with the balance of the  
5651 principal that was paid from the guaranty fee fund and the small



5652 businessman's loan fund, which debt shall bear interest at the  
5653 legal rate. It shall be the duty of the attorney, selected  
5654 pursuant to subsection (2) of this section, to collect said debt  
5655 with interest and the attorney shall also collect the balance of  
5656 the loan, representing interest due the lender over and above the  
5657 principal which will likewise bear interest at the legal rate  
5658 after the judgment is obtained. The committee may authorize the  
5659 attorney to settle and compromise any debt due under the  
5660 provisions of this section.

5661 (2) In order to effect a collection pursuant to subsection  
5662 (1) of this section, the committee is authorized and empowered,  
5663 subject to the approval of the Attorney General, to hire an  
5664 attorney and compensate him on either a fixed or contingent fee  
5665 basis.

5666 **SECTION 199.** Section 57-10-127, Mississippi Code of 1972, is  
5667 brought forward as follows:

5668 57-10-127. Methods of distribution of all of the collections  
5669 made by the district attorney or county attorney, where either or  
5670 both of the funds in the State Treasury have become liable for the  
5671 principal due under any such loan and payment of the remaining  
5672 balance due on the principal of the loan have been paid from  
5673 either the guaranty fee fund or small businessman's loan fund,  
5674 shall be as follows: (a) first, the amount of the principal of  
5675 the loan which has been paid out of either the guaranty fee fund  
5676 or the small businessman's loan fund shall be deposited to the



5677 fund from which it was withdrawn, or on a pro rata basis; (b)  
5678 next, the interest due the lender on the loan unpaid up to and  
5679 including the date of the assignment of the judgment from the  
5680 lender to the State of Mississippi shall be paid to the lender;  
5681 (c) then, the remainder of the proceeds, if any, shall be applied  
5682 to the payment of interest to the guaranty fee fund or small  
5683 businessman's loan fund, at the legal rate from the date that said  
5684 fund was called upon to indemnify the lender.

5685       **SECTION 200.** Section 57-10-129, Mississippi Code of 1972, is  
5686 brought forward as follows:

5687       57-10-129. The extent of the liability of either the  
5688 guaranty fee fund or the small businessman's loan fund to the  
5689 lender shall be seventy five percent (75%) of the principal  
5690 remaining due and unpaid after the lender has fully exhausted all  
5691 remedies for recovery as provided herein, and neither of these  
5692 funds shall be liable for interest which the borrower owes the  
5693 lender under any such loan.

5694       **SECTION 201.** Section 57-10-131, Mississippi Code of 1972, is  
5695 brought forward as follows:

5696       57-10-131. The small businessman's loan fund and at least  
5697 three fourths ( $\frac{3}{4}$ ) of the guaranty fee fund shall be invested in  
5698 interest bearing notes or savings accounts for the highest  
5699 possible yield as determined by the committee. However, not more  
5700 than ten percent (10%) of the combined total of the two (2) funds  
5701 shall be invested in interest bearing notes or savings accounts of



5702 the banks from which the two (2) executive bank officers are  
5703 chosen to be members of the small businessman's loan committee  
5704 according to Section 57-10-107.

5705         **SECTION 202.** Section 57-10-133, Mississippi Code of 1972, is  
5706 brought forward as follows:

5707         57-10-133. The committee is hereby authorized and empowered  
5708 to accept federal and private grant funds and to use same for all  
5709 purposes. The committee may use any such federal or private grant  
5710 funds to establish a supplemental loan guaranty fund with the  
5711 State Treasury and may make additional loan guaranties on the  
5712 basis of such fund; provided that the aggregate amount of such  
5713 additional loan guaranties shall not at any time exceed five (5)  
5714 times the amount on deposit in such supplemental loan guaranty  
5715 fund; provided further, that the aggregate of the liability for  
5716 such supplemental loan guaranty fund and the liability authorized  
5717 by Section 57-10-115(3) shall not exceed Seventeen Million Five  
5718 Hundred Thousand Dollars (\$17,500,000.00) at any one time.

5719         **SECTION 203.** Section 57-10-135, Mississippi Code of 1972, is  
5720 brought forward as follows:

5721         57-10-135. Obligations and guarantees assumed by the small  
5722 businessman's loan fund and the guaranty fee fund under the  
5723 provisions of the guaranty program shall not be in any way an  
5724 obligation, loan, debt or liability of the State of Mississippi or  
5725 of any political subdivision thereof other than the small  
5726 businessman's loan fund and the guaranty fee fund. They shall not



5727 create or constitute any obligation, liability or indebtedness of  
5728 the state or of any political subdivision, or be or constitute a  
5729 pledge of the faith and credit of the state or of any political  
5730 subdivision, and all indebtedness or obligations shall be payable  
5731 solely from revenues or funds available for their payment as  
5732 authorized herein.

5733         **SECTION 204.** Section 57-10-137, Mississippi Code of 1972, is  
5734 brought forward as follows:

5735             57-10-137. If the program provided by this article is  
5736 terminated or discontinued for any reason in the future, all  
5737 monies in the guaranty fee fund and small businessman's loan fund  
5738 in the State Treasury shall, after payment of all outstanding  
5739 indebtedness, be transferred to the general fund.

5740         **SECTION 205.** Section 57-10-151, Mississippi Code of 1972, is  
5741 brought forward as follows:

5742             57-10-151. This article shall be known and may be cited as  
5743 "The Comprehensive Small Business Act of 1983."

5744         **SECTION 206.** Section 57-10-153, Mississippi Code of 1972, is  
5745 brought forward as follows:

5746             57-10-153. In order to stimulate the expansion of existing  
5747 small businesses and to encourage the formation of new  
5748 economically sound small business enterprises in this state, it is  
5749 the intent of the Legislature to create a consortium of state  
5750 agencies and educational institutions which provide services to  
5751 the state's nonagricultural small businesses for the purpose of



5752 coordinating delivery and avoiding duplication of such services to  
5753 the small business community.

5754         **SECTION 207.** Section 57-10-155, Mississippi Code of 1972, is  
5755 amended as follows:

5756             57-10-155. Whenever the following terms are used herein they  
5757 shall have the following meanings, unless the context clearly  
5758 indicates otherwise:

5759             (a) "Small business" means a nonagricultural business  
5760 as defined by the Small Business Administration's most current  
5761 declaration of Small Business Size Standards.

5762             (b) "Nonagricultural business" means businesses  
5763 classified by the Standard Industrial Classification Code (SIC  
5764 code) as Major Groups 10 through 79. Agricultural production and  
5765 services, forestry and fisheries (Major Groups 01 through 09) are  
5766 excluded from the provisions of this act.

5767             (c) "Consortium" means the state agencies or  
5768 educational institutions which provide services to small  
5769 businesses and are so designated by this act.

5770             (d) "Consortium board" means the governing body of the  
5771 consortium formed to set policy and ensure that there is a  
5772 coordinated program of assistance to the state's small businesses.

5773             (e) "Coordinator" means a staff member of the  
5774 consortium designated by the consortium board to coordinate  
5775 delivery of services to small businesses.





5776 (f) " \* \* \* Mississippi Business Finance Corporation"  
5777 means the corporation organized pursuant to Section 57-10-167 as a  
5778 not-for-profit and nonshare public corporation organized and  
5779 chartered for the purpose of furthering the economic development  
5780 of the state.

5781 **SECTION 208.** Section 57-10-157, Mississippi Code of 1972, is  
5782 amended as follows:

5783 57-10-157. Member agencies and institutions which are  
5784 included in the Small Business Consortium are as follows:

- 5785 (a) \* \* \* Mississippi Development Authority;
- 5786 (b) \* \* \* Department of Finance and Administration;
- 5787 (c) All state-supported universities; and
- 5788 (d) All public junior colleges.

5789 Other agencies or institutions serving small business may be  
5790 added or deleted from the consortium by a two-thirds (2/3) vote of  
5791 the consortium board.

5792 **SECTION 209.** Section 57-10-159, Mississippi Code of 1972, is  
5793 amended as follows:

5794 57-10-159. There is hereby created the Small Business  
5795 Consortium Board which shall be the policymaking body for the  
5796 state's program of services to nonagricultural small businesses.  
5797 The consortium board will be composed of the following seven (7)  
5798 members: The Executive Director of the \* \* \* Mississippi  
5799 Development Authority; the Director of the University Research  
5800 Center; the Director of the Department of Finance and



5801 Administration; the Director of the Enterprise Development  
5802 Division of the \* \* \* Mississippi Development Authority; the  
5803 president of a public junior college appointed by the Mississippi  
5804 Junior College Association; the President of the \* \* \* Mississippi  
5805 Business Finance Corporation; and the District Director of the  
5806 Small Business Administration.

5807       Members of the consortium board shall receive no compensation  
5808 for their services as members of the board. All consortium board  
5809 members who are employees of the state or any entity thereof may  
5810 receive reimbursement for actual and necessary traveling and  
5811 subsistence expenses incurred, such reimbursement to be in the  
5812 manner provided for in Section 25-3-41.

5813       A majority of the consortium board shall constitute a quorum,  
5814 but less than a quorum may adjourn the meeting from time to time.  
5815 The consortium board shall hold its meetings on at least a  
5816 semiannual basis by call of the coordinator or a majority of the  
5817 consortium board, and such meetings may be held at any place  
5818 within the State of Mississippi acceptable to a majority of the  
5819 board.

5820       **SECTION 210.** Section 57-10-161, Mississippi Code of 1972, is  
5821 brought forward as follows:

5822       57-10-161. The duties and responsibilities of the consortium  
5823 board shall be to set policy regarding delivery, and to implement  
5824 delivery, of services to the state's nonagricultural small



5825 businesses, which services are provided by the consortium members  
5826 or other state-supported agencies or institutions.

5827 In order to ensure that existing delivery systems for  
5828 services to small businesses are utilized whenever possible and to  
5829 avoid duplication of services, any proposals for programs, grants  
5830 or funding intended to provide services to small business in the  
5831 general population or targeted areas of the state which are under  
5832 consideration by state agencies or institutions, not members of  
5833 the consortium, shall be reviewed by the consortium board. The  
5834 board shall determine whether to include a program within one (1)  
5835 of the member agencies or delivery systems; include the agency or  
5836 institution within the consortium; or disapprove the proposal.  
5837 Excluded from this review process shall be any site-specific  
5838 studies or fee-paid services provided by faculty members within  
5839 the state university system and fee-paid services to small  
5840 businesses provided by other state agencies or departments within  
5841 the state university system.

5842 **SECTION 211.** Section 57-10-163, Mississippi Code of 1972, is  
5843 brought forward as follows:

5844 57-10-163. (1) It shall be the responsibility of the  
5845 Coordinator of the Small Business Consortium to preside at  
5846 meetings of the consortium board and to bring to the attention of  
5847 the board the changing and evolving problems and needs of  
5848 Mississippi small businesses; the need for addition, modification,  
5849 or deletion of particular services; the existence of duplication



5850 of effort; the need for coordination; and any other situations  
5851 relative to the effective delivery of state-supported services to  
5852 small businesses of the state.

5853 (2) The coordinator shall be required to maintain current  
5854 descriptions of and familiarity with the technical service  
5855 programs provided by the consortium members to small businesses.  
5856 These programs include but are not limited to: providing direct  
5857 counseling assistance to business people in the areas of  
5858 management, marketing, finance, and production as it relates to  
5859 establishing a new or operating an existing small business in the  
5860 state; providing business data and information necessary to make  
5861 informed management decisions; and conducting training seminars  
5862 and workshops on topics vital to the small business community of  
5863 the state. The coordinator shall advise the consortium board of  
5864 the need for addition, modification or deletion of particular  
5865 services; the existence of duplication of effort; and the need for  
5866 coordination. It shall be the responsibility of the consortium  
5867 board to implement such changes in technical assistance programs  
5868 as it deems necessary to comply with the intent of this article.

5869 (3) The coordinator shall be selected by a two-thirds (2/3)  
5870 majority vote of the consortium board and shall serve at the will  
5871 and pleasure of the consortium board. The coordinator shall be a  
5872 full-time staff member of one (1) of the consortium agencies or  
5873 institutions or of the Small Business Administration, and shall be



5874 located in Jackson, Mississippi. The coordinator may from time to  
5875 time call special meetings of the consortium board as needed.

5876 **SECTION 212.** Section 57-10-165, Mississippi Code of 1972, is  
5877 amended as follows:

5878 57-10-165. There is hereby created a unit within the  
5879 consortium to be known as the Small Business Clearinghouse which  
5880 shall provide a single contact point for the state's small  
5881 businesses seeking assistance, make them aware of programs  
5882 available to them, and direct them to the appropriate delivering  
5883 organization.

5884 The Small Business Clearinghouse shall be part of the  
5885 Mississippi \* \* \* Development Authority, and the Executive  
5886 Director of the Mississippi \* \* \* Development Authority shall be  
5887 authorized to employ a full-time staff member and to expend such  
5888 funds as necessary to effectively implement the duties assigned  
5889 this unit.

5890 In order to ensure that the general small business public is  
5891 informed of this single contact point for gaining access to  
5892 state-supported services, the Small Business Clearinghouse shall  
5893 establish and maintain an outreach program.

5894 **SECTION 213.** Section 57-10-167, Mississippi Code of 1972, is  
5895 brought forward as follows:

5896 57-10-167. There is hereby established the Certified  
5897 Development Company of Mississippi, a public corporation, which  
5898 shall be an incorporated certified development company pursuant to



5899 Section 503 of the Small Business Investment Act of 1958, as  
5900 amended.

5901 The Certified Development Company of Mississippi, Inc.,  
5902 hereinafter referred to as the "committee" unless the context  
5903 clearly indicates otherwise, shall be composed of twenty-five (25)  
5904 members as follows:

5905 (a) The State Treasurer; the Executive Director of the  
5906 University Research Center or his designee; the Executive Director  
5907 of the Mississippi Development Authority; the Executive Director  
5908 of the Small Business Development Center; six (6) persons  
5909 associated with small business to be appointed by the Governor,  
5910 one (1) for a term of one (1) year, one (1) for a term of two (2)  
5911 years, one (1) for a term of three (3) years, one (1) for a term  
5912 of four (4) years, one (1) for a term of five (5) years and one  
5913 (1) for a term of six (6) years; three (3) persons associated with  
5914 small business to be appointed by the Lieutenant Governor, one (1)  
5915 for a term of one (1) year, one (1) for a term of two (2) years  
5916 and one (1) for a term of three (3) years; five (5) persons  
5917 involved in banking or small business to be appointed by the  
5918 Governor, one (1) for a term of one (1) year, one (1) for a term  
5919 of two (2) years, one (1) for a term of three (3) years, one (1)  
5920 for a term of four (4) years and one (1) for a term of five (5)  
5921 years; and two (2) persons involved in banking or small business  
5922 to be appointed by the Lieutenant Governor, one (1) for a term of  
5923 one (1) year and one (1) for a term of two (2) years. The members



5924 described above and serving on the committee on June 30, 1984,  
5925 shall continue to serve on the committee until the expiration of  
5926 their terms.

5927 (b) For terms to begin on July 1, 1984, the Governor  
5928 shall appoint one (1) person associated with small business for a  
5929 term of six (6) years; the Secretary of State shall appoint one  
5930 (1) person associated with small business for a term of one (1)  
5931 year; the Attorney General shall appoint one (1) person involved  
5932 in banking or small business for a term of six (6) years; and the  
5933 State Treasurer shall appoint two (2) persons, one (1) for a term  
5934 of one (1) year and one (1) for a term of two (2) years, and after  
5935 the expiration of the term of the person appointed hereinabove by  
5936 the Attorney General, that vacancy shall be filled thereafter by a  
5937 person involved in banking or small business appointed by the  
5938 State Treasurer for a term of six (6) years.

5939 All appointments after the initial appointment shall be for  
5940 terms of six (6) years each. All such appointments will be  
5941 subject to the approval of the Senate. An appointment to fill a  
5942 vacancy existing for any reason other than the expiration of a  
5943 term shall be for the balance of the unexpired term. Members  
5944 serving by reason of their ex officio designation shall continue  
5945 to serve as long as they occupy the position which entitles them  
5946 to membership.

5947 Members who are officers or employees of the state shall  
5948 receive no compensation for their services, and other committee



5949 members shall receive a per diem as provided in Section 25-3-69,  
5950 Mississippi Code of 1972. All members shall receive reimbursement  
5951 for actual traveling and subsistence expenses incurred in the  
5952 performance of their duties under this article, such reimbursement  
5953 to be as provided in Section 25-3-41, Mississippi Code of 1972.

5954 The Certified Development Company of Mississippi, Inc., shall  
5955 have an executive director who shall be appointed by the board of  
5956 directors.

5957 The Certified Development Company of Mississippi, Inc., shall  
5958 elect from among its membership a nine-member board of directors,  
5959 a majority of whom shall be a quorum, a president and vice  
5960 president and may appoint a secretary and a treasurer.

5961 From and after July 1, 1989, the Certified Development  
5962 Company of Mississippi, Inc., shall be known as the Mississippi  
5963 Business Finance Corporation, and wherever the term "Certified  
5964 Development Company of Mississippi, Inc.," appears in the laws of  
5965 this state it shall mean the Mississippi Business Finance  
5966 Corporation.

5967 **SECTION 214.** Section 57-10-169, Mississippi Code of 1972, is  
5968 amended as follows:

5969 57-10-169. From and after July 1, 1983, the  
5970 Mississippi \* \* \* Development Authority and the Small  
5971 Businessman's Loan Committee shall be abolished and the powers,  
5972 duties and authority granted the Mississippi \* \* \* Development  
5973 Authority and the Small Businessman's Loan Committee pursuant to





5974 Articles 1 and 3, Chapter 10, Title 57, Mississippi Code of 1972,  
5975 shall at that time be transferred to the \* \* \* Mississippi  
5976 Business Finance Corporation.

5977         **SECTION 215.** Section 57-10-201, Mississippi Code of 1972, is  
5978 brought forward as follows:

5979             57-10-201. This article shall be known and may be cited as  
5980 the "Mississippi Business Financing Act."

5981         **SECTION 216.** Section 57-10-203, Mississippi Code of 1972, is  
5982 brought forward as follows:

5983             57-10-203. The Legislature finds and determines that there  
5984 exists in the state a need to assist business in the state in  
5985 obtaining financing for new business or in the expansion of  
5986 existing business in order to promote and develop industrial  
5987 development and to further the long-term economic development of  
5988 the state through the improvement of its tax base and the  
5989 promotion of employment. The Legislature finds and determines  
5990 that it is necessary to provide financial assistance to business  
5991 in the state by providing loans, guarantees, insurance and other  
5992 assistance to business, thereby encouraging the investment of  
5993 private capital in business in the state. To assist in such  
5994 matters is essential to the industrial development of the state.  
5995 In making these determinations, the Legislature has considered and  
5996 affirmatively expresses its policy to assist businesses,  
5997 acknowledging that this determination has and will affect  
5998 competition.



5999           It is hereby further declared that all of the foregoing are  
6000 public purposes and will serve a public purpose in that they will  
6001 promote industry, develop trade and increase employment  
6002 opportunities for the benefit of the inhabitants of the state,  
6003 either through the increase of commerce or through the promotion  
6004 of safety, health, welfare, convenience or prosperity; and that  
6005 the necessity of enacting the provisions herein set forth is in  
6006 the public interest and is hereby so declared as a matter of  
6007 express legislative determination.

6008           **SECTION 217.** Section 57-10-205, Mississippi Code of 1972, is  
6009 amended as follows:

6010           57-10-205. As used in this article, unless the context  
6011 otherwise requires:

6012           "Bonds" shall mean any bonds, refunding bonds, notes,  
6013 debentures, interim certificates or any bond, grant, revenue  
6014 anticipation notes or any other evidences of indebtedness of the  
6015 company, whether in temporary or definitive form and whether or  
6016 not exempt from federal taxation.

6017           "Company" shall mean the Mississippi Business Finance  
6018 Corporation, formerly the Certified Development Company of  
6019 Mississippi, Inc., created in Section 57-10-167, Mississippi Code  
6020 of 1972.

6021           "Cost," as applied to the eligible business, shall mean and  
6022 shall include, without limitation because of enumeration, the cost  
6023 of construction; the cost of acquisition of all lands, structures,



6024 rights-of-way, franchises, easements and other property rights and  
6025 interests; the cost of demolishing, removing, rehabilitating or  
6026 relocating any buildings or structures on lands acquired,  
6027 including the cost of acquiring any such lands to which such  
6028 buildings or structures may be moved, rehabilitated or relocated;  
6029 the cost of all labor, materials, machinery and equipment,  
6030 financing charges, letter of credit or other credit enhancement  
6031 fees, insurance premiums, interest on all bonds prior to and  
6032 during construction or acquisition and for a period not exceeding  
6033 one (1) year after completion of such construction or acquisition;  
6034 cost of engineering, financial and legal services, plans,  
6035 specifications, studies, surveys, estimates of cost and of  
6036 revenues, commissions, guaranty fees, other expenses necessary or  
6037 incident to determining the feasibility or practicality of  
6038 constructing, financing or operating a project of an eligible  
6039 business; administrative expenses, provisions for working capital,  
6040 reserves for interest and for extensions, enlargements, additions,  
6041 improvements and replacements, and such other expenses as may be  
6042 necessary or incidental to the construction or acquisition of a  
6043 project of an eligible business or the financing of such  
6044 construction, acquisition or expansion and the placing of a  
6045 project of an eligible business in operation. Any obligation or  
6046 expense incurred by the state or any agency thereof, with the  
6047 approval of the company, for studies, surveys, borings,  
6048 preparation of plans and specifications or other work or materials



6049 in connection with the construction or acquisition of a project of  
6050 an eligible business may be regarded as a part of the cost of a  
6051 project of an eligible business and may be reimbursed to the state  
6052 or any agency thereof out of the proceeds of the bonds issued  
6053 therefor. The construction of railroad spur tracks shall be a  
6054 cost of an eligible business for which financial assistance is  
6055 available under this article; and such assistance may be provided  
6056 to an existing eligible business whether or not the construction  
6057 of such spur tracks is related to an expansion of such eligible  
6058 business.

6059 "Eligible business" shall mean any person engaged in one or  
6060 more business enterprises in the state who meets requirements the  
6061 company shall determine from time to time if the company finds and  
6062 determines such person is in need of its assistance.

6063 "Indenture" shall mean any trust agreement, deed of trust,  
6064 mortgage or other security agreement under which bonds authorized  
6065 pursuant to this article shall be issued or secured.

6066 "Lender" shall mean any federally or state chartered bank,  
6067 federal land bank, production credit association, bank for  
6068 cooperatives, state or federally chartered savings and loan  
6069 association, building and loan association, small business  
6070 investment company or any other financial institution qualified  
6071 within the state to originate and service loans, including, but  
6072 not limited to, insurance companies, credit unions, investment  
6073 banking or brokerage companies and mortgage loan companies.



6074 "Loan" shall mean any lease, loan agreement or sales contract  
6075 as hereinafter defined:

6076 (a) "Lease" shall mean any lease containing an option  
6077 to purchase the project or projects of the eligible business being  
6078 financed for a nominal sum upon payment in full, or provision  
6079 thereof, of all bonds issued in connection with the eligible  
6080 business and all interest thereon and principal of and premium, if  
6081 any, thereon and all other expenses in connection therewith.

6082 (b) "Loan agreement" shall mean an agreement providing  
6083 for a loan of proceeds from the sale and issuance of bonds by the  
6084 company or by a lender with which the company has contracted to  
6085 loan such proceeds to one or more contracting parties to be used  
6086 to pay the cost of one or more projects of an eligible business  
6087 and providing for the repayment of such loan, including, but not  
6088 limited to, all interest thereon, and principal of and premium, if  
6089 any, thereon and all other expenses in connection therewith, by  
6090 such contracting party or parties and which may provide for such  
6091 loans to be secured or evidenced by one or more notes, debentures,  
6092 bonds or other secured or unsecured debt obligations of such  
6093 contracting party or parties, delivered to the company or to a  
6094 trustee under an indenture pursuant to which the bonds were  
6095 issued.

6096 (c) "Sales contract" shall mean a contract providing  
6097 for the sale of one or more projects of an eligible business to  
6098 one or more contracting parties and includes, but is not limited



6099 to, a contract providing for payment of the purchase price,  
6100 including, but not limited to, all interest thereon, and principal  
6101 of and premium, if any, thereon and all other expenses in  
6102 connection therewith, in one or more installments. If the sales  
6103 contract permits title to a project being sold to an eligible  
6104 business to pass to such contracting party or parties prior to  
6105 payment in full of the entire purchase price, it also shall  
6106 provide for such contracting party or parties to deliver to the  
6107 company, or to the trustee under the indenture pursuant to which  
6108 the bonds were issued, one or more notes, debentures, bonds or  
6109 other secured or unsecured debt obligations of such contracting  
6110 party or parties providing for timely payments of the purchase  
6111 price thereof.

6112 "Municipality" shall mean any county or incorporated  
6113 municipality in the state.

6114 "Person" shall mean a natural person, partnership,  
6115 association, corporation, business trust or other business entity.

6116 "Revenue Code" shall mean the Internal Revenue Code of 1986,  
6117 as amended.

6118 "Revenues" shall mean any and all fees, rates, rentals,  
6119 profits and receipts collected by, payable to, or otherwise  
6120 derived by, the company, and all other moneys and income of  
6121 whatsoever kind or character collected by, payable to, or  
6122 otherwise derived by, the company in connection with loans to any  
6123 eligible business in furtherance of the purposes of this article.



6124 "Business enterprise" shall mean (a) any industry for the  
6125 manufacturing, processing, assembling, storing, warehousing,  
6126 servicing, distributing or selling of any products of agriculture,  
6127 mining or industry or professional services; (b) any commercial  
6128 enterprise; (c) enterprises for research and development,  
6129 including, but not limited to, scientific laboratories; (d) any  
6130 conference center, or any final destination or resort hotel having  
6131 a minimum of one hundred fifty (150) rooms, or any combination of  
6132 the foregoing; (e) any theme park or movie industry production  
6133 studio, or any combination thereof, which would employ a minimum  
6134 of two hundred (200) net full-time employees; or (f) such other  
6135 businesses as will be in furtherance of the public purposes of  
6136 this article as determined by the company.

6137 "State" shall mean the State of Mississippi.

6138 "Umbrella bonds" shall mean the bonds issued pursuant to  
6139 Section 57-10-213 of this article.

6140 **SECTION 218.** Section 57-10-207, Mississippi Code of 1972, is  
6141 brought forward as follows:

6142 57-10-207. In addition to those powers granted elsewhere by  
6143 law, the board of directors of the company is hereby granted all  
6144 powers necessary or appropriate to carry out and effectuate the  
6145 purposes of this article, including, but not limited to, the  
6146 following powers to:

6147 (a) Borrow money and issue bonds as provided by this  
6148 article;



6149           (b) Procure insurance or guarantees from any public or  
6150 private entities, including any department, agency or  
6151 instrumentality of the United States of America, or, subject to  
6152 the provisions of and to the extent monies are available in the  
6153 fund created by Section 57-10-215, insure or guarantee the payment  
6154 of any bonds issued by the company, including the power to pay  
6155 premiums on any such insurance or guarantees or other instruments  
6156 of indebtedness;

6157           (c) Receive and accept from any source aid or  
6158 contributions of money, property, labor or other things of value  
6159 to be held, used and applied to carry out the purposes of this  
6160 article (subject, however, to any conditions upon which grants or  
6161 contributions are made) including, but not limited to, gifts or  
6162 grants from any department, agency or instrumentality of the  
6163 United States of America;

6164           (d) Enter into agreements with any department, agency  
6165 or instrumentality of the United States of America or of the state  
6166 and with lenders and enter into loans with contracting parties for  
6167 the purpose of planning, regulating and providing for the  
6168 financing or assisting in the financing of any eligible business  
6169 or any project thereof;

6170           (e) Enter into contracts or agreements with lenders for  
6171 the servicing and/or processing of loans;

6172           (f) Provide technical assistance to local industrial  
6173 development authorities and to profit and nonprofit entities in





6174 the development or operation by, or assistance to, persons engaged  
6175 in business enterprises and distribute data and information  
6176 concerning the encouragement and improvement of business  
6177 enterprises in the state;

6178 (g) To the extent permitted in the proceedings pursuant  
6179 to which the bonds of the company are issued, consent to any  
6180 modification with respect to the rate of interest, time for, and  
6181 payment of, any installment of principal or interest, or any other  
6182 term of any contract, loan, sales contract, lease, indenture or  
6183 agreement of any kind to which the company is a party;

6184 (h) To the extent permitted in the proceedings pursuant  
6185 to which the bonds of the company are issued, enter into contracts  
6186 with any lender containing provisions authorizing the lender to  
6187 reduce the charges or fees, exclusive of loan payments, to persons  
6188 unable to pay the regular schedule thereof when, by reason of  
6189 other income or payment by any department, agency or  
6190 instrumentality of the United States of America or the state, the  
6191 reduction can be made without jeopardizing the economic stability  
6192 of the eligible business being financed;

6193 (i) Allocate any of its property to the insurance or  
6194 guaranty fund established by Section 57-10-215 or to any other  
6195 fund of the company, such property consisting of:

6196 (i) Monies appropriated by the state;



6197 (ii) Premiums, fees and any other amounts received  
6198 by the company with respect to financial assistance provided by  
6199 the company;

6200 (iii) Proceeds as designated by the company from  
6201 the loan or other disposition of property held or acquired by the  
6202 company;

6203 (iv) Income from investments that were made by the  
6204 company or on the behalf of the company from monies in one or more  
6205 of its funds; or

6206 (v) Any other monies made available to the company  
6207 consistent with this article;

6208 (j) Use any fund or funds of the company for any and  
6209 all expenses to be paid by the company including, by way of  
6210 example, but not by limitation: (i) any and all expenses for  
6211 employment of administrative and clerical staff, legal, actuarial  
6212 and other services; (ii) all costs, charges, fees and expenses of  
6213 the company relating to the authorizing, preparing, printing,  
6214 selling, issuing and insuring of bonds and the funding of  
6215 reserves; and (iii) all expenses and costs relating to the  
6216 guaranteeing, insuring or procurement of guarantees, insurance or  
6217 other instruments providing credit or the enhancement of credit  
6218 for the bonds;

6219 (k) Collect fees and charges, as the company determines  
6220 to be reasonable, in connection with its loans, insurance,  
6221 guarantees, commitments and servicing thereof;



6222 (l) Sell, at public or private sale, with or without  
6223 public bidding, any obligation held by the company under this  
6224 article;

6225 (m) Invest any funds not needed for immediate  
6226 disbursement, including any funds held in reserve, in any  
6227 obligations or securities which may be legally purchased by  
6228 political subdivisions in the state or as may be otherwise  
6229 permitted by Section 57-10-251; and

6230 (n) Take any action necessary or convenient for the  
6231 exercise of the powers granted by this article or reasonably  
6232 implied from them.

6233 **SECTION 219.** Section 57-10-209, Mississippi Code of 1972, is  
6234 amended as follows:

6235 57-10-209. Upon receipt of a certificate of public  
6236 convenience and necessity from the Executive Director of the  
6237 Mississippi \* \* \* Development Authority, the company shall have  
6238 the power to borrow money and to issue from time to time its bonds  
6239 to pay the cost of the projects for which such bonds have been  
6240 issued, including, but not limited to, the power to issue from  
6241 time to time bonds to renew or to pay bonds, including the  
6242 interest thereon. Whenever bonds can be refunded to obtain  
6243 interest rates on refunding bonds which are lower than the  
6244 interest rates on the bonds to be refunded it shall have the power  
6245 to refund any bonds by the issuance of new bonds, whether the  
6246 bonds to be refunded have or have not matured, and to issue bonds



6247 partly to refund outstanding bonds. Refunding bonds may be sold  
6248 and the proceeds applied to the purchase, redemption or payment of  
6249 the bonds to be refunded, or exchanged for the bonds to be  
6250 refunded. The company may undertake the financing of the cost of  
6251 a project for an eligible business from the proceeds of its bonds  
6252 by one or more of the following methods: (a) entering into a  
6253 lease for the facilities of the eligible business being financed;  
6254 (b) selling such facilities to the eligible business under a sales  
6255 contract; (c) lending the proceeds of the sale of the bonds under  
6256 a loan agreement with the eligible business; (d) entering into a  
6257 loan to lenders transaction in the manner described in Section  
6258 57-10-227; or (e) entering into such other transaction or  
6259 transactions as the company deems appropriate to accomplish the  
6260 purposes of this article.

6261 **SECTION 220.** Section 57-10-211, Mississippi Code of 1972, is  
6262 brought forward as follows:

6263 57-10-211. In addition to and not as a limitation upon the  
6264 powers to issue bonds as elsewhere expressed in this article, the  
6265 company may, with proceeds of an issue of its bonds, participate  
6266 with lenders in making or purchasing loans to eligible businesses  
6267 to be serviced by such lenders, provided that:

6268 (a) The share of the company shall not exceed ninety  
6269 percent (90%) of the total principal amount of any such loan, and  
6270 such participation shall be payable with interest at the same  
6271 times, but not necessarily at the same interest rate, as the share



6272 of the lender, and both shares shall be equally and ratably  
6273 secured by a valid mortgage on, or security interest in, real or  
6274 personal property or by any other security satisfactory to the  
6275 company to secure payment of the loan; however, the company's  
6276 share of any such loan may equal one hundred percent (100%) of the  
6277 total principal amount of the business loan if the lender  
6278 participating in the making or purchasing of such business loan by  
6279 servicing the loan, purchased one hundred percent (100%) of the  
6280 total amount of the bonds issued by the company in connection with  
6281 or allocable to such business loan;

6282 (b) The total principal amount of the company's share  
6283 shall not exceed ninety percent (90%) of the value of the property  
6284 securing the business loan, unless the amount in excess of ninety  
6285 percent (90%) is:

6286 (i) Loaned from available funds which are not  
6287 proceeds received directly from the sale of the company's bonds  
6288 and are not restricted under the terms of the resolution  
6289 authorizing, or the indenture securing, such bonds; or

6290 (ii) Insured or guaranteed by a federal agency or  
6291 by a private insurer qualified to write such insurance in the  
6292 state, insuring a percentage of any claim for loss at least equal  
6293 to that percentage of the value by which the business loan exceeds  
6294 ninety percent (90%) thereof;

6295 (c) The value of the property securing the business  
6296 loan is certified by the participating lender, on the basis of



6297 such appraisals, bids, purchase orders and engineers' certificates  
6298 as the company may require; provided that the value of items  
6299 purchased and constructed from the proceeds of the business loan  
6300 shall not be deemed, for purposes of this section, to exceed the  
6301 contract price in respect of purchase or construction;

6302 (d) The company shall not disburse funds under a  
6303 commitment to participate in a business loan for the construction  
6304 or substantial improvement of property until the construction or  
6305 improvement has been completed, unless a lender furnishes an  
6306 irrevocable letter of credit or a qualified corporate surety  
6307 furnishes payment and performance bonds, in either event  
6308 satisfactory to the company and in an aggregate amount equal to  
6309 the cost of such construction or improvement;

6310 (e) No other indebtedness may be secured by a mortgage  
6311 on, or security interest in, property securing a business loan  
6312 made or purchased pursuant to this section without the prior  
6313 express written authorization of the company; and

6314 (f) The participating lender agrees to use the proceeds  
6315 of the business loan to lend to eligible businesses in the state.

6316 **SECTION 221.** Section 57-10-213, Mississippi Code of 1972, is  
6317 amended as follows:

6318 57-10-213. In addition to, and not as a limitation upon, the  
6319 powers of the company to issue bonds as elsewhere conferred in  
6320 this article, and upon the receipt of a certificate of public  
6321 convenience and necessity from the Executive Director of the



6322 Mississippi \* \* \* Development Authority, the company also shall  
6323 have the power to issue bonds, the proceeds of which, after  
6324 payment of the costs of issuance thereof, will be used to make  
6325 loans to finance or refinance the projects of eligible businesses.  
6326 The company shall promulgate such rules and regulations as may be  
6327 necessary to carry out the purposes of this section and to provide  
6328 procedures for the making of such loans and the repayment thereof.

6329         **SECTION 222.** Section 57-10-215, Mississippi Code of 1972, is  
6330 brought forward as follows:

6331         57-10-215. There is hereby created an insurance or guaranty  
6332 fund of the company which may be used for any of the following  
6333 purposes:

6334             (a) To insure the payment or repayment of all or any  
6335 part of the principal of, redemption or prepayment premiums or  
6336 penalties on, and interest on its bonds;

6337             (b) To insure the payment or repayment of all or any  
6338 part of the principal of, redemption or prepayment premiums or  
6339 penalties on, and interest on any instrument executed, obtained or  
6340 delivered in connection with the issuance and sale of its bonds;  
6341 and

6342             (c) To pay or insure the payment of any fees or  
6343 premiums necessary to obtain insurance, guarantees or other  
6344 instruments or enhancement of credit for or support from any  
6345 person in connection with financing assistance provided by the



6346 company under this article including but not limited to working  
6347 capital loans made by a lender.

6348         **SECTION 223.** Section 57-10-217, Mississippi Code of 1972, is  
6349 brought forward as follows:

6350             57-10-217. The bonds or instruments with respect to which  
6351 financial assistance is provided by the company shall be secured  
6352 or unsecured in a manner approved by the company.

6353         **SECTION 224.** Section 57-10-219, Mississippi Code of 1972, is  
6354 brought forward as follows:

6355             57-10-219. The company may, in its discretion, set the  
6356 premiums and fees to be paid to it for providing financial  
6357 assistance under this article. The premiums and fees and expenses  
6358 set by the company shall be payable in the amounts, at the time  
6359 and in the manner that the company, in its discretion, requires.  
6360 The premiums and fees need not be uniform among transactions and  
6361 may vary in amount among transactions and at different stages  
6362 during the terms of the transactions.

6363         **SECTION 225.** Section 57-10-221, Mississippi Code of 1972, is  
6364 brought forward as follows:

6365             57-10-221. Bonds issued pursuant to the provisions of this  
6366 article shall not constitute an indebtedness within the meaning of  
6367 any debt limitation or restriction.

6368         **SECTION 226.** Section 57-10-223, Mississippi Code of 1972, is  
6369 brought forward as follows:





6370           57-10-223. Whenever federal law requires public hearings and  
6371 public approval as a prerequisite to obtaining federal tax  
6372 exemption for the interest paid on industrial development bonds  
6373 under Section 141 of the Revenue Code, unless otherwise specified  
6374 by federal law or regulation, the public hearing for industrial  
6375 development bonds of the company shall be conducted by the company  
6376 and the procedure for the public hearing and public approvals  
6377 shall be as follows:

6378                   (a) For a public hearing by the company;

6379                           (i) Notice of the hearing shall be published at  
6380 least once in a newspaper published or having general circulation  
6381 in the municipality in which the facility to be financed is to be  
6382 located, or having general circulation in the state, of intention  
6383 to provide financing for a named applicant. The applicant shall  
6384 pay the cost of notification. The notice shall specify the time  
6385 and place of hearing at which persons may appear and present their  
6386 views. The hearing shall be held not less than fourteen (14) days  
6387 after the notice shall appear in such newspaper. The hearing may  
6388 be held at any place within the state determined by the company;

6389                           (ii) The notice shall contain (A) the name and  
6390 address of the company; (B) the name and address of the principal  
6391 place of business, if any, of the applicant seeking financing; (C)  
6392 the maximum dollar amount of financing sought; and (D) the type of  
6393 business and purpose and specific location of the facility to be  
6394 financed.



6395 (b) For public approval, the Governor or State  
6396 Treasurer is appointed by this article as the applicable elected  
6397 representative within the meaning of Section 147(f) of the Revenue  
6398 Code.

6399 **SECTION 227.** Section 57-10-225, Mississippi Code of 1972, is  
6400 brought forward as follows:

6401 57-10-225. The company may make, and undertake commitments  
6402 to make, loans to lenders under terms and conditions requiring the  
6403 proceeds thereof to be used by such lenders to make loans to  
6404 eligible businesses. Loan commitments or actual loans may be  
6405 originated through and serviced by any such lender. As a  
6406 condition to a lender's participating in such loan, such lender  
6407 shall agree to use the proceeds of such loan within a reasonable  
6408 period of time to make loans or purchase loans to provide eligible  
6409 businesses, or finance the projects of eligible businesses, in the  
6410 state or, if such lender has made a commitment to make loans to  
6411 provide eligible businesses on the basis of a commitment from the  
6412 company to purchase such loans, such lender will make such loans  
6413 within a reasonable period of time.

6414 **SECTION 228.** Section 57-10-227, Mississippi Code of 1972, is  
6415 brought forward as follows:

6416 57-10-227. The company may invest in, purchase or make  
6417 commitments to invest in or purchase, and take assignments or make  
6418 commitments to take assignments, of loans made by lenders for the



6419 acquisition, construction, rehabilitation, expansion or purchase  
6420 of a project or projects for eligible business.

6421 **SECTION 229.** Section 57-10-229, Mississippi Code of 1972, is  
6422 brought forward as follows:

6423 57-10-229. Prior to carrying out the powers granted under  
6424 Sections 57-10-225 and 57-10-227, the company shall promulgate  
6425 rules and regulations governing its activities authorized  
6426 thereunder, including but not limited to rules and regulations  
6427 relating to the following:

6428 (a) Procedures for the submission of requests or  
6429 invitations and proposals for making loans to lenders and the  
6430 investment in, purchase, assignment and sale of loans;

6431 (b) The reinvestment by a lender of the proceeds, or an  
6432 equivalent amount, from any loan to a lender in loans to provide  
6433 financing for eligible business in the state;

6434 (c) Assurances that the eligible business to be  
6435 financed will improve employment conditions or otherwise improve  
6436 industrial development in the state;

6437 (d) Rates, fees, charges and other terms and conditions  
6438 for originating or servicing loans in order to protect against  
6439 realization of an excessive financial return or benefit by the  
6440 originator or servicer;

6441 (e) The type and amount of collateral or security to be  
6442 provided to assure repayment of loans to lenders made by the  
6443 company;



6444 (f) The type of collateral, payment bonds, performance  
6445 bonds or other security to be provided for any loans made by a  
6446 lender for construction loans;

6447 (g) The nature and amount of fees to be charged by the  
6448 company to provide for expenses and reserves of the company;

6449 (h) Standards and requirements for the allocation of  
6450 available money among lenders and the determination of the  
6451 maturities, terms, conditions and interest rates for loans made,  
6452 purchased, sold, assigned or committed pursuant hereto;

6453 (i) Commitment requirements for financing by lenders  
6454 involving money provided, directly or indirectly, by the company;  
6455 or

6456 (j) Any other appropriate matters related to the duties  
6457 or exercise of the company's powers hereunder.

6458 **SECTION 230.** Section 57-10-231, Mississippi Code of 1972, is  
6459 brought forward as follows:

6460 57-10-231. Except as may otherwise be expressly provided by  
6461 the company in proceedings relating to a particular issue of  
6462 bonds, every issue of its bonds shall be payable solely out of any  
6463 revenues of the company. The bonds additionally may be secured by  
6464 a pledge of any grant, contribution or guarantee from the federal  
6465 government or any person or a pledge by the company of any  
6466 revenues from any source.

6467 **SECTION 231.** Section 57-10-233, Mississippi Code of 1972, is  
6468 brought forward as follows:



6469           57-10-233. No bonds issued by the company under this article  
6470 shall constitute a debt, liability or general obligation of the  
6471 state or any political subdivision thereof (other than the  
6472 company), or a pledge of the faith and credit of the state or any  
6473 political subdivision thereof (other than the company), but shall  
6474 be payable solely as provided by the company. No member or  
6475 officer of the board of directors of the company nor any person  
6476 executing the bonds shall be liable personally on the bonds by  
6477 reason of the issuance thereof. Each bond issued under this  
6478 article shall contain on the face thereof a statement that neither  
6479 the state, nor any other political subdivision thereof, shall be  
6480 obligated to pay the same or the interest thereon or other costs  
6481 incident thereto except from the revenue or money pledged by the  
6482 company and that neither the faith and credit nor the taxing power  
6483 of the state or any political subdivision thereof is pledged to  
6484 the payment of the principal of, or the interest on, such bond.

6485           **SECTION 232.** Section 57-10-235, Mississippi Code of 1972, is  
6486 brought forward as follows:

6487           57-10-235. (1) The bonds shall be authorized by a  
6488 resolution of the company, shall bear such date or dates, and  
6489 shall mature at such time or times as such resolution may provide,  
6490 except that no bond shall mature more than thirty (30) years from  
6491 the date of issue. Bonds which are not subject to taxation shall  
6492 bear interest at such rate or rates, be in such denominations, be  
6493 in such form, carry such registration privileges, be executed in



6494 such manner, be payable in such medium of payment, at such place  
6495 or places, and be subject to such terms of redemption, including  
6496 redemption prior to maturity, as such resolution may provide.  
6497 Except as expressly provided otherwise in this article, the  
6498 provisions of other laws of the state relating to the issuance of  
6499 revenue bonds shall not apply to bonds issued by the company. As  
6500 to bonds issued hereunder and designated as taxable bonds by the  
6501 company, any immunity to taxation by the United States government  
6502 of interest on such bonds or notes is hereby waived. Bonds of the  
6503 company may be sold by the company at public or private sale, from  
6504 time to time, and at such price or prices as the company shall  
6505 determine.

6506           (2) (a) The company shall make available from the proceeds  
6507 of bonds issued the amount of One Million Dollars (\$1,000,000.00)  
6508 to every certified development company created by a planning and  
6509 development district in this state, which monies shall be used by  
6510 such certified development companies to assist businesses within  
6511 the planning and development districts in a manner consistent with  
6512 the provisions of this chapter and with the provisions of the  
6513 federal act.

6514           (b) The company shall promulgate rules and regulations  
6515 governing the activities authorized herein, including, but not  
6516 limited to:

6517                   (i) Procedures for the submission of requests or  
6518 proposals by the certified development companies;



- 6519                   (ii) The reinvestment by the certified development  
6520 companies of bond proceeds;
- 6521                   (iii) Assurance that the eligible business to be  
6522 financed will improve employment or otherwise improve industrial  
6523 development in the state;
- 6524                   (iv) Rates, fees, charges and other terms and  
6525 conditions of loans between the certified development companies  
6526 and the borrowers;
- 6527                   (v) The type and amount of collateral or security  
6528 to be provided to assure repayment of bond proceeds and interest;
- 6529                   (vi) Standards and requirements for the allocation  
6530 of available money among the certified development companies; and
- 6531                   (vii) Any other appropriate matters related to the  
6532 duties or exercise of the company's power hereunder.

6533           **SECTION 233.** Section 57-10-237, Mississippi Code of 1972, is  
6534 brought forward as follows:

6535           57-10-237. Any resolution authorizing the issuance of bonds  
6536 may contain provisions as to:

- 6537                   (a) Pledging all or any part of the revenues of the  
6538 company to secure the payment of the bonds subject to the terms of  
6539 the proceedings relating to other bonds of the company as may then  
6540 exist;
- 6541                   (b) Pledging all or any part of the assets of the  
6542 company, including loans and obligations securing the same, to  
6543 secure the payment of the bonds, subject to the terms of the



6544 proceedings relating to other bonds of the company as may then  
6545 exist;

6546 (c) The use and disposition of the gross income from  
6547 loans owned by the company and payment of the principal of loans  
6548 owned by the company;

6549 (d) The setting aside of reserves or sinking funds and  
6550 the regulations and disposition thereof;

6551 (e) Limitations on the purposes to which the proceeds  
6552 from the sale of bonds may be applied and pledging the proceeds to  
6553 secure the payment of the bonds;

6554 (f) Limitations on the issuance of additional bonds,  
6555 the terms upon which additional bonds may be issued and secured,  
6556 and the refunding of outstanding or other bonds;

6557 (g) The procedure, if any, by which the terms of any of  
6558 the proceedings under which the bonds are being issued may be  
6559 amended or abrogated, the number or percentage of bondholders who  
6560 or which must consent thereto, and the manner in which the consent  
6561 may be given;

6562 (h) The vesting in a trustee or trustees of such  
6563 property, rights, powers and duties in trust as the company may  
6564 determine, and limiting or abrogating the right of bondholders to  
6565 appoint a trustee or limiting the rights, powers and duties of the  
6566 trustee;

6567 (i) Defining the act or omissions to act which shall  
6568 constitute a default and the obligations or duties of the company





6569 to the holders of the bonds, and providing for the rights and  
6570 remedies of the holders of the bonds in the event of default,  
6571 which rights and remedies may include the general laws of the  
6572 state and other provisions of this article; or

6573 (j) Any other matter, of like or different character,  
6574 which in any way affects the security or protection of the holders  
6575 of the bonds.

6576 **SECTION 234.** Section 57-10-239, Mississippi Code of 1972, is  
6577 brought forward as follows:

6578 57-10-239. Any pledge made by the company shall be valid and  
6579 binding from the time when the pledge was made. The revenues or  
6580 properties so pledged and thereafter received by the company shall  
6581 immediately be subject to the lien of such pledge without any  
6582 physical delivery thereof or further act, and the lien of any such  
6583 pledge shall be valid and binding as against all parties having  
6584 claims of any kind in tort, contract or otherwise against the  
6585 company, irrespective of whether the parties have notice thereof.  
6586 Neither the resolution nor any other instrument by which a pledge  
6587 is created need be recorded.

6588 **SECTION 235.** Section 57-10-241, Mississippi Code of 1972, is  
6589 brought forward as follows:

6590 57-10-241. The company, subject to the provisions in  
6591 proceedings relating to outstanding bonds as may then exist, may  
6592 purchase bonds out of any funds available therefor, which shall  
6593 thereupon be cancelled, at any reasonable price which, if the



6594 bonds are then redeemable, shall not exceed the redemption price  
6595 (and premium, if any) then applicable plus accrued interest to the  
6596 redemption date thereof.

6597         **SECTION 236.** Section 57-10-243, Mississippi Code of 1972, is  
6598 brought forward as follows:

6599             57-10-243. The bonds may be secured by an indenture by and  
6600 between the company and a corporate trustee which may be any bank  
6601 or other corporation having the power of a trust company or any  
6602 trust company within or without this state. Such indenture may  
6603 contain such provisions for protecting and enforcing the rights  
6604 and remedies of the bondholders as may be reasonable and proper  
6605 and not in violation of law, including covenants setting forth the  
6606 duties of the company in relation to the exercise of its powers  
6607 and the custody, safekeeping and application of all money. The  
6608 company may provide by the indenture for the payment of the  
6609 proceeds of the bonds and revenues to the trustee under the  
6610 indenture or other depository, and for the method of disbursement  
6611 thereof, with such safeguards and restrictions as the company may  
6612 determine. If the bonds shall be secured by an indenture, the  
6613 bondholders shall have no authority to appoint a separate trustee  
6614 to represent them.

6615         **SECTION 237.** Section 57-10-245, Mississippi Code of 1972, is  
6616 brought forward as follows:

6617             57-10-245. In the event that any of the members or officers  
6618 of the board of directors of the company shall cease to be members



6619 or officers of the board prior to the delivery of any bonds signed  
6620 by them, their signatures or facsimiles thereof shall nevertheless  
6621 be valid and sufficient for all purposes, the same as if such  
6622 members or officers had remained in office until such delivery.

6623 **SECTION 238.** Section 57-10-247, Mississippi Code of 1972, is  
6624 brought forward as follows:

6625 57-10-247. The company may create and establish such funds  
6626 and accounts as may be necessary or desirable for its purposes.

6627 **SECTION 239.** Section 57-10-249, Mississippi Code of 1972, is  
6628 brought forward as follows:

6629 57-10-249. The company shall have the power to contract with  
6630 the holders of any of its bonds as to the custody, collection,  
6631 securing, investment and payment of any money of the company, and  
6632 of any money held in trust or otherwise for the payment of bonds,  
6633 and to carry out such contract. Money held in trust or otherwise  
6634 for the payment of bonds or in any way to secure bonds and  
6635 deposits of money may be secured in the same manner as money of  
6636 the company, and all banks and trust companies are authorized to  
6637 give security for the deposits.

6638 **SECTION 240.** Section 57-10-251, Mississippi Code of 1972, is  
6639 brought forward as follows:

6640 57-10-251. Subsequent amendments to this article shall not  
6641 limit the rights vested in the company with respect to any  
6642 agreements made with, or remedies available to, the holders of  
6643 bonds issued under this article prior to the enactment of the



6644 amendments until the bonds, together with all interest thereon,  
6645 and all costs and expenses in connection with any proceeding by or  
6646 on behalf of the holders, are fully met and discharged.

6647         **SECTION 241.** Section 57-10-253, Mississippi Code of 1972, is  
6648 brought forward as follows:

6649         57-10-253. All expenses incurred by the company in carrying  
6650 out the provisions of this article shall be payable solely from  
6651 funds provided under this article, and nothing in this article  
6652 shall be construed to authorize the company to incur indebtedness  
6653 or liability on behalf of or payable by the state or any other  
6654 political subdivision thereof.

6655         **SECTION 242.** Section 57-10-255, Mississippi Code of 1972, is  
6656 brought forward as follows:

6657         57-10-255. (1) The company is hereby declared to be  
6658 performing a public function and to be a public body corporate and  
6659 a political subdivision of the state. Accordingly, the income,  
6660 including any profit made on the sale thereof from all bonds  
6661 issued by the company, shall at all times be exempt from all  
6662 taxation by the state or any public subdivision thereof. If,  
6663 after all indebtedness and other obligations of the company are  
6664 discharged the company is dissolved, its remaining assets shall  
6665 inure to the benefit of the state.

6666         (2) All mortgages or deeds of trust executed as security  
6667 therefor, all lease, loan or purchase agreements made pursuant to  
6668 the provisions hereof, all purchases required to establish the



6669 enterprise and financed by proceeds from bonds issued pursuant to  
6670 Chapter 10, Title 57, Mississippi Code of 1972, shall likewise be  
6671 exempt from all taxation in the State of Mississippi except the  
6672 contractors' tax imposed by Section 27-65-21 and the taxes levied  
6673 by Section 27-65-24(1) (b), and all projects financed by the  
6674 proceeds from such bonds and the revenue derived from any lease  
6675 thereof shall be exempt from all taxation in the State of  
6676 Mississippi, except the tax levied by Sections 27-65-21 and  
6677 27-65-24(1) (b), and except the tax levied under Chapter 7, Title  
6678 27, Mississippi Code of 1972. From and after July 1, 2002, there  
6679 shall be no new ad valorem tax exemption authorized under this  
6680 section unless approved by the appropriate local taxing authority.

6681 (3) The time of any ad valorem tax exemption provided for  
6682 hereunder shall not exceed a total of ten (10) years, which shall  
6683 run from the date of the completion of the project. In no event  
6684 shall the term of the ad valorem tax exemption provided for  
6685 hereunder be limited, terminated or otherwise affected by payment  
6686 in full of the bonds issued under this chapter or by the change  
6687 from a leasehold to a fee title in the enterprise financed with  
6688 bonds issued under this chapter.

6689 (4) From and after July 1, 1990, there shall be no new  
6690 exemption under this section from ad valorem taxes levied for  
6691 school district purposes.

6692 **SECTION 243.** Section 57-10-257, Mississippi Code of 1972, is  
6693 brought forward as follows:



6694           57-10-257. The bonds issued by and under the authority of  
6695 this article by the company are declared to be legal investments  
6696 in which all public officers or public bodies of the state, its  
6697 political subdivisions, all municipalities and municipal  
6698 subdivisions, all insurance companies and associations, and other  
6699 persons carrying on insurance business, all banks, bankers,  
6700 banking associations, trust companies, savings associations,  
6701 including savings and loan associations, building and loan  
6702 associations, investment companies, and other persons carrying on  
6703 a banking business, all administrators, guardians, executors,  
6704 trustees and other fiduciaries, and all other persons who are now  
6705 or may later be authorized to invest in bonds or in other  
6706 obligations of the state, may invest funds, including capital, in  
6707 their control or belonging to them. Such bonds are also hereby  
6708 made securities which may be deposited with and received by all  
6709 public officers and bodies of the state or any agency or political  
6710 subdivision of the state and all municipalities and public  
6711 corporations for any purpose for which the deposit of bonds or  
6712 other obligations of the state is now or may be later authorized  
6713 by law.

6714           **SECTION 244.** Section 57-10-259, Mississippi Code of 1972, is  
6715 brought forward as follows:

6716           57-10-259. The company shall, within one hundred twenty  
6717 (120) days of the close of each fiscal year, submit an annual  
6718 report of its activities for the preceding year to the Governor.



6719 The clerk of each house of the Legislature shall receive a copy of  
6720 the report by making a request for it to the company. Each report  
6721 shall set forth a complete operating and financial statement for  
6722 the company during the fiscal year it covers.

6723 **SECTION 245.** Section 57-10-261, Mississippi Code of 1972, is  
6724 brought forward as follows:

6725 57-10-261. Nothing contained in this article is to be  
6726 construed as a restriction or limitation upon any powers which the  
6727 company might otherwise have under any other law of the state.  
6728 Insofar as the provisions of this article are inconsistent with  
6729 the provisions of any other law, the provisions of this article  
6730 shall be controlling, and the powers conferred by this article  
6731 shall be regarded as supplemental and additional to powers  
6732 conferred by any other laws. No proceedings, notice or approval  
6733 shall be required for the issuance of any bonds or any instrument  
6734 or the security therefor, except as provided in this article.

6735 The provisions of this article shall be liberally construed  
6736 to accomplish the purposes of this article.

6737 The powers granted and the duties imposed in this article  
6738 shall be construed to be independent and severable. If any one or  
6739 more sections, subsections, sentences or parts of any of this  
6740 article shall be adjudged unconstitutional or invalid, such  
6741 adjudication shall not affect, impair or invalidate the remaining  
6742 provisions thereof, but shall be confined in its operation to the  
6743 specific provisions so held unconstitutional or invalid.



6744           **SECTION 246.** Section 57-10-301, Mississippi Code of 1972, is  
6745 brought forward as follows:

6746           57-10-301. This article shall be entitled the "Mississippi  
6747 Business Finance Corporation Beginning Farmer Program."

6748           **SECTION 247.** Section 57-10-303, Mississippi Code of 1972, is  
6749 brought forward as follows:

6750           57-10-303. For the purposes of this article, the following  
6751 words shall have the meanings ascribed herein, unless the context  
6752 otherwise requires:

6753           (a) "Act" means the Mississippi Business Financing Act  
6754 being Title 57, Chapter 10, Article 7, Mississippi Code of 1972.

6755           (b) "Agricultural land" means land suitable for use in  
6756 farming.

6757           (c) "Agricultural improvements" means any improvements,  
6758 buildings, structures or fixtures suitable for use in farming  
6759 which are located on agricultural land. "Agricultural  
6760 improvements" includes a single-family dwelling located on  
6761 agricultural land which is or will be occupied by the beginning  
6762 farmer and structures attached to or incidental to the use of the  
6763 dwelling.

6764           (d) "Corporation" means the Mississippi Business  
6765 Finance Corporation.

6766           (e) "Beginning farmer" means an individual or  
6767 partnership with a low or moderate net worth that engages in  
6768 farming or wishes to engage in farming.





6769 (f) "Bonds" means bonds issued by the corporation  
6770 pursuant to the provisions of the Mississippi Business Financing  
6771 Act.

6772 (g) "Depreciable agricultural property" means personal  
6773 property suitable for use in farming for which an income tax  
6774 deduction for depreciation is allowable in computing federal  
6775 income tax under the Internal Revenue Code of 1986, as amended.

6776 (h) "Farming" means the cultivation of land for the  
6777 production of agricultural crops, the raising of poultry, the  
6778 production of eggs, the production of milk, the production of  
6779 fruit or other horticultural crops, grazing, the production of  
6780 livestock, aquaculture, hydroponics, the production of forest  
6781 products or other activities designated by the corporation.

6782 (i) "Mortgage" means a mortgage, mortgage deed, deed of  
6783 trust, or other instrument creating a first lien, subject only to  
6784 title exceptions and encumbrances acceptable to the corporation,  
6785 including any other mortgage liens of equal standing with or  
6786 subordinate to the mortgage loan retained by a seller or conveyed  
6787 to a mortgage lender, on a fee interest in agricultural land and  
6788 agricultural improvements.

6789 (j) "Mortgage lender" means a bank, trust company,  
6790 mortgage company, national banking association, savings and loan  
6791 association, life insurance company, any state or federal  
6792 governmental agency or instrumentality, including without  
6793 limitation the Federal Land Bank or any of its local associations,



6794 or any other financial institution or entity authorized to make  
6795 mortgage loans or secured loans in this state.

6796 (k) "Mortgage loan" means a financial obligation  
6797 secured by a mortgage.

6798 (l) "Note" means a bond anticipation note or other  
6799 obligation or evidence of indebtedness issued by the corporation  
6800 pursuant to this article.

6801 (m) "Secured loan" means a financial obligation secured  
6802 by a chattel mortgage, security agreement or other instrument  
6803 creating a lien on an interest in depreciable agricultural  
6804 property.

6805 (n) "State agency" means any board, commission,  
6806 department, public officer or other agency or authority of the  
6807 State of Mississippi.

6808 **SECTION 248.** Section 57-10-305, Mississippi Code of 1972, is  
6809 brought forward as follows:

6810 57-10-305. The Legislature finds and determines as follows:

6811 (a) There exists a serious problem in the state  
6812 regarding the ability of nonestablished farmers to acquire  
6813 agricultural land and agricultural improvements and depreciable  
6814 agricultural property in order to enter farming.

6815 (b) This barrier to entry into farming is conducive to  
6816 consolidation of acreage of agricultural land with fewer  
6817 individuals resulting in a grave threat to the traditional family  
6818 farm.



6819 (c) These conditions result in a loss in population,  
6820 unemployment and a movement of persons from rural communities to  
6821 urban areas accompanied by added costs to communities for creation  
6822 of new public facilities and services.

6823 (d) One major cause of this condition has been  
6824 recurrent shortages of funds in private channels and the high  
6825 interest cost of borrowing.

6826 (e) These shortages and costs have made the sale and  
6827 purchase of agricultural land to beginning farmers a virtual  
6828 impossibility in many parts of the state.

6829 (f) The ordinary operations of private enterprise have  
6830 not in the past corrected these conditions.

6831 (g) A stable supply of adequate funds for agricultural  
6832 financing is required to encourage beginning farmers in an orderly  
6833 and sustained manner and to reduce the problems described in this  
6834 section.

6835 (h) It is necessary that the corporation be given the  
6836 authority to encourage ownership of farms by beginning farmers by  
6837 providing purchase money loans to beginning farmers who are not  
6838 able to obtain adequate capital elsewhere to provide such funds  
6839 and to lower costs through the use of public financing.

6840 **SECTION 249.** Section 57-10-307, Mississippi Code of 1972, is  
6841 brought forward as follows:

6842 57-10-307. (1) The corporation shall develop a beginning  
6843 farmer loan program to facilitate the acquisition of agricultural



6844 land and improvements and depreciable agricultural property by  
6845 beginning farmers. The corporation shall exercise the powers  
6846 granted to it in Title 57, Chapter 10, Article 9 and Title 57,  
6847 Chapter 10, Article 7, Mississippi Code of 1972, in order to  
6848 fulfill the goal of providing financial assistance to beginning  
6849 farmers in the acquisition of agricultural land and agricultural  
6850 improvements and depreciable agricultural property. The  
6851 corporation may participate in and cooperate with programs of the  
6852 Farmers Home Administration, Federal Land Bank or any other agency  
6853 or instrumentality of the federal government or with any program  
6854 of any other state agency in the administration of the beginning  
6855 farmer loan program and in the making or purchasing of mortgage or  
6856 secured loans pursuant to this article.

6857 (2) The corporation may participate in any federal programs  
6858 designed to assist beginning farmers or in any related federal or  
6859 state programs.

6860 (3) Prior to carrying out the powers granted under Sections  
6861 57-10-301 through 57-10-305, the corporation shall promulgate  
6862 rules and regulations governing activities authorized hereunder,  
6863 including but not limited to rules and regulations including the  
6864 following:

6865 (a) The beginning farmer is a resident of the state. If  
6866 the beginning farmer is a partnership, all partners shall be  
6867 residents of the state.



6868 (b) The agricultural land and agricultural improvements  
6869 or depreciable agricultural property the beginning farmer proposes  
6870 to purchase will be located in the state.

6871 (c) The beginning farmer has sufficient education,  
6872 training or experience in the type of farming for which the  
6873 beginning farmer requests the mortgage or secured loan. If the  
6874 beginning farmer is a partnership, all partners shall have  
6875 sufficient education, training or experience in the type of  
6876 farming for which the beginning farmer requests the mortgage or  
6877 secured loan.

6878 (d) A loan to a beginning farmer for the acquisition of  
6879 agricultural land and agricultural improvements does not exceed  
6880 Two Hundred Fifty Thousand Dollars (\$250,000.00). A loan to a  
6881 beginning farmer for the acquisition of depreciable agricultural  
6882 property does not exceed One Hundred Twenty-five Thousand Dollars  
6883 (\$125,000.00).

6884 (e) If the loan is for the acquisition of agricultural  
6885 land, the beginning farmer has or will have access to adequate  
6886 working capital, farm equipment, machinery or livestock. If the  
6887 loan is for the acquisition of depreciable agricultural property,  
6888 the beginning farmer has or will have access to adequate working  
6889 capital or agricultural land.

6890 (f) The beginning farmer will materially and  
6891 substantially participate in farming. If the beginning farmer is



6892 a partnership, each partner shall materially and substantially  
6893 participate in farming.

6894 (g) If the beginning farmer is an individual, the  
6895 agricultural land and agricultural improvements shall only be used  
6896 for farming by the individual, the individual's spouse, the  
6897 individual's minor children, or any of them. If the beginning  
6898 farmer is a partnership, the agricultural land and agricultural  
6899 improvements shall only be used for farming by the partners, each  
6900 partner's spouse, each partner's minor children, or any of them.

6901 (h) The beginning farmer has not previously received  
6902 financing under this article for the acquisition of property  
6903 similar in nature to the property for which the loan is sought.  
6904 However, this restriction shall not apply if the amount previously  
6905 received plus the amount of the loan does not exceed Two Hundred  
6906 Fifty Thousand Dollars (\$250,000.00) in the case of agricultural  
6907 land and improvements or One Hundred Twenty-five Thousand Dollars  
6908 (\$125,000.00) in the case of depreciable agricultural property.

6909 (4) The corporation may provide in a mortgage or secured  
6910 loan made or purchased pursuant to this article that the loan may  
6911 not be assumed or any interest in the agricultural land or  
6912 improvements or depreciable agricultural property may not be  
6913 leased, sold or otherwise conveyed without its prior written  
6914 consent and may provide a due-on-sale clause with respect to the  
6915 occurrence of any of the foregoing events without its prior  
6916 written consent. The corporation may provide by rule the grounds



6917 for permitted assumptions of a mortgage or for the leasing, sale  
6918 or other conveyance of any interest in the agricultural land or  
6919 improvements. However, the corporation shall provide and state in  
6920 a mortgage or secured loan that the corporation has the power to  
6921 raise the interest rate of the loan to the prevailing market rate  
6922 if the mortgage or secured loan is assumed by a farmer who is  
6923 already established in that field at the time of the assumption of  
6924 the loan.

6925 (5) The corporation may participate in any interest in any  
6926 mortgage or secured loan made or purchased pursuant to this  
6927 article with a mortgage lender. The participation interest may be  
6928 on a parity with the interest in the mortgage or secured loan  
6929 retained by the corporation, equally and ratably secured by the  
6930 mortgage or securing agreement securing the mortgage or secured  
6931 loan.

6932 **SECTION 250.** Section 57-10-309, Mississippi Code of 1972, is  
6933 brought forward as follows:

6934 57-10-309. (1) The corporation may make mortgage or secured  
6935 loans, including, but not limited to, mortgage or secured loans  
6936 insured, guaranteed or otherwise secured by the federal government  
6937 or a federal governmental agency or instrumentality, a state  
6938 agency or private mortgage insurers, to beginning farmers to  
6939 provide financing for agricultural land and agricultural  
6940 improvements or depreciable agricultural property.



6941 (2) Mortgage or secured loans shall contain terms and  
6942 provisions, including interest rates, and be in a form established  
6943 by rules of the corporation. The corporation may require the  
6944 beginning farmer to execute a note, loan agreement or other  
6945 evidence of indebtedness and furnish additional assurances and  
6946 guarantees, including insurance, reasonably related to protecting  
6947 the security of the mortgage or secured loan, as the corporation  
6948 deems necessary.

6949 (3) The corporation may enter into a loan agreement with a  
6950 beginning farmer to finance in whole or in part the acquisition by  
6951 construction or purchase of agricultural land, agricultural  
6952 improvements or depreciable agricultural property. The repayment  
6953 obligation of the beginning farmer may be unsecured, or may be  
6954 secured by a mortgage or security agreement or by other security  
6955 as the corporation deems advisable, and may be evidenced by one or  
6956 more notes of the beginning farmer. The loan agreement may  
6957 contain terms and conditions as the corporation deems advisable.

6958 (4) The corporation may issue its bonds and notes for the  
6959 purposes set forth in this article and Title 57, Chapter 10,  
6960 Article 7, Mississippi Code of 1972, relating to the issuance of  
6961 bonds and notes by the corporation and may enter into a lending  
6962 agreement or purchase agreement with one or more bondholders or  
6963 noteholders containing the terms and conditions of the repayment  
6964 of and the security for the bonds or notes. Bonds and notes must  
6965 be authorized by a resolution of the corporation. The corporation





6966 and the bondholders or noteholders may enter into an agreement to  
6967 provide for any of the following:

6968 (a) That the proceeds of the bonds and notes and  
6969 investments thereon may be received, held and disbursed by the  
6970 bondholders or noteholders, or by a trustee or agent designated by  
6971 the corporation.

6972 (b) That the bondholders or noteholders or a trustee or  
6973 agent designated by the corporation may collect, invest and apply  
6974 the amounts payable under the loan agreement or any other security  
6975 instrument securing the debt obligation of the beginning farmer.

6976 (c) That the bondholders or noteholders may enforce the  
6977 remedies provided in the loan agreement or security instrument on  
6978 their own behalf without the appointment or designation of a  
6979 trustee and if there is a default in the principal of or interest  
6980 on the bonds or notes or in the performance of any agreement  
6981 contained therein, the payment or performance may be enforced in  
6982 accordance with the provisions contained therein.

6983 (d) That if there is a default in the payment of the  
6984 principal or interest on a mortgage or security instrument or a  
6985 violation of an agreement contained in the mortgage or security  
6986 instrument, the mortgage or security instrument may be foreclosed  
6987 or enforced and any collateral sold under proceedings or actions  
6988 permitted by law and a trustee under the mortgage or security  
6989 agreement or the holder of any bonds or notes secured thereby may  
6990 become a purchaser if it is the highest bidder.



6991 (e) Other terms and conditions.

6992 (5) The corporation shall provide in the resolution  
6993 authorizing the issuance of the bonds or notes that the principal  
6994 and interest shall be limited obligations payable solely out of  
6995 the revenues derived from the debt obligation, collateral or other  
6996 security furnished by or on behalf of the beginning farmer, and  
6997 that the principal and interest does not constitute an  
6998 indebtedness of the corporation, the state or any political  
6999 subdivision thereof.

7000 **SECTION 251.** Section 57-10-401, Mississippi Code of 1972, is  
7001 brought forward as follows:

7002 [In cases involving an economic development project for which  
7003 the Mississippi Business Finance Corporation has issued bonds for  
7004 the purpose of financing the approved costs of such project prior  
7005 to July 1, 1994, this section shall read as follows:]

7006 57-10-401. As used in Sections 57-10-401 through 57-10-445,  
7007 the following terms shall have the meanings ascribed to them  
7008 herein unless the context clearly indicates otherwise:

7009 (a) "Approved company" means any eligible company  
7010 seeking to locate an economic development project in a county,  
7011 which eligible company is approved by the corporation.

7012 (b) "Approved costs" means:

7013 (i) Obligations incurred for equipment and labor  
7014 and to contractors, subcontractors, builders and materialmen in



7015 connection with the acquisition, construction and installation of  
7016 an economic development project;

7017 (ii) The cost of acquiring land or rights in land  
7018 and any cost incidental thereto, including recording fees;

7019 (iii) The cost of contract bonds and of insurance  
7020 of all kinds that may be required or necessary during the course  
7021 of acquisition, construction and installation of an economic  
7022 development project which is not paid by the contractor or  
7023 contractors or otherwise provided for;

7024 (iv) All costs of architectural and engineering  
7025 services, including test borings, surveys, estimates, plans and  
7026 specifications, preliminary investigations, and supervision of  
7027 construction, as well as for the performance of all the duties  
7028 required by or consequent upon the acquisition, construction and  
7029 installation of an economic development project;

7030 (v) All costs which shall be required to be paid  
7031 under the terms of any contract or contracts for the acquisition,  
7032 construction and installation of an economic development project;

7033 (vi) All costs, expenses and fees incurred in  
7034 connection with the issuance of bonds pursuant to Sections  
7035 57-10-401 through 57-10-445;

7036 (vii) All costs funded by a loan made under the  
7037 Mississippi Small Enterprise Development Finance Act; and



7038 (viii) All costs of professionals permitted to be  
7039 engaged under the Mississippi Small Enterprise Development Finance  
7040 Act for a loan made under such act.

7041 (c) "Assessment" means the job development assessment  
7042 fee authorized in Section 57-10-413.

7043 (d) "Bonds" means the revenue bonds, notes or other  
7044 debt obligations of the corporation authorized to be issued by the  
7045 corporation on behalf of an eligible company or other state  
7046 agency.

7047 (e) "Corporation" means the Mississippi Business  
7048 Finance Corporation created under Section 57-10-167, Mississippi  
7049 Code of 1972.

7050 (f) "Economic development project" means and includes  
7051 the acquisition of any equipment or real estate in a county and  
7052 the construction and installation thereon, and with respect  
7053 thereto, of improvements and facilities necessary or desirable for  
7054 improvement of the real estate, including surveys, site tests and  
7055 inspections, subsurface site work, excavation, removal of  
7056 structures, roadways, cemeteries and other surface obstructions,  
7057 filling, grading and provision of drainage, storm water detention,  
7058 installation of utilities such as water, sewer, sewage treatment,  
7059 gas, electricity, communications and similar facilities, off-site  
7060 construction of utility extensions to the boundaries of the real  
7061 estate, and the acquisition, construction and installation of  
7062 manufacturing, telecommunications, data processing, distribution



7063 or warehouse facilities on the real estate, for lease or financial  
7064 arrangement by the corporation to an approved company for use and  
7065 occupancy by the approved company or its affiliates for  
7066 manufacturing, telecommunications, data processing, distribution  
7067 or warehouse purposes. Such term also includes, without  
7068 limitation, any project the financing of which has been approved  
7069 under the Mississippi Small Enterprise Development Finance Act.  
7070 From and after January 1, 2014, such term also includes the  
7071 economic development project of a related approved company that is  
7072 merged into or consolidated with another approved company where  
7073 the approved companies are engaged in a vertically integrated  
7074 manufacturing or warehouse operation.

7075 (g) "Eligible company" means any corporation,  
7076 partnership, sole proprietorship, business trust, or other entity  
7077 which is:

7078 (i) Engaged in manufacturing which meets the  
7079 standards promulgated by the corporation under Sections 57-10-401  
7080 through 57-10-445;

7081 (ii) A private company approved by the corporation  
7082 for a loan under the Mississippi Small Enterprise Development  
7083 Finance Act;

7084 (iii) A distribution or warehouse facility  
7085 employing a minimum of fifty (50) people or employing a minimum of  
7086 twenty (20) people and having a capital investment in such  
7087 facility of at least Five Million Dollars (\$5,000,000.00); or



7088 (iv) A telecommunications or data processing  
7089 business.

7090 (h) "Executive director" means the Executive Director  
7091 of the Mississippi Business Finance Corporation.

7092 (i) "Financing agreement" means any financing documents  
7093 and agreements, indentures, loan agreements, lease agreements,  
7094 security agreements and the like, entered into by and among the  
7095 corporation, private lenders and an approved company with respect  
7096 to an economic development project.

7097 (j) "Manufacturing" means any activity involving the  
7098 manufacturing, processing, assembling or production of any  
7099 property, including the processing resulting in a change in the  
7100 conditions of the property and any activity functionally related  
7101 thereto, together with the storage, warehousing, distribution and  
7102 related office facilities in respect thereof as determined by the  
7103 Mississippi Business Finance Corporation; however, in no event  
7104 shall "manufacturing" include mining, coal or mineral processing,  
7105 or extraction of Mississippi minerals.

7106 (k) "State agency" means any state board, commission,  
7107 committee, council, university, department or unit thereof created  
7108 by the Constitution or laws of this state.

7109 (l) "Revenues" shall not be considered state funds.

7110 (m) "State" means the State of Mississippi.



7111 (n) "Mississippi Small Enterprise Development Finance  
7112 Act" means the provisions of law contained in Section 57-71-1 et  
7113 seq.

7114 [In cases involving an economic development project for which  
7115 the Mississippi Business Finance Corporation has not issued bonds  
7116 for the purpose of financing the approved costs of such project  
7117 prior to July 1, 1994, this section shall read as follows:]

7118 57-10-401. As used in Sections 57-10-401 through 57-10-445,  
7119 the following terms shall have the meanings ascribed to them  
7120 herein unless the context clearly indicates otherwise:

7121 (a) "Approved company" means any eligible company  
7122 seeking to locate an economic development project in a county,  
7123 which eligible company is approved by the corporation.

7124 (b) "Approved costs" means:

7125 (i) Obligations incurred for equipment and labor  
7126 and to contractors, subcontractors, builders and materialmen in  
7127 connection with the acquisition, construction and installation of  
7128 an economic development project;

7129 (ii) The cost of acquiring land or rights in land  
7130 and any cost incidental thereto, including recording fees;

7131 (iii) The cost of contract bonds and of insurance  
7132 of all kinds that may be required or necessary during the course  
7133 of acquisition, construction and installation of an economic  
7134 development project which is not paid by the contractor or  
7135 contractors or otherwise provided for;



7136 (iv) All costs of architectural and engineering  
7137 services, including test borings, surveys, estimates, plans and  
7138 specifications, preliminary investigations, and supervision of  
7139 construction, as well as for the performance of all the duties  
7140 required by or consequent upon the acquisition, construction and  
7141 installation of an economic development project;

7142 (v) All costs which shall be required to be paid  
7143 under the terms of any contract or contracts for the acquisition,  
7144 construction and installation of an economic development project;

7145 (vi) All costs, expenses and fees incurred in  
7146 connection with the issuance of bonds pursuant to Sections  
7147 57-10-401 through 57-10-445;

7148 (vii) All costs funded by a loan made under the  
7149 Mississippi Small Enterprise Development Finance Act; and

7150 (viii) All costs of professionals permitted to be  
7151 engaged under the Mississippi Small Enterprise Development Finance  
7152 Act for a loan made under such act.

7153 (c) "Assessment" means the job development assessment  
7154 fee authorized in Section 57-10-413.

7155 (d) "Bonds" means the revenue bonds, notes or other  
7156 debt obligations of the corporation authorized to be issued by the  
7157 corporation on behalf of an eligible company or other state  
7158 agency.





7159 (e) "Corporation" means the Mississippi Business  
7160 Finance Corporation created under Section 57-10-167, Mississippi  
7161 Code of 1972.

7162 (f) "Economic development project" means and includes  
7163 the acquisition of any equipment or real estate in a county and  
7164 the construction and installation thereon, and with respect  
7165 thereto, of improvements and facilities necessary or desirable for  
7166 improvement of the real estate, including surveys, site tests and  
7167 inspections, subsurface site work, excavation, removal of  
7168 structures, roadways, cemeteries and other surface obstructions,  
7169 filling, grading and provision of drainage, storm water detention,  
7170 installation of utilities such as water, sewer, sewage treatment,  
7171 gas, electricity, communications and similar facilities, off-site  
7172 construction of utility extensions to the boundaries of the real  
7173 estate, and the acquisition, construction and installation of  
7174 manufacturing, telecommunications, data processing, distribution  
7175 or warehouse facilities on the real estate, for lease or financial  
7176 arrangement by the corporation to an approved company for use and  
7177 occupancy by the approved company or its affiliates for  
7178 manufacturing, telecommunications, data processing, distribution  
7179 or warehouse purposes. Such term also includes, without  
7180 limitation, any project the financing of which has been approved  
7181 under the Mississippi Small Enterprise Development Finance Act.

7182 If an eligible company closes a facility in this state and  
7183 becomes an approved company under the provisions of Sections



7184 57-10-401 through 57-10-449, only that portion of the project for  
7185 which such company is attempting to obtain financing that is in  
7186 excess of the value of the closed facility shall be included  
7187 within the definition of the term "economic development project."  
7188 The Mississippi Business Finance Corporation shall promulgate  
7189 rules and regulations to govern the determination of the  
7190 difference between the value of the closed facility and the new  
7191 facility.

7192 (g) "Eligible company" means any corporation,  
7193 partnership, sole proprietorship, business trust, or other entity  
7194 which:

7195 (i) Engaged in manufacturing which meets the  
7196 standards promulgated by the corporation under Sections 57-10-401  
7197 through 57-10-445;

7198 (ii) A private company approved by the corporation  
7199 for a loan under the Mississippi Small Enterprise Development  
7200 Finance Act;

7201 (iii) A distribution or warehouse facility  
7202 employing a minimum of fifty (50) people or employing a minimum of  
7203 twenty (20) people and having a capital investment in such  
7204 facility of at least Five Million Dollars (\$5,000,000.00);

7205 (iv) A telecommunications or data/information  
7206 processing business meeting criteria established by the  
7207 Mississippi Business Finance Corporation;



7208 (v) National or regional headquarters meeting  
7209 criteria established by the Mississippi Business Finance  
7210 Corporation;

7211 (vi) Research and development facilities meeting  
7212 criteria established by the Mississippi Business Finance  
7213 Corporation; or

7214 (vii) Technology intensive enterprises or  
7215 facilities meeting criteria established by the Mississippi  
7216 Business Finance Corporation.

7217 (h) "Executive director" means the Executive Director  
7218 of the Mississippi Business Finance Corporation.

7219 (i) "Financing agreement" means any financing documents  
7220 and agreements, indentures, loan agreements, lease agreements,  
7221 security agreements and the like, entered into by and among the  
7222 corporation, private lenders and an approved company with respect  
7223 to an economic development project.

7224 (j) "Manufacturing" means any activity involving the  
7225 manufacturing, processing, assembling or production of any  
7226 property, including the processing resulting in a change in the  
7227 conditions of the property and any activity functionally related  
7228 thereto, together with the storage, warehousing, distribution and  
7229 related office facilities in respect thereof as determined by the  
7230 Mississippi Business Finance Corporation; however, in no event  
7231 shall "manufacturing" include mining, coal or mineral processing,  
7232 or extraction of Mississippi minerals.



7233 (k) "State agency" means any state board, commission,  
7234 committee, council, university, department or unit thereof created  
7235 by the Constitution or laws of this state.

7236 (l) "Revenues" shall not be considered state funds.

7237 (m) "State" means the State of Mississippi.

7238 (n) "Mississippi Small Enterprise Development Finance  
7239 Act" means the provisions of law contained in Section 57-71-1 et  
7240 seq.

7241 **SECTION 252.** Section 57-10-403, Mississippi Code of 1972, is  
7242 brought forward as follows:

7243 57-10-403. (1) The Legislature finds and declares that the  
7244 general welfare and material well-being of citizens of the state  
7245 depend in large measure upon the development and growth of  
7246 industry in the state.

7247 (2) The Legislature finds and declares further that it is in  
7248 the best interest of the state to induce the location or expansion  
7249 of manufacturing facilities within this state in order to advance  
7250 the public purposes of relieving unemployment by creating new jobs  
7251 within this state that, but for the inducements to be offered by  
7252 the corporation to approved companies as herein provided, would  
7253 not exist, and of creating new sources of tax revenues for the  
7254 support of the public services provided by this state and country.

7255 (3) The Legislature finds and declares further that the  
7256 authority granted by this article and the purposes to be  
7257 accomplished hereby are proper governmental and public purposes



7258 for which public monies may be expended, and that the inducement  
7259 of the location or expansion of manufacturing facilities within  
7260 the state is of paramount importance, mandating that the  
7261 provisions of this article be liberally construed and applied in  
7262 order to advance the public purposes.

7263         **SECTION 253.** Section 57-10-405, Mississippi Code of 1972, is  
7264 brought forward as follows:

7265             57-10-405. In addition to its other powers and duties, the  
7266 corporation shall have all the powers necessary or convenient to  
7267 carry out and effectuate the purposes and provisions of Sections  
7268 57-10-401 through 57-10-445, including, but without limiting the  
7269 generality of the foregoing, the power:

7270             (a) To provide and finance economic development  
7271 projects under the provisions of Sections 57-10-401 through  
7272 57-10-445, and cooperate with counties, municipalities and  
7273 eligible companies in order to promote, foster and support  
7274 economic development within the counties and municipalities;

7275             (b) To conduct hearings and inquiries, in the manner  
7276 and by the methods as it deems desirable, including, without  
7277 limitation, appointment of special committees, for the purpose of  
7278 gathering information with respect to counties, municipalities,  
7279 eligible companies and economic development projects, for the  
7280 purpose of making any determinations necessary or desirable in the  
7281 furtherance of Sections 57-10-401 through 57-10-445;



7282 (c) To negotiate the terms of, and enter into financing  
7283 agreements with, approved companies, and in connection therewith  
7284 to acquire, convey, sell, own, lease, mortgage, finance, foreclose  
7285 or otherwise dispose of any property, real or personal, in  
7286 connection with an economic development project, and to pay, or  
7287 cause to be paid, in accordance with the provisions of a financing  
7288 agreement, the approved costs of an economic development project  
7289 from any funds available therefor, including, without limitation,  
7290 funds available as the result of the issuance of bonds under the  
7291 Mississippi Small Enterprise Development Finance Act;

7292 (d) To delegate to the executive director the rights  
7293 and powers of the corporation required for the proper and  
7294 desirable execution of the purposes of this article;

7295 (e) To consent, if it deems it necessary or desirable  
7296 in the fulfillment of its purposes, to the modification of the  
7297 terms of any financing agreements of any kind to which the  
7298 corporation is a party;

7299 (f) To include in any borrowing the amounts deemed  
7300 necessary by the corporation to pay financing charges, consultant,  
7301 advisory and legal fees, fees for bond insurance, letters of  
7302 credit or other forms of credit enhancement, investment advisory  
7303 fees, trustees' fees and other expenses necessary or incident to  
7304 the borrowing;

7305 (g) To make and publish administrative regulations  
7306 respecting its programs and other administrative regulations



7307 necessary or appropriate to effectuate the purposes of Sections  
7308 57-10-401 through 57-10-445, and necessary to administer the  
7309 procedures and program as provided for in Sections 57-10-401  
7310 through 57-10-445;

7311 (h) To make, execute and effectuate any and all  
7312 agreements or other documents with any governmental agency or any  
7313 person, corporation, association, partnership, or other  
7314 organization or entity, necessary or appropriate to accomplish the  
7315 purposes of Sections 57-10-401 through 57-10-445, including any  
7316 financing agreements with state agencies or any political  
7317 subdivisions of the state under which funds may be pledged by or  
7318 to the corporation for the payment of its bonds;

7319 (i) To accept gifts, devises, bequests, grants, loans,  
7320 appropriations, revenue sharing, other financing and assistance  
7321 and any other aid from any source and to agree to, and to comply  
7322 with, conditions attached thereto;

7323 (j) To sue and be sued in its own name, plead and be  
7324 impleaded; and

7325 (k) To invest any funds held by the corporation or its  
7326 agents or trustees, under Sections 57-10-401 through 57-10-445,  
7327 including, but not limited to, the proceeds of bonds issued under  
7328 Sections 57-10-401 through 57-10-445, reserve or other funds, or  
7329 any monies not required for immediate disbursement, and the  
7330 investment income on any of the foregoing, in obligations  
7331 authorized by Sections 57-10-401 through 57-10-445.



7332           **SECTION 254.** Section 57-10-407, Mississippi Code of 1972, is  
7333 brought forward as follows:

7334           57-10-407. The corporation may accept and expend: (a)  
7335 monies which may be appropriated from time to time by the  
7336 Legislature; (b) monies which may be available under the  
7337 Mississippi Small Enterprise Development Finance Act; or (c)  
7338 monies which may be received from any source, including income  
7339 from the corporation's operations, under Sections 57-10-401  
7340 through 57-10-445, for effectuating the purposes of Sections  
7341 57-10-401 through 57-10-445, including, without limitation, the  
7342 payment of the expenses of administration and operation incurred  
7343 pursuant to Sections 57-10-401 through 57-10-445 and the  
7344 establishment and, if deemed desirable, maintenance of a reserve  
7345 or contingency fund for the administration of Sections 57-10-401  
7346 through 57-10-445.

7347           **SECTION 255.** Section 57-10-409, Mississippi Code of 1972, is  
7348 brought forward as follows:

7349           [In cases involving an economic development project for which  
7350 the Mississippi Business Finance Corporation has issued bonds for  
7351 the purpose of financing the approved costs of such project prior  
7352 to July 1, 1994, this section shall read as follows:]

7353           57-10-409. The corporation may enter into, with any approved  
7354 company, a financing agreement with respect to its economic  
7355 development project. The terms and provisions of each financing  
7356 agreement shall be determined by negotiations between the





7357 corporation and the approved company, except that each financing  
7358 agreement shall include the following provisions:

7359 (a) If the corporation issues any bonds in connection  
7360 with an economic development project, the term of the financing  
7361 agreement shall not be less than the last maturity of the bonds  
7362 issued with respect to the economic development project, except  
7363 that the financing agreement may terminate upon the earlier  
7364 redemption of all of the bonds issued with respect to the economic  
7365 development project and may grant to the approved company an  
7366 option to purchase the economic development project from the  
7367 corporation upon the termination of the financing agreement for  
7368 such consideration and under such terms and conditions the  
7369 corporation may approve. Nothing in this paragraph shall limit  
7370 the extension of the term of a financing agreement if there is a  
7371 refunding of the correlative bonds or otherwise.

7372 (b) If the corporation issues any bonds in connection  
7373 with an economic development project, the financing agreement  
7374 shall specify that the annual obligations of the approved company  
7375 under Sections 57-10-401 through 57-10-445 shall equal in each  
7376 year at least the annual debt service for that year on the bonds  
7377 issued with respect to the economic development project; and the  
7378 approved company shall pay such obligation of the financing  
7379 agreement to the trustee for bonds issued for the benefit of the  
7380 approved company, at such time and in such amounts sufficient to  
7381 amortize such bonds.



7382 (c) If the corporation loans funds to an approved  
7383 company that is a private company under the Mississippi Small  
7384 Enterprise Development Finance Act, the financing agreement shall  
7385 include the terms and conditions of the loan required by Section  
7386 57-71-1 et seq.

7387 (d) (i) In consideration for financing agreement  
7388 payment, the approved company may be permitted the following  
7389 during the period of time in which the financing agreement is in  
7390 effect, not to exceed twenty-five (25) years:

7391 1. A tax credit on the amount provided for in  
7392 Section 27-7-22.3(2), Mississippi Code of 1972; plus

7393 2. The aggregate assessment withheld by the  
7394 approved company in each year.

7395 (ii) The income tax credited to the approved  
7396 company referred to herein shall be credited in the fiscal year of  
7397 the financing agreement in which the tax return of the approved  
7398 company is filed. The approved company shall not be required to  
7399 pay estimated tax payments under Section 27-7-319, Mississippi  
7400 Code of 1972.

7401 (e) (i) The financing agreement shall provide that the  
7402 assessments, when added to the credit for the state corporate  
7403 income tax herein granted, shall not exceed the total financing  
7404 agreement annual payment by the approved company in any year;  
7405 however, to the extent that financing agreement annual payments  
7406 exceed credits received and assessments collected in any year, the



7407 excess payment may be recouped from excess credits or assessment  
7408 collections in succeeding years.

7409 (ii) If during any fiscal year of the financing  
7410 agreement the total of the income tax credit granted to the  
7411 approved company plus the assessment collected from the wages of  
7412 the employees equals the annual payment pursuant to the financing  
7413 agreement, and if all excess payments pursuant to the financing  
7414 agreement accumulated in prior years have been recouped, the  
7415 assessment collected from the wages of the employees shall cease  
7416 for the remainder of the fiscal year of the financing agreement.

7417 (f) The financing agreement shall provide that:

7418 (i) It may be assigned by the approved company  
7419 only upon the prior written consent of the corporation following  
7420 the adoption of a resolution by the corporation to such effect;  
7421 and

7422 (ii) Upon the default by the approved company in  
7423 the obligation to render its annual payment, the corporation shall  
7424 have the right, at its option, to declare the financing agreement  
7425 in default and to accelerate the total of all annual payments that  
7426 are to be made or to terminate the financing agreement and cause  
7427 to be sold the economic development project at public or private  
7428 sale, or to pursue any other remedies available under the Uniform  
7429 Commercial Code, as from time to time amended, or otherwise  
7430 available in law or equity.



7431 [In cases involving an economic development project for which  
7432 the Mississippi Business Finance Corporation has not issued bonds  
7433 for the purpose of financing the approved costs of such project  
7434 prior to July 1, 1994, but has issued bonds for such project prior  
7435 to July 1, 1997, or in cases involving an economic development  
7436 project which has been induced by a resolution of the Board of  
7437 Directors of the Mississippi Business Finance Corporation that has  
7438 been filed with the State Tax Commission prior to July 1, 1997,  
7439 this section shall read as follows:]

7440 57-10-409. The corporation may enter into, with any approved  
7441 company, a financing agreement with respect to its economic  
7442 development project. The terms and provisions of each financing  
7443 agreement shall be determined by negotiations between the  
7444 corporation and the approved company, except that each financing  
7445 agreement shall include the following provisions:

7446 (a) If the corporation issues any bonds in connection  
7447 with an economic development project, the term of the financing  
7448 agreement shall not be less than the last maturity of the bonds  
7449 issued with respect to the economic development project, except  
7450 that the financing agreement may terminate upon the earlier  
7451 redemption of all of the bonds issued with respect to the economic  
7452 development project and may grant to the approved company an  
7453 option to purchase the economic development project from the  
7454 corporation upon the termination of the financing agreement for  
7455 such consideration and under such terms and conditions the



7456 corporation may approve. Nothing in this paragraph shall limit  
7457 the extension of the term of a financing agreement if there is a  
7458 refunding of the correlative bonds or otherwise.

7459 (b) If the corporation issues any bonds in connection  
7460 with an economic development project, the financing agreement  
7461 shall specify that the annual obligations of the approved company  
7462 under Sections 57-10-401 through 57-10-445 shall equal in each  
7463 year at least the annual debt service for that year on the bonds  
7464 issued with respect to the economic development project; and the  
7465 approved company shall pay such obligation of the financing  
7466 agreement to the trustee for bonds issued for the benefit of the  
7467 approved company, at such time and in such amounts sufficient to  
7468 amortize such bonds.

7469 (c) If the corporation loans funds to an approved  
7470 company that is a private company under the Mississippi Small  
7471 Enterprise Development Finance Act, the financing agreement shall  
7472 include the terms and conditions of the loan required by Section  
7473 57-71-1 et seq.

7474 (d) (i) In consideration for financing agreement  
7475 payment, the approved company may be permitted the following  
7476 during the period of time in which the financing agreement is in  
7477 effect, not to exceed twenty-five (25) years:

7478 1. A tax credit on the amount provided for in  
7479 Section 27-7-22.3(2), Mississippi Code of 1972; plus



7480                   2. The aggregate assessment withheld by the  
7481 approved company in each year.

7482                   (ii) The income tax credited to the approved  
7483 company referred to herein shall be credited in the fiscal year of  
7484 the financing agreement in which the tax return of the approved  
7485 company is filed. The approved company shall not be required to  
7486 pay estimated tax payments under Section 27-7-319, Mississippi  
7487 Code of 1972.

7488                   (e) (i) The financing agreement shall provide that the  
7489 assessments, when added to the credit for the state corporate  
7490 income tax herein granted, shall not exceed the total financing  
7491 agreement annual payment by the approved company in any year;  
7492 however, to the extent that financing agreement annual payments  
7493 exceed credits received and assessments collected in any year, the  
7494 excess payment may be recouped from excess credits or assessment  
7495 collections in succeeding years not to exceed three (3) years  
7496 following the termination of the period of time during which the  
7497 financing agreement is in effect.

7498                   (ii) If during any fiscal year of the financing  
7499 agreement the total of the income tax credit granted to the  
7500 approved company plus the assessment collected from the wages of  
7501 the employees equals the annual payment pursuant to the financing  
7502 agreement, and if all excess payments pursuant to the financing  
7503 agreement accumulated in prior years have been recouped, the



7504 assessment collected from the wages of the employees shall cease  
7505 for the remainder of the fiscal year of the financing agreement.

7506 (f) The financing agreement shall provide that:

7507 (i) It may be assigned by the approved company  
7508 only upon the prior written consent of the corporation following  
7509 the adoption of a resolution by the corporation to such effect;  
7510 and

7511 (ii) Upon the default by the approved company in  
7512 the obligation to render its annual payment, the corporation shall  
7513 have the right, at its option, to declare the financing agreement  
7514 in default and to accelerate the total of all annual payments that  
7515 are to be made or to terminate the financing agreement and cause  
7516 to be sold the economic development project at public or private  
7517 sale, or to pursue any other remedies available under the Uniform  
7518 Commercial Code, as from time to time amended, or otherwise  
7519 available in law or equity.

7520 [In cases involving an economic development project for which  
7521 the Mississippi Business Finance Corporation has not issued bonds  
7522 for the purpose of financing the approved costs of such project  
7523 prior to July 1, 1997, or in cases involving an economic  
7524 development project which has not been induced by a resolution of  
7525 the Board of Directors of the Mississippi Business Finance  
7526 Corporation that has been filed with the State Tax Commission  
7527 prior to July 1, 1997, this section shall read as follows:]



7528           57-10-409. The corporation may enter into, with any approved  
7529 company, a financing agreement with respect to its economic  
7530 development project. The terms and provisions of each financing  
7531 agreement shall be determined by negotiations between the  
7532 corporation and the approved company, except that each financing  
7533 agreement shall include the following provisions:

7534           (a) If the corporation issues any bonds in connection  
7535 with an economic development project, the term of the financing  
7536 agreement shall not be less than the last maturity of the bonds  
7537 issued with respect to the economic development project, except  
7538 that the financing agreement may terminate upon the earlier  
7539 redemption of all of the bonds issued with respect to the economic  
7540 development project and may grant to the approved company an  
7541 option to purchase the economic development project from the  
7542 corporation upon the termination of the financing agreement for  
7543 such consideration and under such terms and conditions the  
7544 corporation may approve. Nothing in this paragraph shall limit  
7545 the extension of the term of a financing agreement if there is a  
7546 refunding of the correlative bonds or otherwise.

7547           (b) If the corporation issues any bonds in connection  
7548 with an economic development project, the financing agreement  
7549 shall specify that the annual obligations of the approved company  
7550 under Sections 57-10-401 through 57-10-445 shall equal in each  
7551 year at least the annual debt service for that year on the bonds  
7552 issued with respect to the economic development project; and the





7553 approved company shall pay such obligation of the financing  
7554 agreement to the trustee for bonds issued for the benefit of the  
7555 approved company, at such time and in such amounts sufficient to  
7556 amortize such bonds.

7557 (c) If the corporation loans funds to an approved  
7558 company that is a private company under the Mississippi Small  
7559 Enterprise Development Finance Act, the financing agreement shall  
7560 include the terms and conditions of the loan required by Section  
7561 57-71-1 et seq.

7562 (d) (i) In consideration for financing agreement  
7563 payment, the approved company may be permitted a tax credit on the  
7564 amount provided for in Section 27-7-22.3(2), Mississippi Code of  
7565 1972, during the period of time in which the financing agreement  
7566 is in effect, not to exceed twenty-five (25) years.

7567 (ii) The income tax credited to the approved  
7568 company referred to herein shall be credited in the fiscal year of  
7569 the financing agreement in which the tax return of the approved  
7570 company is filed. The approved company shall not be required to  
7571 pay estimated tax payments under Section 27-7-319, Mississippi  
7572 Code of 1972.

7573 (e) The financing agreement shall provide that:

7574 (i) It may be assigned by the approved company  
7575 only upon the prior written consent of the corporation following  
7576 the adoption of a resolution by the corporation to such effect;  
7577 and



7578 (ii) Upon the default by the approved company in  
7579 the obligation to render its annual payment, the corporation shall  
7580 have the right, at its option, to declare the financing agreement  
7581 in default and to accelerate the total of all annual payments that  
7582 are to be made or to terminate the financing agreement and cause  
7583 to be sold the economic development project at public or private  
7584 sale, or to pursue any other remedies available under the Uniform  
7585 Commercial Code, as from time to time amended, or otherwise  
7586 available in law or equity.

7587 **SECTION 256.** Section 57-10-411, Mississippi Code of 1972, is  
7588 brought forward as follows:

7589 57-10-411. Ninety (90) days after the filing of the tax  
7590 return of the approved company, the Department of Revenue shall  
7591 certify to the corporation the state income tax liability for the  
7592 preceding year of each approved company with respect to an  
7593 economic development project financed under Sections 57-10-401  
7594 through 57-10-445, and the amounts of any tax credits taken under  
7595 Sections 57-10-401 through 57-10-445.

7596 **SECTION 257.** Section 57-10-413, Mississippi Code of 1972, is  
7597 brought forward as follows:

7598 [In cases involving an economic development project for which  
7599 the Mississippi Business Finance Corporation has issued bonds for  
7600 the purpose of financing the approved costs of such project prior  
7601 to July 1, 1994, this section shall read as follows:]



7602           57-10-413. (1) The approved company may require that each  
7603 employee whose gross wages are equivalent to Five Dollars (\$5.00)  
7604 or more per hour, as a condition of employment, agrees to pay a  
7605 job development assessment fee not to exceed a certain percentage  
7606 of the gross wages of each such employee whose job was created as  
7607 a result of the economic development project, for the purpose of  
7608 retiring the bonds which fund the economic development project or  
7609 other indebtedness. The job development assessment fee shall not  
7610 exceed the following percentages of the gross wages of the  
7611 employee:

7612                   (a) Two percent (2%), if the gross wages of the  
7613 employee are equivalent to Five Dollars (\$5.00) or more per hour  
7614 but less than Seven Dollars (\$7.00) per hour;

7615                   (b) Four percent (4%), if the gross wages of the  
7616 employee are equivalent to Seven Dollars (\$7.00) or more per hour  
7617 but less than Nine Dollars (\$9.00) per hour; and

7618                   (c) Six percent (6%), if the gross wages of the  
7619 employee are equivalent to Nine Dollars (\$9.00) or more per hour.

7620           (2) Each employee so assessed shall be entitled to credits  
7621 against Mississippi income taxes as provided in Section 27-7-22.3.

7622           (3) If an approved company shall elect to impose the  
7623 assessment as a condition of employment, it shall deduct the  
7624 assessment from each paycheck of each employee.

7625           (4) Any approved company collecting an assessment as  
7626 provided in subsection (1) of this section shall make its payroll



7627 books and records available to the corporation at such reasonable  
7628 times as the corporation shall request and shall file with the  
7629 corporation documentation respecting the assessment as the  
7630 corporation may require.

7631 (5) Any assessment of the wages of employees of an approved  
7632 company in connection with their employment at an economic  
7633 development project under subsection (1) of this section shall  
7634 lapse on the date the bonds are retired.

7635 [In cases involving an economic development project for which  
7636 the Mississippi Business Finance Corporation has not issued bonds  
7637 for the purpose of financing the approved costs of such project  
7638 prior to July 1, 1994, but has issued bonds for such project prior  
7639 to July 1, 1997, or in cases involving an economic development  
7640 project which has been induced by a resolution of the Board of  
7641 Directors of the Mississippi Business Finance Corporation that has  
7642 been filed with the State Tax Commission prior to July 1, 1997,  
7643 this section shall read as follows:]

7644 57-10-413. (1) Except as otherwise provided for in  
7645 subsection (6) of this section, the approved company may require  
7646 that each employee whose gross wages are equivalent to Five  
7647 Dollars (\$5.00) or more per hour, as a condition of employment,  
7648 agrees to pay a job development assessment fee not to exceed a  
7649 certain percentage of the gross wages of each such employee whose  
7650 job was created as a result of the economic development project,  
7651 for the purpose of retiring the bonds which fund the economic



7652 development project or other indebtedness. The job development  
7653 assessment fee shall not exceed the following percentages of the  
7654 gross wages of the employee:

7655 (a) Two percent (2%), if the gross wages of the  
7656 employee are equivalent to Five Dollars (\$5.00) or more per hour  
7657 but less than Seven Dollars (\$7.00) per hour;

7658 (b) Four percent (4%), if the gross wages of the  
7659 employee are equivalent to Seven Dollars (\$7.00) or more per hour  
7660 but less than Nine Dollars (\$9.00) per hour; and

7661 (c) Six percent (6%), if the gross wages of the  
7662 employee are equivalent to Nine Dollars (\$9.00) or more per hour.

7663 (2) Each employee so assessed shall be entitled to credits  
7664 against Mississippi income taxes as provided in Section 27-7-22.3.

7665 (3) If an approved company shall elect to impose the  
7666 assessment as a condition of employment, it shall deduct the  
7667 assessment from each paycheck of each employee.

7668 (4) Any approved company collecting an assessment as  
7669 provided in subsection (1) of this section shall make its payroll  
7670 books and records available to the corporation at such reasonable  
7671 times as the corporation shall request and shall file with the  
7672 corporation documentation respecting the assessment as the  
7673 corporation may require.

7674 (5) Any assessment of the wages of employees of an approved  
7675 company in connection with their employment at an economic



7676 development project under subsection (1) of this section shall  
7677 lapse on the date the bonds are retired.

7678 (6) If an eligible company closes a facility in this state  
7679 and becomes an approved company under the provisions of Sections  
7680 57-10-401 through 57-10-449, only those jobs created in excess of  
7681 those that existed at the closed facility at the time of the  
7682 closure shall be eligible for the imposition of the job  
7683 development assessment fee. The Mississippi Business Finance  
7684 Corporation shall promulgate rules and regulations to govern the  
7685 determination of the number of jobs upon which the job development  
7686 assessment fee may be imposed.

7687 **SECTION 258.** Section 57-10-415, Mississippi Code of 1972, is  
7688 brought forward as follows:

7689 57-10-415. Every issue of bonds under Sections 57-10-401  
7690 through 57-10-445 shall be payable solely out of any revenues of  
7691 the corporation as provided in Sections 57-10-401 through  
7692 57-10-445. The bonds additionally may be secured by a pledge of  
7693 any grant, contribution or guarantee from the federal government  
7694 or any person or a pledge by the corporation of any revenues from  
7695 any source.

7696 **SECTION 259.** Section 57-10-417, Mississippi Code of 1972, is  
7697 brought forward as follows:

7698 57-10-417. The bonds issued by the corporation under  
7699 Sections 57-10-401 through 57-10-445 shall be limited obligations  
7700 of the corporation and shall not constitute a debt, liability or



7701 general obligation of the state or any political subdivision  
7702 thereof (other than the corporation), or a pledge of the faith and  
7703 credit of the state or any political subdivision thereof (other  
7704 than the corporation), but shall be payable solely as provided by  
7705 the corporation under Sections 57-10-401 through 57-10-445. No  
7706 member or officer of the board of directors of the corporation nor  
7707 any person executing the bonds shall be liable personally on the  
7708 bonds by reason of the issuance thereof. Each bond issued under  
7709 Sections 57-10-401 through 57-10-445 shall contain on the face  
7710 thereof a statement that neither the state, nor any other  
7711 political subdivision thereof, shall be obligated to pay the same  
7712 or the interest thereon or other costs incident thereto except  
7713 from the revenue or money pledged by the corporation and that  
7714 neither the faith and credit nor the taxing power of the state or  
7715 any political subdivision thereof is pledged to the payment of the  
7716 principal of, or the interest on, such bond.

7717         **SECTION 260.** Section 57-10-419, Mississippi Code of 1972, is  
7718 brought forward as follows:

7719         57-10-419. (1) The corporation may issue in its own name,  
7720 from time to time, for the purpose of financing the approved costs  
7721 of an economic development project, its bonds and may pledge for  
7722 the payment thereof funds derived in respect of any financing  
7723 agreement or other arrangement entered into by the corporation and  
7724 an approved company under Sections 57-10-401 through 57-10-445.



7725           (2) In anticipation of the issuance of bonds, the  
7726 corporation may provide for the issuance, at one time or from time  
7727 to time, of bond anticipation notes. The principal of and the  
7728 interest on the notes shall be payable solely from the funds  
7729 herein provided for the payment. Any notes may be made payable  
7730 from the proceeds of bonds or renewal notes; or, if bond or  
7731 renewal note proceeds are not available, the notes may be paid  
7732 from any available revenues or assets of the corporation.

7733           (3) The bonds issued under Sections 57-10-401 through  
7734 57-10-445 shall be authorized by a resolution of the corporation,  
7735 shall bear such date or dates, and shall mature at such time or  
7736 times as such resolution may provide, except that no bond shall  
7737 mature more than twenty-five (25) years from the date of issue.  
7738 Bonds which are not subject to taxation shall bear interest at  
7739 such rate or rates, be in such denominations, be in such form,  
7740 carry such registration privileges, be executed in such manner, be  
7741 payable in such medium of payment, at such place or places, and be  
7742 subject to such terms of redemption, including redemption before  
7743 maturity, as such resolution may provide. Except as expressly  
7744 provided otherwise in Sections 57-10-401 through 57-10-445, the  
7745 provisions of other laws of the state relating to the issuance of  
7746 revenue bonds shall not apply to bonds issued by the corporation.  
7747 As to bonds issued hereunder and designated as taxable bonds by  
7748 the corporation, any immunity to taxation by the United States  
7749 government of interest on such bonds or notes is hereby waived.





7750 Bonds of the corporation may be sold by the corporation at public  
7751 or private sale, from time to time, and at such price or prices as  
7752 the corporation shall determine.

7753 (4) The proceeds of any bonds shall be used solely for the  
7754 purposes for which issued and shall be disbursed in the manner and  
7755 under the restrictions, if any, that the corporation may provide  
7756 in the resolution authorizing the issuance of the bonds or in a  
7757 trust indenture securing the same.

7758 (5) The principal and interest on the bonds issued by the  
7759 corporation shall be payable solely and only from proceeds derived  
7760 under a financing agreement and shall be secured solely by the  
7761 economic development project, the proceeds of the financing  
7762 agreement, and such other assets as may be available, but not  
7763 including revenues of the state.

7764 (6) Before the preparation of definitive certificates  
7765 evidencing the bonds, the corporation may issue, under like  
7766 restrictions, interim receipts or temporary certificates, with or  
7767 without coupons, exchangeable for definitive certificates when the  
7768 certificates have been executed and are available for delivery.  
7769 The corporation may also provide for the replacement of any  
7770 certificates which become mutilated or are destroyed or lost.

7771 **SECTION 261.** Section 57-10-421, Mississippi Code of 1972, is  
7772 brought forward as follows:

7773 57-10-421. In addition to the requirements provided for in  
7774 Section 57-10-419, any resolution authorizing the issuance of



7775 bonds under Sections 57-10-401 through 57-10-445 may contain  
7776 provisions as to:

7777           (a) The setting aside of reserves or sinking funds and  
7778 the regulations and disposition thereof;

7779           (b) Limitations on the issuance of additional bonds,  
7780 the terms upon which additional bonds may be issued and secured,  
7781 and the refunding of outstanding or other bonds;

7782           (c) The procedure, if any, by which the terms of any of  
7783 the proceedings under which the bonds are being issued may be  
7784 amended or abrogated, the number or percentage of bondholders who  
7785 or which must consent thereto, and the manner in which the consent  
7786 may be given;

7787           (d) The vesting in a trustee or trustees of such  
7788 property, rights, powers and duties in trust as the company may  
7789 determine, and limiting or abrogating the right of bondholders to  
7790 appoint a trustee or limiting the rights, powers and duties of the  
7791 trustee;

7792           (e) Defining the act or omissions to act which shall  
7793 constitute a default and the obligations or duties of the  
7794 corporation to the holders of the bonds, and providing for the  
7795 rights and remedies of the holders of the bonds in the event of  
7796 default, which rights and remedies may include the general laws of  
7797 the state and other provisions of Sections 57-10-401 through  
7798 57-10-445; or



7799 (f) Any other matter, of like or different character,  
7800 which in any way affects the security or protection of the holders  
7801 of the bonds.

7802 **SECTION 262.** Section 57-10-423, Mississippi Code of 1972, is  
7803 brought forward as follows:

7804 57-10-423. Any pledge made by the corporation shall be valid  
7805 and binding from the time when the pledge was made. The revenues  
7806 or properties so pledged and thereafter received by the  
7807 corporation shall immediately be subject to the lien of such  
7808 pledge without any physical delivery thereof or further act, and  
7809 the lien of any such pledge shall be valid and binding as against  
7810 all parties having claims of any kind in tort, contract or  
7811 otherwise against the corporation, irrespective of whether the  
7812 parties have notice thereof. Neither the resolution nor any other  
7813 instrument by which a pledge is created need be recorded.

7814 **SECTION 263.** Section 57-10-425, Mississippi Code of 1972, is  
7815 brought forward as follows:

7816 57-10-425. The corporation, subject to the provisions in  
7817 proceedings relating to outstanding bonds as may then exist, may  
7818 purchase bonds out of any funds available therefor, which shall  
7819 thereupon be canceled, at any reasonable price which, if the bonds  
7820 are then redeemable, shall not exceed the redemption price (and  
7821 premium, if any) then applicable plus accrued interest to the  
7822 redemption date thereof.



7823           **SECTION 264.** Section 57-10-427, Mississippi Code of 1972, is  
7824 brought forward as follows:

7825           57-10-427. The bonds may be secured by an indenture by and  
7826 between the corporation and a corporate trustee which may be any  
7827 bank or other corporation having the power of a trust company or  
7828 any trust company within or without this state. Such indenture  
7829 may contain such provisions for protecting and enforcing the  
7830 rights and remedies of the bondholders as may be reasonable and  
7831 proper and not in violation of law, including covenants setting  
7832 forth the duties of the corporation in relation to the exercise of  
7833 its powers and the custody, safekeeping and application of all  
7834 money. The corporation may provide by the indenture for the  
7835 payment of the proceeds of the bonds and revenues to the trustee  
7836 under the indenture or other depository, and for the method of  
7837 disbursement thereof, with such safeguards and restrictions as the  
7838 corporation may determine. If the bonds shall be secured by an  
7839 indenture, the bondholders shall have no authority to appoint a  
7840 separate trustee to represent them.

7841           **SECTION 265.** Section 57-10-429, Mississippi Code of 1972, is  
7842 brought forward as follows:

7843           57-10-429. In the event that any of the members or officers  
7844 of the board of directors of the corporation shall cease to be  
7845 members or officers of the board prior to the delivery of any  
7846 bonds signed by them, their signatures or facsimiles thereof shall  
7847 nevertheless be valid and sufficient for all purposes, the same as



7848 if such members or officers had remained in office until such  
7849 delivery.

7850           **SECTION 266.** Section 57-10-431, Mississippi Code of 1972, is  
7851 brought forward as follows:

7852           57-10-431. The corporation may create and establish such  
7853 funds and accounts as may be necessary or desirable for its  
7854 purposes under Sections 57-10-401 through 57-10-445.

7855           **SECTION 267.** Section 57-10-433, Mississippi Code of 1972, is  
7856 brought forward as follows:

7857           57-10-433. The corporation shall have the power to contract  
7858 with the holders of any of its bonds issued under Sections  
7859 57-10-401 through 57-10-445 as to the custody, collection,  
7860 securing, investment and payment of any money of the corporation,  
7861 and of any money held in trust or otherwise for the payment of  
7862 bonds, and to carry out such contract. Money held in trust or  
7863 otherwise for the payment of bonds or in any way to secure bonds  
7864 and deposits of money may be secured in the same manner as money  
7865 of the corporation, and all banks and trust companies are  
7866 authorized to give security for the deposits.

7867           **SECTION 268.** Section 57-10-435, Mississippi Code of 1972, is  
7868 brought forward as follows:

7869           57-10-435. Amendments to Sections 57-10-401 through  
7870 57-10-445, enacted after July 1, 1993, shall not limit the rights  
7871 vested in the corporation with respect to any agreements made  
7872 with, or remedies available to, the holders of bonds issued under



7873 this article or Section 27-7-22.3 prior to the enactment of the  
7874 amendments until the bonds, together with all interest thereon,  
7875 and all costs and expenses in connection with any proceeding by or  
7876 on behalf of the holders, are fully met and discharged.

7877         **SECTION 269.** Section 57-10-437, Mississippi Code of 1972, is  
7878 brought forward as follows:

7879             57-10-437. All expenses incurred by the corporation in  
7880 carrying out the provisions of Sections 57-10-401 through  
7881 57-10-445 shall be payable solely from funds provided under  
7882 Sections 57-10-401 through 57-10-445, or other funds of the  
7883 corporation. Nothing in Sections 57-10-401 through 57-10-445  
7884 shall be construed to authorize the corporation to incur  
7885 indebtedness or liability on behalf of or payable by the state or  
7886 any other political subdivision thereof.

7887         **SECTION 270.** Section 57-10-439, Mississippi Code of 1972, is  
7888 brought forward as follows:

7889             57-10-439. (1) The corporation is hereby declared to be  
7890 performing a public function and to be a public body corporate and  
7891 a political subdivision of the state. Accordingly, the income,  
7892 including any profit made on the sale thereof from all bonds  
7893 issued by the corporation, shall at all times be exempt from all  
7894 taxation by the state or any political subdivision thereof. If,  
7895 after all indebtedness and other obligations of the corporation  
7896 are discharged, the corporation is dissolved, its remaining assets  
7897 shall inure to the benefit of the state.



7898 (2) With the approval of the appropriate local taxing  
7899 authority, all mortgages or deeds of trust executed as security  
7900 therefor, all lease or purchase agreements made pursuant to the  
7901 provisions hereof, and all purchases required to establish the  
7902 industrial enterprise and financed by proceeds from bonds issued  
7903 under Sections 57-10-401 through 57-10-445, shall likewise be  
7904 exempt from all taxation in the State of Mississippi except the  
7905 contractors' tax imposed by Section 27-65-21 and the tax levied by  
7906 Section 27-65-24(1) (b), and except ad valorem taxes levied for  
7907 school district purposes. All projects and the revenue derived  
7908 therefrom from any lease thereof shall be exempt from all taxation  
7909 in the State of Mississippi, except the tax levied by Sections  
7910 27-65-21 and 27-65-24(1) (b), except the tax levied under Chapter  
7911 7, Title 27, Mississippi Code of 1972, and except ad valorem taxes  
7912 levied for school district purposes.

7913 **SECTION 271.** Section 57-10-441, Mississippi Code of 1972, is  
7914 brought forward as follows:

7915 57-10-441. The bonds issued by and under the authority of  
7916 Sections 57-10-401 through 57-10-445 by the corporation are  
7917 declared to be legal investments in which all public officers or  
7918 public bodies of the state, its political subdivisions, all  
7919 municipalities and municipal subdivisions, all insurance companies  
7920 and associations, and other persons carrying on insurance  
7921 business, all banks, bankers, banking associations, trust  
7922 companies, savings associations, including savings and loan



7923 associations, building and loan associations, investment  
7924 companies, and other persons carrying on a banking business, all  
7925 administrators, guardians, executors, trustees and other  
7926 fiduciaries, and all other persons who are now or may later be  
7927 authorized to invest in bonds or in other obligations of the  
7928 state, may invest funds, including capital, in their control or  
7929 belonging to them. Such bonds are also hereby made securities  
7930 which may be deposited with and received by all public officers  
7931 and bodies of the state or any agency or political subdivision of  
7932 the state and all municipalities and public corporations for any  
7933 purpose for which the deposit of bonds or other obligations of the  
7934 state is now or may be later authorized by law.

7935         **SECTION 272.** Section 57-10-443, Mississippi Code of 1972, is  
7936 brought forward as follows:

7937         57-10-443. The corporation, within one hundred twenty (120)  
7938 days of the close of each fiscal year, shall submit an annual  
7939 report of its activities in regard to Sections 57-10-401 through  
7940 57-10-445 for the preceding year to the Governor. The Clerk of  
7941 the House of Representatives and the Secretary of the Senate each  
7942 shall receive a copy of the report by making a request for it to  
7943 the corporation. Each report shall set forth a complete operating  
7944 and financial statement in regard to Sections 57-10-401 through  
7945 57-10-445 for the corporation during the fiscal year it covers.

7946         **SECTION 273.** Section 57-10-445, Mississippi Code of 1972, is  
7947 brought forward as follows:





7948           57-10-445. Nothing contained in Sections 57-10-401 through  
7949 57-10-445 is to be construed as a restriction or limitation upon  
7950 any powers which the corporation might otherwise have under any  
7951 other law of the state. Insofar as the provisions of Sections  
7952 57-10-401 through 57-10-445 are inconsistent with the provisions  
7953 of any other law, the provisions of Sections 57-10-401 through  
7954 57-10-445 shall be controlling, and the powers conferred by  
7955 Sections 57-10-401 through 57-10-445 shall be regarded as  
7956 supplemental and additional to powers conferred by any other laws.  
7957 No proceedings, notice or approval shall be required for the  
7958 issuance of any bonds or any instrument or the security therefor,  
7959 except as provided in Sections 57-10-401 through 57-10-445.

7960           The provisions of Sections 57-10-401 through 57-10-445 shall  
7961 be liberally construed to accomplish the purposes of Sections  
7962 57-10-401 through 57-10-445.

7963           The powers granted and the duties imposed in Sections  
7964 57-10-401 through 57-10-445 shall be construed to be independent  
7965 and severable. If any one or more sections, subsections,  
7966 sentences or parts of any of Sections 57-10-401 through 57-10-445  
7967 shall be adjudged unconstitutional or invalid, such adjudication  
7968 shall not affect, impair or invalidate the remaining provisions  
7969 thereof, but shall be confined in its operation to the specific  
7970 provisions so held unconstitutional or invalid.

7971           **SECTION 274.** Section 57-10-447, Mississippi Code of 1972, is  
7972 brought forward as follows:



7973           57-10-447. No elected or appointed official shall derive any  
7974 pecuniary benefit, directly or indirectly, as a result of such  
7975 elected or appointed official's duties under Sections 57-10-401  
7976 through 57-10-445. Any member of the Legislature, any elected or  
7977 appointed official, any member of the immediate family of a member  
7978 of the Legislature, or any partner or associate of such a member  
7979 of the Legislature or elected or appointed official, shall not  
7980 derive any income from the issuance of any bonds under Sections  
7981 57-10-401 through 57-10-445, contrary to the provisions of Section  
7982 109, Mississippi Constitution of 1890, or Article 3, Chapter 4,  
7983 Title 25, Mississippi Code of 1972. The provisions of this  
7984 section shall not apply to any person performing clerical or  
7985 administrative functions, which are other than legal services  
7986 provided by an attorney, that are associated with the issuance of  
7987 any bonds under Sections 57-10-401 through 57-10-445, such as the  
7988 printing of bonds or other materials. Any person convicted of a  
7989 violation of this section shall be punished by imprisonment for  
7990 not less than one (1) year and not more than five (5) years and a  
7991 fine of not less than Two Thousand Five Hundred Dollars  
7992 (\$2,500.00) and not more than Ten Thousand Dollars (\$10,000.00).

7993           **SECTION 275.** Section 57-10-449, Mississippi Code of 1972, is  
7994 brought forward as follows:

7995           57-10-449. Sections 57-10-401 through 57-10-445 and  
7996 27-7-22.3 shall be repealed from and after October 1, 2022.



7997           **SECTION 276.** Section 57-10-501, Mississippi Code of 1972, is  
7998 brought forward as follows:

7999           57-10-501. This article shall be known and may be cited as  
8000 the Mississippi Small Business Assistance Act.

8001           **SECTION 277.** Section 57-10-503, Mississippi Code of 1972, is  
8002 brought forward as follows:

8003           57-10-503. It is the purpose of this article to promote  
8004 economic and community development in the State of Mississippi  
8005 through the planning and development districts in Mississippi by  
8006 providing assistance for job creation and retention and small  
8007 business development and to authorize the issuance of state bonds  
8008 or notes for funding such assistance.

8009           **SECTION 278.** Section 57-10-505, Mississippi Code of 1972, is  
8010 brought forward as follows:

8011           57-10-505. The following words and phrases when used in this  
8012 article shall have the meaning given to them in this section  
8013 unless the context clearly indicates otherwise:

8014           (a) "Assistance" means a loan to a small business or an  
8015 equity investment in a small business by a planning and  
8016 development district in accordance with this article.

8017           (b) "DECD" means the Mississippi Development Authority.

8018           (c) "Equity investment" means an investment in the  
8019 ownership of a small business incorporated in Mississippi by a  
8020 planning and development district in accordance with this article.



8021 (d) "General Fund" means the General Fund of the State  
8022 of Mississippi.

8023 (e) "Loan" means a loan by a planning and development  
8024 district to a small business in accordance with this article.

8025 (f) "MDA" means the Mississippi Development Authority.

8026 (g) "Planning and development districts" means an  
8027 organized planning and development district in Mississippi.

8028 (h) "Program" means the Mississippi Small Business  
8029 Assistance Program established in this article.

8030 (i) "Qualified entities" means small business  
8031 investment corporations, community development corporations and  
8032 other similar entities approved by the Mississippi Business  
8033 Finance Corporation to participate in the program.

8034 (j) "Seller" means the State Bond Commission.

8035 (k) "Small business" means any commercial enterprise  
8036 with less than one hundred (100) full-time employees, less than  
8037 Seven Million Dollars (\$7,000,000.00) in net worth or less than  
8038 Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net annual  
8039 profit after taxes.

8040 **SECTION 279.** Section 57-10-507, Mississippi Code of 1972, is  
8041 amended as follows:

8042 57-10-507. There is hereby established, under the direction  
8043 of \* \* \* MDA, a program to be known as the Mississippi Small  
8044 Business Assistance Program for the purpose of making grants to  
8045 the planning and development districts and qualified entities for



8046 their use in providing assistance to small businesses in  
8047 accordance with this article for the purpose of creating and  
8048 retaining jobs and small business development.

8049 **SECTION 280.** Section 57-10-509, Mississippi Code of 1972, is  
8050 amended as follows:

8051 57-10-509. (1) Any planning and development district or  
8052 qualified entity desiring to participate in the program shall make  
8053 application for a grant to \* \* \* MDA in a form satisfactory  
8054 to \* \* \* MDA.

8055 (2) The application must indicate that the planning and  
8056 development district or qualified entity has established a small  
8057 business assistance review board to review applications for  
8058 assistance under the program and make recommendations thereon to  
8059 the board of directors of the planning and development district or  
8060 governing board of a qualified entity in accordance with this  
8061 article. The planning and development district or qualified  
8062 entity shall provide such other assurances of their ability to  
8063 administer and manage the program in accordance with this article  
8064 as may be reasonably required by \* \* \* MDA. An eligible community  
8065 development corporation shall execute a memorandum of agreement  
8066 with the planning and development district(s) having such  
8067 jurisdiction as may be concurrent with that of the community  
8068 development corporation.

8069 **SECTION 281.** Section 57-10-511, Mississippi Code of 1972, is  
8070 amended as follows:



8071           57-10-511. MDA shall grant funds under this article to a  
8072 planning and development district or qualified entity in  
8073 accordance with the following terms and conditions:

8074           (a) Grant funds received by a planning and development  
8075 district or qualified entity in accordance with this article shall  
8076 be used by the planning and development district or qualified  
8077 entity to establish a revolving assistance fund for the purpose of  
8078 providing assistance to small businesses in accordance with this  
8079 article. Except as otherwise allowed in this article, all  
8080 principal and interest payments by small businesses in repayment  
8081 of such assistance shall be eligible for and used by the planning  
8082 and development district or qualified entity for additional  
8083 assistance to small businesses in accordance with this article.

8084           (b) Each planning and development district meeting the  
8085 criteria set forth in this article shall receive an initial grant  
8086 of not to exceed One Million Dollars (\$1,000,000.00) for the  
8087 purpose of establishing the program within its area in accordance  
8088 with this article. Each qualified entity meeting the criteria set  
8089 forth in this article shall be eligible to receive an initial  
8090 grant of Five Hundred Thousand Dollars (\$500,000.00) for the  
8091 purpose of establishing the program within the area it serves in  
8092 accordance with this article. The total amount of initial grants  
8093 to planning and development districts shall not exceed Ten Million  
8094 Dollars (\$10,000,000.00) and the total amount of initial grants  
8095 for qualified entities shall not exceed Two Million Dollars



8096 (\$2,000,000.00). Each planning and development district or  
8097 qualified entity receiving an initial grant shall have twelve (12)  
8098 months in which to make binding commitments to provide assistance  
8099 to small businesses in the principal amount of the initial grant  
8100 in accordance with this article. Grant funds not committed to  
8101 provide assistance to small businesses at the end of twelve (12)  
8102 months after receipt thereof by the planning and development  
8103 district or qualified entity shall be returned to MDA for  
8104 placement in a pool to be redistributed by MDA to planning and  
8105 development districts or qualified entities which have binding  
8106 commitments to distribute as assistance all their initial grant  
8107 funds and have pending applications for additional assistance in  
8108 accordance with this article. Any planning and development  
8109 district or qualified entity returning any such grant funds to MDA  
8110 shall be required at the time such initial grant funds are  
8111 returned to deliver to the State Treasury, for deposit in the  
8112 General Fund, interest on the amount of such returned funds at the  
8113 same rate as any bonds or notes of the State of Mississippi issued  
8114 pursuant to this article to provide such grant funds.

8115 (c) After all of the initial grant funds have been  
8116 provided as assistance to small businesses in accordance with this  
8117 article, MDA shall distribute additional grant funds to each  
8118 planning and development district or qualified entity qualified  
8119 under this article to receive and requesting such funds in  
8120 whatever amounts MDA deems appropriate and when needed by such



8121 planning and development districts or qualified entities to  
8122 provide additional assistance to small businesses in accordance  
8123 with this article. The schedule for distributing such funds shall  
8124 be determined by MDA. Funds distributed to planning and  
8125 development districts and qualified entities pursuant to this  
8126 paragraph shall be in addition to funds distributed to planning  
8127 and development districts and qualified entities pursuant to  
8128 paragraph (b) of this section. The total amount of grants issued  
8129 pursuant to this paragraph shall not exceed Twenty Million Dollars  
8130 (\$20,000,000.00) for planning and development districts or  
8131 qualified entities. Grant funds not committed to provide  
8132 assistance to small businesses at the end of twelve (12) months  
8133 after receipt thereof by the planning and development district or  
8134 qualified entity shall be returned to MDA for placement in a pool  
8135 to be redistributed by MDA to planning and development districts  
8136 or qualified entities which have binding commitments to distribute  
8137 as assistance all their initial grant funds and have pending  
8138 applications for additional assistance in accordance with this  
8139 article. Any planning and development district or qualified  
8140 entity returning any such grant funds to MDA shall be required at  
8141 the time such grant funds are returned to deliver to the State  
8142 Treasury, for deposit in the General Fund, interest on the amount  
8143 of such returned funds at the same rate as any bonds or notes of  
8144 the State of Mississippi issued pursuant to this article to  
8145 provide such grant funds.





8146 (d) A planning and development district or qualified  
8147 entity participating in the program may utilize an amount equal to  
8148 not more than fifty percent (50%) of interest earned on assistance  
8149 provided to small businesses in accordance with this article or  
8150 three percent (3%) of the current annual loans disbursed,  
8151 whichever is the lesser amount, for administration and management  
8152 of the program, unless specifically authorized to utilize more by  
8153 MDA; however, any interest earned on grant funds held by a  
8154 planning and development district or qualified entity prior to the  
8155 utilization of such grant funds to provide assistance to small  
8156 businesses shall be placed in the revolving assistance fund of the  
8157 planning and development district or qualified entity and shall  
8158 not be expended for administration or management costs. Planning  
8159 and development districts and qualified entities may retain an  
8160 amount equal to fifty percent (50%) of the interest earned on  
8161 repayment funds that are being held on deposit in anticipation of  
8162 relending, or three percent (3%) of the current annual loans  
8163 disbursed, whichever is the lesser amount, to aid in the  
8164 administration and management of the program. Each planning and  
8165 development district and qualified entity shall file annually with  
8166 the Secretary of the Senate and the Clerk of the House of  
8167 Representatives not later than the first day of each regular  
8168 legislative session a report which details any interest retained  
8169 or utilized by the planning and development district or qualified  
8170 entity pursuant to this paragraph (d).



8171 (e) If a planning and development district or qualified  
8172 entity participating in the program experiences losses from  
8173 assistance provided pursuant to the program in excess of sixty  
8174 percent (60%) of the amount of grant funds received by the  
8175 planning and development district or qualified entity, the  
8176 planning and development district or qualified entity shall repay  
8177 the State of Mississippi the amount of such losses in excess of  
8178 sixty percent (60%) by delivering that amount to the State  
8179 Treasury for deposit in the General Fund.

8180 (f) MDA shall assist each planning and development  
8181 district or qualified entity participating in the program in  
8182 connection with such planning and development district's or  
8183 qualified entity's compliance with this article.

8184 (g) Each planning and development district or qualified  
8185 entity participating in the program shall submit the following  
8186 reports to \* \* \* MDA:

8187 (i) An annual audit of grant funds received in  
8188 connection with the program; and

8189 (ii) A semiannual report on July 30 and January 30  
8190 of each year, describing all assistance provided to small  
8191 businesses pursuant to the program, such reports to include,  
8192 without limitation, the following: a description of each small  
8193 business receiving assistance; the project to be assisted and  
8194 purpose of assistance; a description of each loan and equity  
8195 investment, including the terms and conditions thereof and use of



8196 the assistance funds by the small business; history of the  
8197 assistance pool, including principal amount loaned, interest  
8198 earned, interest expended for administration and management,  
8199 principal amount of equity investments, assistance funds  
8200 available, and losses; and a statement of jobs created or retained  
8201 as a result of the assistance program.

8202 (h) If MDA determines that a district or entity has  
8203 provided assistance to small businesses in a manner inconsistent  
8204 with the provisions of this article, then the amount of such  
8205 assistance so provided shall be withheld by MDA from any  
8206 additional grant funds to which the district or entity becomes  
8207 entitled under this article. If MDA determines, after notifying  
8208 such district or entity twice in writing and providing such  
8209 district or entity a reasonable opportunity to comply, that a  
8210 planning and development district or qualified entity has  
8211 consistently failed to comply with this article in connection with  
8212 the program, MDA may declare such planning and development  
8213 district or qualified entity in default under the program and,  
8214 upon receipt of notice thereof from MDA, such planning and  
8215 development district or qualified entity shall immediately cease  
8216 providing assistance under the program, shall refund to MDA for  
8217 distribution to other planning and development districts or  
8218 qualified entities all funds held in its revolving assistance fund  
8219 and, if required by MDA, shall convey to MDA all administrative



8220 and management control of assistance provided by it under the  
8221 program.

8222 (i) If MDA determines, after notifying a planning and  
8223 development district or qualified entity twice in writing and  
8224 providing copies of such notification to each member of the  
8225 Legislature in whose district or in a part of whose district such  
8226 planning and development district or qualified entity is located  
8227 and providing such district or entity a reasonable opportunity to  
8228 take corrective action, that a planning and development district  
8229 or a qualified entity administering a revolving assistance fund  
8230 under the provisions of this article is not actively engaged in  
8231 lending as defined by the rules and regulations of MDA, MDA may  
8232 declare such planning and development district or qualified entity  
8233 in default under the program and, upon receipt of notice thereof  
8234 from MDA, such planning and development district or qualified  
8235 entity shall immediately cease providing assistance under the  
8236 program, shall refund to MDA for distribution to other planning  
8237 and development districts or qualified entities all funds held in  
8238 its revolving assistance fund and, if required by MDA, shall  
8239 convey to MDA all administrative and management control of  
8240 assistance provided by it under the program.

8241 (j) Notwithstanding any other provision of this article  
8242 to the contrary, if federal funds are not available for  
8243 commitments made by a planning and development district to provide  
8244 assistance under any federal loan program administered by the



8245 planning and development district in coordination with the  
8246 Appalachian Regional Commission or Economic Development  
8247 Administration, or both, a planning and development district may  
8248 use funds in its revolving assistance fund, which have not been  
8249 committed otherwise to provide assistance, for the purpose of  
8250 providing temporary funding for such commitments. If a planning  
8251 and development district uses uncommitted funds in its revolving  
8252 assistance fund to provide such temporary funding, the district  
8253 shall use funds repaid to the district under the temporarily  
8254 funded federal loan program to replenish the funds used to provide  
8255 the temporary funding. Funds used by a planning and development  
8256 district to provide temporary funding under this paragraph (j)  
8257 must be repaid to the district's revolving assistance fund no  
8258 later than twelve (12) months after the date the district provides  
8259 the temporary funding. A planning and development district may  
8260 not use uncommitted funds in its revolving assistance fund to  
8261 provide temporary funding under this paragraph (j) on more than  
8262 two (2) occasions during a calendar year. A planning and  
8263 development district may provide temporary funding for multiple  
8264 commitments on each such occasion. The maximum aggregate amount  
8265 of uncommitted funds in a revolving assistance fund that may be  
8266 used for such purposes during a calendar year shall not exceed  
8267 seventy percent (70%) of the uncommitted funds in the revolving  
8268 assistance fund on the date the district first provides temporary  
8269 funding during the calendar year.



8270           **SECTION 282.** Section 57-10-513, Mississippi Code of 1972, is  
8271 brought forward as follows:

8272           57-10-513. The planning and development districts and  
8273 qualified entities are authorized, empowered and directed to  
8274 deposit all grant funds received pursuant to this article in a  
8275 revolving assistance fund and to provide assistance therefrom to  
8276 small businesses in accordance with this article and the following  
8277 criteria, terms and conditions:

8278           (a) To be eligible for assistance under this article,  
8279 the small business and the project to be assisted must meet the  
8280 following criteria:

8281                   (i) Assistance must be in connection with an  
8282 identifiable project or business plan, and the principal amount of  
8283 all assistance may not exceed fifty percent (50%) of the total  
8284 cost of said project or business plan;

8285                   (ii) Assistance may be used in connection with the  
8286 purchase or lease of land, buildings, equipment and inventory, and  
8287 for working capital; provided, however, no more than one-third  
8288 (1/3) of the total assistance to a small business pursuant to this  
8289 article or Fifty Thousand Dollars (\$50,000.00), whichever is less,  
8290 may be used for working capital;

8291                   (iii) Assistance may not be provided for  
8292 speculative land or real estate investments;

8293                   (iv) Assistance may not be provided under the  
8294 program to finance or satisfy any existing debt;



8295                   (v) Assistance may not be provided to a small  
8296 business unless at least sixty percent (60%) of the small business  
8297 is owned, directly or indirectly, by individuals who have been  
8298 residents of the State of Mississippi for two (2) years  
8299 immediately prior to the application for assistance; and

8300                   (vi) The project or business plan for which  
8301 assistance is provided must create or retain full-time jobs, and  
8302 the planning and development district or qualified entity must  
8303 receive a certificate to that effect from the small business  
8304 before any assistance is provided.

8305                   (b) The interest rate on loans shall not be less than  
8306 five percent (5%) per annum or more than four percent (4%) above  
8307 the federal discount rate, plus the servicing fees established in  
8308 this article.

8309                   (c) As security for any loan under the program, the  
8310 planning and development district or qualified entity shall take a  
8311 security interest in assets of the small business and require  
8312 personal guarantees of all persons and entities owning twenty  
8313 percent (20%) or more of the small business. Such security  
8314 interests may be subordinate to other security interests in such  
8315 assets.

8316                   (d) The maximum term of any loan under the program  
8317 shall not exceed the following: fifteen (15) years if used to  
8318 purchase or lease land or buildings, ten (10) years if used to



8319 purchase or lease equipment, five (5) years if used to provide  
8320 working capital and three (3) years if used to purchase inventory.

8321 (e) In the event of a default by a small business on a  
8322 loan under the program, the planning and development district or  
8323 qualified entity shall foreclose and enforce its security  
8324 interests and personal guarantees relating to such loan and take  
8325 all necessary and appropriate action to recover all principal and  
8326 interest owed, and all amounts so recovered shall be deposited in  
8327 the revolving assistance fund administered by said planning and  
8328 development district or qualified entity. Any small business  
8329 which defaults on a loan under the program shall not be eligible  
8330 for any other loan under the program.

8331 (f) A planning and development district or qualified  
8332 entity may acquire, subscribe for, own, hold, sell, assign,  
8333 transfer, mortgage or pledge an equity investment in a small  
8334 business incorporated under the laws of the State of Mississippi,  
8335 provided such equity investment constitutes less than fifty  
8336 percent (50%) of the voting shares of the small business and does  
8337 not exceed Fifty Thousand Dollars (\$50,000.00), and while the  
8338 owner or holder thereof, the planning and development district or  
8339 qualified entity may exercise all the rights, powers and  
8340 privileges of ownership, including the right to vote thereon. Any  
8341 such equity investment in a small business may be redeemed by such  
8342 small business upon payment to the planning and development  
8343 district or qualified entity of the principal amount of such





8344 equity investment, plus six percent (6%) interest, compounded  
8345 annually from the date of such equity investment, provided such  
8346 repayment is tendered within seven (7) years of the date of such  
8347 equity investment.

8348 (g) A planning and development district or qualified  
8349 entity shall not utilize more than one-third (1/3) of all grant  
8350 funds received for equity investments in small businesses.

8351 (h) No small business shall receive assistance under  
8352 the program in excess of Two Hundred Fifty Thousand Dollars  
8353 (\$250,000.00).

8354 (i) All assistance applications must be reviewed by,  
8355 and the terms and conditions of the assistance must be recommended  
8356 to the planning and development district or qualified entity, by a  
8357 small business assistance review board established by the planning  
8358 and development district or qualified entity, consisting of the  
8359 following members appointed by the planning and development  
8360 district or qualified entity:

8361 (i) Two (2) individuals with current experience in  
8362 banking or finance;

8363 (ii) Two (2) principal or majority owners of  
8364 private, for-profit commercial enterprises qualifying as small  
8365 businesses under this article;

8366 (iii) One (1) senior officer of a private,  
8367 for-profit commercial enterprise not qualifying as a small



8368 business under this article or the executive director of an  
8369 industrial or economic development foundation;

8370 (iv) One (1) individual who is a minority and who  
8371 has current experience in banking or finance or who is the  
8372 principal or majority owner of a private, for-profit commercial  
8373 enterprise qualifying as a small business under this article; and

8374 (v) One (1) individual who is female and who has  
8375 current experience in banking or finance or who is the principal  
8376 or majority owner of a private, for-profit commercial enterprise  
8377 qualifying as a small business under this article.

8378 As used in this paragraph, "minority" shall mean individuals  
8379 who are Asian, Black, Hispanic or Native American as defined in  
8380 Section 31-7-13(s), Mississippi Code of 1972.

8381 All members of such small business assistance review boards  
8382 shall be residents of the area served by the planning and  
8383 development district or qualified entity. Small business  
8384 assistance review boards shall meet at least quarterly and shall  
8385 meet anytime there are at least two (2) assistance applications  
8386 pending that require review.

8387 (j) If the small business assistance review board  
8388 recommends that assistance be provided, the planning and  
8389 development district or qualified entity may either approve and  
8390 provide the assistance on the exact terms and conditions  
8391 recommended by the small business assistance review board or  
8392 determine not to provide such assistance. Under no circumstances



8393 may the planning and development district or qualified entity  
8394 provide such assistance on any terms or conditions not approved  
8395 and recommended by the small business assistance review board. If  
8396 the planning and development district or qualified entity  
8397 determines not to provide the assistance that the small business  
8398 assistance review board has recommended to be provided, the board  
8399 of directors of such district or the governing body of such entity  
8400 shall place in its minutes an explanation of the reasons for such  
8401 refusal. If the small business assistance review board recommends  
8402 against providing the assistance, the board of directors of the  
8403 planning and development district or the governing body of the  
8404 qualified entity may not determine to provide such assistance  
8405 under any terms and conditions.

8406       **SECTION 283.** Section 57-10-515, Mississippi Code of 1972, is  
8407 amended as follows:

8408       57-10-515. The planning and development districts and  
8409 qualified entities are hereby authorized to engage legal counsel,  
8410 accountants, financial advisors, appraisers, consultants and  
8411 others as needed in connection with providing assistance to small  
8412 businesses pursuant to this article, and to charge the costs of  
8413 these services to the small businesses receiving such assistance  
8414 or charge the proceeds of such assistance therefor. To the extent  
8415 required by \* \* \* MDA, such professional services shall be engaged  
8416 on a statewide program basis.



8417           **SECTION 284.** Section 57-10-517, Mississippi Code of 1972, is  
8418 brought forward as follows:

8419           57-10-517. (1) DECD shall adopt and publish the eligibility  
8420 criteria for planning and development districts and qualified  
8421 entities to participate in the program as set forth in this  
8422 article, a timetable and process for review of applications from  
8423 planning and development districts or qualified entities, and  
8424 program report forms, all in accordance with this article, and  
8425 such other rules and regulations as may be necessary and  
8426 appropriate in carrying out its responsibilities under this  
8427 article; provided, however, that planning and development  
8428 districts or qualified entities shall have sole authority over the  
8429 approval of assistance and the management of the assistance  
8430 provided under this article.

8431           (2) The Mississippi Association of Planning and Development  
8432 Districts shall prepare and adopt such uniform applications,  
8433 forms, procedures and requirements for use in connection with the  
8434 program as they deem necessary and appropriate.

8435           **SECTION 285.** Section 57-10-519, Mississippi Code of 1972, is  
8436 amended as follows:

8437           57-10-519. No assistance shall be provided to a small  
8438 business under this article unless the small business certifies to  
8439 the planning and development district or qualified entity, in a  
8440 form satisfactory to \* \* \* MDA, that it will not discriminate



8441 against any employee or against any applicant for employment  
8442 because of race, religion, color, national origin, sex or age.

8443 **SECTION 286.** Section 57-10-521, Mississippi Code of 1972, is  
8444 brought forward as follows:

8445 57-10-521. (1) There is hereby created a special fund in  
8446 the State Treasury to be known as the Mississippi Small Business  
8447 Assistance Fund out of which grants and expenditures authorized in  
8448 connection with the program shall be disbursed. All monies  
8449 received by issuance of bonds to carry out the purposes of this  
8450 article shall be deposited into the Mississippi Small Business  
8451 Assistance Fund.

8452 (2) All funds repaid to the State Treasury under this  
8453 article or designated hereunder for repayment of any bonds issued  
8454 under this article shall be delivered to the State Treasurer for  
8455 deposit in the General Fund.

8456 **SECTION 287.** Section 57-10-523, Mississippi Code of 1972, is  
8457 brought forward as follows:

8458 57-10-523. (1) All bonds issued under the authority of this  
8459 article shall be redeemed at maturity, together with all interest  
8460 due, from time to time, on the bonds, and these principal and  
8461 interest payments shall be paid from the General Fund.

8462 (2) In the event that all or any part of the bonds and notes  
8463 are purchased, they shall be canceled and returned to the loan and  
8464 transfer agent as canceled and paid bonds and notes; and  
8465 thereafter all payments of interest thereon shall cease and the



8466 canceled bonds, notes and coupons, together with any other  
8467 canceled bonds, notes and coupons, shall be destroyed as promptly  
8468 as possible after cancellation but not later than two (2) years  
8469 after cancellation. A certificate evidencing the destruction of  
8470 the canceled bonds, notes and coupons shall be provided by the  
8471 loan and transfer agent to the seller.

8472 (3) The State Treasurer shall determine and report to the  
8473 Department of Finance and Administration and Legislative Budget  
8474 Office by September 1 of each year the amount of money necessary  
8475 for the payment of the principal of and interest on outstanding  
8476 obligations for the following fiscal year and the times and  
8477 amounts of the payments. It shall be the duty of the Governor to  
8478 include in every executive budget submitted to the Legislature  
8479 full information relating to the issuance of bonds and notes under  
8480 the provisions of this article and the status of the General Fund  
8481 for the payment of the principal of and interest on the bonds and  
8482 notes.

8483 (4) Except as otherwise provided by law, the rate of  
8484 interest on any assistance made using funds from the Mississippi  
8485 Small Business Assistance Fund shall be in accordance with Section  
8486 57-10-513. Notwithstanding the provisions of any other law to the  
8487 contrary, the interest rate charged shall not be set such that the  
8488 aggregate of the interest, penalties and other payments to the  
8489 planning and development districts or qualified entities in  
8490 connection with such assistance made using funds from the



8491 Mississippi Small Business Assistance Fund will cause the bonds  
8492 issued pursuant to this article to be deemed arbitrage bonds  
8493 pursuant to Section 148 of the Internal Revenue Code of 1986 and  
8494 the regulations promulgated thereunder. In the case of assistance  
8495 initially funded from the proceeds of notes and subsequently  
8496 funded from renewal bonds and notes, the interest rate to be  
8497 charged on the assistance shall be established in accordance with  
8498 Section 57-10-513 upon the sale of bonds or notes, as the case may  
8499 be, for such assistance.

8500       **SECTION 288.** Section 57-10-525, Mississippi Code of 1972, is  
8501 brought forward as follows:

8502       57-10-525. (1) The seller is authorized to borrow, on the  
8503 credit of the state, money not exceeding the aggregate sum of  
8504 Thirty-two Million Dollars (\$32,000,000.00), not including money  
8505 borrowed to refund outstanding bonds, notes or replacement notes,  
8506 as may be necessary to carry out the purposes of this article.  
8507 The rate of interest on any such bonds or notes which are not  
8508 subject to taxation shall not exceed the rates set forth in  
8509 Section 75-17-101, Mississippi Code of 1972, for general  
8510 obligation bonds.

8511       (2) As evidence of indebtedness authorized in this article,  
8512 general or limited obligation bonds of the state shall be issued  
8513 from time to time to provide monies necessary to carry out the  
8514 purposes of this article for such total amount, in such form, in  
8515 such denominations, payable in such currencies (either domestic or



8516 foreign or both), and subject to such terms and conditions of  
8517 issue, redemption and maturity, rate of interest and time of  
8518 payment of interest as the seller directs, except that such bonds  
8519 shall mature or otherwise be retired in annual installments  
8520 beginning not more than five (5) years from the date thereof and  
8521 extending not more than twenty (20) years from the date thereof.

8522 (3) All bonds and notes issued under authority of this  
8523 article shall be signed by the chairman of the seller, or by his  
8524 facsimile signature, and the official seal of the seller shall be  
8525 affixed thereto, attested by the secretary of the seller.

8526 (4) All bonds and notes issued under authority of this  
8527 article may be general or limited obligations of the state, and  
8528 the full faith and credit of the State of Mississippi as to  
8529 general obligation bonds, or the revenue derived from projects  
8530 assisted as to limited obligation bonds, are hereby pledged for  
8531 the payment of the principal of and interest on such bonds and  
8532 notes.

8533 (5) Such bonds and notes and the income therefrom shall be  
8534 exempt from all taxation in the State of Mississippi.

8535 (6) The bonds may be issued as coupon bonds or registered as  
8536 to both principal and interest as the seller may determine. If  
8537 interest coupons are attached, they shall contain the facsimile  
8538 signature of the chairman and the secretary of the seller.

8539 (7) As to bonds issued hereunder and designated as taxable  
8540 bonds by the seller, any immunity of the state to taxation by the





8541 United States government of interest on bonds or notes issued by  
8542 the state is hereby waived.

8543 **SECTION 289.** Section 57-10-527, Mississippi Code of 1972, is  
8544 brought forward as follows:

8545 57-10-527. (1) Whenever bonds are issued, they shall be  
8546 offered for sale at not less than par value and accrued interest  
8547 and shall be sold by the seller at public or private sale, from  
8548 time to time, in such manner and at such price as may be  
8549 determined by the seller to be most advantageous.

8550 (2) Any portion of any bond issue so offered and not sold or  
8551 subscribed for at public sale may be disposed of by private sale  
8552 by the seller in such manner and at such prices not less than par  
8553 and accrued interest, as the seller shall direct.

8554 (3) When bonds are issued from time to time, the bonds of  
8555 each issue shall constitute a separate series to be designated by  
8556 the seller or may be combined for sale as one (1) series with  
8557 other general obligation bonds of the State of Mississippi.

8558 (4) Until permanent bonds can be prepared, the seller may in  
8559 its discretion issue, in lieu of permanent bonds, temporary bonds  
8560 in such form and with such privileges as to registration and  
8561 exchange for permanent bonds as may be determined by the seller.

8562 (5) Pending their application to the purposes authorized,  
8563 bond proceeds held or deposited by the State Treasurer may be  
8564 invested or reinvested as are other funds in the custody of the  
8565 State Treasurer in the manner provided by law. All earnings



8566 received from the investment or deposit of such funds shall be  
8567 paid into the State Treasury to the credit of the Mississippi  
8568 Small Business Assistance Fund.

8569 (6) The State Treasurer shall prepare the necessary registry  
8570 book to be kept in the office of the duly authorized loan and  
8571 transfer agent of the state for the registration of any bonds, at  
8572 the request of owners thereof, according to the terms and  
8573 conditions of issue directed by the seller.

8574 (7) All costs and expenses in connection with the issue of  
8575 and sale and registration of the bonds and notes in connection  
8576 with this article, and all costs and expenses in connection with  
8577 implementation of the program and development of application  
8578 forms, procedures and requirements for use in connection with the  
8579 program may be paid from the proceeds of bonds and notes issued  
8580 under this article.

8581 (8) The seller may provide in the resolution authorizing the  
8582 issuance of such bonds for the employment of one or more persons  
8583 or firms to assist in the sale of the bonds; to enter into  
8584 contracts with financial institutions located either within or  
8585 without the State of Mississippi to act as registrar, paying  
8586 agents, transfer agents or otherwise; for rating of the bonds; and  
8587 to purchase insurance.

8588 **SECTION 290.** Section 57-10-529, Mississippi Code of 1972, is  
8589 brought forward as follows:



8590           57-10-529. (1) Pending the issuance of bonds of the state  
8591 as authorized under this article, the seller is hereby authorized  
8592 in accordance with the provisions of this article and on the  
8593 credit of the state, to make temporary borrowings not to exceed  
8594 two (2) years in anticipation of the issue of bonds in order to  
8595 provide funds in such amounts as may, from time to time, be deemed  
8596 advisable prior to the issue of bonds. In order to provide for  
8597 and in connection with such temporary borrowings, the seller is  
8598 hereby authorized in the name and on behalf of the state to enter  
8599 into any purchase, loan or credit agreement, or agreements, or  
8600 other agreement or agreements with any financial institution or  
8601 persons in the United States having power to enter into the same,  
8602 which agreements may contain such provisions not inconsistent with  
8603 the provisions of this article as may be authorized by the seller.

8604           (2) All temporary borrowings made under this section shall  
8605 be evidenced by notes of the state which shall be issued, from  
8606 time to time, for such amounts not exceeding in the aggregate the  
8607 applicable statutory and constitutional debt limitation, in such  
8608 form and in such denominations and subject to terms and conditions  
8609 of sale and issue, prepayment or redemption and maturity, rate or  
8610 rates of sale and time of payment of interest as the seller shall  
8611 authorize and direct and in accordance with this article. Such  
8612 authorization and direction may provide for the subsequent  
8613 issuance of replacement notes to refund, upon issuance thereof,  
8614 such notes, and may specify such other terms and conditions with



8615 respect to the notes and replacement notes thereby authorized for  
8616 issuance as the seller may determine and direct.

8617 (3) When the authorization and direction of the seller  
8618 provide for the issuance of replacement notes, the seller is  
8619 hereby authorized in the name and on behalf of the state to enter  
8620 into agreements with any financial institutions or persons in the  
8621 United States having the power to enter into the same:

8622 (a) To purchase or underwrite an issue or series of  
8623 issues of notes.

8624 (b) To enter into any purchase, loan or credit  
8625 agreements, and to draw monies pursuant to any such agreements on  
8626 the terms and conditions set forth therein and to issue notes as  
8627 evidence of borrowings made under any such agreements.

8628 (c) To appoint or act as issuing and paying agent or  
8629 agents with respect to notes.

8630 (d) To do such other acts as may be necessary or  
8631 appropriate to provide for the payment, when due, of the principal  
8632 of and interest on such notes.

8633 Such agreements may provide for the compensation of any  
8634 purchasers or underwriters of notes or replacement notes by  
8635 payment of a fixed fee or commission at the time of issuance  
8636 thereof, and for all other costs and expenses, including fees for  
8637 agreements related to the notes issuing and paying agent costs.  
8638 Costs and expenses of issuance may be paid from the proceeds of  
8639 the notes.



8640 (4) When the authorization and direction of the seller  
8641 provides for the issuance of replacement notes, it shall, at or  
8642 prior to the time of delivery of these notes or replacement notes,  
8643 determine the principal amounts, dates of issue, interest rate or  
8644 rates, rates of discount, denominations and all other terms and  
8645 conditions relating to the issuance. The State Treasurer shall  
8646 perform all acts and things necessary to pay or cause to be paid,  
8647 when due, all principal of and interest on the notes being  
8648 refunded by replacement notes and to assure that the same may draw  
8649 upon any monies available for that purpose pursuant to any  
8650 purchase loan or credit agreements established with respect  
8651 thereto, all subject to the authorization and direction of the  
8652 seller.

8653 (5) Outstanding notes evidencing such borrowings may be  
8654 funded and retired by the issuance and sale of the bonds of the  
8655 state as hereinafter authorized. The refunding bonds must be  
8656 issued and sold not later than a date two (2) years after the date  
8657 of issuance of the first notes evidencing such borrowings to the  
8658 extent that payment of such notes has not otherwise been made or  
8659 provided for by sources other than proceeds of replacement notes.

8660 (6) The proceeds of all such temporary borrowing shall be  
8661 paid to the State Treasurer to be held and disposed of in  
8662 accordance with the provisions of Section 57-10-521.

8663 **SECTION 291.** Section 57-10-531, Mississippi Code of 1972, is  
8664 brought forward as follows:



8665           57-10-531. (1) The proceeds realized from the sale of bonds  
8666 and notes under this article, other than refunding bonds and  
8667 replacement notes, shall be paid to the State Treasurer and  
8668 deposited into the Mississippi Small Business Assistance Fund and  
8669 specifically dedicated to the purposes enumerated in this article.

8670           (2) All nonfederal funds which may become available for the  
8671 purposes of this article shall be deposited in the Mississippi  
8672 Small Business Assistance Fund and shall be allocated for the  
8673 purposes of this article.

8674           (3) The proceeds of the sale of refunding bonds and  
8675 replacement notes shall be applied solely to the payment of the  
8676 principal of and the accrued interest on and premium, if any, and  
8677 costs of redemption of the bonds and notes for which such  
8678 obligations have been issued.

8679           **SECTION 292.** Section 57-10-533, Mississippi Code of 1972, is  
8680 brought forward as follows:

8681           57-10-533. Except as otherwise authorized in Section 7-5-39,  
8682 the Attorney General of the State of Mississippi shall represent  
8683 the seller in issuing, selling and validating bonds or notes  
8684 herein provided for, and the seller is hereby authorized and  
8685 empowered to expend from the proceeds derived from the sale of the  
8686 bonds or notes authorized hereunder all necessary administrative,  
8687 legal and other expenses incidental and related to the issuance of  
8688 bonds or notes authorized under this article.



8689           **SECTION 293.** Section 57-10-601, Mississippi Code of 1972, is  
8690 brought forward as follows:

8691           57-10-601. (1) As used in this section:

8692                   (a) "Act" means the State Small Business Credit  
8693 Initiative Act of 2010 (Public Law 111-240).

8694                   (b) "State program" has the meaning ascribed to such  
8695 term in the State Small Business Credit Initiative Act of 2010  
8696 (Public Law 111-240).

8697                   (c) "MDA" means the Mississippi Development Authority.

8698           (2) The MDA is designated as the agency to implement a state  
8699 program and participate in the State Small Business Credit  
8700 Initiative established under the act.

8701           (3) The MDA is authorized and empowered to take any action  
8702 necessary to establish and implement a state program that meets  
8703 all the requirements of the act.

8704           (4) The MDA is authorized and empowered to administer funds  
8705 transferred to the state under the act.

8706           (5) The Executive Director of MDA is authorized and  
8707 empowered to promulgate and put into effect all reasonable rules  
8708 and regulations that he may deem necessary to carry out the  
8709 provisions of this section and comply with the act.

8710           **SECTION 294.** Section 57-10-701, Mississippi Code of 1972, is  
8711 brought forward as follows:

8712           57-10-701. This article shall be known as the "Small  
8713 Business and Grocer Investment Act."



8714           **SECTION 295.** Section 57-10-703, Mississippi Code of 1972, is  
8715 brought forward as follows:

8716           57-10-703. The Legislature finds the following:

8717                   (a) Developing quality retail food outlets creates  
8718 jobs, expands markets for Mississippi farmers, and supports  
8719 economic vitality in underserved communities.

8720                   (b) Increasing access to retail food outlets that sell  
8721 fresh fruits, vegetables and other healthy food is an important  
8722 strategy for fighting the obesity epidemic and improving health.  
8723 Studies have shown that people with better access to supermarkets  
8724 and fresh produce tend to have healthier diets and lower levels of  
8725 obesity.

8726                   (c) The program established under this article is  
8727 intended to provide a dedicated source of financing for healthy  
8728 food retailers operating in underserved communities in  
8729 Mississippi, in both urban and rural areas; to increase access to  
8730 affordable healthy food so as to improve diets and health; to  
8731 promote the sale and consumption of fresh fruits and vegetables,  
8732 in natural and/or frozen form, particularly those that are  
8733 Mississippi grown; and to support expanded economic opportunities  
8734 in low-income and rural communities.

8735           **SECTION 296.** Section 57-10-705, Mississippi Code of 1972, is  
8736 brought forward as follows:

8737           57-10-705. As used in this article:





8738 (a) "Agency" means the Mississippi Development  
8739 Authority.

8740 (b) "Funding" means grants, loans, or a combination of  
8741 grants and loans.

8742 (c) "Healthy food retailers" means retailers that sell  
8743 quality fresh fruits and vegetables, in natural and/or frozen  
8744 form, including, but not limited to, supermarkets, grocery stores,  
8745 convenience stores and farmers' markets.

8746 (d) "Program" means technical assistance and a  
8747 public-private partnership established in the state by the  
8748 Mississippi Development Authority to identify and/or provide a  
8749 dedicated source of funding and other financing for food retailers  
8750 that increase access to fresh fruits and vegetables, in natural  
8751 and/or frozen form, and other affordable healthy food for  
8752 Mississippi residents overseen by the Mississippi Development  
8753 Authority.

8754 (e) "Underserved community" means a geographic area  
8755 that has limited access to healthy food retailers, or an area that  
8756 is otherwise determined to have serious healthy food access  
8757 limitations, that is located in a county that has been designated  
8758 by the Department of Revenue as a Tier Two or Tier Three area  
8759 under the provisions of Section 57-73-21(1).

8760 **SECTION 297.** Section 57-10-707, Mississippi Code of 1972, is  
8761 brought forward as follows:



8762           57-10-707. (1) To the extent funds are available, the  
8763 Mississippi Development Authority, in cooperation with public and  
8764 private sector partners, is authorized to establish a program  
8765 modeled on comparable initiatives throughout the nation that  
8766 provides grants and loans and/or promotes access to healthy food  
8767 retailers that increase access to fresh fruits and vegetables, in  
8768 natural and/or frozen form, and other affordable healthy food in  
8769 underserved communities.

8770           (2) The agency may contract with one or more qualified  
8771 nonprofit organizations or community development financial  
8772 institutions to administer the program described in this article  
8773 through a public-private partnership, to raise matching funds,  
8774 market the program statewide, evaluate applicants, make award  
8775 decisions, underwrite loans and monitor compliance and impact.  
8776 The agency and its partners shall coordinate with complementary  
8777 nutrition assistance and education programs.

8778           (3) Any funding provided under the program shall be provided  
8779 on a competitive, one-time basis as appropriate for the eligible  
8780 project. No state funds shall be directly provided as a source of  
8781 funding for any food retailer under this program, but may be used  
8782 by the agency for its administrative duties in carrying out the  
8783 provisions of this article.

8784           (4) (a) The program may provide technical assistance and/or  
8785 funding for projects such as:

8786                           (i) New construction of healthy food retailers.



8787 (ii) Store renovations, expansion and  
8788 infrastructure upgrades that improve the availability and quality  
8789 of fresh produce.

8790 (iii) Farmers' markets and public markets, food  
8791 cooperatives, mobile markets and delivery projects and  
8792 distribution projects that enable food retailers in underserved  
8793 communities to regularly obtain fresh produce.

8794 (iv) Other projects that create or improve healthy  
8795 food retail outlets that meet the intent of this article as  
8796 determined by the agency.

8797 (b) Funding made available for projects included in  
8798 paragraph (a) of this subsection may be used for the following  
8799 purposes:

8800 (i) Site acquisition and preparation.

8801 (ii) Construction costs.

8802 (iii) Equipment and furnishings.

8803 (iv) Workforce training.

8804 (v) Security.

8805 (vi) Certain predevelopment costs such as market  
8806 studies and appraisals.

8807 (vii) Working capital for initial inventory and  
8808 costs.

8809 (5) An applicant for funding may include, but not be limited  
8810 to, a sole proprietorship, partnership, limited liability company,  
8811 corporation or cooperative.



8812 (6) In order to be considered for funding, an applicant  
8813 shall meet the following eligibility criteria:

8814 (a) The project for which the applicant seeks funding  
8815 shall benefit an underserved community.

8816 (b) The applicant shall demonstrate a meaningful  
8817 commitment to sell fresh fruits and vegetables, in natural and/or  
8818 frozen form, according to a measurable standard established by the  
8819 agency.

8820 (c) The applicant shall not locate the project in an  
8821 area where it would be directly competing against an existing food  
8822 retailer.

8823 (7) Applicants shall be evaluated on the following financial  
8824 criteria in order to determine the funding awarded:

8825 (a) Demonstrated capacity to successfully implement the  
8826 project, including the applicant's relevant experience and the  
8827 likelihood that the project will be economically self-sustaining.

8828 (b) The ability of the applicant to repay debt.

8829 (c) The degree to which the project requires an  
8830 investment of public funding to move forward, create impact or be  
8831 competitive, and the level of need in the area to be served.  
8832 Additional factors that will improve or preserve retail access for  
8833 low-income residents, such as proximity to public transit lines,  
8834 also may be taken into account.



8835 (d) The degree to which the project will promote sales  
8836 of fresh produce, particularly Mississippi-grown fruits and  
8837 vegetables.

8838 (e) The degree to which the project will have a  
8839 positive economic impact on the underserved community, including,  
8840 creating or retaining jobs for local residents.

8841 (f) Other criteria that the agency determines to be  
8842 consistent with the purposes of this article.

8843 (8) The agency shall establish program benchmarks and  
8844 reporting processes to make certain that the program benefits the  
8845 communities in the program area. The agency shall likewise  
8846 establish monitoring and accountability mechanisms for projects  
8847 receiving grants or loans, such as tracking fruit and vegetable  
8848 sales data.

8849 (9) The agency shall prepare and submit an annual report to  
8850 the Legislature on any projects funded and outcome data.

8851 (10) The agency shall establish rules for the implementation  
8852 of this article.

8853 **SECTION 298.** Section 57-10-709, Mississippi Code of 1972, is  
8854 brought forward as follows:

8855 57-10-709. Funding described in this article, to the extent  
8856 practicable, may be used to leverage other sources of funds,  
8857 including, but not limited to, New Markets Tax Credits, federal  
8858 and foundation grant programs, incentives available to designated  
8859 Enterprise Zones or Renewal Communities, operator equity and funds



8860 from private sector financial institutions under the federal  
8861 Community Reinvestment Act.

8862 **SECTION 299.** Section 57-10-711, Mississippi Code of 1972, is  
8863 brought forward as follows:

8864 57-10-711. Sections 57-10-701 through 57-10-709 shall stand  
8865 repealed on July 1, 2022.

8866 **SECTION 300.** Section 57-11-3, Mississippi Code of 1972, is  
8867 brought forward as follows:

8868 57-11-3. The duties and responsibilities of the council  
8869 shall be to advise the division of marketing of the Mississippi  
8870 Department of Economic Development regarding the development and  
8871 execution of programs designed to carry out the purposes  
8872 hereinbefore stated and to advise the Governor and the Legislature  
8873 regarding policies and laws bearing upon the marketing of products  
8874 and services and the establishment of industries utilizing or  
8875 otherwise relating to agricultural and forestry products.

8876 **SECTION 301.** Section 57-11-5, Mississippi Code of 1972, is  
8877 brought forward as follows:

8878 57-11-5. The council shall consist of fifteen (15) members  
8879 from the state at large, representative of the various segments of  
8880 agriculture and forestry, to be selected and appointed by the  
8881 Governor, and who shall serve for a term of not more than four (4)  
8882 years under each appointment, which term of office shall expire at  
8883 the expiration of the term of office for which the Governor  
8884 appointing the members was elected, without regard for the date of



8885 actual appointment of the members. Such members shall continue to  
8886 serve until their successors have been appointed and duly  
8887 qualified. The Governor shall appoint a chairman and a vice  
8888 chairman of the council, and nine (9) members shall constitute a  
8889 quorum of the members thereof.

8890 **SECTION 302.** Section 57-11-15, Mississippi Code of 1972, is  
8891 brought forward as follows:

8892 57-11-15. For the purpose of aiding, establishing and  
8893 providing proper facilities for the efficient display and  
8894 merchandising of crafts and arts in the interest of those  
8895 individual citizens who are producing and are capable of producing  
8896 various items of value and interest, the general public and the  
8897 State of Mississippi, and to assist in the display, disposal and  
8898 sale of such arts and crafts, there is hereby established under  
8899 the supervision of the Mississippi Marketing Council the  
8900 Mississippi Craft Stores.

8901 **SECTION 303.** Section 57-11-17, Mississippi Code of 1972, is  
8902 brought forward as follows:

8903 57-11-17. The Mississippi Marketing Council is hereby  
8904 authorized to acquire by donation or lease for and in the name of  
8905 the State of Mississippi suitable and accessible facilities as may  
8906 be necessary for the display, disposal and sale of those certain  
8907 objects of crafts and arts set forth in Section 57-11-15. The  
8908 marketing council is hereby authorized and empowered to lease, or  
8909 rent, to any individual any part of the property under its



8910 jurisdiction acquired for such purposes. The funds derived from  
8911 any lease, or rental contract, entered into under authority of  
8912 this section shall be deposited in the State Treasury to the  
8913 credit of the general fund of the state.

8914 **SECTION 304.** Section 57-11-19, Mississippi Code of 1972, is  
8915 amended as follows:

8916 57-11-19. The Mississippi Department of Wildlife, Fisheries  
8917 and Parks, the Mississippi Arts Commission, the Mississippi  
8918 Department of Education, the Department of Human Services, the  
8919 Mississippi Extension Service, the Mississippi Department of  
8920 Agriculture and Commerce, the Mississippi \* \* \* Development  
8921 Authority, and the Mississippi Fair Commission may cooperate with  
8922 the marketing council in carrying out the purposes of Sections  
8923 57-11-15 through 57-11-21.

8924 **SECTION 305.** Section 57-11-21, Mississippi Code of 1972, is  
8925 brought forward as follows:

8926 57-11-21. No craft store shall have on display, for sale, or  
8927 otherwise handle any merchandise commercially manufactured except  
8928 soft drinks or other items related to snacks.

8929 **SECTION 306.** Section 57-11-31, Mississippi Code of 1972, is  
8930 brought forward as follows:

8931 57-11-31. The Mississippi Agricultural and Industrial Board  
8932 is hereby authorized and empowered to employ such a firm or firms  
8933 which are experienced, competent and qualified in the field of  
8934 market research, industrial research, plant design and engineering





8935 as may be necessary to accomplish the following work in the  
8936 shortest time possible:

8937 (1) To make a broad, preliminary market study to reveal  
8938 a wide range of products, both agricultural and nonagricultural,  
8939 that can be manufactured in Mississippi from materials and  
8940 resources available in or to Mississippi.

8941 (2) To make detailed market studies in connection with  
8942 the favorable products revealed by the preliminary study above  
8943 referred to, in order to determine with reasonable certainty those  
8944 products for which a profitable and growing market exists.

8945 (3) Lay out, design and prepare plans and  
8946 specifications of the plants, machinery, equipment and other  
8947 facilities necessary to produce in profitable volume those  
8948 products selected as a result of the detailed study authorized in  
8949 the foregoing paragraph.

8950 (4) Prepare detailed cost estimates of the necessary  
8951 land, buildings, machinery, equipment and other facilities and  
8952 determine the amount of investment capital required to build and  
8953 equip each plant.

8954 (5) Prepare an estimate of the number of jobs to be  
8955 created by each plant designed pursuant to Sections 57-11-31  
8956 through 57-11-39, the wage scale of the employees and the annual  
8957 payroll of each plant.

8958 (6) Prepare a projected operating statement of each  
8959 plant, showing the anticipated profits at the end of the first,



8960 third and fifth year of operation, based on maximum operating  
8961 capacity. Prepare the same information based on the assumption  
8962 that the plant will operate at minimum operating capacity.

8963 Provide the same information for such percentages of maximum  
8964 operating capacity as the board may deem necessary to determine  
8965 with reasonable certainty the capacity at which the plant must  
8966 operate in order to show a profit and to attract investment  
8967 capital. The aforesaid studies shall show the normal operating  
8968 capital requirements of each plant for the first five (5) years.

8969 **SECTION 307.** Section 57-11-33, Mississippi Code of 1972, is  
8970 brought forward as follows:

8971 57-11-33. The Mississippi Agricultural and Industrial Board  
8972 is authorized and empowered to contract and pay for the services  
8973 set out in the foregoing section, in such amount or amounts as may  
8974 be necessary to attain the objectives of Sections 57-11-31 through  
8975 57-11-39, provided such commitments and expenditures are not to  
8976 exceed the sum of One Hundred Fifty Thousand Dollars (\$150,000.00)  
8977 appropriated by the Mississippi Legislature for special market  
8978 research and do not, at any time, exceed for plant design and  
8979 engineering the amount or balance that may be available in a  
8980 special "Plant Engineering Revolving Fund" maintained in the State  
8981 Treasury by an initial appropriation by the Mississippi  
8982 Legislature in the amount of Two Hundred Fifty Thousand Dollars  
8983 (\$250,000.00).



8984           **SECTION 308.** Section 57-11-35, Mississippi Code of 1972, is  
8985 brought forward as follows:

8986           57-11-35. The Mississippi Agricultural and Industrial Board  
8987 is authorized and empowered to offer the market research  
8988 information and such plant designs, blueprints, estimates of  
8989 operation and other information obtained as the result of the  
8990 surveys and studies authorized by Sections 57-11-31 through  
8991 57-11-39 to any individual or group of individuals in Mississippi,  
8992 including any governmental subdivision thereof. However, the  
8993 Mississippi Agricultural and Industrial Board shall inform such  
8994 individuals or group of individuals desiring to make use of such  
8995 plans, specifications and other information that the cost of the  
8996 actual design, engineering and other work connected with each  
8997 proposed plant, but not the cost of the special market research,  
8998 has come from a revolving fund established by the Mississippi  
8999 Legislature under Sections 57-11-31 through 57-11-39, and that the  
9000 cost of such plant engineering services must be included by such  
9001 individuals or group of individuals in the total cost of the new  
9002 plant and the amount repaid to the State Treasurer, to be placed  
9003 in the said revolving fund, and thereby made available to pay for  
9004 the cost of additional engineering and other services in  
9005 connection with the design of plants for the use by other  
9006 individuals. The Mississippi Agricultural and Industrial Board,  
9007 after having investigated and confirmed the financial  
9008 responsibility of the applicant, shall require each individual or



9009 group of individuals building a plant by the plans and  
9010 specifications so provided to enter into a valid, legal and  
9011 binding obligation to repay the cost of such plant engineering to  
9012 the "Plant Engineering Revolving Fund" maintained in the State  
9013 Treasury, in an amount each year and over a period of years to be  
9014 fixed by the said board in its discretion. If the individual or  
9015 group of individuals building a plant by the plans and  
9016 specifications so provided shall enter into a contract with any  
9017 municipality for the construction of a plant from the proceeds of  
9018 bonds to be issued under the provisions of Sections 57-1-1 through  
9019 57-1-51, known as the "Balance Agriculture With Industry Law,"  
9020 then the cost of such plant engineering shall be included as a  
9021 part of the initial cost of the building and shall be repaid to  
9022 the State Treasurer from the proceeds of the sale of said bonds.

9023 **SECTION 309.** Section 57-11-37, Mississippi Code of 1972, is  
9024 brought forward as follows:

9025 57-11-37. The term "revolving fund" means a "Plant  
9026 Engineering Revolving Fund" maintained in the State Treasury as a  
9027 separate fund which can be expended by the Mississippi  
9028 Agricultural and Industrial Board for costs incurred in connection  
9029 with the design engineering and projected operating estimates of  
9030 the proposed industrial plants so long as there is a balance in  
9031 the fund provided by the Mississippi Legislature. All moneys  
9032 repaid by individuals or groups of individuals in return payment  
9033 for such plant engineering will be credited to the "Plant



9034 Engineering Revolving Fund" so that additional studies can be made  
9035 on the same basis and under the same conditions as provided in  
9036 Sections 57-11-31 through 57-11-39.

9037         **SECTION 310.** Section 57-11-39, Mississippi Code of 1972, is  
9038 brought forward as follows:

9039             57-11-39. If the program provided by Sections 57-11-31  
9040 through 57-11-39 is terminated or discontinued for any reason in  
9041 the future, all moneys in the "Plant Engineering Revolving Fund,"  
9042 after the payment by the Mississippi Agricultural and Industrial  
9043 Board of any outstanding costs in connection with said plant  
9044 engineering, shall be transferred to the general fund of the State  
9045 Treasury on written certification of the Director of the  
9046 Mississippi Agricultural and Industrial Board that this program  
9047 has been so discontinued or terminated, citing the statutory  
9048 authority therefor.

9049         **SECTION 311.** Section 57-11-61, Mississippi Code of 1972, is  
9050 brought forward as follows:

9051             57-11-61. Sections 57-11-61 through 57-11-69 may be cited as  
9052 "The Selected Industrial Feasibility Law of 1964."

9053         **SECTION 312.** Section 57-11-63, Mississippi Code of 1972, is  
9054 brought forward as follows:

9055             57-11-63. The Mississippi Agricultural and Industrial Board  
9056 is hereby authorized and empowered to contract with a firm or  
9057 firms which are experienced, competent and qualified to make



9058 market, operating and financial feasibility studies as may be  
9059 necessary to accomplish the following:

9060 (a) To make specific marketing, operating and financial  
9061 feasibility studies of selected heavy industries in the chemical,  
9062 petrochemical, mineral, wood and pulp using, and related fields  
9063 that can properly be constructed and operated in the State of  
9064 Mississippi to preempt markets that now exist or may exist.

9065 (b) To contract with the firm or firms making such  
9066 feasibility studies on the basis that they will recommend methods  
9067 which will promptly cause to be constructed and/or operated, such  
9068 manufacturing and industrial facilities, or either, as may prove  
9069 by these studies to be feasible.

9070 **SECTION 313.** Section 57-11-65, Mississippi Code of 1972, is  
9071 brought forward as follows:

9072 57-11-65. (1) The Mississippi Agricultural and Industrial  
9073 Board is authorized and empowered to contract and pay for the  
9074 feasibility studies as set out in Section 57-11-63, in such amount  
9075 or amounts as may be necessary to attain the objectives of  
9076 Sections 57-11-61 through 57-11-69, provided such commitments and  
9077 expenditures do not at any time exceed the amount or balance that  
9078 may be available in a special "Selected Industrial Feasibility  
9079 Fund" maintained in the State Treasury through such appropriation  
9080 as may be subsequently made by the Legislature for such purpose,  
9081 or as received from contributions and funds from various political



9082 subdivisions, and area industrial development districts or  
9083 organizations.

9084 (2) Cities, towns, municipalities, boards of supervisors,  
9085 and any and all combinations thereof, and area industrial  
9086 development districts or organizations, are hereby authorized, in  
9087 the discretion of said political subdivisions and area industrial  
9088 development districts and organizations, to make contributions to  
9089 the Mississippi Agricultural and Industrial Board, such funds as  
9090 said political subdivisions are authorized to use for advertising  
9091 and industrial promotion purposes, to be deposited into the  
9092 "Selected Industrial Feasibility Fund," and which contributions  
9093 will be used by the Mississippi Agricultural and Industrial Board  
9094 for the purposes of making the hereinabove designated feasibility  
9095 studies, and said studies shall be made available to said  
9096 contributing political subdivisions, and area industrial  
9097 development districts or organizations.

9098 **SECTION 314.** Section 57-11-67, Mississippi Code of 1972, is  
9099 brought forward as follows:

9100 57-11-67. The firm or firms which are under contract to make  
9101 such feasibility studies shall submit progress reports to the  
9102 Mississippi Agricultural and Industrial Board on each stage of the  
9103 study, and should any stage of the progress report reflect that  
9104 the stage or feasibility study shall not be feasible, then the  
9105 entire study shall be terminated.



9106           **SECTION 315.** Section 57-11-69, Mississippi Code of 1972, is  
9107 brought forward as follows:

9108           57-11-69. There shall be a "Selected Industrial Feasibility  
9109 Fund," which fund shall be maintained in the State Treasury as a  
9110 separate fund. The Mississippi Agricultural and Industrial Board  
9111 is authorized to receive appropriated funds from the Legislature  
9112 of the State of Mississippi and contributions and funds from the  
9113 different political subdivisions of this state and area industrial  
9114 development districts or organizations, and shall deposit all of  
9115 said funds and contributions into this "Selected Industrial  
9116 Feasibility Fund," and said Mississippi Agricultural and  
9117 Industrial Board shall, in the manner now required by law, expend  
9118 from said fund such sums of money necessary for the payment of  
9119 feasibility studies required in connection with the provisions of  
9120 Sections 57-11-61 through 57-11-69, so long as there is a balance  
9121 in the said fund.

9122           **SECTION 316.** Section 57-13-22, Mississippi Code of 1972, is  
9123 amended as follows:

9124           57-13-22. (1) The Mississippi Research and Development  
9125 Center is hereby abolished from and after July 1, 1988. All of  
9126 the functions of the center shall be transferred on that date to  
9127 the Mississippi \* \* \* Development Authority or to the University  
9128 Research Center which is created in Section 37-141-3.

9129           (2) (a) From and after July 1, 1988, the duties and  
9130 responsibilities of the Research and Development Center which are





9131 depicted organizationally in the 1989 fiscal year budget request  
9132 of the Research and Development Center and which are performed by  
9133 the Forecast and Analysis Division, the Administration Division,  
9134 the Government Services Division and the Data Services Division  
9135 except as provided in subsection 3(b) shall be transferred to the  
9136 University Research Center.

9137 (b) From and after July 1, 1988, the duties and  
9138 responsibilities of the Research and Development Center not  
9139 included in the transfer described in paragraph (a) except as  
9140 provided in subsection (3)(c) of this section shall be transferred  
9141 to the Mississippi \* \* \* Development Authority.

9142 (3) (a) All personnel of the Mississippi Research and  
9143 Development Center shall be transferred to the \* \* \* Mississippi  
9144 Development Authority or to the University Research Center  
9145 according to the transfer of their duties pursuant to this  
9146 section.

9147 (b) It is specifically provided that the positions  
9148 identified in items (i), (ii) and (iii) below be transferred to  
9149 the \* \* \* Mississippi Development Authority unless the Director of  
9150 the Research and Development Center and the Executive Director of  
9151 the \* \* \* Mississippi Development Authority make mutually  
9152 agreeable substitutions:

9153 (i) Position identification numbers 60, 174, 244,  
9154 98 and 177 of the Administration Unit shall be transferred June 1,  
9155 1988.



9156 (ii) Position identification numbers 156, 27, 194,  
9157 23, 307 and 308 of the Data Services Unit shall be transferred  
9158 July 1, 1988.

9159 (iii) Position identification numbers 71, 104 and  
9160 148 of the Government Services Division shall be transferred July  
9161 1, 1988.

9162 (c) It is specifically provided that position  
9163 identification numbers 30 and 76 of the Office of the Director of  
9164 the Research and Development Center be transferred to the  
9165 University Research Center on July 1, 1988.

9166 (d) It is the intention of the Legislature that there  
9167 be a reduction in personnel where there is a duplication of effort  
9168 as a result of the transfers required by this subsection.  
9169 The \* \* \* Mississippi Development Authority in its reorganization  
9170 pursuant to this act [Laws, 1988, Chapter 518] may utilize savings  
9171 realized from personnel attrition and other economies to  
9172 reallocate and reclassify positions within the department, subject  
9173 to the approval of the State Personnel Board.

9174 (e) All personnel transferred to the University  
9175 Research Center shall become subject to all personnel and  
9176 compensation policies of the Board of Trustees of State  
9177 Institutions of Higher Learning; however, anyone so transferred  
9178 shall retain all of the protection and benefits to which they have  
9179 been entitled under the state personnel system.



9180 (4) All records, property, unexpended balances of  
9181 appropriations or other funds, and all other resources of the  
9182 Mississippi Research and Development Center shall be transferred  
9183 to the \* \* \* Mississippi Development Authority or to the  
9184 University Research Center, as appropriate, pursuant to the  
9185 transfer of duties and responsibilities in subsection (2) of this  
9186 section.

9187 (5) (a) Each officer or agency subject to the provisions of  
9188 this act [Laws, 1988, Chapter 518] shall assist with the fullest  
9189 degree of reasonable cooperation any other officer or agency in  
9190 carrying out the intent and purpose of this act [Laws, 1988,  
9191 Chapter 518].

9192 (b) Each officer or agency subject to the provisions of  
9193 this act [Laws, 1988, Chapter 518] is hereby authorized and  
9194 empowered to promulgate all necessary rules and regulations not in  
9195 conflict with this act [Laws, 1988, Chapter 518] necessary to  
9196 accomplish an orderly transition pursuant to this act [Laws, 1988,  
9197 Chapter 518].

9198 **SECTION 317.** Section 57-13-23, Mississippi Code of 1972, is  
9199 amended as follows:

9200 57-13-23. (1) There is hereby created and established the  
9201 Mississippi Automated Resource Information System (MARIS),  
9202 (heretofore created by Executive Order No. 459, dated May 26,  
9203 1983, as amended by Executive Order No. 562, dated January 15,  
9204 1986), which shall be the mechanism within state government for



9205 the storing, processing, extracting and disseminating of useful  
9206 data and information relating to the state's resources.

9207 (2) The goal of MARIS shall be to facilitate the achievement  
9208 of state agencies' responsibilities as they relate to the  
9209 development, management, conservation, protection and utilization  
9210 of the resources of Mississippi by making usable resource data and  
9211 information more readily available and in a format that is  
9212 consistent throughout state departments, agencies and  
9213 institutions, and, to the extent possible, with federal and  
9214 privately generated resource data banks.

9215 (3) MARIS shall be under the supervision and general policy  
9216 formulations of a policy committee as the cooperative effort of  
9217 state departments, agencies and institutions for the sharing of  
9218 useful data acquired and generated by state agencies in  
9219 discharging their individual responsibilities.

9220 (4) There is hereby created and established the MARIS Policy  
9221 Committee composed of the directors or their designees of the  
9222 following departments, agencies and institutions:

9223 Center for Population Studies, University of Mississippi

9224 Central Data Processing Authority

9225 Department of Agriculture and Commerce

9226 Department of Archives and History

9227 \* \* \* Mississippi Development Authority

9228 Department of Human Services

9229 Department of Environmental Quality



9230 Department of Wildlife, Fisheries and Parks  
9231 Mississippi Department of Transportation  
9232 Mississippi Emergency Management Agency  
9233 Mississippi Mineral Resources Institute, University of  
9234 Mississippi  
9235 Department of Finance and Administration  
9236 Office of the Secretary of State  
9237 Public Service Commission  
9238 Remote Sensing Center, Mississippi State University  
9239 State Forestry Commission  
9240 State Department of Health  
9241 State Oil and Gas Board  
9242 State Soil and Water Conservation Commission  
9243 State Tax Commission  
9244 University Research Center  
9245 Water Management Council.

9246 (5) The MARIS Policy Committee shall elect a chairman, vice  
9247 chairman and secretary, and it shall elect an executive committee  
9248 from the membership of the policy committee to be composed of not  
9249 less than five (5) nor more than nine (9) members, including the  
9250 aforesaid officers. The policy committee may elect to the  
9251 executive committee one (1) person other than from its membership.  
9252 The policy committee shall determine the authority and  
9253 responsibility to be exercised by the executive committee.



9254 (6) There is hereby created and established the MARIS Task  
9255 Force which shall be composed of at least one (1) representative  
9256 from each of the aforesaid agencies with knowledge in computer  
9257 applications to natural, cultural, industrial or economic  
9258 resources to be appointed by the respective directors thereof, and  
9259 any other persons deemed advisable by the policy committee.

9260 (7) The University Research Center shall house the MARIS  
9261 equipment and staff and shall provide administrative support for  
9262 the policy committee and technical support to all member agencies.

9263 (8) It shall be the duty of every department, agency, office  
9264 and institution of the State of Mississippi, and the officers  
9265 thereof, to cooperate with and assist the MARIS Policy Committee  
9266 in every reasonable way.

9267 **SECTION 318.** Section 57-26-1, Mississippi Code of 1972, is  
9268 brought forward as follows:

9269 57-26-1. As used in Sections 57-26-1 through 57-26-5, the  
9270 following terms and phrases shall have the meanings ascribed in  
9271 this section unless the context clearly indicates otherwise:

9272 (a) "Approved project costs" means actual costs  
9273 incurred by an approved participant for land acquisition,  
9274 construction, engineering, design and other costs approved by the  
9275 Mississippi Development Authority relating to a tourism project;  
9276 however, for the purposes of a tourism project described in  
9277 paragraph (d)(iv) of this section, such costs include only those  
9278 incurred after January 1, 2011, relating to the hotel portion of



9279 the project consisting of facilities used for lodging and common  
9280 areas in that portion of the project. All costs must be verified  
9281 by an independent third party approved by the MDA. An approved  
9282 participant shall pay the costs for the third-party verification  
9283 of costs. Approved project costs may not increase regardless of  
9284 the actual costs incurred by the project.

9285 (b) "Approved participant" means a person, corporation  
9286 or other entity issued a certificate by the Mississippi  
9287 Development Authority under Section 57-26-5.

9288 (c) "MDA" means the Mississippi Development Authority.

9289 (d) "Tourism project" shall include any of the  
9290 following as may be approved by the MDA:

9291 (i) Theme parks, water parks, entertainment parks  
9292 or outdoor adventure parks, cultural or historical interpretive  
9293 educational centers or museums, motor speedways, indoor or outdoor  
9294 entertainment centers or complexes, convention centers,  
9295 professional sports facilities, spas, attractions created around a  
9296 natural phenomenon or scenic landscape and marinas open to the  
9297 public with a minimum private investment of not less than Ten  
9298 Million Dollars (\$10,000,000.00);

9299 (ii) A hotel with a minimum private investment of  
9300 Forty Million Dollars (\$40,000,000.00) in land, buildings,  
9301 architecture, engineering, fixtures, equipment, furnishings,  
9302 amenities and other related soft costs approved by the Mississippi  
9303 Development Authority, and having a minimum private investment of



9304 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room  
9305 which amount shall be included within the minimum private  
9306 investment of Forty Million Dollars (\$40,000,000.00);

9307 (iii) A public golf course with a minimum private  
9308 investment of Ten Million Dollars (\$10,000,000.00);

9309 (iv) A full service hotel with a minimum private  
9310 investment of Fifteen Million Dollars (\$15,000,000.00) in land,  
9311 buildings, architecture, engineering, fixtures, equipment,  
9312 furnishings, amenities and other related soft costs approved by  
9313 the Mississippi Development Authority, and having a minimum  
9314 private investment of Two Hundred Thousand Dollars (\$200,000.00)  
9315 per guest room or suite which amount shall be included within the  
9316 minimum private investment of Fifteen Million Dollars  
9317 (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or  
9318 suites, and guest amenities such as restaurants, spas and other  
9319 amenities as determined by the Mississippi Development Authority;  
9320 however, in a county in which the Grammy Museum Mississippi or the  
9321 Mississippi Arts and Entertainment Center is located, in a county  
9322 in which the Saenger Theater and the main campus of a state  
9323 institution of higher learning are located, and in the downtown  
9324 historic district of the city in which the NWCC Performing Arts  
9325 Center is located, the minimum private investment per guest room  
9326 or suite shall be One Hundred Fifty Thousand Dollars (\$150,000.00)  
9327 which amount shall be included within the minimum private  
9328 investment of Fifteen Million Dollars (\$15,000,000.00);





9329 (v) A tourism attraction located within an  
9330 "entertainment district" as defined in Section 17-29-3 that is  
9331 open to the public, has seating to accommodate at least forty (40)  
9332 persons, is open at least five (5) days per week from at least  
9333 6:00 p.m. until midnight, serves food and beverages, and provides  
9334 live entertainment at least three (3) nights per week;

9335 (vi) A cultural retail attraction;

9336 (vii) A tourism attraction located within a  
9337 historic district where the district is listed in the National  
9338 Register of Historic Places, where the tourism attraction is open  
9339 to the public, has seating to accommodate at least forty (40)  
9340 persons, is open at least five (5) days per week from at least  
9341 6:00 p.m. until midnight, serves food and beverages, and provides  
9342 live entertainment at least three (3) nights per week;

9343 (viii) A tourism attraction, located in a county  
9344 bordered by the Mississippi River and including Interstate 69 and  
9345 U.S. Highways 3, 4 and 61, with a minimum investment of One  
9346 Hundred Million Dollars (\$100,000,000.00) and subject to an urban  
9347 renewal plan that redevelops two (2) hotels, a golf course and  
9348 clubhouse, a shooting range and a convention center and develops  
9349 an entertainment center and waterpark, together with other  
9350 attraction-related amenities, on an area not less than two  
9351 thousand (2,000) acres.

9352 The term "tourism project" does not include any licensed  
9353 gaming establishment owned, leased or controlled by a business,



9354 corporation or entity having a gaming license issued under Section  
9355 75-76-1 et seq.; however, the term "tourism project" may include a  
9356 project described in this paragraph (d) that is owned, leased or  
9357 controlled by such a business, corporation or entity or in which  
9358 the business, corporation or entity has a direct or indirect  
9359 financial interest if the project is in excess of development that  
9360 the State Gaming Commission requires for the issuance or renewal  
9361 of a gaming license and is not part of a licensed gaming  
9362 establishment in which gaming activities are conducted.

9363         The term "tourism project" does not include any facility  
9364 within the project whose primary business is retail sales or any  
9365 expansions of existing projects; however, pro shops, souvenir  
9366 shops, gift shops, concessions and similar retail activities, and  
9367 cultural retail attractions may be included within the definition  
9368 of the term "tourism project." In addition, retail activities,  
9369 regardless of whether the primary business is retail sales, that  
9370 are part of a resort development may be included within the  
9371 definition of "tourism project."

9372         (e) "Resort development" means a travel destination  
9373 development with a minimum private investment of One Hundred  
9374 Million Dollars (\$100,000,000.00) and which consists of (i) a  
9375 hotel with a minimum of two hundred (200) guest rooms or suites  
9376 and having a minimum private investment of Two Hundred Thousand  
9377 Dollars (\$200,000.00) per guest room or suite, and (ii) guest  
9378 amenities such as restaurants, golf courses, spas, fitness



9379 facilities, entertainment activities and other amenities as  
9380 determined by the MDA. Not more than an amount equal to forty  
9381 percent (40%) of the private investment required by this paragraph  
9382 may be expended on facilities to house retail activity.

9383 (f) "Cultural retail attraction" means a project which  
9384 combines destination shopping with cultural or historical  
9385 interpretive elements specific to Mississippi with a minimum  
9386 private investment of Fifty Million Dollars (\$50,000,000.00) in  
9387 land, buildings, architecture, engineering, fixtures, equipment,  
9388 furnishings, amenities and other related soft costs approved by  
9389 the Mississippi Development Authority and which:

9390 (i) Is located in a qualified resort area as  
9391 defined in Section 67-1-5;

9392 (ii) Is a part of a master-planned development  
9393 with a total investment of not less than One Hundred Million  
9394 Dollars (\$100,000,000.00) in land, buildings, architecture,  
9395 engineering, fixtures, equipment, furnishings, amenities and other  
9396 related soft costs approved by the Mississippi Development  
9397 Authority;

9398 (iii) Has a minimum of fifty (50) retail tenants  
9399 with a minimum of three hundred thousand (300,000) square feet of  
9400 heated and cooled space; and

9401 (iv) Has a minimum investment of One Million  
9402 Dollars (\$1,000,000.00) in one or more of the following:



- 9403 1. Art created by Mississippi artists or  
9404 portraying themes specific to Mississippi;
- 9405 2. Memorabilia, signage or historical markers  
9406 which serve to promote the State of Mississippi;
- 9407 3. Audio/visual equipment used to showcase  
9408 Mississippi artists;
- 9409 4. A minimum of one thousand two hundred  
9410 fifty (1,250) square feet of heated and cooled space available to  
9411 the Mississippi Development Authority or its assignee for a period  
9412 of not less than ten (10) years.

9413 (g) "Retail activity" means businesses whose inventory  
9414 consists primarily of upscale name brands or their equivalent as  
9415 determined by the MDA.

9416 (h) "State" means the State of Mississippi.

9417 **SECTION 319.** Section 57-26-3, Mississippi Code of 1972, is  
9418 brought forward as follows:

9419 57-26-3. (1) (a) There is created in the State Treasury a  
9420 special fund to be known as the "Tourism Project Sales Tax  
9421 Incentive Fund," into which shall be deposited such money as  
9422 provided in Section 27-65-75(16). The monies in the fund shall be  
9423 used for the purpose of making the incentive payments authorized  
9424 in this section. The fund shall be administered by the MDA.  
9425 Unexpended amounts remaining in the fund at the end of a fiscal  
9426 year shall not lapse into the State General Fund, and any interest  
9427 earned on or investment earnings on the amounts in the fund shall



9428 be deposited to the credit of the fund. The MDA may use not more  
9429 than one percent (1%) of interest earned or investment earnings,  
9430 or both, on amounts in the fund for administration and management  
9431 of the incentive program authorized under Sections 57-26-1 through  
9432 57-26-5.

9433 (b) Subject to the provisions of this section,  
9434 incentive payments may be made by the MDA to an approved  
9435 participant that incurs approved project costs to locate a tourism  
9436 project in the state. The payments to an approved participant  
9437 shall be for eighty percent (80%) of the amount of sales tax  
9438 revenue collected from the operation of the tourism project, after  
9439 making the diversions required in Section 27-65-75(7) and (8).  
9440 The MDA shall make payments to an approved participant on a  
9441 semiannual basis with payments being made in the months of January  
9442 and July. The aggregate amount of incentive payments that an  
9443 approved participant may receive shall not exceed thirty percent  
9444 (30%) of the approved project costs incurred by the approved  
9445 participant for the tourism project. Expansions, enlargements or  
9446 additional investments made by an approved participant will not  
9447 increase authorized incentive payments certified by the MDA. The  
9448 MDA shall make the calculations necessary to make the payments  
9449 provided for in this section. The MDA shall cease making  
9450 incentive payments to an approved participant on the occurrence of  
9451 the earlier of:



9452 (i) The date that an aggregate amount of thirty  
9453 percent (30%) of the approved project costs incurred by the  
9454 approved participant for the tourism project has been paid to the  
9455 approved participant; or

9456 (ii) Fifteen (15) years after the date the tourism  
9457 project opens for commercial operation.

9458 (2) At such time as incentive payments are no longer  
9459 required to be made to an approved participant, the MDA shall  
9460 notify the Department of Revenue and the sales tax revenue  
9461 collected from the tourism project shall no longer be deposited  
9462 into the Tourism Project Sales Tax Incentive Fund. Any amounts  
9463 remaining in the fund that were collected from such project shall  
9464 be transferred to the State General Fund.

9465 **SECTION 320.** Section 57-26-5, Mississippi Code of 1972, is  
9466 brought forward as follows:

9467 57-26-5. (1) The MDA shall develop, implement and  
9468 administer the incentive program authorized in Sections 57-26-1  
9469 through 57-26-5 and shall promulgate rules and regulations  
9470 necessary for the development, implementation and administration  
9471 of such program.

9472 (2) A person, corporation or other entity desiring to  
9473 participate in the incentive program authorized in Sections  
9474 57-26-1 through 57-26-5 must submit an application and an  
9475 application fee in the amount of Five Thousand Dollars (\$5,000.00)  
9476 to the MDA. Such application must contain (a) plans for the



9477 proposed tourism project; (b) a detailed description of the  
9478 proposed tourism project; (c) the method of financing the proposed  
9479 tourism project and the terms of such financing; (d) an  
9480 independent study that identifies the number of out-of-state  
9481 visitors anticipated to visit the project and the ratio of  
9482 out-of-state visitors to in-state visitors; and (e) any other  
9483 information required by the MDA. The Executive Director of the  
9484 MDA shall review the application and determine if it qualifies as  
9485 a tourism project under this section and under the rules and  
9486 regulations promulgated pursuant to this section. If the  
9487 executive director determines the proposed tourism project  
9488 qualifies as a tourism project under this section and under the  
9489 rules and regulations promulgated pursuant to this section, he  
9490 shall issue a certificate to the person, corporation or other  
9491 entity designating such person, corporation or other entity as an  
9492 approved participant and authorizing the approved participant to  
9493 participate in the incentive program provided for in Sections  
9494 57-26-1 through 57-26-5. No certificate designating an entity as  
9495 an approved participant and authorizing the approved participant  
9496 to participate in the incentive program shall be issued from and  
9497 after July 1, 2014, for tourism projects that are cultural retail  
9498 attractions, or from and after July 1, 2023, for other tourism  
9499 projects. For tourism projects that are cultural retail  
9500 attractions, no such issued certificate shall be altered or  
9501 extended after the date last approved as of July 1, 2020.



9502 (3) The MDA shall cause a cost benefit analysis of the  
9503 tourism project to be performed by a state institution of higher  
9504 learning, the university research center or some other entity  
9505 approved by the MDA.

9506 **SECTION 321.** Section 57-26-7, Mississippi Code of 1972, is  
9507 brought forward as follows:

9508 57-26-7. The MDA shall not approve any application submitted  
9509 after June 30, 2014, pursuant to Section 57-26-5 for a project  
9510 that includes any resort development.

9511 **SECTION 322.** Section 57-27-1, Mississippi Code of 1972, is  
9512 amended as follows:

9513 57-27-1. As used in this chapter, the following words and  
9514 phrases shall have the following meanings, unless the context  
9515 hereof clearly indicates otherwise:

9516 (a) "Regional tourist promotion council" shall mean a  
9517 corporation organized pursuant to the provisions of the  
9518 Mississippi Nonprofit Corporation Law established for the purposes  
9519 authorized in this chapter, and which is recognized by the  
9520 Mississippi Board of Economic Development as qualifying under the  
9521 provisions of this chapter.

9522 (b) "Board" shall mean the Mississippi Board of  
9523 Economic Development or any successor agency that may be  
9524 designated by law to succeed to the duties of the Mississippi  
9525 Board of Economic Development with respect to the promotion of  
9526 tourist travel and vacation business in Mississippi.





9527 (c) "Natural promotion regions" shall consist of the  
9528 following area tourist councils:

9529 (i) Area Tourist Council One: DeSoto, Tate,  
9530 Panola, Yalobusha, Grenada, Calhoun, Lafayette, Marshall, Benton,  
9531 Union, Pontotoc, Tippah, Alcorn, Tishomingo, Prentiss, Lee and  
9532 Itawamba.

9533 (ii) Area Tourist Council Two: Tunica, Coahoma,  
9534 Quitman, Bolivar, Tallahatchie, Sunflower, Leflore, Carroll,  
9535 Washington, Humphreys, Holmes, Issaquena and Sharkey.

9536 (iii) Area Tourist Council Three: \* \* \* Chickasaw,  
9537 Monroe, Montgomery, Webster, Clay, Choctaw, Oktibbeha, Lowndes,  
9538 Attala, Winston, Noxubee, Leake, Neshoba, Kemper, Scott, Newton,  
9539 Lauderdale, Smith, Jasper and Clarke.

9540 (iv) Area Tourist Council Four: Warren, Yazoo,  
9541 Madison, Hinds, Rankin, Claiborne, Copiah, Simpson, Jefferson,  
9542 Adams, Franklin, Lincoln, Lawrence, Wilkinson, Amite, Pike and  
9543 Walthall.

9544 (v) Area Tourist Council Five: Jefferson Davis,  
9545 Covington, Jones, Wayne, Marion, Lamar, Forrest, Perry, Greene,  
9546 Pearl River, Stone, George, Hancock, Harrison and Jackson.

9547 Upon the approval of the Mississippi Board of Economic  
9548 Development, the area tourist councils established by \* \* \*  
9549 paragraph (c) may reorganize in order to allow a county to join  
9550 that council with which it feels most closely connected, taking



9551 into consideration such factors as common interests and  
9552 compatibility with the member counties.

9553         **SECTION 323.** Section 57-27-3, Mississippi Code of 1972, is  
9554 brought forward as follows:

9555             57-27-3. Any group of interested citizens and residents of  
9556 counties comprising a natural promotion region of this state, and  
9557 who are residents of counties representing not less than fifty  
9558 percent (50%) of the total population of the region, but in no  
9559 event less than fifteen (15) individuals, who shall form a  
9560 nonprofit corporation pursuant to the provisions of the  
9561 Mississippi Nonprofit Corporation Law for the purpose of promoting  
9562 tourist travel and vacation business in the counties comprising  
9563 the natural promotion region, and whose charter, bylaws and  
9564 purpose are in compliance with the rules and regulations  
9565 promulgated by the board pursuant to the provisions of this  
9566 chapter, may apply for recognition by the board as a regional  
9567 tourist promotion council under this chapter. Provided, that upon  
9568 approval of the board, a county in one (1) natural promotion  
9569 region of the state may be included within the area comprising a  
9570 different and adjacent natural promotion region if, and when,  
9571 experience establishes that the county tourist values are more  
9572 closely identified with the other region.

9573         **SECTION 324.** Section 57-27-5, Mississippi Code of 1972, is  
9574 brought forward as follows:



9575           57-27-5. The board, upon receipt of a copy of incorporation  
9576 papers, constitution, bylaws and resolutions, if any, of a  
9577 nonprofit corporation applying for recognition as a regional  
9578 tourist promotion council under the provisions of this chapter is  
9579 hereby authorized to designate such corporation as a regional  
9580 tourist promotion council whenever the board shall determine:

9581           (1) That the applying agency is established under the  
9582 Mississippi Nonprofit Corporation Law, and has a constitution and  
9583 bylaws governing the activities and purposes of said corporation  
9584 which are in compliance with the rules and regulations of the  
9585 board;

9586           (2) That the charter, constitution or bylaws of the  
9587 applying council provide for the selection of a board of  
9588 directors, and successor members on said boards, of persons who  
9589 have demonstrated knowledge of and interest in the tourist travel  
9590 and vacation business in the various counties comprising the  
9591 council to be served by the agency;

9592           (3) That the applying council has furnished a proposed  
9593 plan and demonstration of financial resources to establish and  
9594 promote an active tourist travel and vacation business promotion  
9595 program within the region.

9596           Upon determining that an applying corporation is eligible for  
9597 designation as a regional tourist promotion council, the  
9598 Mississippi Agricultural and Industrial Board shall upon a  
9599 majority vote of said board designate such council as the



9600 participating council for such region and shall certify same to  
9601 the applying council. The board is hereby authorized to revoke or  
9602 suspend its designation of any regional tourist promotion council  
9603 whenever the board shall determine that said council is not  
9604 complying with the rules and regulations of the board, or has  
9605 failed to comply with the terms of any grant made to such council  
9606 pursuant to the provisions of this chapter.

9607         **SECTION 325.** Section 57-27-7, Mississippi Code of 1972, is  
9608 brought forward as follows:

9609         57-27-7. (1) The travel and tourism department of the board  
9610 is hereby authorized, upon approval of the board, to make grants,  
9611 from funds specifically appropriated for such purposes, to  
9612 regional tourist promotion councils to assist such councils in the  
9613 financing of promotional and advertising programs and to encourage  
9614 and stimulate tourist travel and vacation business within the  
9615 region. Provided, that before any such grant may be made, the  
9616 regional tourist promotional council shall have made application  
9617 to the board for such grant, and shall have set forth therein the  
9618 promotion and advertising program and project, or projects,  
9619 proposed to be undertaken for the purpose of encouraging and  
9620 stimulating the tourist travel and vacation business within the  
9621 region. The application shall further state, under oath or  
9622 affirmation, the amount of funds held by or committed or  
9623 subscribed to the regional tourist promotion council for



9624 application to the purposes herein described and the amount of the  
9625 grant for which application is made.

9626 (2) The board, after review of the application, if satisfied  
9627 that the program of the regional tourist promotion council appears  
9628 to be in accord with the purposes of this chapter, shall authorize  
9629 the making of a matching grant to such regional tourist promotion  
9630 council equal to the funds of the council allocated by it to the  
9631 program described in the application; provided, however, that the  
9632 state grant shall not exceed an amount equal to the total amount  
9633 apportioned to the region as outlined herein.

9634 **SECTION 326.** Section 57-27-9, Mississippi Code of 1972, is  
9635 brought forward as follows:

9636 57-27-9. The board and/or regional tourist promotion council  
9637 are hereby authorized to accept gifts, grants or donations from  
9638 the federal government or agencies thereof, and from private  
9639 individuals, foundations or concerns to be used in furtherance of  
9640 the purposes of this chapter.

9641 The board shall annually review the amount of funds  
9642 appropriated by the Mississippi Legislature, and other funds that  
9643 may be available therefor, and shall apportion said funds to  
9644 various participating regional tourist promotion councils for  
9645 grant purposes on the following basis: Twenty percent (20%) shall  
9646 be apportioned to each of the five (5) congressional districts.  
9647 If, at the end of a six (6) month period, an area has not applied  
9648 for the full amount allocated to it, the money shall be



9649 reallocated to the other areas during the last six (6) months of  
9650 the fiscal year for use in compliance with the provisions of this  
9651 chapter.

9652         **SECTION 327.** Section 57-27 11, Mississippi Code of 1972, is  
9653 brought forward as follows:

9654             57-27-11. At least twenty five percent (25%) of the total  
9655 matching funds of any participating regional tourist promotion  
9656 council shall be first used in the production, preparation and  
9657 printing of a regional tourist promotion brochure, and the  
9658 participating council shall thereafter allocate such funds, as may  
9659 be designated by the board, for the revision, reproduction and  
9660 printing of such regional promotion brochure as the board may  
9661 designate. The balance of matched funds available to each  
9662 regional tourist promotion council may be used for needed approved  
9663 tourist promotion, advertising or research programs designated to  
9664 encourage and stimulate the visitor and vacation business within  
9665 the region as may have been approved by the board.

9666             No part of the matched funds provided by the participating  
9667 council, or made available on a matching basis by the board, may  
9668 be used by a regional tourist promotion council for administrative  
9669 salaries or expenses, it being the intent hereof that all matched  
9670 funds shall be used for the purposes for which the application and  
9671 grant is made.

9672         **SECTION 328.** Section 57-27-13, Mississippi Code of 1972, is  
9673 brought forward as follows:



9674           57-27-13. All grants under the provisions of this chapter  
9675 shall be on a matching basis with the applying council furnishing  
9676 fifty percent (50%) of the funds and the state grants in no event  
9677 exceeding an amount equal to the funds supplied by the council.  
9678 Upon approval of each application and the making of a grant by the  
9679 board in accordance therewith, the board shall give notice to the  
9680 applying regional tourist promotion council of such approval and  
9681 grant, and shall direct the regional tourist promotion council to  
9682 proceed with its promotional program as described in its  
9683 application, and to use therefor funds allocated by the regional  
9684 tourist promotion council for such purposes. Upon the furnishing  
9685 of said evidence to the board that the particular regional tourist  
9686 promotion council has proceeded in accordance with the terms of  
9687 the application, the grant allocated to such agency shall be paid  
9688 to the council by the board.

9689           The board may, from time to time, make such investigations  
9690 and audits, and require each participating council to furnish such  
9691 evidence or proof, to determine that all funds granted under the  
9692 provisions of this chapter are being handled and expended for the  
9693 purposes as approved by the board in awarding the grant.

9694           **SECTION 329.** Section 57-27-15, Mississippi Code of 1972, is  
9695 brought forward as follows:

9696           57-27-15. The travel and tourism department of the board is  
9697 hereby designated as the administrative agency of this state to



9698 act, under the authority of the board, in administering the  
9699 provisions of this chapter.

9700 **SECTION 330.** Section 57-28-1, Mississippi Code of 1972, is  
9701 brought forward as follows:

9702 57-28-1. As used in Sections 57-28-1 through 57-28-5, the  
9703 following terms and phrases shall have the meanings ascribed in  
9704 this section unless the context clearly indicates otherwise:

9705 (a) "Approved project costs" means actual costs  
9706 incurred by an approved participant for land acquisition,  
9707 construction, engineering, design and other costs approved by the  
9708 Mississippi Development Authority relating to a tourism project.  
9709 The term "approved project costs" also may include, if approved by  
9710 the Mississippi Development Authority, costs described above that  
9711 are incurred by an approved participant within three (3) months  
9712 after the date a tourism project opens for commercial operation.  
9713 All costs must be verified by an independent third party approved  
9714 by the MDA. An approved participant shall pay the costs for the  
9715 third-party verification of costs.

9716 (b) "Approved participant" means a person, corporation  
9717 or other entity issued a certificate by the Mississippi  
9718 Development Authority under Section 57-28-5.

9719 (c) "MDA" means the Mississippi Development Authority.

9720 (d) "Tourism project" shall include an entertainment  
9721 district described below and may include any of the following as  
9722 may be approved by the MDA:





9723 (i) A hotel with a minimum private investment of  
9724 Forty Million Dollars (\$40,000,000.00) in land, buildings,  
9725 architecture, engineering, fixtures, equipment, furnishings,  
9726 amenities and other related soft costs approved by the Mississippi  
9727 Development Authority, and having a minimum private investment of  
9728 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room  
9729 which amount shall be included within the minimum private  
9730 investment of Forty Million Dollars (\$40,000,000.00);

9731 (ii) A nationally branded, themed entertainment  
9732 district consisting of restaurants, bars, amphitheaters, live  
9733 theaters, other entertainment venues and commercial improvements  
9734 that the MDA determines to be tourism related located within the  
9735 entertainment district, with a minimum private investment of  
9736 Seventy-five Million Dollars (\$75,000,000.00);

9737 (iii) A nationally branded museum/aquarium with a  
9738 minimum private investment of Forty Million Dollars  
9739 (\$40,000,000.00); and

9740 (iv) A public golf course with a minimum private  
9741 investment of Ten Million Dollars (\$10,000,000.00).

9742 In addition, in order for a tourism project to be eligible to  
9743 qualify under the provisions of Sections 57-28-1 through 57-28-5,  
9744 the tourism project must be located on a project site, and  
9745 construction of the tourism project must begin no later than June  
9746 1, 2017.



9747 (e) "Project site" means a planned mixed use  
9748 development located on at least four thousand (4,000) acres of  
9749 land that will consist of commercial, recreational, resort,  
9750 tourism and residential development, for which the initial phase  
9751 of development shall begin no later than June 1, 2007.

9752 (f) "State" means the State of Mississippi.

9753 **SECTION 331.** Section 57-28-3, Mississippi Code of 1972, is  
9754 brought forward as follows:

9755 57-28-3. (1) (a) There is created in the State Treasury a  
9756 special fund to be known as the "Tourism Sales Tax Incentive  
9757 Fund," into which shall be deposited such money as provided in  
9758 Section 27-65-75(20). The monies in the fund shall be used for  
9759 the purpose of making the incentive payments authorized in this  
9760 section. The fund shall be administered by the MDA. Unexpended  
9761 amounts remaining in the fund at the end of a fiscal year shall  
9762 not lapse into the State General Fund, and any interest earned on  
9763 or investment earnings on the amounts in the fund shall be  
9764 deposited to the credit of the fund. The MDA may use not more  
9765 than one percent (1%) of interest earned or investment earnings,  
9766 or both, on amounts in the fund for administration and management  
9767 of the incentive program authorized under Sections 57-28-1 through  
9768 57-28-5.

9769 (b) Subject to the provisions of this section,  
9770 incentive payments may be made by the MDA to an approved  
9771 participant that incurs approved project costs to locate a tourism



9772 project in the state. The payments to an approved participant  
9773 shall be for eighty percent (80%) of the amount of sales tax  
9774 revenue collected from the operation of the tourism project, after  
9775 making the diversions required in Section 27-65-75(7) and (8).  
9776 The MDA shall make payments to an approved participant on a  
9777 semiannual basis with payments being made in the months of January  
9778 and July. The aggregate amount of incentive payments that an  
9779 approved participant may receive shall not exceed thirty percent  
9780 (30%) of the approved project costs incurred by the approved  
9781 participant for the tourism project. Expansions, enlargements or  
9782 additional investments made by an approved participant will not  
9783 increase authorized incentive payments certified by the MDA. The  
9784 MDA shall make the calculations necessary to make the payments  
9785 provided for in this section. The MDA shall cease making  
9786 incentive payments to an approved participant on the occurrence of  
9787 the earlier of (i) the date that an aggregate amount of thirty  
9788 percent (30%) of the approved project costs incurred by the  
9789 approved participant for the tourism project has been paid to the  
9790 approved participant, or (ii) ten (10) years after the date the  
9791 tourism project opens for commercial operation.

9792 (c) If an approved participant does not use or need all  
9793 of the incentive payments approved by the MDA for a tourism  
9794 project, then the approved participant may request that the MDA  
9795 allow the approved participant to transfer or assign part of such  
9796 incentive payments to another tourism project that, because of the



9797 sales tax revenue generated by the tourism project, will produce  
9798 aggregate incentive payments over the ten-year period of less than  
9799 thirty percent (30%) of approved project costs incurred by the  
9800 approved participant for that tourism project. There may be only  
9801 one (1) such request for transfer or assignment approved by the  
9802 MDA for a project site.

9803 (d) The total amount of incentive payments authorized  
9804 for all tourism projects located on a project site shall not  
9805 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in the  
9806 aggregate.

9807 (2) At such time as incentive payments are no longer  
9808 required to be made to an approved participant, the MDA shall  
9809 notify the State Tax Commission and the sales tax revenue  
9810 collected from the tourism project shall no longer be deposited  
9811 into the Tourism Sales Tax Incentive Fund. Any amounts remaining  
9812 in the fund that were collected from such project shall be  
9813 transferred to the State General Fund.

9814 **SECTION 332.** Section 57-28-5, Mississippi Code of 1972, is  
9815 brought forward as follows:

9816 57-28-5. (1) The MDA shall develop, implement and  
9817 administer the incentive program authorized in Sections 57-28-1  
9818 through 57-28-5 and shall promulgate rules and regulations  
9819 necessary for the development, implementation and administration  
9820 of such program.



9821 (2) A person, corporation or other entity desiring to  
9822 participate in the incentive program authorized in Sections  
9823 57-28-1 through 57-28-5 must submit an application to the MDA.  
9824 Such application must contain (a) plans for the proposed tourism  
9825 project; (b) a detailed description of the proposed tourism  
9826 project; (c) the method of financing the proposed tourism project  
9827 and the terms of such financing; and (d) any other information  
9828 required by the MDA. An application must be submitted no later  
9829 than June 1, 2017. The Executive Director of the MDA shall review  
9830 the application and determine if it qualifies as a tourism  
9831 project. If the executive director determines the proposed  
9832 tourism project qualifies as a tourism project, he shall issue a  
9833 certificate to the person, corporation or other entity designating  
9834 such person, corporation or other entity as an approved  
9835 participant and authorizing the approved participant to  
9836 participate in the incentive program provided for in Sections  
9837 57-28-1 through 57-28-5.

9838 (3) If a person, entity or other person submits an  
9839 application to the MDA to participate in the incentive program  
9840 authorized in Sections 57-28-1 through 57-28-5, a gaming license  
9841 may not be issued by the state for any establishment located in  
9842 the project site.

9843 **SECTION 333.** Section 57-29-1, Mississippi Code of 1972, is  
9844 brought forward as follows:



9845           57-29-1. As used in this section and Section 57-29-3, the  
9846 following words and phrases shall have the meanings herein  
9847 ascribed to them unless the context clearly indicates otherwise:

9848           (a) "Vacation Guide" shall mean a publication,  
9849 compiled, edited and published by the Mississippi Agricultural and  
9850 Industrial Board, distributed free to the members of the general  
9851 public and containing no advertising and no photographs or  
9852 listings of public officials.

9853           (b) "Board" shall mean the Mississippi Agricultural and  
9854 Industrial Board or any successor agency that may be designated by  
9855 law to succeed to the duties of the agricultural and industrial  
9856 board with respect to the promotion of tourist travel and vacation  
9857 business in Mississippi.

9858           (c) "Publication agency" shall mean any printer,  
9859 photographer, publication designer, binder, or copywriter or any  
9860 agency whose technical, production or supply services are a  
9861 prerequisite to the support of the above functions.

9862           **SECTION 334.** Section 57-29-3, Mississippi Code of 1972, is  
9863 brought forward as follows:

9864           57-29-3. The travel and tourism department of the board is  
9865 hereby authorized, upon approval of the board, to solicit bids  
9866 from competent publication agencies and to expend such funds as  
9867 may be appropriated for the purpose of publishing a vacation  
9868 guide.



9869           **SECTION 335.** Section 57-30-1, Mississippi Code of 1972, is  
9870 brought forward as follows:

9871           57-30-1. As used in this chapter, the following terms and  
9872 phrases shall have the meanings ascribed in this section unless  
9873 the context clearly indicates otherwise:

9874           (a) "Approved participant" means a person, corporation  
9875 or other entity issued a certificate by the Mississippi  
9876 Development Authority under Section 57-30-3.

9877           (b) "MDA" means the Mississippi Development Authority.

9878           (c) "Project" means any family-oriented entertainment  
9879 enterprise such as campgrounds and theme parks, as designated by  
9880 the Mississippi Development Authority, with an initial capital  
9881 investment of not less than Five Million Dollars (\$5,000,000.00)  
9882 in federal, local and/or private funds if located in a county in a  
9883 Tier One area, as designated under Section 57-73-21, or with an  
9884 initial capital investment of not less than Three Million Dollars  
9885 (\$3,000,000.00) in federal, local and/or private funds if located  
9886 in a county in a Tier Two area or Tier Three area as designated in  
9887 Section 57-73-21. Whether a county is in a Tier One area, Tier  
9888 Two area or Tier Three area shall be determined by the  
9889 classification of the area at the time the initial investment is  
9890 made. The term "project" also means any of the following  
9891 ancillary businesses if located on the project site or within one  
9892 (1) mile of the project and owned by the owner of the  
9893 family-oriented entertainment enterprise or owned by an entity



9894 legally affiliated with the owner of the family-oriented  
9895 entertainment enterprise: (i) auditoriums, (ii) dining  
9896 facilities, (iii) gift shops, and (iv) lodging facilities.  
9897 However, the capital investment in any such dining facility or  
9898 lodging facility shall not be included for purposes of meeting the  
9899 minimum capital investment requirement for a project. The term  
9900 "project" does not mean any business, corporation or entity having  
9901 a gaming license issued under Section 75-76-1 et seq., Mississippi  
9902 Code of 1972, but may include a family-oriented entertainment  
9903 enterprise owned by such a business, corporation or entity that is  
9904 in excess of development that the State Gaming Commission requires  
9905 for the issuance or renewal of a gaming license.

9906 (d) "State" means the State of Mississippi.

9907 **SECTION 336.** Section 57-30-3, Mississippi Code of 1972, is  
9908 brought forward as follows:

9909 57-30-3. (1) (a) There is created in the State Treasury a  
9910 special fund to be known as the "Sales Tax Incentive Fund," into  
9911 which shall be deposited such money as provided in Section  
9912 27-65-75(16). The monies in the fund shall be used for the  
9913 purpose of making the incentive payments authorized in this  
9914 section. The fund shall be administered by the MDA. Unexpended  
9915 amounts remaining in the fund at the end of a fiscal year shall  
9916 not lapse into the General Fund, and any interest earned on or  
9917 investment earnings on the amounts in the fund shall be deposited  
9918 to the credit of the fund. The MDA may use not more than one





9919 percent (1%) of interest earned or investment earnings, or both,  
9920 on amounts in the fund for administration and management of the  
9921 incentive program.

9922 (b) Subject to the provisions of this section,  
9923 incentive payments may be made by the MDA to an approved  
9924 participant that incurs indebtedness or incurs capital costs, or  
9925 both, to locate a project in the state. The payments to an  
9926 approved participant shall be for the amount of sales tax revenue  
9927 collected on the gross proceeds of sales of a project, after  
9928 making the diversions required in Section 27-65-75, except the  
9929 diversion provided for in Section 27-65-75(1). The MDA shall  
9930 ensure that payments made pursuant to this section are utilized to  
9931 pay the debt service incurred by the approved participant for the  
9932 project as approved by the MDA or any project capital cost  
9933 incurred by the approved participant for the project as approved  
9934 by the MDA, or both. The MDA shall make payments to an approved  
9935 participant on a semiannual basis with payments being made in the  
9936 months of January and July. For the purposes of determining the  
9937 amount of indebtedness or project capital costs, or both, incurred  
9938 for any ancillary business, as described in Section 57-30-1(c),  
9939 which is eligible for incentive payments under this section, the  
9940 amount of such indebtedness or project capital costs, or both,  
9941 shall be limited to an amount not greater than the indebtedness or  
9942 project capital costs, or both, incurred for the primary project.  
9943 The aggregate amount that an approved participant may receive



9944 shall not exceed thirty-five percent (35%) of the portion of the  
9945 original indebtedness that is funded from private sources or  
9946 project capital cost that is funded from private sources, or both,  
9947 incurred by such participant for the project. The MDA shall make  
9948 the calculations necessary to make the payments provided for in  
9949 this section. The MDA shall cease making incentive payments to an  
9950 approved participant on the occurrence of the earlier of (i) the  
9951 date thirty-five percent (35%) of the portion of the original  
9952 indebtedness that is funded from private sources, or any  
9953 refinancing of the portion of the original indebtedness that is  
9954 funded from private sources, incurred for the project or the  
9955 portion of the original project capital cost that is funded from  
9956 private sources incurred for the project, or both, is satisfied,  
9957 (ii) ten (10) years from the date the original indebtedness for  
9958 the project was incurred, without regard to any refinancing or  
9959 additional financing for any addition to or expansion of the  
9960 project, or (iii) the project ceases operations.

9961 (2) At such time as payments are no longer required to be  
9962 made to an approved participant, the MDA shall notify the State  
9963 Tax Commission and the sales tax revenue collected from such  
9964 project shall no longer be deposited into the Sales Tax Incentive  
9965 Fund, and any amounts remaining in the fund that were collected  
9966 from such participant shall be transferred to the State General  
9967 Fund; however, if the project is located in a municipality, a



9968 portion of such amount shall be paid to such municipality in the  
9969 same manner and amounts as provided for in Section 27-65-75(1).

9970 **SECTION 337.** Section 57-39-1, Mississippi Code of 1972, is  
9971 brought forward as follows:

9972 57-39-1. (1) The purpose of this chapter is to coordinate  
9973 all energy-related needs and activities in Mississippi with the  
9974 objective of providing an efficient and economical energy system  
9975 through a statewide plan. To that end, the Mississippi  
9976 Development Authority is directed to evaluate this state's energy  
9977 needs and availability.

9978 (2) The powers, duties and responsibilities of the Board of  
9979 Energy and Transportation with respect to the state's energy needs  
9980 and activities are transferred to the Mississippi Development  
9981 Authority, and wherever the word "board" appears in this chapter  
9982 meaning the former Board of Energy and Transportation it shall  
9983 mean the Mississippi Development Authority. Whenever the word  
9984 "division" appears in this chapter, it shall mean the Mississippi  
9985 Development Authority Energy and Natural Resources Division.

9986 **SECTION 338.** Section 57-39-9, Mississippi Code of 1972, is  
9987 brought forward as follows:

9988 57-39-9. The powers and duties of the division shall  
9989 include, but not be limited to, the following:

9990 (a) To promote Mississippi as a leader in energy  
9991 development, job creation and research.



9992 (b) To contribute to economic development activities  
9993 related to the energy production and manufacturing sectors.

9994 (c) To promote energy efficiency across state  
9995 government and within the private sector and other sectors, so  
9996 that the state can realize the monetary and environmental benefits  
9997 of energy efficiency.

9998 (d) To prepare, when necessary, a Mississippi Energy  
9999 Plan and a State Energy Management Plan as hereinafter set forth.

10000 (e) To develop policies and long-term strategic plans  
10001 for the State of Mississippi to accomplish the duties hereinafter  
10002 set forth.

10003 (f) To collect, maintain and provide analysis of data  
10004 related to energy consumption, production and natural resources  
10005 pertinent to the development of more energy opportunities within  
10006 the state.

10007 (g) To promote the development, manufacturing and use  
10008 of renewable technologies, processes and products in the state.

10009 (h) To serve as the State Energy Office for the State  
10010 of Mississippi and fulfill requirements of the State Energy Office  
10011 as mandated by the federal government or the Governor.

10012 (i) To prepare implementation programs in accordance  
10013 with the requirements of the plan.

10014 (j) Upon request, to accept, receive and receipt for  
10015 federal monies and other monies, either public or private, for and  
10016 in behalf of this state. Upon request of any political



10017 subdivision of the state, to accept, receive and receipt for any  
10018 designated purpose, federal monies and other monies, either public  
10019 or private, for and in behalf of any such political subdivision.

10020 (k) To confer with or to hold joint hearings with any  
10021 agency of the United States in connection with any matter arising  
10022 under this chapter, or relating to the sound development of energy  
10023 utilization.

10024 (l) To perform such acts, make, promulgate and amend  
10025 such reasonable general or special rules, regulations and  
10026 procedures as it shall deem necessary to carry out the provisions  
10027 of this chapter and to perform its duties hereunder. No rules,  
10028 regulations or procedures prescribed by the board shall be  
10029 inconsistent with, or contrary to, any acts of the Congress of the  
10030 United States or any regulations promulgated pursuant thereto, or  
10031 to this chapter or any other statutes of the State of Mississippi.

10032 (m) To enter into contracts, grants and cooperative  
10033 agreements with any federal or state agency, department or  
10034 subdivision thereof, or any public or private institution located  
10035 inside or outside the State of Mississippi, or any person,  
10036 corporation or association in connection with carrying out the  
10037 provisions of this chapter, provided the agreements do not have a  
10038 financial cost in excess of the amounts appropriated for such  
10039 purposes by the Legislature.

10040 (n) As required by the federal government or as  
10041 directed by the Governor of the State of Mississippi, to establish



10042 a state program to administer the State Petroleum Set-Aside  
10043 Program and to provide assistance in obtaining adjustments  
10044 specified in orders issued by the Federal Energy Office.

10045 **SECTION 339.** Section 57-39-11, Mississippi Code of 1972, is  
10046 brought forward as follows:

10047 57-39-11. The division shall be tasked with developing,  
10048 implementing and refining over time the Mississippi Energy Plan.  
10049 The Mississippi Energy Plan shall include, but not be limited to  
10050 the following:

10051 (a) Efforts to promote Mississippi as a leader in  
10052 energy development, job creation and research;

10053 (b) Plans to encourage the safe and responsible  
10054 exploration and extraction of the state's natural resources;

10055 (c) Plans to add value and sustain resources through  
10056 advances in manufacturing, conversion, and processing related to  
10057 energy consumption and generation;

10058 (d) Expanding energy capacity and realizing savings  
10059 through energy efficiency;

10060 (e) Encourage investments in the energy infrastructure  
10061 of transmission and distribution to maintain the state's  
10062 leadership in this area;

10063 (f) Plans to ensure the state competes in  
10064 technology-based energy economic development, research and  
10065 development, and commercialization;

10066 (g) Prepare a twenty-first century energy workforce;



10067 (h) Statewide forecasts of energy needs and  
10068 deficiencies;

10069 (i) A program for directing the expenditure of local,  
10070 state and federal energy funds in conformity with the statewide  
10071 plan;

10072 (j) Statewide implementation program, including a  
10073 schedule of improvement programs, an operations program, a  
10074 financial plan, necessary policies and legislation for  
10075 implementation of the energy plan; and

10076 (k) Financial impact statement.

10077 **SECTION 340.** Section 57-39-13, Mississippi Code of 1972, is  
10078 brought forward as follows:

10079 57-39-13. Hearings shall be open to the public and shall be  
10080 held upon such call or notice as the board shall deem advisable,  
10081 in compliance with and as directed by federal and state statutes.  
10082 The chairman, vice chairman or employee of the board designated by  
10083 it to hold any inquiry, investigation or hearing shall have the  
10084 power to administer oaths and affirmations and certify to all  
10085 official acts.

10086 **SECTION 341.** Section 57-39-19, Mississippi Code of 1972, is  
10087 brought forward as follows:

10088 57-39-19. (1) To ensure that state-owned facilities be  
10089 operated in an energy-efficient manner to reduce operating costs  
10090 to the General Fund and demonstrate successful energy consumption  
10091 reduction strategies to other sectors of the state economy, the



10092 division shall coordinate the development and implementation of a  
10093 general energy management plan for state-owned and operated  
10094 facilities in conjunction with the Department of Finance and  
10095 Administration, Bureau of Building, Grounds and Real Property  
10096 Management. The general energy management plan shall include, but  
10097 not be limited to, the following elements:

10098 (a) Gathering of energy-related data from state  
10099 agencies, state institutions of higher learning, and community and  
10100 junior colleges in a form and manner as required by the division;

10101 (b) Benchmarking of energy consumption and costs;

10102 (c) Use of a central system to aggregate and track  
10103 energy consumption data for all state-owned facilities;

10104 (d) Model buildings and facilities energy audit  
10105 procedures;

10106 (e) Model energy consumption reduction techniques;

10107 (f) Uniform data analysis procedures;

10108 (g) Model employee energy education program procedures;

10109 (h) Model training program for agency and institution  
10110 personnel and energy coordinators;

10111 (i) Model guidelines for buildings and facilities  
10112 managers;

10113 (j) Program monitoring and evaluation procedures.

10114 (2) The State Energy Management Plan shall also include a  
10115 description of actions to reduce consumption of electricity and  
10116 nonrenewable energy sources used for heating, cooling,





10117 ventilation, lighting and water heating. A designee of each of  
10118 the following entities - the Board of Trustees of State  
10119 Institutions of Higher Learning, the Community College Board, the  
10120 Department of Education, and the Department of Finance and  
10121 Administration shall assist in the preparation of the State Energy  
10122 Management Plan and serve together on an advisory board; the  
10123 director of the division shall serve as the head of this board and  
10124 shall convene representatives of these institutions no fewer than  
10125 once each year in order to review implementation of the State  
10126 Energy Management Plan.

10127 (3) The State Energy Management Plan shall be developed and  
10128 implemented with input and assistance from the Department of  
10129 Finance and Administration, Bureau of Building, Grounds and Real  
10130 Property Management, and the two (2) state agencies shall work  
10131 together and pledge to use pertinent resources and programs in  
10132 conjunction with one another to accomplish the goals described in  
10133 this section.

10134 (4) The Department of Finance and Administration, Bureau of  
10135 Building, Grounds and Real Property Management shall transmit to  
10136 the division an updated state building inventory on an annual  
10137 basis.

10138 (5) All state agencies having buildings on the inventory of  
10139 buildings submitted to the Department of Finance and  
10140 Administration as well as all institutions of higher learning and  
10141 community and junior colleges (hereafter referred to as "covered



10142 entities"), shall submit energy consumption in a form and manner  
10143 prescribed by the division.

10144 (6) Energy-related data may include, but shall not be  
10145 limited to, the following:

10146 (a) Electrical consumption data;

10147 (b) Natural gas consumption; and

10148 (c) Fuel oil consumption.

10149 Any covered entity that does not enter its energy data in the  
10150 form and manner prescribed by the division shall, at the  
10151 discretion of the division, not be eligible to receive energy  
10152 conservation funds from the Bureau of Building, Grounds and Real  
10153 Property Management or be eligible to receive any state, federal  
10154 or other funds from the division. The Mississippi Development  
10155 Authority, in coordination with the Bureau of Building, Grounds  
10156 and Real Property Management, shall promulgate rules pertaining to  
10157 this section.

10158 (7) By September 1 of each year, the division shall provide  
10159 to the Legislature and the Governor a report on the energy  
10160 consumption of covered entities. This report shall include, but  
10161 shall not be limited to, total energy consumption for the state,  
10162 total costs related to the energy metrics being tracked, increases  
10163 or decreases from year-to-year by the state and by each covered  
10164 entity, and forecast models for the coming fiscal year. The  
10165 Bureau of Building, Grounds and Real Property Management shall  
10166 provide assistance in the development of this report, as needed.



10167 The division will also provide a list of covered entities that  
10168 have not reported data in accordance with this section.

10169 (8) By November 1, 2014, and each subsequent five-year  
10170 interval, each covered entity must submit a detailed energy  
10171 management plan to the division. The detailed energy management  
10172 plan shall describe specific measures to be taken to reduce the  
10173 agency's energy consumption by energy unit measure over a  
10174 five-year period. The plan shall also include a timetable to  
10175 accomplish the agency's reduction goals. If the detailed energy  
10176 management plan meets the criteria developed by the division, the  
10177 division shall approve the plan. If the detailed energy  
10178 management plan fails to meet the criteria, the division shall  
10179 disapprove the detailed energy management plan and notify the  
10180 submitting agency in writing, including the reasons for  
10181 disapproval. Covered entities that do not submit an energy  
10182 management plan by the deadline or fail to remedy changes  
10183 subsequently required by the division shall, at the discretion of  
10184 the division, not be eligible to receive energy conservation funds  
10185 from the Bureau of Building, Grounds and Real Property Management  
10186 or be eligible to receive capital improvement funds from the  
10187 Bureau of Building, Grounds and Real Property Management or be  
10188 eligible to receive any state, federal or other funds from the  
10189 division until such time as the entity has an energy management  
10190 plan approved by the division.



10191           **SECTION 342.** Section 57-39-21, Mississippi Code of 1972, is  
10192 brought forward as follows:

10193           57-39-21. (1) The board, in consultation with other  
10194 appropriate professional groups and organizations, and others  
10195 knowledgeable in the subject, shall review, amend and adopt, in  
10196 accordance with Standard 90.1-2010 of the American Society of  
10197 Heating, Refrigeration and Air-Conditioning Engineers, energy code  
10198 standards for building construction, standards for computer-based  
10199 energy management systems, standards for systems for cogeneration  
10200 of heating, cooling and electricity, and standards for design to  
10201 use passive solar energy concepts, in order to promote the  
10202 efficient use of energy. For the purposes of this section,  
10203 "building" shall mean any structure which includes provisions for  
10204 a heating or cooling system, or both, or for a hot water system,  
10205 except exempted buildings. Unless it is an exempted building,  
10206 each of the following are examples of buildings, within the  
10207 meaning of this section:

10208           (a) Any building which provides facilities or shelter  
10209 for public assembly, or which is used for educational, office or  
10210 institutional purposes;

10211           (b) Any inn, hotel, motel, sports arena, supermarket,  
10212 transportation terminal, retail store, restaurant or other  
10213 commercial establishment which provides service or retail  
10214 merchandise;



10215 (c) Any portion of an industrial plant building used  
10216 primarily as office space; and

10217 (d) Any building owned by a state or political  
10218 subdivision or instrumentality thereof, including libraries,  
10219 museums, schools, hospitals, auditoriums, sports arenas and  
10220 university buildings.

10221 (2) Exempt buildings shall include:

10222 (a) Buildings and structures or portions thereof whose  
10223 peak design rate of energy usage is less than three and  
10224 four-tenths (3.4) British thermal units per hour per square foot  
10225 or one (1.0) watt per square foot of floor area for all purposes;

10226 (b) Buildings and structures or portions thereof which  
10227 are neither heated nor cooled by fuel;

10228 (c) Any mobile home;

10229 (d) Any privately owned, noncommercial building or  
10230 structure whose construction, heating, cooling or lighting  
10231 arrangement is not in conflict with federal law;

10232 (e) Any building owned or leased, in whole or in part,  
10233 by the United States government.

10234 (3) Beginning July 1, 2013, the design, direction,  
10235 construction and alteration of any building for which the  
10236 standards promulgated pursuant to subsection (1) of this section  
10237 applies shall be accomplished so that the building or applicable  
10238 portions thereof shall meet or conform to the standards. The  
10239 board shall not have enforcement over this section. Local



10240 governing authorities shall adopt rules and regulations for the  
10241 administration and enforcement of this section, and to adopt such  
10242 penalties for violation of this section as they deem appropriate,  
10243 except in regard to buildings owned by the state. In state-owned  
10244 buildings, the building commission shall provide for the  
10245 compliance with the standards adopted under this chapter. Local  
10246 governing authorities are authorized to adopt rules and  
10247 regulations as developed and promulgated by the commission for the  
10248 administration and enforcement of these standards and to adopt  
10249 such penalties for violations of the standards as they deem  
10250 appropriate. Local governing authorities are authorized to  
10251 establish an inspection fee for the inspection of thermal and  
10252 lighting standards in an amount not to exceed One Hundred Fifty  
10253 Dollars (\$150.00).

10254 (4) This section shall stand repealed from and after July 1,  
10255 2023.

10256 **SECTION 343.** Section 57-39-39, Mississippi Code of 1972, is  
10257 brought forward as follows:

10258 57-39-39. (1) There is hereby created in the State Treasury  
10259 a fund to be known as the Energy Development Fund. Monies in such  
10260 fund are reserved exclusively for:

10261 (a) Promoting the development of Mississippi's energy  
10262 resources.



10263 (b) Developing projects under this section which will  
10264 demonstrate a realistic promise of making a significant energy  
10265 contribution to the State of Mississippi.

10266 (c) Effectively utilizing the state's existing  
10267 alternative and conventional energy resources to foster economic  
10268 and social improvements in the state.

10269 (2) The division will administer the fund. The division  
10270 will establish policy and guidelines for use of the fund not later  
10271 than one hundred twenty (120) days after July 1, 2013.

10272 (3) The division will submit to the Governor on or before  
10273 December 31 of each year a comprehensive report on the operation  
10274 of the fund.

10275 **SECTION 344.** Section 57-39-43, Mississippi Code of 1972, is  
10276 brought forward as follows:

10277 57-39-43. (1) There is created in the State Treasury a fund  
10278 to be designated as the "Mississippi Oil Overcharge Fund,"  
10279 referred to in this section as "fund." Monies in the fund,  
10280 referred to in this section as "oil overcharge funds," may be used  
10281 for projects or programs authorized in accordance with appropriate  
10282 federal court orders regarding the use of oil overcharge funds or  
10283 by the United States Department of Energy, or both.

10284 (2) The Treasurer shall deposit or transfer into the fund  
10285 any funds received as a result of federal statute or  
10286 administrative or regulatory actions requiring the disbursement to  
10287 states of refund monies for alleged overcharges for crude oil or



10288 refined petroleum products. The Treasurer may establish accounts  
10289 within the fund as necessary for management of monies in the fund.

10290 (3) Expenditures may be made from the fund upon requisition  
10291 to the Treasurer by the Executive Director of the Department of  
10292 Economic and Community Development or the Executive Director of  
10293 the Department of Human Services.

10294 (4) The fund shall be treated as a special trust fund.  
10295 Interest earned on the principal in the fund shall be credited by  
10296 the Treasurer to the fund.

10297 (5) In their annual budget request, the Department of  
10298 Economic and Community Development and the Department of Human  
10299 Services shall submit a list of projects or programs for which  
10300 monies from the fund are requested to be used.

10301 **SECTION 345.** Section 57-39-45, Mississippi Code of 1972, is  
10302 brought forward as follows:

10303 57-39-45. (1) The division shall be responsible for  
10304 compiling on an ongoing basis data related to the energy  
10305 resources, both natural and manmade, of the State of Mississippi.  
10306 This information shall be compiled from trusted and verified  
10307 sources for the purposes of aggregation for analysis and  
10308 dissemination to partners and the public with the intent to  
10309 maximize the energy resources of the state.

10310 (2) Biomass resources. The division shall be responsible  
10311 for maintaining a current database and map of biomass feedstocks  
10312 found in the State of Mississippi. The division shall work with





10313 the Mississippi Forestry Commission, the Department of  
10314 Agriculture, the institutions of higher learning, and other  
10315 knowledgeable partners to produce and maintain accurate data on  
10316 the renewable biomass resources of the state. The division shall  
10317 analyze the data and prepare reports on a regular basis in order  
10318 to highlight and promote the biomass resources of the state.

10319 (3) Energy infrastructure. The division shall be  
10320 responsible for maintaining a current database and map of the  
10321 infrastructure that transports energy fuels and products across  
10322 the state. The division shall analyze the data and prepare  
10323 reports on a regular basis in order to highlight and promote the  
10324 energy infrastructure of the state.

10325 (4) Energy production and reserves. The division shall be  
10326 responsible for maintaining information from all readily available  
10327 resources on the energy production capacity in the state. The  
10328 division shall maintain information on the energy reserves of the  
10329 state.

10330 (5) Reports and publications. The division shall produce  
10331 reports, white papers, or articles for placement in targeted  
10332 publications that include information to promote Mississippi as a  
10333 leader in the energy sector.

10334 **SECTION 346.** Section 57-39-101, Mississippi Code of 1972, is  
10335 brought forward as follows:

10336 57-39-101. Sections 57-39-101 through 57-39-117 may be cited  
10337 as the "Mississippi Energy Management Law."



10338           **SECTION 347.** Section 57-39-103, Mississippi Code of 1972, is  
10339 brought forward as follows:

10340           57-39-103. The purpose of Sections 57-39-103 through  
10341 57-39-115 is to provide for development and implementation of a  
10342 state energy management plan for all state-owned or state-leased  
10343 buildings and facilities which will minimize energy consumption  
10344 and insure that buildings and facilities are operated with maximum  
10345 efficiency of energy use.

10346           **SECTION 348.** Section 57-39-109, Mississippi Code of 1972, is  
10347 brought forward as follows:

10348           57-39-109. Any agency or institution designated by the  
10349 division and funded in whole or in part by public funds shall  
10350 appoint a coordinator from existing staff who shall advise the  
10351 agency head or institution head on energy-related matters. The  
10352 coordinator shall confer and cooperate with the board in  
10353 developing, implementing and evaluating an energy management plan  
10354 for the agency or institution. Any public school district may  
10355 appoint a coordinator from its existing staff.

10356           **SECTION 349.** Section 57-39-112, Mississippi Code of 1972, is  
10357 brought forward as follows:

10358           57-39-112. The division shall provide technical assistance  
10359 to the Mississippi Department of Education so that the department  
10360 can assist local school districts in developing a detailed energy  
10361 management plan for that public school district. The purposes of  
10362 the plan shall be to assist the public school district in reducing



10363 consumption of energy in its buildings and facilities and to  
10364 maintain or reduce that level of energy consumption, subject to  
10365 any allowances for building and facilities modernization,  
10366 remodeling or upgrading for educational purposes, and for  
10367 increased or decreased enrollment.

10368 **SECTION 350.** Section 57-40-1, Mississippi Code of 1972, is  
10369 brought forward as follows:

10370 57-40-1. As used in this chapter:

10371 (a) "Project" means a facility constructed after July  
10372 1, 2012, with a capital investment from private sources of not  
10373 less than Fifty Million Dollars (\$50,000,000.00).

10374 (b) "MDA" means the Mississippi Development Authority.

10375 **SECTION 351.** Section 57-40-3, Mississippi Code of 1972, is  
10376 brought forward as follows:

10377 57-40-3. There is established an Energy Infrastructure  
10378 Revolving Loan Program to be administered by the MDA for the  
10379 purpose of assisting counties and municipalities in:

10380 (a) Constructing, repairing or improving infrastructure  
10381 related to a project, including, but not limited to, making a  
10382 contribution in aid of construction to an energy-providing utility  
10383 or cooperative for its constructing, repairing, improving and  
10384 owning such infrastructure;

10385 (b) Site preparation related to a project on property  
10386 owned by a county or municipality; and



10387 (c) Site preparation on property owned by the  
10388 enterprise owning or operating a project.

10389 **SECTION 352.** Section 57-40-5, Mississippi Code of 1972, is  
10390 brought forward as follows:

10391 57-40-5. (1) There is created a special fund in the State  
10392 Treasury to be designated as the "Energy Infrastructure Revolving  
10393 Loan Fund," which shall consist of such money authorized to be  
10394 deposited into such fund from any source. The fund shall be  
10395 maintained in perpetuity for the purposes established in this  
10396 chapter. Unexpended amounts remaining in the fund at the end of a  
10397 fiscal year shall not lapse into the State General Fund, and any  
10398 interest earned or investment earnings on amounts in the fund  
10399 shall be deposited to the credit of the fund. Money in the fund  
10400 may not be used or expended for any purpose except as authorized  
10401 under this chapter.

10402 (2) A county or an incorporated municipality may apply to  
10403 the MDA for a loan under the energy infrastructure revolving loan  
10404 program established under this chapter.

10405 (3) (a) The MDA shall establish a loan program by which  
10406 loans, at the rate of interest set by the MDA, may be made  
10407 available to counties and incorporated municipalities for the  
10408 purposes provided in Section 57-40-3.

10409 (b) Loans from the revolving fund may be made to  
10410 counties and municipalities as set forth in a loan agreement in  
10411 amounts not to exceed one hundred percent (100%) of eligible costs



10412 as established by the MDA. The MDA may require county, municipal  
10413 or private participation or funding from other sources, or  
10414 otherwise limit the percentage of costs covered by loans from the  
10415 revolving loan fund. The MDA may establish a maximum amount for  
10416 any loan. Loan repayments shall be deposited into the revolving  
10417 loan fund.

10418 (4) A county that receives a loan from the revolving fund  
10419 shall pledge for repayment of the loan any part of the homestead  
10420 exemption annual tax loss reimbursement to which it may be  
10421 entitled under Section 27-33-77. An incorporated municipality  
10422 that receives a loan from the revolving fund shall pledge for  
10423 repayment of the loan any part of the sales tax revenue  
10424 distribution to which it may be entitled under Section 27-65-75.  
10425 Each loan agreement shall provide for (i) monthly payments, (ii)  
10426 semiannual payments, or (iii) other periodic payments. The loan  
10427 agreement shall provide for the repayment of all funds received  
10428 within not more than twenty (20) years from the date of project  
10429 completion.

10430 (5) Prior to the execution of a loan agreement, relevant  
10431 parties to the project shall enter into an agreement, in a manner  
10432 acceptable to MDA, that stipulates the terms of the energy  
10433 infrastructure investment and responsibilities among parties.

10434 (6) The State Auditor, upon request of the MDA, shall audit  
10435 the receipts and expenditures of a county or an incorporated  
10436 municipality whose loan payments appear to be in arrears, and if



10437 he finds that the entity is in arrears in such payments, he shall  
10438 immediately notify the Executive Director of the Department of  
10439 Finance and Administration who shall withhold all future payments  
10440 to the county of homestead exemption reimbursements under Section  
10441 27-33-77 and all sums allocated to the county or the municipality  
10442 under Section 27-65-75 until such time as the county or the  
10443 municipality is again current in its loan payments as certified by  
10444 the MDA.

10445 (7) Evidences of indebtedness which are issued pursuant to  
10446 this chapter shall not be deemed indebtedness within the meaning  
10447 specified in Section 21-33-303 with regard to cities or  
10448 incorporated towns, and in Section 19-9-5 with regard to counties.

10449 **SECTION 353.** Section 57-40-7, Mississippi Code of 1972, is  
10450 brought forward as follows:

10451 57-40-7. In administering the provisions of this chapter,  
10452 the MDA shall have the following powers and duties:

10453 (a) To supervise the use of all funds made available  
10454 under this chapter for infrastructure improvements;

10455 (b) To review and certify all projects for which funds  
10456 are authorized to be made available under this chapter;

10457 (c) To requisition money in the Energy Infrastructure  
10458 Revolving Loan Fund and distribute that money on a  
10459 project-by-project basis in accordance with the provisions of this  
10460 chapter;



10461 (d) To maintain an accurate record of all Energy  
10462 Infrastructure Revolving Loan Program funds made available to  
10463 counties and municipalities and the costs for each project; and

10464 (e) To adopt and promulgate such rules and regulations  
10465 as may be necessary or desirable for the purpose of implementing  
10466 the provisions of this chapter.

10467 **SECTION 354.** Section 57-41-1, Mississippi Code of 1972, is  
10468 brought forward as follows:

10469 57-41-1. Wherever used in this chapter, unless a different  
10470 meaning clearly appears in the context, the following terms,  
10471 whether used in the singular or plural, shall be given the  
10472 following respective interpretations:

10473 (a) "Municipality" means any county or incorporated  
10474 city, town or village in the State of Mississippi;

10475 (b) "Project" means land, buildings, improvements,  
10476 fixtures, machinery, equipment and furnishings, and all real and  
10477 personal properties deemed necessary in connection therewith, or  
10478 any part or combination of parts of the foregoing, whether or not  
10479 now in existence, which shall be suitable for use by any  
10480 industrial enterprise;

10481 (c) "Industrial enterprise" means a person,  
10482 corporation, partnership or other legal entity authorized by law  
10483 to engage in the business of manufacturing, processing or  
10484 assembling any products of agriculture, mining or industry,  
10485 excluding retail businesses;



10486 (d) "Governing body" means the board or body in which  
10487 the legislative powers of the municipality are vested;

10488 (e) "Mortgage" means a mortgage, indenture of trust,  
10489 deed of trust or any other instrument securing notes of an  
10490 industrial enterprise;

10491 (f) "Loan agreement" means an agreement providing for  
10492 the governing body to loan the proceeds derived from the issuance  
10493 of notes pursuant to this chapter to one or more industrial  
10494 enterprises to be used to pay the cost of one or more projects and  
10495 providing for the repayment of such loans by the industrial  
10496 enterprises, and which shall provide for such loans to be  
10497 evidenced by one or more notes, and secured by a mortgage  
10498 delivered to the municipality or to the assignee of the  
10499 municipality's rights under the loan agreement.

10500 **SECTION 355.** Section 57-41-3, Mississippi Code of 1972, is  
10501 brought forward as follows:

10502 57-41-3. The governing body is hereby granted the following  
10503 powers, together with all powers incidental thereto or necessary  
10504 for the performance of those hereinafter stated, in order to  
10505 effectuate the purposes of this chapter:

10506 (a) To enter into loan agreements with an industrial  
10507 enterprise with respect to one or more projects for such payments  
10508 and upon such terms and conditions as the governing body may deem  
10509 advisable in accordance with the provisions of this chapter;





10510 (b) To borrow money and issue its notes for the purpose  
10511 of making loans to industrial enterprises to finance one or more  
10512 projects; however, no loan shall exceed Five Hundred Thousand  
10513 Dollars (\$500,000.00) for any one (1) project;

10514 (c) As security for the payment of the principal of and  
10515 interest on any notes so issued, to assign and pledge all or any  
10516 part of its interest in and rights under the loan agreements  
10517 relating thereto to financial institutions purchasing the notes,  
10518 together with all notes and deeds of trust delivered to the  
10519 municipality pursuant thereto.

10520 The powers conferred upon the governing body of a  
10521 municipality under this chapter may be exercised only after the  
10522 governing body has obtained a certificate of public convenience  
10523 and necessity from the Mississippi Board of Economic Development  
10524 for each project of an industrial enterprise.

10525 **SECTION 356.** Section 57-41-5, Mississippi Code of 1972, is  
10526 brought forward as follows:

10527 57-41-5. The principal of, redemption premium, if any, and  
10528 interest on the notes of the municipality shall be payable solely  
10529 out of, and shall be secured by a pledge of the revenues and  
10530 receipts derived from the industrial enterprise as designated in  
10531 the proceedings of the governing body under which the notes shall  
10532 be authorized to be issued, including debt obligations of the  
10533 industrial enterprises obtained from or in connection with the  
10534 financing of a project, and from such other sources available to



10535 the municipality as may be designated by the governing body in its  
10536 proceedings in connection with the issuance of the notes. Such  
10537 notes may be executed and delivered by the governing body at any  
10538 time and from time to time, may be in such form and denominations,  
10539 may be subject to such terms of redemption, may mature at such  
10540 time or times not exceeding ten (10) years; and may be in fully  
10541 registered form or in bearer form registrable either as to  
10542 principal or interest or both, may bear such conversion privileges  
10543 and be payable in such installments and at such time or times, may  
10544 be payable at such place or places, whether within or without the  
10545 State of Mississippi, may bear interest irrespective of any  
10546 interest rate limitation, payable at such time or times, and at  
10547 such place or places and evidenced in such manner, and may contain  
10548 such provisions not inconsistent herewith, all as shall be  
10549 provided in the proceedings of the governing body whereunder the  
10550 notes shall be authorized to be issued.

10551 Any notes of the governing body may be sold at public or  
10552 private sale. The governing body may pay all expenses, premiums  
10553 and commissions which its governing body may deem necessary or  
10554 advantageous in connection with the issuance thereof, but solely  
10555 from the proceeds of the notes. Bonds issued hereunder shall be  
10556 validated in the manner provided by law in the chancery court of  
10557 the county in which the municipality is located.

10558 **SECTION 357.** Section 57-41-7, Mississippi Code of 1972, is  
10559 brought forward as follows:



10560           57-41-7. (1) The notes may be secured by a trust agreement  
10561 by and between the municipality and a corporate trustee, which may  
10562 be any trust company or bank incorporated under the laws of the  
10563 United States or the laws of any state in the United States. Any  
10564 such trust agreement may pledge or assign income, contract  
10565 payments, fees or any other revenues and receipts to be received  
10566 from an industrial enterprise, whether or not related to a  
10567 project. The notes may be additionally secured by an assignment  
10568 of a mortgage, deed of trust or other security interest upon all  
10569 or any part of one or more projects, including any enlargements of  
10570 and additions to a project, vesting in the trustee power to sell  
10571 such project for the payment of indebtedness, power to operate a  
10572 project and all other powers and authority and for the further  
10573 security of the notes.

10574           (2) Any trust agreement made in accordance with the  
10575 provisions of this chapter may contain a provision that, in the  
10576 event of a default in the payment of the principal of, redemption  
10577 premium, if any, or the interest on the notes issued in accordance  
10578 with, or relating to, such agreement, or in the performance of any  
10579 agreement contained in the proceedings, trust agreement or  
10580 instruments relating to such notes, such payment and performance  
10581 may be enforced by mandamus or by the appointment of a receiver in  
10582 equity with power to charge and collect rates, rents or payments  
10583 and to apply the revenues from the project in accordance with such  
10584 proceedings, trust agreement or instruments.



10585 (3) Any mortgage or deed of trust to secure notes issued in  
10586 accordance with the provisions of this chapter may also provide  
10587 that in the event of a default in the payment thereof or the  
10588 violation of any agreement contained in the mortgage or deed of  
10589 trust, the property secured by the mortgage or deed of trust may  
10590 be foreclosed and sold under proceedings in equity or in any other  
10591 manner now or hereafter permitted by law. Such mortgage or deed  
10592 of trust may also provide that any trustee under such mortgage or  
10593 deed of trust or the holder of any of the notes secured thereby,  
10594 may become the purchaser at any foreclosure sale if it is the  
10595 highest bidder therefor.

10596 (4) The notes may be additionally secured by a guaranty  
10597 agreement from an industrial enterprise to the trustee or to the  
10598 holder of any note or by such other guaranty agreement, letter of  
10599 credit or other arrangement as shall be acceptable to the  
10600 municipality.

10601 **SECTION 358.** Section 57-41-9, Mississippi Code of 1972, is  
10602 brought forward as follows:

10603 57-41-9. All notes issued by a municipality under authority  
10604 of this chapter shall be limited obligations of the municipality,  
10605 the principal of, redemption premium, if any, and interest on  
10606 which shall be payable solely from revenues received by the  
10607 municipality pursuant to the loan agreement or pursuant to notes  
10608 and deeds of trust delivered to the municipality and from such  
10609 other funds as may be made available to the municipality for such



10610 purpose by the terms of the trust agreement. Notes issued under  
10611 authority of this chapter shall never constitute an indebtedness  
10612 of the municipality within the meaning of any state constitutional  
10613 provision or statutory limitation, and shall never constitute nor  
10614 give rise to a pecuniary liability of the municipality or a charge  
10615 against its general credit or taxing powers, and such fact shall  
10616 be plainly stated on the face of each such note. The notes shall  
10617 not be considered when computing any limitation of indebtedness of  
10618 the municipality established by law. All notes issued under the  
10619 authority of this chapter shall be construed to be negotiable  
10620 instruments, despite the fact that they are payable solely from a  
10621 specified source.

10622         **SECTION 359.** Section 57-41-11, Mississippi Code of 1972, is  
10623 brought forward as follows:

10624         57-41-11. Notes issued under the provisions of this chapter  
10625 shall be legal investments for commercial banks, savings and loan  
10626 associations and insurance companies organized under the laws of  
10627 this state.

10628         **SECTION 360.** Section 57-41-13, Mississippi Code of 1972, is  
10629 brought forward as follows:

10630         57-41-13. The notes authorized by this chapter and the  
10631 income therefrom shall be exempt from all taxation in the State of  
10632 Mississippi, and the revenue derived by the issuer from the  
10633 project shall be exempt from all taxation in the State of  
10634 Mississippi. Any industrial enterprise shall not be exempt from



10635 ad valorem taxes on the project, except as is otherwise provided  
10636 in Section 27-31-101 et seq., Mississippi Code of 1972, nor shall  
10637 purchases required to establish projects and financed by note  
10638 proceeds be exempt from taxation in the State of Mississippi.

10639 **SECTION 361.** Section 57-41-15, Mississippi Code of 1972, is  
10640 brought forward as follows:

10641 57-41-15. This chapter, without reference to any other  
10642 statute, shall be deemed to be full and complete authority for the  
10643 issuance of the aforesaid notes, and shall be construed as an  
10644 additional and alternative method therefor, and none of the  
10645 present restrictions, requirements, conditions or limitations of  
10646 law applicable to the issuance or sale of bonds, notes or other  
10647 obligations by municipalities in this state shall apply to the  
10648 issuance and sale of notes under this chapter, and no proceedings  
10649 shall be required for the issuance of such notes other than those  
10650 provided for and required herein, and all powers necessary to be  
10651 exercised in order to carry out the provisions of this chapter are  
10652 hereby conferred.

10653 **SECTION 362.** Section 57-41-17, Mississippi Code of 1972, is  
10654 brought forward as follows:

10655 57-41-17. The Mississippi Board of Economic Development is  
10656 authorized and empowered to adopt and put into effect all  
10657 reasonable rules and regulations that it may deem necessary to  
10658 carry out the provisions of this chapter not inconsistent



10659 therewith, including, but not limited to, eligible costs of a  
10660 project and the financing thereof.

10661           **SECTION 363.** Section 57-44-1, Mississippi Code of 1972, is  
10662 brought forward as follows:

10663           57-44-1. The implementation of freight rail service projects  
10664 within the State of Mississippi develops and promotes, for the  
10665 public good, safety and general welfare, trade, commerce,  
10666 industry, and employment opportunities, and promotes the general  
10667 welfare of the state by creating a climate favorable to the  
10668 location of new industry, trade, and commerce and the development  
10669 of existing industry, trade and commerce within the State of  
10670 Mississippi. Implementation of freight rail service projects  
10671 within this state will develop and promote, for the public good,  
10672 safety and general welfare, trade, commerce, industry, and  
10673 employment opportunities, and will promote the general welfare of  
10674 the state. It is therefore in the public interest and is vital to  
10675 the public welfare of the people of Mississippi, and it is  
10676 declared to be the public purpose of this chapter to so develop  
10677 freight rail service projects within this state.

10678           **SECTION 364.** Section 57-44-3, Mississippi Code of 1972, is  
10679 brought forward as follows:

10680           57-44-3. As used in this chapter the term "freight rail  
10681 service project" means the acquisition, construction,  
10682 installation, operation, modification, renovation, or  
10683 rehabilitation of any freight rail service facilities. A project



10684 may also include any fixtures, machinery, or equipment used on, in  
10685 or in connection with any such facilities. A project may be for  
10686 any freight transportation purpose, provided that the department  
10687 determines that the project will further the public purposes of  
10688 this act.

10689         **SECTION 365.** Section 57-44-5, Mississippi Code of 1972, is  
10690 amended as follows:

10691             57-44-5. There is established a local governments freight  
10692 rail service project revolving loan program to be administered by  
10693 the \* \* \* Mississippi Development Authority for the purpose of  
10694 making loans to counties and municipalities that the governing  
10695 authorities of such counties and municipalities may utilize to  
10696 make loans to railroad corporations for freight rail service  
10697 projects.

10698         **SECTION 366.** Section 57-44-7, Mississippi Code of 1972, is  
10699 brought forward as follows:

10700             57-44-7. (1) There is created a special fund in the State  
10701 Treasury to be designated as the "Local Governments Freight Rail  
10702 Service Project Revolving Loan Fund," which fund shall consist of  
10703 such monies as provided in Sections 57-44-11 through 57-44-39.  
10704 The fund shall be maintained in perpetuity for the purposes  
10705 established in this chapter. Unexpended amounts remaining in the  
10706 fund at the end of a fiscal year shall not lapse into the State  
10707 General Fund, and any interest earned on amounts in the fund shall  
10708 be deposited to the credit of the fund. Monies in the fund may





10709 not be used or expended for any purpose except as authorized under  
10710 this chapter. However, the Mississippi Development Authority, in  
10711 order to promote the safety of the general public, shall establish  
10712 a program to permit monies from the Local Governments Freight Rail  
10713 Service Project Revolving Loan Fund to be provided to counties in  
10714 the form of grants to assist counties in defraying expenses  
10715 relating to the upgrading of railroad grade crossings. Only  
10716 projects approved by the Mississippi Department of Transportation  
10717 shall be eligible for such grants. The Mississippi Development  
10718 Authority, by rule and regulation, shall establish the maximum  
10719 amount of any grant awarded to a county and may establish such  
10720 other rules and regulations as it deems appropriate or necessary  
10721 to administer the grant program and ensure that monies in the fund  
10722 are made available to all counties on an equitable basis. Federal  
10723 funds shall be utilized to pay not less than five percent (5%) of  
10724 the cost of each project. However, the maximum amount of such  
10725 grants to all counties may not exceed Eight Million Dollars  
10726 (\$8,000,000.00), in the aggregate.

10727 (2) The Mississippi Development Authority shall establish a  
10728 loan program by which loans, at a rate of interest not to exceed  
10729 one percent (1%) less than the federal reserve discount rate, may  
10730 be made available to counties and incorporated municipalities to  
10731 provide loans to counties and incorporated municipalities which  
10732 may be used by the governing authorities of such counties and  
10733 municipalities to provide loans to railroad corporations for



10734 freight rail service projects. Loans from the revolving fund may  
10735 be made to counties and municipalities as set forth in a loan  
10736 agreement in amounts established by the Mississippi Development  
10737 Authority. The Mississippi Development Authority may establish a  
10738 maximum amount for any loan in order to provide for broad and  
10739 equitable participation in the program.

10740 (3) A county that receives a loan from the revolving fund  
10741 shall pledge for repayment of the loan any part of the homestead  
10742 exemption annual tax loss reimbursement to which it may be  
10743 entitled under Section 27-33-77. An incorporated municipality  
10744 that receives a loan from the revolving fund shall pledge for  
10745 repayment of the loan any part of the sales tax revenue  
10746 distribution to which it may be entitled under Section 27-65-75.  
10747 Each loan agreement shall provide for (a) monthly payments, (b)  
10748 semiannual payments, or (c) other periodic payments, the annual  
10749 total of which shall not exceed the annual total for any other  
10750 year of the loan by more than fifteen percent (15%). The loan  
10751 agreement shall provide for the repayment of all funds received  
10752 within not more than fifteen (15) years from the date of project  
10753 completion.

10754 (4) The State Auditor, upon request of the Mississippi  
10755 Development Authority, shall audit the receipts and expenditures  
10756 of a county or an incorporated municipality whose loan payments  
10757 appear to be in arrears, and if he finds that the county or  
10758 municipality is in arrears in such payments, he shall immediately



10759 notify the Executive Director of the Department of Finance and  
10760 Administration who shall withhold all future payments to the  
10761 county of homestead exemption reimbursements under Section  
10762 27-33-77 and all sums allocated to the county or the municipality  
10763 under Section 27-65-75 until such time as the county or the  
10764 municipality is again current in its loan payments as certified by  
10765 the Mississippi Development Authority.

10766 (5) Evidences of indebtedness which are issued pursuant to  
10767 this chapter shall not be deemed indebtedness within the meaning  
10768 specified in Section 21-33-303 with regard to cities or  
10769 incorporated towns, and in Section 19-9-5 with regard to counties.

10770 (6) The Mississippi Development Authority may, on a  
10771 case-by-case basis, renegotiate the payment of principal and  
10772 interest on loans made under this chapter to the six (6) most  
10773 southern counties of the state covered by the Presidential  
10774 Declaration of Major Disaster for the State of Mississippi  
10775 (FEMA-1604-DR) dated August 29, 2005, and to incorporated  
10776 municipalities located in such counties; however, the interest on  
10777 the loans shall not be forgiven for a period of more than  
10778 twenty-four (24) months and the maturity of the loans shall not be  
10779 extended for a period of more than forty-eight (48) months.

10780 **SECTION 367.** Section 57-44-9, Mississippi Code of 1972, is  
10781 amended as follows:



10782           57-44-9. In administering the provisions of this chapter,  
10783 the \* \* \* Mississippi Development Authority shall have the  
10784 following powers and duties:

10785           (a) To supervise the use of all funds made available  
10786 under this chapter;

10787           (b) To review all freight rail service projects for  
10788 which loans are made under this chapter by local governments;

10789           (c) To requisition monies in the Local Governments  
10790 Freight Rail Service Project Revolving Loan Fund and distribute  
10791 those monies to counties and municipalities, on a  
10792 project-by-project basis in accordance with the provisions of this  
10793 chapter;

10794           (d) To insure that the funds made available to a county  
10795 or an incorporated municipality under this chapter provide for an  
10796 equitable distribution of projects and funds among the counties  
10797 and incorporated municipalities;

10798           (e) To maintain an accurate record of all funds made  
10799 available to counties and municipalities \* \* \*;

10800           (f) To adopt and promulgate such rules and regulations  
10801 as may be necessary or desirable for the purpose of implementing  
10802 the provisions of this chapter; and

10803           (g) To file annually with the Legislature a report  
10804 detailing how monies in the Revolving Loan Fund were spent during  
10805 the preceding fiscal year in each county and incorporated



10806 municipality, the number of freight rail service projects  
10807 constructed, and the cost of each project.

10808           **SECTION 368.** Section 57-44-11, Mississippi Code of 1972, is  
10809 brought forward as follows:

10810           57-44-11. (1) The State Bond Commission, at one time, or  
10811 from time to time, may declare by resolution the necessity for  
10812 issuance of general obligation bonds of the State of Mississippi  
10813 to provide funds for all costs incurred or to be incurred for the  
10814 purposes described in Section 57-44-7. Upon the adoption of a  
10815 resolution by the Mississippi Development Authority, declaring the  
10816 necessity for the issuance of any part or all of the general  
10817 obligation bonds authorized by this section, the Mississippi  
10818 Development Authority shall deliver a certified copy of its  
10819 resolution or resolutions to the State Bond Commission. Upon  
10820 receipt of such resolution, the State Bond Commission, in its  
10821 discretion, may act as the issuing agent, prescribe the form of  
10822 the bonds, advertise for and accept bids, issue and sell the bonds  
10823 so authorized to be sold and do any and all other things necessary  
10824 and advisable in connection with the issuance and sale of such  
10825 bonds. The total amount of bonds issued under Sections 57-44-11  
10826 through 57-44-39 shall not exceed Eighteen Million Dollars  
10827 (\$18,000,000.00).

10828           (2) Proceeds from the sale of bonds shall be deposited in  
10829 the special fund created in Section 57-44-7. Any investment  
10830 earnings on amounts deposited into the special fund created in



10831 Section 57-44-7 shall be used to pay debt service on bonds issued  
10832 under Sections 57-44-11 through 57-44-39, in accordance with the  
10833 proceedings authorizing issuance of such bonds.

10834 **SECTION 369.** Section 57-44-13, Mississippi Code of 1972, is  
10835 brought forward as follows:

10836 57-44-13. The principal of and interest on the bonds  
10837 authorized under Section 57-44-11 shall be payable in the manner  
10838 provided in this section. Such bonds shall bear such date or  
10839 dates, be in such denomination or denominations, bear interest at  
10840 such rate or rates (not to exceed the limits set forth in Section  
10841 75-17-101, Mississippi Code of 1972), be payable at such place or  
10842 places within or without the State of Mississippi, shall mature  
10843 absolutely at such time or times not to exceed twenty-five (25)  
10844 years from date of issue, be redeemable before maturity at such  
10845 time or times and upon such terms, with or without premium, shall  
10846 bear such registration privileges, and shall be substantially in  
10847 such form, all as shall be determined by resolution of the State  
10848 Bond Commission.

10849 **SECTION 370.** Section 57-44-15, Mississippi Code of 1972, is  
10850 brought forward as follows:

10851 57-44-15. The bonds authorized by Section 57-44-11 shall be  
10852 signed by the Chairman of the State Bond Commission, or by his  
10853 facsimile signature, and the official seal of the commission shall  
10854 be affixed thereto, attested by the Secretary of the State Bond  
10855 Commission. The interest coupons, if any, to be attached to such



10856 bonds may be executed by the facsimile signatures of such  
10857 officers. Whenever any such bonds shall have been signed by the  
10858 officials designated to sign the bonds who were in office at the  
10859 time of such signing but who may have ceased to be such officers  
10860 before the sale and delivery of such bonds, or who may not have  
10861 been in office on the date such bonds may bear, the signatures of  
10862 such officers upon such bonds and coupons shall nevertheless be  
10863 valid and sufficient for all purposes and have the same effect as  
10864 if the person so officially signing such bonds had remained in  
10865 office until their delivery to the purchaser, or had been in  
10866 office on the date such bonds may bear. However, notwithstanding  
10867 anything herein to the contrary, such bonds may be issued as  
10868 provided in the Registered Bond Act of the State of Mississippi.

10869       **SECTION 371.** Section 57-44-17, Mississippi Code of 1972, is  
10870 brought forward as follows:

10871       57-44-17. All bonds and interest coupons issued under the  
10872 provisions of Sections 57-44-11 through 57-44-39 have all the  
10873 qualities and incidents of negotiable instruments under the  
10874 provisions of the Uniform Commercial Code, and in exercising the  
10875 powers granted by this chapter, the State Bond Commission shall  
10876 not be required to and need not comply with the provisions of the  
10877 Uniform Commercial Code.

10878       **SECTION 372.** Section 57-44-19, Mississippi Code of 1972, is  
10879 brought forward as follows:



10880           57-44-19. The State Bond Commission shall act as the issuing  
10881 agent for the bonds authorized under Section 57-44-11, prescribe  
10882 the form of the bonds, advertise for and accept bids, issue and  
10883 sell the bonds so authorized to be sold, pay all fees and costs  
10884 incurred in such issuance and sale, and do any and all other  
10885 things necessary and advisable in connection with the issuance and  
10886 sale of such bonds. The State Bond Commission is authorized and  
10887 empowered to pay the costs that are incident to the sale, issuance  
10888 and delivery of the bonds authorized under Sections 57-44-11  
10889 through 57-44-39 from the proceeds derived from the sale of such  
10890 bonds. The State Bond Commission shall sell such bonds on sealed  
10891 bids at public sale, and for such price as it may determine to be  
10892 for the best interest of the State of Mississippi, but no such  
10893 sale shall be made at a price less than par plus accrued interest  
10894 to the date of delivery of the bonds to the purchaser. All  
10895 interest accruing on such bonds so issued shall be payable  
10896 semiannually or annually; however, the first interest payment may  
10897 be for any period of not more than one (1) year.

10898           Notice of the sale of any such bond shall be published at  
10899 least one (1) time, not less than ten (10) days before the date of  
10900 sale, and shall be so published in one or more newspapers  
10901 published or having a general circulation in the City of Jackson,  
10902 Mississippi, and in one or more other newspapers or financial  
10903 journals with a national circulation, to be selected by the State  
10904 Bond Commission.





10905           The State Bond Commission, when issuing any bonds under the  
10906 authority of Sections 57-44-11 through 57-44-39, may provide that  
10907 bonds, at the option of the State of Mississippi, may be called in  
10908 for payment and redemption at the call price named therein and  
10909 accrued interest on such date or dates named therein.

10910           **SECTION 373.** Section 57-44-21, Mississippi Code of 1972, is  
10911 brought forward as follows:

10912           57-44-21. The bonds issued under the provisions of Sections  
10913 57-44-11 through 57-44-39 are general obligations of the State of  
10914 Mississippi, and for the payment thereof the full faith and credit  
10915 of the State of Mississippi is irrevocably pledged. If the funds  
10916 appropriated by the Legislature are insufficient to pay the  
10917 principal of and the interest on such bonds as they become due,  
10918 then the deficiency shall be paid by the State Treasurer from any  
10919 funds in the State Treasury not otherwise appropriated. All such  
10920 bonds shall contain recitals on their faces substantially covering  
10921 the provisions of this section.

10922           **SECTION 374.** Section 57-44-23, Mississippi Code of 1972, is  
10923 amended as follows:

10924           57-44-23. Upon the issuance and sale of bonds under the  
10925 provisions of Sections 57-44-11 through 57-44-39, the State Bond  
10926 Commission shall transfer the proceeds of any such sale or sales  
10927 to the special fund created in Section 57-44-7. The proceeds of  
10928 such bonds shall be disbursed solely upon the order of the \* \* \*  
10929 Mississippi Development Authority under such restrictions, if any,



10930 as may be contained in the resolution providing for the issuance  
10931 of the bonds.

10932           **SECTION 375.** Section 57-44-25, Mississippi Code of 1972, is  
10933 brought forward as follows:

10934           57-44-25. The bonds authorized under Sections 57-44-11  
10935 through 57-44-39 may be issued without any other proceedings or  
10936 the happening of any other conditions or things other than those  
10937 proceedings, conditions and things which are specified or required  
10938 by Sections 57-44-11 through 57-44-39. Any resolution providing  
10939 for the issuance of bonds under the provisions of Sections  
10940 57-44-11 through 57-44-39 shall become effective immediately upon  
10941 its adoption by the State Bond Commission, and any such resolution  
10942 may be adopted at any regular or special meeting of the State Bond  
10943 Commission by a majority of its members.

10944           **SECTION 376.** Section 57-44-27, Mississippi Code of 1972, is  
10945 brought forward as follows:

10946           57-44-27. The bonds authorized under the authority of  
10947 Sections 57-44-11 through 57-44-39 may be validated in the  
10948 Chancery Court of the First Judicial District of Hinds County,  
10949 Mississippi, in the manner and with the force and effect provided  
10950 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
10951 validation of county, municipal, school district and other bonds.  
10952 The notice to taxpayers required by such statutes shall be  
10953 published in a newspaper published or having a general circulation  
10954 in the City of Jackson, Mississippi.



10955           **SECTION 377.** Section 57-44-29, Mississippi Code of 1972, is  
10956 brought forward as follows:

10957           57-44-29. Any holder of bonds issued under the provisions of  
10958 Sections 57-44-11 through 57-44-39 or of any of the interest  
10959 coupons pertaining thereto may, either at law or in equity, by  
10960 suit, action, mandamus or other proceeding, protect and enforce  
10961 any and all rights granted under Sections 57-44-11 through  
10962 57-44-39, or under such resolution, and may enforce and compel  
10963 performance of all duties required by Sections 57-44-11 through  
10964 57-44-39 to be performed, in order to provide for the payment of  
10965 bonds and interest thereon.

10966           **SECTION 378.** Section 57-44-31, Mississippi Code of 1972, is  
10967 brought forward as follows:

10968           57-44-31. All bonds issued under the provisions of Sections  
10969 57-44-11 through 57-44-39 shall be legal investments for trustees  
10970 and other fiduciaries, and for savings banks, trust companies and  
10971 insurance companies organized under the laws of the State of  
10972 Mississippi, and such bonds shall be legal securities which may be  
10973 deposited with and shall be received by all public officers and  
10974 bodies of this state and all municipalities and political  
10975 subdivisions for the purpose of securing the deposit of public  
10976 funds.

10977           **SECTION 379.** Section 57-44-33, Mississippi Code of 1972, is  
10978 brought forward as follows:



10979           57-44-33. Bonds issued under the provisions of Sections  
10980 57-44-11 through 57-44-39 and income therefrom shall be exempt  
10981 from all taxation in the State of Mississippi.

10982           **SECTION 380.** Section 57-44-35, Mississippi Code of 1972, is  
10983 brought forward as follows:

10984           57-44-35. The proceeds of the bonds issued under Sections  
10985 57-44-11 through 57-44-39 shall be used solely for the purposes  
10986 herein provided, including the costs incident to the issuance and  
10987 sale of such bonds.

10988           **SECTION 381.** Section 57-44-37, Mississippi Code of 1972, is  
10989 brought forward as follows:

10990           57-44-37. The State Treasurer is authorized to certify to  
10991 the Department of Finance and Administration the necessity for  
10992 warrants, and the Executive Director of the Department of Finance  
10993 and Administration is authorized and directed to issue such  
10994 warrants, in such amounts as may be necessary to pay when due the  
10995 principal of, premium, if any, and interest on, or the accreted  
10996 value of, all bonds issued under Sections 57-44-11 through  
10997 57-44-39; and the State Treasurer shall forward the necessary  
10998 amount to the designated place or places of payment of such bonds  
10999 in ample time to discharge such bonds, or the interest thereon, on  
11000 the due dates thereof.

11001           **SECTION 382.** Section 57-44-39, Mississippi Code of 1972, is  
11002 brought forward as follows:



11003           57-44-39. Sections 57-44-11 through 57-44-39 shall be deemed  
11004 to be full and complete authority for the exercise of the powers  
11005 herein granted, but this chapter shall not be deemed to repeal or  
11006 to be in derogation of any existing law of this state.

11007           **SECTION 383.** Section 57-46-1, Mississippi Code of 1972, is  
11008 brought forward as follows:

11009           57-46-1. (1) (a) There is created a special fund in the  
11010 State Treasury to be known as the Mississippi Railroad  
11011 Improvements Fund which shall consist of monies from any source  
11012 designated for deposit into the fund. Unexpended amounts  
11013 remaining in the fund at the end of a fiscal year shall not lapse  
11014 into the State General Fund, and any investment earnings or  
11015 interest earned on amounts in the fund shall be deposited to the  
11016 credit of the fund. Monies in the fund shall be disbursed by the  
11017 Mississippi Development Authority (MDA) for the purposes  
11018 authorized in subsection (2) of this section.

11019           (b) Monies in the fund that are derived from the  
11020 proceeds of general obligation bonds may be used to reimburse  
11021 reasonable actual and necessary costs incurred by the MDA in  
11022 providing grants under this section through the use of general  
11023 obligation bonds. An accounting of actual costs incurred for  
11024 which reimbursement is sought shall be maintained for each grant  
11025 by the MDA. Reimbursement of reasonable actual and necessary  
11026 costs for assistance shall not exceed three percent (3%) of the  
11027 proceeds of bonds issued for such assistance. Reimbursements made



11028 under this subsection shall satisfy any applicable federal tax law  
11029 requirements.

11030 (2) The MDA shall establish a program to make grants to  
11031 short line railroads from the Mississippi Railroad Improvements  
11032 Fund to assist in paying a portion of the costs associated with  
11033 the repair, rehabilitation, construction, reconstruction,  
11034 upgrading and improvement of railroad lines and related  
11035 facilities, including projects necessary to ensure safety and  
11036 structural integrity of rail lines, rail beds and bridges.

11037 (3) (a) A short line railroad desiring a grant under this  
11038 section shall submit an application to the MDA which shall  
11039 include, at a minimum:

11040 (i) A description, including the cost, of the  
11041 requested assistance;

11042 (ii) A description of the purpose for which the  
11043 assistance is requested; and

11044 (iii) Any other information required by the MDA.

11045 (b) The MDA shall have sole discretion in providing  
11046 grants under this section. The terms of a grant shall be within  
11047 the discretion of the MDA.

11048 (4) The MDA shall have all powers necessary to implement and  
11049 administer the program established under this section, including  
11050 the establishing of requirements for matching funds and criteria  
11051 regarding the evaluation of applications for assistance. The MDA  
11052 shall promulgate rules and regulations, in accordance with the



11053 Mississippi Administrative Procedures Law, necessary for the  
11054 implementation and administration of this section.

11055         **SECTION 384.** Section 57-57-1, Mississippi Code of 1972, is  
11056 brought forward as follows:

11057             57-57-1. This chapter may be cited as the "Mississippi  
11058 Export Trade Development Act."

11059         **SECTION 385.** Section 57-57-3, Mississippi Code of 1972, is  
11060 brought forward as follows:

11061             57-57-3. The Legislature of the State of Mississippi hereby  
11062 finds and declares that the economy of the State of Mississippi is  
11063 increasingly dependent upon the international export of  
11064 Mississippi manufactured goods, commodities, and services, and the  
11065 export of these products and services has become vital to the  
11066 stimulation and development of the state's economy, and that  
11067 expanding international export markets is essential to the  
11068 creation of and increase in the number of jobs in these sectors of  
11069 the state's economy. Therefore, it is declared to be the purpose  
11070 of this chapter to promote the general welfare of all of the  
11071 people of the state and increase job opportunities through the  
11072 development and expansion of international export markets for  
11073 Mississippi products and services, especially those of small and  
11074 medium sized businesses, by assisting in the creation of an export  
11075 trade company and by providing financial assistance and tax  
11076 incentives for Mississippi businesses engaging in export sales.



11077           **SECTION 386.** Section 57-57-5, Mississippi Code of 1972, is  
11078 amended as follows:

11079           57-57-5. For the purposes of this chapter, the following  
11080 terms shall have the meanings ascribed to them in this section,  
11081 unless the context clearly indicates otherwise:

11082           (a) "Committee" means a committee, consisting of the  
11083 Chairman of the Certified Development Company of Mississippi,  
11084 Inc., or his designee, two (2) bankers and two (2) Mississippi  
11085 businessmen who are members of the Certified Development Company  
11086 of Mississippi, Inc., created pursuant to Section 57-10-167, and  
11087 actively involved in exporting.

11088           (b) "Company" means the Certified Development Company  
11089 of Mississippi, Inc., created pursuant to Section 57-10-167.

11090           (c) "Bank" means any state or national bank doing  
11091 business in Mississippi, which is approved by the company.

11092           (d) "Eligible export trade transaction" means a  
11093 transaction consisting of a loan from any Mississippi bank to  
11094 finance an international pre-export or export, which in the  
11095 judgment of the company will create or maintain employment in  
11096 Mississippi and shall contain at least fifty percent (50%) of  
11097 value added in goods or services at a location in Mississippi.

11098           (e) "Guarantee" means additional security by the State  
11099 of Mississippi for the eligible export trade transaction of any  
11100 Mississippi business.





11101 (f) "Business" means any person, corporation,  
11102 partnership, proprietorship, association, organization or agency  
11103 domiciled in the State of Mississippi.

11104 (g) "Guarantee fee" means a fee charged by the  
11105 Certified Development Company of Mississippi, Inc., for processing  
11106 the guarantee.

11107 (h) "Board" means the Mississippi \* \* \* Development  
11108 Authority operating through its executive director.

11109 (i) "Commercial loss" means failure of the buyer to pay  
11110 to the Mississippi business when due all or part of the gross  
11111 invoice value of an eligible export trade transaction due to the  
11112 insolvency of the buyer.

11113 (j) "Political loss" means failure of the buyer to pay  
11114 to the Mississippi business when due all or part of the gross  
11115 invoice value of an eligible export trade transaction due to  
11116 dollar transfer delays, war, revolution, license revocation or  
11117 diversion of goods.

11118 **SECTION 387.** Section 57-57-7, Mississippi Code of 1972, is  
11119 brought forward as follows:

11120 57-57-7. The Certified Development Company of Mississippi,  
11121 Inc., is hereby given the authority to create a committee to  
11122 assist the company in implementing this chapter and establishing a  
11123 source of guarantees and financial assistance to support export  
11124 development, particularly to small business as defined in Section



11125 503 of the Small Business Investment Act of 1958, as amended. The  
11126 company is hereby authorized to:

11127 (a) Utilize any funds not to exceed One Million Dollars  
11128 (\$1,000,000.00), authorized to be expended under Chapter 10, Title  
11129 57, Mississippi Code of 1972.

11130 (b) Provide a guarantee against political or commercial  
11131 loss in whole or in part of the outstanding principal balance on  
11132 any eligible export trade transaction. Such a guarantee may  
11133 include, without limitation, the cost of insurance provided by the  
11134 exporting business against loss up to a stated amount. The  
11135 maximum amount payable under any guarantee shall be specifically  
11136 set forth in writing, and shall not exceed seventy-five percent  
11137 (75%) of the total principal amount. The amount of all  
11138 outstanding loan guarantees shall not exceed Five Million Dollars  
11139 (\$5,000,000.00) at any one (1) time. A reasonable and legal  
11140 guarantee fee may be set by the company. Any guarantee entered  
11141 into by the company hereunder shall not constitute a general  
11142 obligation of the State of Mississippi. Any guarantee made by the  
11143 company hereunder shall not be terminated, cancelled, or otherwise  
11144 revoked except in accordance with the terms thereof; shall be  
11145 conclusive evidence that such guarantee complies fully with the  
11146 provisions of this chapter; and shall be valid and incontestable  
11147 in the hands of a holder in due course of a guaranteed eligible  
11148 export trade transaction.



11149 (c) Prior to providing a guarantee, the participating  
11150 bank shall make a thorough credit investigation of the exporting  
11151 business in order to determine its viability, the economic  
11152 benefits to be derived therefrom, the prospects for repayment, and  
11153 such other facts as it deems necessary in order to determine that  
11154 such a guarantee is consistent with the purpose of this chapter.  
11155 The company shall provide a guarantee if, and only if and to the  
11156 extent that, it determines that such a guarantee is reasonably  
11157 necessary in order to stimulate or facilitate the making of the  
11158 eligible export trade transaction, upon terms which will enable  
11159 the export transaction to be reasonably competitive with export  
11160 transactions in other states or in foreign countries, or such  
11161 guarantee is reasonably necessary in order to stimulate or  
11162 facilitate the sale or resale of such eligible export trade  
11163 transaction to a holder in due course which would not otherwise  
11164 purchase such eligible export trade transaction; provided,  
11165 however, that the guarantee provided by the company to the bank  
11166 shall be loaned to the business at a fixed interest rate and term  
11167 as the company may from time to time require. The interest rate  
11168 and term of such loan shall not be in violation of the 1947  
11169 General Agreement on Tariffs and Trade. The company may condition  
11170 the provision of guarantee hereunder upon such terms and  
11171 conditions as it may deem desirable to carry out the provisions of  
11172 this chapter.



11173           **SECTION 388.** Section 57-57-9, Mississippi Code of 1972, is  
11174 brought forward as follows:

11175           57-57-9. An annual report of the activities by the company  
11176 and the committee under this chapter shall be submitted along with  
11177 other annual reports of the Certified Development Company of  
11178 Mississippi, Inc., to the board.

11179           **SECTION 389.** Section 57-57-11, Mississippi Code of 1972, is  
11180 brought forward as follows:

11181           57-57-11. The board is hereby authorized to assist in the  
11182 creation of and actively participate in an export trading company  
11183 as defined in Title I, Section 103 of the United States Export  
11184 Trading Company Act of 1982 to promote and facilitate increased  
11185 exports in Mississippi.

11186           **SECTION 390.** Section 57-57-13, Mississippi Code of 1972, is  
11187 brought forward as follows:

11188           57-57-13. The board may promulgate necessary rules and  
11189 regulations and prescribe procedures to effectuate the purposes of  
11190 this chapter.

11191           **SECTION 391.** Section 57-61-1, Mississippi Code of 1972, is  
11192 brought forward as follows:

11193           57-61-1. This chapter shall be known and may be cited as the  
11194 Mississippi Business Investment Act.

11195           **SECTION 392.** Section 57-61-3, Mississippi Code of 1972, is  
11196 brought forward as follows:



11197           57-61-3. It is the purpose of this chapter to promote  
11198 business and economic development in the State of Mississippi  
11199 through job producing programs and by providing loans to  
11200 municipalities as defined in this chapter; to assist in securing  
11201 strategic investments and/or investments in small communities by  
11202 private companies locating or expanding in the state; to promote  
11203 the improvement and enhancement of facilities utilized in foreign  
11204 and domestic commerce to and from Mississippi through state-owned  
11205 ports and to provide loans to state agencies as defined in this  
11206 chapter, for the construction and development of harbor, channel  
11207 and port facilities; and to authorize the issuance of state bonds  
11208 or notes for funding of said programs.

11209           **SECTION 393.** Section 57-61-5, Mississippi Code of 1972, is  
11210 amended as follows:

11211           57-61-5. The following words and phrases when used in this  
11212 chapter shall have the meanings given to them in this section  
11213 unless the context clearly indicates otherwise:

11214           (a) "Department" means the Mississippi \* \* \*  
11215 Development Authority.

11216           (b) "Board" means the Mississippi \* \* \* Development  
11217 Authority operating through its executive director.

11218           (c) "Improvements" means the construction,  
11219 rehabilitation or repair of drainage systems; energy facilities  
11220 (power generation and distribution); fire safety facilities  
11221 (excluding vehicles); sewer systems (pipe treatment);



11222 transportation directly affecting the site of the proposed  
11223 investment, including roads, sidewalks, bridges, rail, port,  
11224 river, airport or pipeline (excluding vehicles); bulkheads;  
11225 buildings; and facilities necessary to accommodate a United States  
11226 Navy home port; and means land reclamation; waste disposal; water  
11227 supply (storage, treatment and distribution); land acquisition;  
11228 and the dredging of channels and basins.

11229 (d) "Municipality" means any county or any incorporated  
11230 city, or town, acting individually or jointly, or any agency of  
11231 the State of Mississippi operating a state-owned port.

11232 (e) "Private company" means any agricultural,  
11233 aquacultural, maricultural, industrial, manufacturing, service,  
11234 tourism, or research and development enterprise or enterprises.  
11235 The term "private company" shall not include any retail trade  
11236 enterprise except regional shopping malls having a minimum capital  
11237 investment of One Hundred Million Dollars (\$100,000,000.00). No  
11238 more than fifteen percent (15%) of the aggregate funds made  
11239 available under this chapter shall be used to fund aquacultural,  
11240 maricultural and tourism enterprises. The funds made available to  
11241 tourism enterprises under this chapter shall be limited to  
11242 infrastructure improvements and to the acquisition of land and  
11243 shall not be made available to fund tourism promotions or to fund  
11244 the construction, improvement or acquisition of hotels and/or  
11245 motels or to finance or refinance any obligations of hotels and/or  
11246 motels.



11247 (f) "Governmental unit" means a department or  
11248 subsidiary of the United States government, or an agency of the  
11249 State of Mississippi operating a state-owned port.

11250 (g) "Private match" means any new private investment by  
11251 the private company and/or governmental unit in land, buildings,  
11252 depreciable fixed assets, and improvements of the project used to  
11253 match improvements funded under this chapter. The term "private  
11254 match" includes improvements made prior to the effective date of  
11255 this chapter [Laws, 1986, Chapter 419, effective March 31, 1986]  
11256 pursuant to contracts entered into contingent upon assistance  
11257 being made available under this chapter.

11258 (h) "Publicly owned property" means property which is  
11259 owned by the local, state or United States government and is not  
11260 under the control of a private company.

11261 (i) "Director" means the Executive Director of  
11262 the \* \* \* Mississippi Development Authority.

11263 (j) "Small community" means a county with a population  
11264 of twenty-five thousand (25,000) or less; or a municipality with a  
11265 population of ten thousand (10,000) or less and any area within  
11266 five (5) miles of the limits of such municipality, according to  
11267 the most recent federal decennial census.

11268 (k) "Strategic investment" means an investment by the  
11269 private and public sectors that will have a major impact on job  
11270 creation and maintenance in the state of no less than one hundred  
11271 fifty (150) jobs, that will have a major impact on enlargement and



11272 enhancement of international and foreign trade and commerce to and  
11273 from the State of Mississippi, or which is considered to be unique  
11274 to the state and have statewide or regional impact as determined  
11275 by the department.

11276 (1) "Seller" means the State Bond Commission or the  
11277 State Development Bank.

11278 **SECTION 394.** Section 57-61-7, Mississippi Code of 1972, is  
11279 brought forward as follows:

11280 57-61-7. There is hereby established, under the direction of  
11281 the department, a program to be known as the Business Investment  
11282 Program for the purpose of making grants or loans to  
11283 municipalities in order to install and effect specific  
11284 improvements and projects necessary to complement industrial  
11285 investment by private companies, the federal government or  
11286 municipalities which increase Mississippi's share of domestic,  
11287 international and foreign commerce to create and maintain new  
11288 full-time jobs.

11289 **SECTION 395.** Section 57-61-9, Mississippi Code of 1972, is  
11290 brought forward as follows:

11291 57-61-9. (1) Any private company desiring assistance from a  
11292 municipality shall submit to the municipality a letter of intent  
11293 to locate, expand or build a facility entirely or partially within  
11294 the municipality or on land the municipality is authorized to own  
11295 or otherwise acquire. The letter of intent shall include:





11296 (a) Except for strategic investments, a commitment that  
11297 the proposed project will create and maintain a minimum of ten  
11298 (10) net new full-time equivalent jobs, will create and maintain  
11299 at least a five percent (5%) increase in full-time equivalent jobs  
11300 in the case of expansion of an enterprise already located at the  
11301 site or at least a twenty-five percent (25%) increase in full-time  
11302 equivalent jobs pursuant to subsection (9) of Section 57-61-15 and  
11303 will create and maintain at least one (1) net new full-time  
11304 equivalent job for every Fifteen Thousand Dollars (\$15,000.00)  
11305 either loaned or granted for the project. The commitment required  
11306 by this paragraph (a) shall include any jobs created prior to  
11307 March 31, 1986, resulting from contracts entered into contingent  
11308 upon assistance being made available under this chapter. All jobs  
11309 required to be maintained by this paragraph (a) shall be  
11310 maintained until such time as any loan made under this chapter for  
11311 the benefit of a private company is repaid.

11312 (b) A statement that the specific improvements are  
11313 necessary for the efficient and cost-effective operation of the  
11314 private company, together with supporting financial and  
11315 engineering documentation.

11316 (c) Any commitment to pay rental on, or to make loan  
11317 repayments related to, the improvements to be made with funds  
11318 loaned to a municipality under this chapter.

11319 (d) If required by the Mississippi Development  
11320 Authority, a notarized statement of willingness to grant a lien on



11321 the facility for which the improvement is being provided, in an  
11322 amount and a manner to be determined by the Mississippi  
11323 Development Authority, which lien may be foreclosed in the event  
11324 that the private company fails to operate in the facility  
11325 according to the terms of the agreement and/or to collateralize  
11326 the loan made for the benefit of the private company for which the  
11327 improvement is being provided in an amount and manner to be  
11328 determined by the Mississippi Development Authority. In the event  
11329 the contractual agreement is to be entered into with a department  
11330 or subsidiary of the United States government, the Mississippi  
11331 Development Authority shall determine that the governmental unit  
11332 will operate the proposed project for a sufficient number of years  
11333 to retire the loan based on increased revenue estimates by the  
11334 University Research Center and any agreement entered into shall  
11335 reflect that the interest paid on any loan for such purpose shall  
11336 be included in Mississippi's contributory value in the project.  
11337 In the event the private company requesting the assistance is a  
11338 subsidiary of another corporation, if required by the Mississippi  
11339 Development Authority, any contractual agreement entered into  
11340 shall also require the parent company to unconditionally warrant  
11341 the performance of the subsidiary in carrying out the terms of the  
11342 agreement or it shall require the subsidiary and/or the parent  
11343 company to pledge assets in an amount and a manner to be  
11344 determined by the Mississippi Development Authority and/or to  
11345 collateralize the loan in an amount and a manner to be determined



11346 by the Mississippi Development Authority to ensure the performance  
11347 of the terms of the contract.

11348 (2) Upon receipt of the letter of intent from a private  
11349 company, the municipality may apply to the Mississippi Development  
11350 Authority for a loan or grant. The application from the  
11351 municipality shall include, but not be limited to:

11352 (a) A statement of the purpose of the proposed loan or  
11353 grant, including a list of eligible items and the cost of each.

11354 (b) A statement showing the sources of funding for the  
11355 entire project, including the private company's or governmental  
11356 unit's investment in the project and any public and other private  
11357 sources of funding.

11358 (c) A certified copy of the signed letter of intent  
11359 from a private company or governmental unit, as specified in this  
11360 section.

11361 (d) Evidence that there will be a private match of at  
11362 least Three Dollars (\$3.00) for every One Dollar (\$1.00) of state  
11363 assistance, except:

11364 (i) In the case of ports the private match will be  
11365 at least Two Dollars (\$2.00) for every One Dollar (\$1.00) of state  
11366 assistance; and

11367 (ii) In the case where the Mississippi Development  
11368 Authority determines that a private company is a high technology  
11369 enterprise the private match will be at least Two Dollars (\$2.00)  
11370 for every One Dollar (\$1.00) of state assistance.



11371           The Mississippi Development Authority shall establish  
11372 criteria for determining whether a private company is a high  
11373 technology enterprise.

11374           (e) Demonstration that the private company is  
11375 financially sound and is likely to fulfill the commitments made in  
11376 its letter of intent.

11377           (f) A proposed timetable for the provision of the  
11378 improvements.

11379           (g) Evidence that the project will be expeditiously  
11380 carried out and completed as planned.

11381           (h) A demonstration that insufficient local capital  
11382 improvement funds at reasonable rates and terms are available  
11383 within the necessary time to provide the needed improvement on  
11384 public property. This includes local funds available through  
11385 issuance of bonds or other means, state funds available through  
11386 existing programs, and available federal program funds such as  
11387 community development block grant funds, urban development action  
11388 grant funds, and economic development administration funds.

11389           (i) A demonstration that insufficient private funds are  
11390 available at reasonable rates and terms within the necessary time  
11391 to fund improvement on property owned by the private company.

11392           (3) The Mississippi Development Authority shall consider  
11393 grant and loan applications based on the following criteria:

11394           (a) The number of net new full-time equivalent jobs  
11395 that will be provided and the amount of additional state and local



11396 tax revenue estimated by the University Research Center to be  
11397 directly generated by the private company's new investment, and  
11398 additionally, as to loan applications by state agencies, the  
11399 extent to which shipping through the port will be increased by the  
11400 proposed port development projects, the degree to which jobs will  
11401 be increased in the port area and the impact on port revenues.

11402 (b) The ability to repay the principal and interest, in  
11403 the case of a loan, based on increased revenue estimates and any  
11404 revenue-producing provision of a contractual agreement.

11405 (c) The increase in the employment base of the state.

11406 The Mississippi Development Authority and the University  
11407 Research Center may use the resources and capabilities of the  
11408 planning and development districts in carrying out the provisions  
11409 of this chapter.

11410 (4) No loan shall be made in excess of the amounts which can  
11411 be repaid with the increased revenues estimated by the University  
11412 Research Center, provided that this subsection (4) shall not apply  
11413 to loans in connection with a United States Navy home port.

11414 (5) (a) Notwithstanding anything contained in this chapter,  
11415 an agency of the State of Mississippi operating a state-owned  
11416 port, and hereinabove identified as a "municipality" and  
11417 "governmental unit" for purposes of this chapter, may make  
11418 application for a loan or grant under the terms and provisions of  
11419 this chapter. In addition, a public agency operating a port  
11420 bordering on the Gulf of Mexico, which shall be considered to be a



11421 "municipality" or a "governmental unit" for the purposes of this  
11422 chapter, may make application for a loan or grant under the terms  
11423 and provisions of this chapter from funds other than those funds  
11424 authorized for a state-owned port under paragraph (e)(iii) of  
11425 Section 57-61-11. The application shall be initiated by  
11426 submission of a letter of intent to engage in a project or  
11427 projects for the purpose of effecting enlargement and improvement  
11428 in all facilities used and useful in attracting international and  
11429 foreign commerce through the port. Projects eligible for  
11430 inclusion in the letter of intent may include, but not be  
11431 restricted to:

11432 (i) Dredging and deepening the access channel and  
11433 harbor basin of the port;

11434 (ii) Effecting the enlargement of the land area of  
11435 the port by reclamation;

11436 (iii) Construction and installation of piling,  
11437 bulkheads, docks, wharves, warehouses and appurtenances; and

11438 (iv) Acquisition of facilities and equipment for  
11439 handling bulk and containerized cargo.

11440 (b) With respect to a state-owned port bordering on the  
11441 Gulf of Mexico, the letter of intent shall include the following  
11442 information and any other information required by the Mississippi  
11443 Development Authority:

11444 (i) Present and future annual tonnages expected as  
11445 a result of the improvements.



11446 (ii) Reasons why present facilities are inadequate  
11447 to enable the port to compete, including limitations imposed by  
11448 insufficient depth of channel and basin.

11449 (iii) Increased channel and basin depths necessary  
11450 to accommodate modern shipping.

11451 (iv) Comparison of the percentage of the world's  
11452 cargo shipping that can now be accommodated with what could be  
11453 accommodated with project improvements.

11454 (v) Economic contribution to the region and state  
11455 resulting from increased shipping activity.

11456 (vi) Statement of degree to which port revenues  
11457 are expected to be increased as a result of projects.

11458 (vii) Financial data of port activities, including  
11459 cost of project, degree of federal funding available and required  
11460 local participation.

11461 On or before January 1, 1989, a state-owned port described in  
11462 this paragraph (b) shall submit to the Senate Finance Committee  
11463 and the House Ways and Means Committee of the Mississippi  
11464 Legislature a comprehensive, written report updating for each  
11465 committee the information listed in items (i) through (vii) of  
11466 this paragraph (b) with particular emphasis on the economic  
11467 contribution to the region and state by shipping activity at the  
11468 port; on financial data with respect to the degree of federal  
11469 funding available and local participation in funding port



11470 activities; and on progress made in dredging and completing other  
11471 improvements necessary to accommodate modern shipping.

11472 (c) The Mississippi Development Authority shall  
11473 consider grant and loan applications based on the following:

11474 (i) The extent to which shipping through the port  
11475 will be increased by the proposed projects.

11476 (ii) The degree to which jobs will be increased in  
11477 the port area.

11478 (iii) Impact on port revenues.

11479 (iv) The ability of the port to repay interest and  
11480 principal in the case of a loan.

11481 (6) A municipality may apply to the Mississippi Development  
11482 Authority for a grant under the terms and provisions of this  
11483 chapter, and the Mississippi Development Authority may award  
11484 grants to a municipality subject to limitations contained in this  
11485 chapter. The application shall be initiated by submission of a  
11486 letter of intent to engage in a project or projects for the  
11487 purpose of providing improvements necessary to accommodate a  
11488 United States Navy home port.

11489 (7) The Legislature hereby finds and determines that  
11490 financing facilities necessary to accommodate a Navy home port  
11491 serves a valid public purpose in that a Navy home port will  
11492 significantly contribute to the employment base of the state which  
11493 is in great need of assistance; provided, that in the event such





11494 facilities are no longer required for use by the Navy as a home  
11495 port, such facilities shall revert as provided in Section 59-9-21.

11496 (8) Notwithstanding any provision or requirement of this  
11497 chapter to the contrary, a municipality may make application for a  
11498 loan under this chapter, in an amount not to exceed Five Million  
11499 Dollars (\$5,000,000.00), for the purpose of acquiring and  
11500 developing land to be used as a technology/industrial park for  
11501 which there is a binding commitment by one or more private  
11502 companies to create and maintain not less than an aggregate of  
11503 three hundred (300) jobs meeting minimum criteria established by  
11504 the Mississippi Development Authority. Such a commitment by a  
11505 private company shall not disqualify the private company from  
11506 obtaining assistance under this section. The match requirements  
11507 of this section shall not apply to any loan made pursuant to this  
11508 subsection (8).

11509 (9) Notwithstanding any provision or requirement of this  
11510 chapter to the contrary, a municipality operating a county-owned  
11511 port or municipally owned port may make application for a loan  
11512 under this chapter, in an amount not to exceed Three Million  
11513 Dollars (\$3,000,000.00), for the purpose of acquiring land,  
11514 buildings and other improvements and for repairing, renovating,  
11515 maintaining and improving such a port.

11516 (10) (a) A municipality is authorized to negotiate a  
11517 contract for the acquisition, construction and erection of a  
11518 project or any portion of a project hereunder where a municipality



11519 finds that, because of the particular nature of a project or any  
11520 portion thereof, it would be in the best public interest of the  
11521 municipality to negotiate.

11522 (b) Contracts by a private company for the acquisition,  
11523 construction or erection of a project which receives assistance  
11524 under this chapter shall be effected in the manner prescribed by  
11525 law for public contracts, unless the Mississippi Development  
11526 Authority makes a written finding that, because of special  
11527 circumstances with respect to the projects or any portion thereof,  
11528 it would better serve the public interest or more effectively  
11529 achieve the purposes of this chapter to enter into such contracts  
11530 based on negotiation.

11531 (11) A municipality is authorized upon such terms and  
11532 conditions as the municipality may deem advisable, provided such  
11533 terms and conditions shall not be in conflict with the provisions  
11534 of this chapter, to (a) acquire, whether by construction,  
11535 purchase, gift or lease, all of or any portion of a project  
11536 hereunder; (b) to lease or sell to others all of or any portion of  
11537 a project hereunder; and (c) to lend to the private company the  
11538 proceeds of the loan from the board to such municipality.

11539 (12) All agreements between a municipality and a private  
11540 company related directly or indirectly to a project or a portion  
11541 of a project to be funded in whole or in part under this chapter  
11542 are subject to approval by the Mississippi Development Authority.



11543           **SECTION 396.** Section 57-61-11, Mississippi Code of 1972, is  
11544 brought forward as follows:

11545           57-61-11. The Mississippi Development Authority shall  
11546 establish such guidelines, rules and regulations for the repayment  
11547 of funds loaned pursuant to this chapter as may be necessary.  
11548 These provisions shall include, but not be limited to, the  
11549 following:

11550           (a) Funds may be loaned for a maximum of ten (10) years  
11551 or the estimated useful life of the property as established by the  
11552 United States Department of Treasury, whichever is greater.

11553           (b) The rate of interest charged by the Mississippi  
11554 Development Authority for improvements not on publicly owned  
11555 property may be negotiated by the Mississippi Development  
11556 Authority.

11557           (c) For all improvements funded through this chapter  
11558 which occur on publicly owned property, repayment of funds loaned  
11559 may, in the discretion of the Mississippi Development Authority,  
11560 involve only the principal amount loaned with no interest charged  
11561 thereon.

11562           (d) An audit by a certified public accountant of all  
11563 costs of a project hereunder must be submitted to the Mississippi  
11564 Development Authority not later than ninety (90) days after a  
11565 project's completion. Such an audit shall certify that all of the  
11566 funds loaned or granted pursuant to this chapter were disbursed in  
11567 accordance with the terms of this chapter and shall be paid for by



11568 the private company benefited by the project. In addition to the  
11569 audit required under this paragraph, the State Auditor may conduct  
11570 performance and compliance audits under this chapter according to  
11571 Section 7-7-211(o) and may bill the oversight agency.

11572 (e) Notwithstanding the foregoing, in the case of an  
11573 application under Section 57-61-9(5) (a), the guidelines shall  
11574 include, but not be limited to, the following:

11575 (i) Funds may be loaned for a maximum of twenty  
11576 (20) years, or the estimated useful life of improvements on the  
11577 land areas of the port, whichever is greater.

11578 (ii) The rate of interest charged by the  
11579 Mississippi Development Authority for loans for port projects may  
11580 be negotiated by the Mississippi Development Authority and shall  
11581 be consistent with Section 57-61-11(b) and (c).

11582 (iii) The total of grants and loans to any one (1)  
11583 state-owned port made pursuant to an application under Section  
11584 57-61-9(5) (a) shall not exceed Twenty Million Dollars  
11585 (\$20,000,000.00).

11586 (iv) Before any loan or grant may be made under  
11587 Section 57-61-9(5) (a) to a state-owned port bordering the Gulf of  
11588 Mexico, the applicant shall make adequate assurance to the  
11589 Mississippi Development Authority that federal participation in  
11590 the cost of the project or projects has been committed contingent  
11591 only upon availability of local participation in accordance with  
11592 federal guidelines.



11593 (v) Notwithstanding any provision of this chapter  
11594 to the contrary, the Mississippi Development Authority shall  
11595 utilize not more than Four Million Dollars (\$4,000,000.00) out of  
11596 the proceeds of bonds authorized to be issued in this chapter to  
11597 be made available as interest-bearing loans to state-owned ports  
11598 for the purpose of repairing, renovating, maintaining and  
11599 improving the state-owned port. The Mississippi Development  
11600 Authority shall establish an amortization schedule for the  
11601 repayment of any loans made pursuant to this subparagraph. The  
11602 state-owned port shall not spend any revenues for other purposes  
11603 unless payments on the loan are being timely made according to the  
11604 amortization schedule. The match requirements of this section and  
11605 Section 57-61-9 shall not apply to any loan made pursuant to this  
11606 subparagraph.

11607 (f) Notwithstanding any provision of this chapter to  
11608 the contrary, the Mississippi Development Authority shall utilize  
11609 not more than Three Million Dollars (\$3,000,000.00) out of the  
11610 proceeds of bonds authorized to be issued in this chapter for the  
11611 purpose of making loans to municipalities operating county-owned  
11612 ports or municipally owned ports for the purpose of acquiring  
11613 land, buildings and other improvements and for repairing,  
11614 renovating, maintaining and improving such ports. The Mississippi  
11615 Development Authority shall establish an amortization schedule for  
11616 the repayment of any loans made pursuant to this paragraph (f). A  
11617 municipality shall not spend any port revenues for other purposes



11618 unless payments on the loan are being timely made according to the  
11619 amortization schedule.

11620           **SECTION 397.** Section 57-61-13, Mississippi Code of 1972, is  
11621 brought forward as follows:

11622           57-61-13. Grants for improvements on publicly owned property  
11623 necessary to complete eligible projects, consistent with the  
11624 criteria set forth in this chapter, shall be given preference in  
11625 enterprise zones designated as such by the board in the case of a  
11626 strategic investment or in those municipalities which are  
11627 experiencing three (3) or more of the following problems:

11628           (a) Twenty percent (20%) or more of the population with  
11629 income below the poverty level as reported in the most recent  
11630 federal decennial census.

11631           (b) The unemployment rate of the county is at least two  
11632 percent (2%) greater than the state unemployment rate as reported  
11633 by the Mississippi Employment Security Commission.

11634           (c) Five percent (5%) or more loss of population  
11635 between 1970 and 1980 as reported by the Bureau of the Census of  
11636 the United States Department of Commerce.

11637           (d) Significant business vacancy rate within the area,  
11638 either in gross footage or acreage or in the number of business or  
11639 industrial buildings.

11640           **SECTION 398.** Section 57-61-14, Mississippi Code of 1972, is  
11641 brought forward as follows:



11642           57-61-14. In accordance with Section 27-65-111, purchases of  
11643 tangible personal property or services by a private company, as  
11644 defined in this chapter, with proceeds of bonds issued under this  
11645 chapter, shall be exempt from sales tax.

11646           **SECTION 399.** Section 57-61-15, Mississippi Code of 1972, is  
11647 brought forward as follows:

11648           57-61-15. (1) Except for grants authorized for state-owned  
11649 ports and for grants authorized under Section 57-61-32, Section  
11650 57-61-33 and Section 57-61-36, Mississippi Code of 1972, no more  
11651 than Seven Million Five Hundred Thousand Dollars (\$7,500,000.00)  
11652 of the proceeds of bonds authorized to be issued under this  
11653 chapter shall be made available for grants to municipalities;  
11654 however, Two Million Five Hundred Thousand Dollars (\$2,500,000.00)  
11655 of such amount shall be made available for grants to small  
11656 communities.

11657           (2) In no case shall any municipality receive more than one  
11658 (1) grant in any single fiscal year. This subsection shall not  
11659 apply to grants authorized under Section 57-61-36, Mississippi  
11660 Code of 1972.

11661           (3) A minimum of twenty-five percent (25%) of the aggregate  
11662 funds made available under this chapter shall be allocated to  
11663 small communities. For the purpose of determining the aggregate  
11664 funds available to make the allocation established in this  
11665 subsection, there shall be excluded from inclusion therein any  
11666 funds specifically dedicated pursuant to Sections 57-61-11(e) (iii)



11667 and (v), 57-61-32, 57-61-33, 57-61-34, 57-61-36, 57-61-39,  
11668 57-61-41 and 57-75-27, Mississippi Code of 1972.

11669 (4) No loan or grant shall be made without substantiation of  
11670 the provisions of Section 57-61-9, Mississippi Code of 1972.

11671 (5) Except in the case of an application pursuant to Section  
11672 57-61-9(5) (a), Mississippi Code of 1972, funds loaned shall be  
11673 secured by a lien and/or collateralized consistent with Section  
11674 57-61-9(1) (d), Mississippi Code of 1972, if required by the  
11675 Mississippi Development Authority.

11676 (6) Except in the case of an application pursuant to Section  
11677 57-61-9(5) (a), Mississippi Code of 1972, private companies which  
11678 fail to create and maintain the number of jobs specified in an  
11679 approved application shall be liable for, in the discretion of the  
11680 Mississippi Development Authority, (a) a penalty equal to two  
11681 percent (2%) greater than the current prime interest rate for the  
11682 remainder of the loan made for their benefit, or (b) prepayment of  
11683 the outstanding loan amount incurred by the municipality for their  
11684 benefit, unless the penalty or a portion thereof is waived by the  
11685 Mississippi Development Authority because the failure is due to  
11686 circumstances outside the control of the private company. The  
11687 penalty shall be payable in installments which the Mississippi  
11688 Development Authority deems appropriate. Immediate notice of  
11689 penalties and waivers of penalties, including the penalties in  
11690 Section 57-61-9(1) (d), Mississippi Code of 1972, with the reasons  
11691 thereof, shall be submitted by the Mississippi Development





11692 Authority to the Governor and the Legislature along with the  
11693 Mississippi Development Authority's decision on the imposition of  
11694 penalties and the reasons for this decision.

11695 (7) Except in the case of an application pursuant to Section  
11696 57-61-9(5) (a), Mississippi Code of 1972, municipalities receiving  
11697 loans which fail to meet their repayment obligations shall forfeit  
11698 the right to receive their sales tax allocation and/or homestead  
11699 exemption reimbursement in an amount sufficient to repay  
11700 obligations due until such time as their indebtedness has been  
11701 discharged or arrangements to discharge such indebtedness  
11702 satisfactory to the Mississippi Development Authority have been  
11703 made. Sales tax allocations and/or homestead exemption  
11704 reimbursements forfeited hereby shall, upon demand by the  
11705 Mississippi Development Authority made in writing upon the State  
11706 Tax Commission, be paid to the Mississippi Development Authority  
11707 and applied to the discharge of the obligation. The Mississippi  
11708 Development Authority may prescribe such other penalties it deems  
11709 necessary.

11710 (8) Any municipality which has forfeited its sales tax  
11711 allocation and/or homestead exemption reimbursement for twelve  
11712 (12) months may levy an ad valorem tax on the taxable property  
11713 therein for the purpose of meeting its repayment obligation. The  
11714 revenue produced from the tax levy shall not be included within  
11715 the ten percent (10%) growth limitation on ad valorem tax receipts  
11716 for its general budget.



11717 (9) This chapter is expressly not intended to encourage the  
11718 relocation of a company from one (1) jurisdiction within the state  
11719 to another. Any request by a local sponsor for assistance to be  
11720 provided a firm which currently operates a similar business in the  
11721 state must be accompanied by a demonstration that the total net  
11722 increase in and maintenance of full-time equivalent jobs, using  
11723 the current number of jobs in all similar businesses operated by  
11724 the private company in the state as a base, shall be at least  
11725 twenty-five percent (25%). This requirement shall not apply to  
11726 private companies relocating from small business incubators.

11727 **SECTION 400.** Section 57-61-17, Mississippi Code of 1972, is  
11728 brought forward as follows:

11729 57-61-17. (1) The board may prescribe such application  
11730 forms and promulgate such guidelines, rules and regulations as may  
11731 be necessary to carry out the provisions of this chapter with  
11732 respect to loan and grant conditions and criteria for evaluation  
11733 of the economic benefit of proposed loans and grants and for  
11734 determining and evaluating compliance with all the criteria  
11735 established in this chapter.

11736 (2) The board is authorized to engage legal services,  
11737 financial advisors, appraisers and consultants, if needed, to  
11738 review and close loans or grants made pursuant to this chapter.  
11739 The cost of such professionals shall be paid by the borrower or  
11740 from bond proceeds as determined and approved by the board.



11741 (3) On or before February 1, 1987, and on or before February  
11742 1 in each succeeding year in which loans are outstanding, the  
11743 board shall provide the Legislature with a report on its  
11744 activities for the preceding calendar year. The report shall  
11745 contain, at a minimum, the following information:

11746 (a) A list of the approved projects including the  
11747 municipality, name of private company or governmental unit, cost  
11748 of each project, amount of private investment, projected number of  
11749 new jobs, location of each project, date of submission of the  
11750 application by the local sponsor, type of project and estimated  
11751 completion date of each project.

11752 (b) A list of applications not approved.

11753 (c) A list of pending applications.

11754 (d) A list of projects where job projections are not  
11755 being met or the project is not being completed and the penalty  
11756 being applied or the reason a penalty is not being applied.

11757 (e) Estimates of state and local tax revenue increases  
11758 caused directly by projects.

11759 (f) A list of projects approved or completed in years  
11760 prior to the preceding year.

11761 (g) Guidelines issued for the Business Investment  
11762 Program.

11763 (h) An overall statement of the progress of the program  
11764 during the preceding year, along with recommendations for  
11765 improvements.



11766 (4) The board shall accumulate from the municipalities  
11767 having approved projects the following data on an annual and  
11768 cumulative basis:

11769 (a) The number of jobs actually created by these  
11770 projects.

11771 (b) Estimated increased tax revenue caused by the  
11772 projects.

11773 **SECTION 401.** Section 57-61-19, Mississippi Code of 1972, is  
11774 brought forward as follows:

11775 57-61-19. No loan shall be made to a municipality under this  
11776 chapter unless the municipality certifies to the department, in a  
11777 form satisfactory to the department, that it shall not  
11778 discriminate against any employee or against any applicant for  
11779 employment because of race, religion, color, national origin, sex  
11780 or age.

11781 **SECTION 402.** Section 57-61-21, Mississippi Code of 1972, is  
11782 amended as follows:

11783 57-61-21. (1) There is hereby created a special fund in the  
11784 State Treasury to be known as the Mississippi Business Investment  
11785 Fund dedicated to the purpose of providing grants and/or loans to  
11786 municipalities for the purpose of providing for improvements  
11787 authorized by this chapter. All monies received by the board to  
11788 carry out the purposes of this chapter, by legislative  
11789 appropriation, issuance of bonds or otherwise, shall be deposited  
11790 into the Mississippi Business Investment Fund. Expenditures



11791 authorized herein shall be paid by the State Treasurer upon  
11792 warrants drawn from the Mississippi Business Investment Fund, and  
11793 the State Auditor, or his successor to such duties, shall issue  
11794 warrants upon requisitions signed by the Chairman or Executive  
11795 Director of the Mississippi \* \* \* Development Authority.

11796 (2) Any monies repaid to the state from loans funded through  
11797 the Mississippi Business Investment Fund shall be deposited into  
11798 the Mississippi Business Investment Sinking Fund, which is hereby  
11799 created in the State Treasury. Funds required in excess of the  
11800 amounts available in the Mississippi Business Investment Sinking  
11801 Fund to retire bonds issued pursuant to this chapter shall be  
11802 appropriated from the State General Fund.

11803 **SECTION 403.** Section 57-61-23, Mississippi Code of 1972, is  
11804 amended as follows:

11805 57-61-23. (1) All bonds issued under the authority of this  
11806 chapter shall be redeemed at maturity, together with all interest  
11807 due, from time to time, on the bonds, and these principal and  
11808 interest payments shall be paid by appropriation from the  
11809 Mississippi Business Investment Sinking Fund, and/or the State  
11810 General Fund. All \* \* \* monies paid into the Mississippi Business  
11811 Investment Sinking Fund not appropriated to pay accruing bonds and  
11812 interest shall be invested by the State Treasurer in such  
11813 securities as are provided by law for the investment of the  
11814 sinking funds of the state.



11815           (2) In the event that all or any part of the bonds and notes  
11816 are purchased, they shall be canceled and returned to the loan and  
11817 transfer agent as canceled and paid bonds and notes and thereafter  
11818 all payments of interest thereon shall cease and the canceled  
11819 bonds, notes and coupons together with any other canceled bonds,  
11820 notes and coupons shall be destroyed as promptly as possible after  
11821 cancellation but not later than two (2) years after cancellation.  
11822 A certificate evidencing the destruction of the canceled bonds,  
11823 notes and coupons shall be provided by the loan and transfer agent  
11824 to the seller.

11825           (3) The State Treasurer shall determine and report to  
11826 the \* \* \* Department of Finance and Administration and Legislative  
11827 Budget Office by September 1 of each year the amount of money  
11828 necessary for the payment of the principal of and interest on  
11829 outstanding obligations for the following fiscal year and the  
11830 times and amounts of the payments. It shall be the duty of the  
11831 Governor to include in every executive budget submitted to the  
11832 Legislature full information relating to the issuance of bonds and  
11833 notes under the provisions of this chapter and the status of the  
11834 Mississippi Business Investment Sinking Fund of the state for the  
11835 payment of the principal of and interest on the bonds and notes.

11836           (4) Except as otherwise provided by law, the rate of  
11837 interest on any loan made using funds from the Mississippi  
11838 Business Investment Fund may be negotiated by the department and  
11839 shall be consistent with Section 57-61-11(b) and (c), Mississippi



11840 Code of 1972. Notwithstanding the provisions of any other law to  
11841 the contrary, the interest rate charged shall not be set such that  
11842 the aggregate of the interest, penalties and other payments to the  
11843 state on loans and other assistance made using funds from the  
11844 Mississippi Business Investment Fund will cause the bonds issued  
11845 pursuant to this chapter to be deemed arbitrage bonds pursuant to  
11846 Section 103(c) of the Internal Revenue Code of 1954 and the  
11847 regulations promulgated thereunder. In the case of loans  
11848 initially funded from the proceeds of notes and subsequently  
11849 funded from renewal bonds and notes, the interest rate to be  
11850 charged on the loans shall be established in accordance with this  
11851 subsection upon the sale of bonds or notes, as the case may be,  
11852 for the loans. It is the intention of the Legislature that the  
11853 penalties assessed for breach of program conditions imposed upon  
11854 private companies shall not be treated as interest income for  
11855 purposes of Section 103(c) of the Internal Revenue Code of 1954.

11856       **SECTION 404.** Section 57-61-25, Mississippi Code of 1972, is  
11857 brought forward as follows:

11858       57-61-25. (1) The seller is authorized to borrow, on the  
11859 credit of the state upon receipt of a resolution from the  
11860 Mississippi Development Authority requesting the same, monies not  
11861 exceeding the aggregate sum of Three Hundred Eighty-seven Million  
11862 Five Hundred Thousand Dollars (\$387,500,000.00), not including  
11863 monies borrowed to refund outstanding bonds, notes or replacement  
11864 notes, as may be necessary to carry out the purposes of this



11865 chapter. The rate of interest on any such bonds or notes which  
11866 are not subject to taxation shall not exceed the rates set forth  
11867 in Section 75-17-101, Mississippi Code of 1972, for general  
11868 obligation bonds.

11869 (2) As evidence of indebtedness authorized in this chapter,  
11870 general or limited obligation bonds of the state shall be issued,  
11871 from time to time, to provide monies necessary to carry out the  
11872 purposes of this chapter for such total amounts, in such form, in  
11873 such denominations payable in such currencies (either domestic or  
11874 foreign, or both) and subject to such terms and conditions of  
11875 issue, redemption and maturity, rate of interest and time of  
11876 payment of interest as the seller directs, except that such bonds  
11877 shall mature or otherwise be retired in annual installments  
11878 beginning not more than five (5) years from date thereof and  
11879 extending not more than thirty (30) years from date thereof.

11880 (3) All bonds and notes issued under authority of this  
11881 chapter shall be signed by the chairman of the seller, or by his  
11882 facsimile signature, and the official seal of the seller shall be  
11883 affixed thereto, attested by the secretary of the seller.

11884 (4) All bonds and notes issued under authority of this  
11885 chapter may be general or limited obligations of the state, and  
11886 the full faith and credit of the State of Mississippi as to  
11887 general obligation bonds, or the revenues derived from projects  
11888 assisted as to limited obligation bonds, are hereby pledged for





11889 the payment of the principal of and interest on such bonds and  
11890 notes.

11891 (5) Such bonds and notes and the income therefrom shall be  
11892 exempt from all taxation in the State of Mississippi.

11893 (6) The bonds may be issued as coupon bonds or registered as  
11894 to both principal and interest, as the seller may determine. If  
11895 interest coupons are attached, they shall contain the facsimile  
11896 signature of the chairman and secretary of the seller.

11897 (7) The seller is authorized to provide, by resolution, for  
11898 the issuance of refunding bonds for the purpose of refunding any  
11899 debt issued under the provisions of this chapter and then  
11900 outstanding, either by voluntary exchange with the holders of the  
11901 outstanding debt or to provide funds to redeem and the costs of  
11902 issuance and retirement of the debt, at maturity or at any call  
11903 date. The issuance of the refunding bonds, the maturities and  
11904 other details thereof, the rights of the holders thereof and the  
11905 duties of the issuing officials in respect to the same shall be  
11906 governed by the provisions of this section, insofar as they may be  
11907 applicable.

11908 (8) As to bonds issued hereunder and designated as taxable  
11909 bonds by the seller, any immunity of the state to taxation by the  
11910 United States government of interest on bonds or notes issued by  
11911 the state is hereby waived.

11912 (9) The proceeds of bonds issued under this chapter after  
11913 April 9, 2002, may be used to reimburse reasonable actual and



11914 necessary costs incurred by the Mississippi Development Authority  
11915 for the administration of the various grant, loan and financial  
11916 incentive programs administered by the authority. An accounting  
11917 of actual costs incurred for which reimbursement is sought shall  
11918 be maintained by the Mississippi Development Authority.  
11919 Reimbursement of reasonable actual and necessary costs shall not  
11920 exceed three percent (3%) of the proceeds of bonds issued.  
11921 Reimbursements under this subsection shall satisfy any applicable  
11922 federal tax law requirements.

11923       **SECTION 405.** Section 57-61-27, Mississippi Code of 1972, is  
11924 brought forward as follows:

11925       57-61-27. (1) Whenever bonds are issued, they shall be sold  
11926 by the seller at a competitive or negotiated sale, from time to  
11927 time, in such manner and at such price as may be determined by the  
11928 seller to be most advantageous.

11929       (2) When bonds are issued from time to time, the bonds of  
11930 each issue shall constitute a separate series to be designated by  
11931 the seller or may be combined for sale as one (1) series with  
11932 other general obligation bonds of the State of Mississippi.

11933       (3) Until permanent bonds can be prepared, the seller may in  
11934 its discretion issue, in lieu of permanent bonds, temporary bonds  
11935 in such form and with such privileges as to registration and  
11936 exchange for permanent bonds as may be determined by the seller.

11937       (4) Pending their application to the purposes authorized,  
11938 bond proceeds held or deposited by the State Treasurer may be



11939 invested or reinvested as are other funds in the custody of the  
11940 State Treasurer in the manner provided by law. All earnings  
11941 received from the investment or deposit of such funds shall be  
11942 paid into the State Treasury to the credit of the Mississippi  
11943 Business Investment Sinking Fund.

11944 (5) The State Treasurer shall prepare the necessary registry  
11945 book to be kept in the office of the duly authorized loan and  
11946 transfer agent of the state for the registration of any bonds, at  
11947 the request of owners thereof, according to the terms and  
11948 conditions of issue directed by the seller.

11949 (6) All costs and expenses in connection with the issue of  
11950 and sale and registration of the bonds and notes in connection  
11951 with this chapter may be paid from the proceeds of bonds and notes  
11952 issued under this chapter.

11953 (7) The seller may provide in the resolution authorizing the  
11954 issuance of such bonds the employment of one or more persons or  
11955 firms to assist in the sale of the bonds; to enter into contracts  
11956 for banks or trust companies located either within or without the  
11957 State of Mississippi to act as registrars, paying agents, transfer  
11958 agents or otherwise, for rating of the bonds, and to purchase  
11959 insurance.

11960 **SECTION 406.** Section 57-61-29, Mississippi Code of 1972, is  
11961 brought forward as follows:

11962 57-61-29. (1) Pending the issuance of bonds of the state as  
11963 authorized under this chapter, the seller is hereby authorized in



11964 accordance with the provisions of this chapter and on the credit  
11965 of the state, to make temporary borrowings not to exceed two (2)  
11966 years in anticipation of the issue of bonds in order to provide  
11967 funds in such amounts as may, from time to time, be deemed  
11968 advisable prior to the issue of bonds. In order to provide for  
11969 and in connection with such temporary borrowings, the seller is  
11970 hereby authorized in the name and on behalf of the state, and in  
11971 accordance with Section 57-61-27(1), Mississippi Code of 1972, to  
11972 enter into any purchase, loan or credit agreement, or agreements,  
11973 or other agreement or agreements with any banks or trust companies  
11974 or other lending institutions, investment banking firms or persons  
11975 in the United States having power to enter into the same, which  
11976 agreements may contain such provisions not inconsistent with the  
11977 provisions of this chapter as may be authorized by the seller.

11978 (2) All temporary borrowings made under this section shall  
11979 be evidenced by notes of the state which shall be issued, from  
11980 time to time, for such amounts not exceeding in the aggregate the  
11981 applicable statutory and constitutional debt limitation, in such  
11982 form and in such denominations and subject to terms and condition  
11983 of sale and issue, prepayment or redemption and maturity, rate or  
11984 rates of interest and time of payment of interest as the seller  
11985 shall authorize and direct and in accordance with this chapter.  
11986 Such authorization and direction may provide for the subsequent  
11987 issuance of replacement notes to refund, upon issuance thereof,  
11988 such notes, and may specify such other terms and conditions with



11989 respect to the notes and replacement notes thereby authorized for  
11990 issuance as the seller may determine and direct.

11991 (3) When the authorization and direction of the seller  
11992 provide for the issuance of replacement notes, the seller is  
11993 hereby authorized in the name and on behalf of the state to enter  
11994 into agreements with any banks, trust companies, investment  
11995 banking firms or other institutions or persons in the United  
11996 States having the power to enter the same:

11997 (a) To purchase or underwrite an issue or series of  
11998 issues of notes.

11999 (b) To enter into any purchase, loan or credit  
12000 agreements, and to draw monies pursuant to any such agreements on  
12001 the terms and conditions set forth therein and to issue notes as  
12002 evidence of borrowings made under any such agreements.

12003 (c) To appoint or act as issuing and paying agent or  
12004 agents with respect to notes.

12005 (d) To do such other acts as may be necessary or  
12006 appropriate to provide for the payment, when due, of the principal  
12007 of and interest on such notes.

12008 Such agreements may provide for the compensation of any  
12009 purchasers or underwriters of notes or replacement notes by  
12010 payment of a fixed fee or commission at the time of issuance  
12011 thereof, and for all other costs and expenses, including fees for  
12012 agreements related to the notes issuing and paying agent costs.



12013 Costs and expenses of issuance may be paid from the proceeds of  
12014 the notes.

12015 (4) When the authorization and direction of the seller  
12016 provides for the issuance of replacement notes, it shall, at or  
12017 prior to the time of delivery of these notes or replacement notes,  
12018 determine the principal amounts, dates of issue, interest rate or  
12019 rates, rates of discount, denominations and all other terms and  
12020 conditions relating to the issuance. The State Treasurer shall  
12021 perform all acts and things necessary to pay or cause to be paid,  
12022 when due, all principal of and interest on the notes being  
12023 refunded by replacement notes and to assure that the same may draw  
12024 upon any monies available for that purpose pursuant to any  
12025 purchase loan or credit agreements established with respect  
12026 thereto, all subject to the authorization and direction of the  
12027 seller.

12028 (5) Outstanding notes evidencing such borrowings may be  
12029 funded and retired by the issuance and sale of the bonds of the  
12030 state as hereinafter authorized. The refunding bonds must be  
12031 issued and sold not later than a date two (2) years after the date  
12032 of issuance of the first notes evidencing such borrowings to the  
12033 extent that payment of such notes has not otherwise been made or  
12034 provided for by sources other than proceeds of replacement notes.

12035 (6) The proceeds of all such temporary borrowing shall be  
12036 paid to the State Treasurer to be held and disposed of in



12037 accordance with the provisions of Section 57-61-31, Mississippi  
12038 Code of 1972.

12039 (7) Notes issued hereunder, and the income therefrom, shall  
12040 be exempt from all taxation in the State of Mississippi.

12041 **SECTION 407.** Section 57-61-31, Mississippi Code of 1972, is  
12042 brought forward as follows:

12043 57-61-31. (1) The proceeds realized from the sale of bonds  
12044 and notes under this chapter, other than refunding bonds and  
12045 replacement notes, shall be paid to the State Treasurer and  
12046 deposited into the Mississippi Business Investment Fund and  
12047 specifically dedicated to the purposes enumerated in this chapter.

12048 (2) All nonfederal funds which may become available for the  
12049 purposes of this chapter shall be deposited in the Mississippi  
12050 Business Investment Fund and shall be allocated for the purposes  
12051 of this chapter.

12052 (3) The proceeds of the sale of refunding bonds and  
12053 replacement notes shall be applied solely to the payment of the  
12054 principal of and the accrued interest on and premium, if any, and  
12055 costs of redemption of the bonds and notes for which such  
12056 obligations have been issued.

12057 **SECTION 408.** Section 57-61-32, Mississippi Code of 1972, is  
12058 brought forward as follows:

12059 57-61-32. (1) Notwithstanding any provision of this chapter  
12060 to the contrary, the Commission on Wildlife, Fisheries and Parks  
12061 shall certify to the department the amount of money necessary to



12062 defray the cost of the state's share in constructing the North  
12063 Mississippi fish hatchery, which amount shall not be more than  
12064 Four Million Dollars (\$4,000,000.00); and the department shall, if  
12065 funds have not otherwise been made available, provide a grant for  
12066 such amount out of the proceeds of bonds issued under this  
12067 chapter. Of the funds provided hereunder, any amounts not  
12068 expended on the fish hatchery shall be remitted to the department  
12069 for deposit into the Mississippi Business Investment Sinking Fund.

12070 The private match requirements of Section 57-61-9(2) (d),  
12071 Mississippi Code of 1972, shall not apply to any loan or grant  
12072 made under this section.

12073 (2) Notwithstanding any provision of this chapter to the  
12074 contrary, the Commission on Wildlife, Fisheries and Parks shall  
12075 certify to the department the amount of money necessary to defray  
12076 the costs of the state's share in constructing the water diversion  
12077 project on the lower East Pearl River, beginning at the Wilson  
12078 Slough Breakout down through the Farris Slough and Holmes Bayou to  
12079 the Hobolochitto Creek, which amount shall not be more than Four  
12080 Million Dollars (\$4,000,000.00); and if the United States Army  
12081 Corps of Engineers receives approval for the construction of such  
12082 project, and if the United States has committed funding for the  
12083 project, then the department shall provide a grant for such amount  
12084 out of the proceeds of bonds issued under this chapter. Of the  
12085 funds provided in this subsection, any amounts not expended on the  
12086 project described herein shall be remitted to the department for





12087 deposit into the Mississippi Business Investment Sinking Fund.  
12088 The provisions of this subsection (2) shall stand repealed from  
12089 and after December 31, 2002.

12090 **SECTION 409.** Section 57-61-33, Mississippi Code of 1972, is  
12091 amended as follows:

12092 57-61-33. Notwithstanding any provision of this chapter to  
12093 the contrary, the Bureau of Building, Grounds and Real Property  
12094 Management of the Governor's Office of General Services shall  
12095 certify to the \* \* \* Mississippi Development Authority the amount  
12096 of money necessary to complete the construction, furnishing and  
12097 equipping of the Technology Transfer Center at the National Space  
12098 Technology Laboratory site in Hancock County, which amount shall  
12099 not be more than Three Million Two Hundred Thousand Dollars  
12100 (\$3,200,000.00), and the board shall if funds have not otherwise  
12101 been made available provide a grant to the bureau for such amount  
12102 out of the proceeds of bonds authorized to be issued under this  
12103 chapter. Any funds remaining unexpended upon completion of such  
12104 project shall be deposited in the Mississippi Business Investment  
12105 Sinking Fund.

12106 **SECTION 410.** Section 57-61-34, Mississippi Code of 1972, is  
12107 brought forward as follows:

12108 57-61-34. (1) Notwithstanding any provision of this chapter  
12109 to the contrary, the Mississippi Development Authority shall  
12110 utilize not more than Sixteen Million Dollars (\$16,000,000.00) out  
12111 of the proceeds of bonds authorized to be issued in this chapter



12112 to be made available as interest-bearing loans to municipalities  
12113 or private companies to aid in the establishment of business  
12114 incubation centers and the creation of new and expanding research  
12115 and development and technology-based business and industry. In  
12116 making loans under this section, the Mississippi Development  
12117 Authority shall attempt to provide for an equitable distribution  
12118 of such loans among each of the congressional districts of this  
12119 state in order to promote economic development across the entire  
12120 state.

12121 (2) The Mississippi Development Authority shall require that  
12122 any private company receiving a loan under subsection (1) of this  
12123 section enter into a binding commitment to meet the following  
12124 minimum obligations, in return for obtaining a loan derived from  
12125 the proceeds of any bonds issued under this section after July 1,  
12126 2005:

12127 (a) The private company shall create a certain minimum  
12128 number of jobs over a certain period of time, as determined by the  
12129 authority, and such jobs must be held by persons eligible for  
12130 employment in the United States under applicable state and federal  
12131 law;

12132 (b) The private company shall invest, over a certain  
12133 period of time, a certain minimum amount of capital within the  
12134 state, as determined by the authority; and



12135 (c) The private company must meet such other  
12136 requirements as the Mississippi Development Authority considers  
12137 proper.

12138 If the private company fails to satisfy any commitment under  
12139 this subsection, then the company must repay an amount equal to  
12140 all or a portion of the funds loaned by the state under this  
12141 subsection, as determined by the Mississippi Development  
12142 Authority.

12143 (3) In exercising the power given it under this section, the  
12144 Mississippi Development Authority shall work in conjunction with  
12145 the University Research Center and may contract with the center to  
12146 provide space and assistance to business incubation centers as the  
12147 center is authorized to do pursuant to Section 57-13-13.

12148 (4) The requirements of Section 57-61-9 shall not apply to  
12149 any loan made under this section. The Mississippi Development  
12150 Authority shall establish criteria and guidelines to govern loans  
12151 made pursuant to this section.

12152 **SECTION 411.** Section 57-61-35, Mississippi Code of 1972, is  
12153 brought forward as follows:

12154 57-61-35. Except as otherwise authorized in Section 7-5-39,  
12155 the Attorney General of the State of Mississippi shall represent  
12156 the seller in issuing, selling and validating bonds herein  
12157 provided for, and the seller is hereby authorized and empowered to  
12158 expend from the proceeds derived from the sale of the bonds  
12159 authorized hereunder all necessary administrative, legal and other



12160 expenses incidental and related to the issuance of bonds  
12161 authorized under this chapter.

12162           **SECTION 412.** Section 57-61-36, Mississippi Code of 1972, is  
12163 brought forward as follows:

12164           57-61-36. (1) Notwithstanding any provision of this chapter  
12165 to the contrary, the Mississippi Development Authority shall  
12166 utilize not more than Fourteen Million Five Hundred Thousand  
12167 Dollars (\$14,500,000.00) out of the proceeds of bonds authorized  
12168 to be issued in this chapter for the purpose of making grants to  
12169 municipalities through a Development Infrastructure Grant Fund to  
12170 complete infrastructure related to new or expanded industry.

12171           (2) [Repealed]

12172           (3) Notwithstanding any provision of this chapter to the  
12173 contrary, the Mississippi Development Authority shall utilize the  
12174 monies transferred from the Housing Development Revolving Loan  
12175 Fund and not more than Ninety-four Million One Hundred Thousand  
12176 Dollars (\$94,100,000.00) out of the proceeds of bonds authorized  
12177 to be issued in this chapter for the purpose of making grants or  
12178 loans to municipalities through an equipment and public facilities  
12179 grant and loan fund to aid in infrastructure-related improvements  
12180 as determined by the Mississippi Development Authority, the  
12181 purchase of equipment and in the purchase, construction or repair  
12182 and renovation of public facilities. Any bonds previously issued  
12183 for the Development Infrastructure Revolving Loan Program which  
12184 have not been loaned or applied for are eligible to be



12185 administered as grants or loans. In making grants and loans under  
12186 this section, the Mississippi Development Authority shall attempt  
12187 to provide for an equitable distribution of such grants and loans  
12188 among each of the congressional districts of this state in order  
12189 to promote economic development across the entire state.

12190 The requirements of Section 57-61-9 shall not apply to any  
12191 grant made under this subsection. The Mississippi Development  
12192 Authority may establish criteria and guidelines to govern grants  
12193 made pursuant to this subsection.

12194 (4) [Repealed]

12195 (5) (a) The Mississippi Development Authority may establish  
12196 a Capital Access Program and may contract with any financial  
12197 institution to participate in the program upon such terms and  
12198 conditions as the authority shall consider necessary and proper.  
12199 The Mississippi Development Authority may establish loss reserve  
12200 accounts at financial institutions that participate in the program  
12201 and require payments by the financial institution and the borrower  
12202 to such loss reserve accounts. All monies in such loss reserve  
12203 accounts is the property of the Mississippi Development Authority.

12204 (b) Under the Capital Access Program a participating  
12205 financial institution may make a loan to any borrower the  
12206 Mississippi Development Authority determines to be qualified under  
12207 rules and regulations adopted by the authority and be protected  
12208 against losses from such loans as provided in the program. Under  
12209 such rules and regulations as may be adopted by the Mississippi



12210 Development Authority, a participating financial institution may  
12211 submit claims for the reimbursement for losses incurred as a  
12212 result of default on loans by qualified borrowers.

12213 (c) Under the Capital Access Program a participating  
12214 financial institution may make a loan that is secured by the  
12215 assignment of the proceeds of a contract between the borrower and  
12216 a public entity if the Mississippi Development Authority  
12217 determines the loan to be qualified under the rules and  
12218 regulations adopted by the authority. Under such rules and  
12219 regulations as may be adopted by the Mississippi Development  
12220 Authority, a participating financial institution may submit an  
12221 application to the authority requesting that a loan secured  
12222 pursuant to this paragraph be funded under the Capital Access  
12223 Program.

12224 (d) Notwithstanding any provision of this chapter to  
12225 the contrary, the Mississippi Development Authority may utilize  
12226 not more than One Million Five Hundred Fifty Thousand Dollars  
12227 (\$1,550,000.00) out of the proceeds of bonds authorized to be  
12228 issued in this chapter for the purpose of making payments to loan  
12229 loss reserve accounts established at financial institutions that  
12230 participate in the Capital Access Program established by the  
12231 Mississippi Development Authority; however, any portion of the  
12232 bond proceeds authorized to be utilized by this paragraph that are  
12233 not utilized for making payments to loss reserve accounts may be  
12234 utilized by the Mississippi Development Authority to advance funds



12235 to financial institutions that participate in the Capital Access  
12236 Program pursuant to paragraph (c) of this subsection.

12237 (6) Notwithstanding any provision of this chapter to the  
12238 contrary, the Mississippi Development Authority shall utilize not  
12239 more than Two Hundred Thousand Dollars (\$200,000.00) out of the  
12240 proceeds of bonds authorized to be issued in this chapter for the  
12241 purpose of assisting Warren County, Mississippi, in the  
12242 continuation and completion of the study for the proposed Kings  
12243 Point Levee.

12244 (7) Notwithstanding any provision of this chapter to the  
12245 contrary, the Mississippi Development Authority shall utilize not  
12246 more than One Hundred Thousand Dollars (\$100,000.00) out of the  
12247 proceeds of bonds authorized to be issued in this chapter for the  
12248 purpose of developing a long-range plan for coordinating the  
12249 resources of the state institutions of higher learning, the  
12250 community and junior colleges, the Mississippi Development  
12251 Authority and other state agencies in order to promote economic  
12252 development in the state.

12253 (8) Notwithstanding any other provision of this chapter to  
12254 the contrary, the Mississippi Development Authority shall use not  
12255 more than One Hundred Fifty Thousand Dollars (\$150,000.00) out of  
12256 the proceeds of bonds authorized to be issued in this chapter for  
12257 the purpose of providing assistance to municipalities that have  
12258 received Community Development Block Grant funds for repair,  
12259 renovation and other improvements to buildings for use as



12260 community centers. Assistance provided to a municipality under  
12261 this subsection shall be used by the municipality to match such  
12262 Community Development Block Grant funds. The maximum amount of  
12263 assistance that may be provided to a municipality under this  
12264 subsection shall not exceed Seventy-five Thousand Dollars  
12265 (\$75,000.00) in the aggregate.

12266 (9) Notwithstanding any provision of this chapter to the  
12267 contrary, the Mississippi Development Authority shall utilize not  
12268 more than Two Million Dollars (\$2,000,000.00) out of the proceeds  
12269 of bonds authorized to be issued in this chapter for the purpose  
12270 of assisting in paying the costs of constructing a new spillway  
12271 and related bridge and dam structures at Lake Mary in Wilkinson  
12272 County, Mississippi, including construction of a temporary dam and  
12273 diversion canal, removing existing structures, removing and  
12274 stockpiling riprap, spillway construction, dam embankment  
12275 construction, road access, constructing bridges and related  
12276 structures, design and construction engineering and field testing.

12277 (10) Notwithstanding any provision of this chapter to the  
12278 contrary, the Mississippi Development Authority shall utilize not  
12279 more than One Hundred Thousand Dollars (\$100,000.00) out of the  
12280 proceeds of bonds authorized to be issued in this chapter for the  
12281 purpose of assisting the City of Holly Springs, Mississippi, in  
12282 providing water and sewer and other infrastructure services in the  
12283 Marshall, Benton and Tippah Counties area.





12284           **SECTION 413.** Section 57-61-37, Mississippi Code of 1972, is  
12285 brought forward as follows:

12286           57-61-37. (1) Each municipality is hereby authorized and  
12287 empowered to borrow money from the board pursuant to the terms and  
12288 provisions of this chapter. Each municipality is further  
12289 authorized and empowered to pay to the board such fees and charges  
12290 for services hereunder as the board may prescribe.

12291           (2) Each municipality is hereby authorized to evidence the  
12292 borrowing of money from the board pursuant to this chapter by the  
12293 issuance of evidences of indebtedness under the provisions of this  
12294 section and to sell such evidences of indebtedness to the board to  
12295 raise money for any purpose or purposes for which the board is  
12296 authorized to loan money to such municipality under the terms of  
12297 this chapter. Except as specifically provided in this chapter,  
12298 such evidences of indebtedness shall be issued in accordance with  
12299 the provisions of Sections 21-33-307, 21-33-309, 21-33-311,  
12300 21-33-313, 21-33-315, 21-33-317, 21-33-319, 21-33-321 and  
12301 21-33-323 in the case of cities or incorporated towns, and in  
12302 accordance with the provisions of Sections 19-9-7, 19-9-9,  
12303 19-9-11, 19-9-13, 19-9-15, 19-9-17, 19-9-19, 19-9-21, 19-9-23,  
12304 19-9-25 and 19-9-29 in the case of counties. Bonds or other  
12305 evidences of indebtedness which are issued either pursuant to this  
12306 chapter, or pursuant to any other law as evidence of loans made  
12307 pursuant to this chapter, shall not be deemed indebtedness within  
12308 the meaning specified in Section 21-33-303 with regard to cities



12309 or incorporated towns, and in Section 19-9-5 with regard to  
12310 counties. The preceding sentence shall apply to all such bonds  
12311 and evidences of indebtedness outstanding as of the effective date  
12312 of this provision and to all such bonds and evidences of  
12313 indebtedness hereafter issued.

12314 (3) In connection with the issuance of evidences of  
12315 indebtedness under the provisions of this chapter by cities,  
12316 incorporated towns and counties, the following provisions shall  
12317 specifically apply:

12318 (a) When publishing notice of intent to issue bonds as  
12319 required under the terms of Section 21-33-307 or Section 19-9-11,  
12320 as the case may be, the municipality shall publish such notice  
12321 once a week for three (3) consecutive weeks, the first publication  
12322 to be not less than twenty-one (21) days prior to the date set for  
12323 authorizing such issuance and the last publication to be not more  
12324 than seven (7) days prior to such date.

12325 (b) Such evidences of indebtedness shall be secured:  
12326 (i) by the revenues derived by the municipality from the  
12327 ownership, operation or lease of the project or improvements  
12328 funded with proceeds of the loan from the board to such  
12329 municipality under the terms of this chapter or by loan repayments  
12330 from the private company derived by the municipality from the loan  
12331 to the private company of the proceeds of the loan from the board  
12332 to such municipality under the terms of this chapter, but only to  
12333 the extent, in whole or in part, pledged by the municipality,



12334 which pledge may be on a basis subordinate to other obligations or  
12335 agreements of the municipality; (ii) by the sources of repayment  
12336 provided for under the terms of subsections (7) and (8) of Section  
12337 57-61-15 of this chapter; (iii) and as provided by Chapter 33,  
12338 Title 21, Mississippi Code of 1972, in the case of cities and  
12339 incorporated towns, and Chapter 9, Title 19, Mississippi Code of  
12340 1972, in the case of counties but only in the event that the  
12341 sources provided by items (i) and (ii) hereof are insufficient  
12342 therefor. For the purposes of Section 27-39-321, the evidences of  
12343 indebtedness issued hereunder shall be deemed to be "general  
12344 obligation bonds."

12345 (c) Such evidences of indebtedness may be sold only to  
12346 the board at private sale and may be sold at such price or prices,  
12347 in such manner and at such times as may be agreed to by the  
12348 municipality and the board, and the municipality may pay all  
12349 expenses, premiums, fees and commissions which it may deem  
12350 necessary and advantageous in connection with the issuance and  
12351 sale thereof and such evidences of indebtedness shall mature at  
12352 such time or times not exceeding thirty (30) years and in such  
12353 amounts and shall bear interest at such rate or rates as required  
12354 for loans made under the provisions of this chapter and as may be  
12355 agreed upon by the board and the municipality; provided, that in  
12356 connection with financing a Navy home port, the municipality may  
12357 obtain a letter of credit and pledge to the repayment thereof the  
12358 same sources pledged to such evidences of indebtedness or



12359 negotiate and enter into a credit agreement, trust indenture or  
12360 other agreement with any bank, trust company or other lending  
12361 institution for the purpose of making or receiving any payments  
12362 required to be made to the United States Navy to accommodate a  
12363 Navy home port.

12364 (d) The proceeds of such evidences of indebtedness  
12365 shall be applied to the following: (i) the purpose for which such  
12366 evidences of indebtedness were issued; (ii) the payment of all  
12367 costs of issuance of such evidences of indebtedness; (iii) the  
12368 payment of any fees and charges established by the board; (iv) the  
12369 payment of interest on such evidences of indebtedness for a period  
12370 of time not greater than the period of time estimated to be  
12371 required to complete the purpose for which the evidences of  
12372 indebtedness were issued or to the extent provided by resolution  
12373 of the municipality and approved by the board; (v) the payment of  
12374 any costs relating to obtaining or entering into a credit  
12375 agreement, loan disbursement agreement, trust indenture or other  
12376 agreement with any bank, trust company or other lending  
12377 institution for the purpose of securing, making or receiving any  
12378 payments required to be made to the United States Navy to  
12379 accommodate a Navy home port.

12380 (e) Evidences of indebtedness issued under this section  
12381 may be validated in the manner and with the force and effect  
12382 provided in Section 31-13-1 et seq.



12383 (f) This section shall be deemed to provide an  
12384 additional, alternate and complete method for the doing of the  
12385 things authorized hereby and shall be deemed and construed to be  
12386 supplemental to any provisions of any other laws and not in  
12387 derogation of any such provisions. In connection with the  
12388 issuance of evidences of indebtedness, a municipality shall not be  
12389 required to comply with the provisions of any other law except as  
12390 provided herein.

12391 **SECTION 414.** Section 57-61-41, Mississippi Code of 1972, is  
12392 brought forward as follows:

12393 57-61-41. (1) Notwithstanding any provision of this chapter  
12394 to the contrary, the Mississippi Development Authority shall  
12395 utilize not more than Twelve Million Dollars (\$12,000,000.00) out  
12396 of the proceeds of bonds authorized to be issued in this chapter  
12397 to be made available to state, county or municipal port and  
12398 airport authorities through a Port Revitalization Revolving Loan  
12399 Fund for the purpose of making loans to port authorities for the  
12400 improvement of port and airport facilities to promote commerce and  
12401 economic growth. Proceeds shall not be made available to provide  
12402 any facilities for utilization by a gaming vessel.

12403 (2) In exercising its authority, the Mississippi Development  
12404 Authority shall work in conjunction with the Water Resources  
12405 Council to establish criteria and guidelines to govern loans made  
12406 pursuant to this section.



12407 (3) The Mississippi Development Authority may, on a  
12408 case-by-case basis, renegotiate the payment of principal and  
12409 interest on loans made under this section to state, county and  
12410 municipal port and airport authorities located in the six (6) most  
12411 southern counties of the state covered by the Presidential  
12412 Declaration of Major Disaster for the State of Mississippi  
12413 (FEMA-1604-DR) dated August 29, 2005; however, the interest on the  
12414 loans shall not be forgiven for a period of more than twenty-four  
12415 (24) months and the maturity of the loans shall not be extended  
12416 for a period of more than forty-eight (48) months.

12417 **SECTION 415.** Section 57-61-43, Mississippi Code of 1972, is  
12418 brought forward as follows:

12419 57-61-43. Notwithstanding any provision of this chapter to  
12420 the contrary, the Department of Economic and Community Development  
12421 shall utilize not more than One Million Five Hundred Thousand  
12422 Dollars (\$1,500,000.00) out of the proceeds of bonds issued in  
12423 this chapter to provide a grant to provide funds for the Small  
12424 Farm Loan Program at Alcorn State University.

12425 The requirements of Section 57-61-9, Mississippi Code of  
12426 1972, shall not apply to the grant made under this section.

12427 **SECTION 416.** Section 57-61-44, Mississippi Code of 1972, is  
12428 brought forward as follows:

12429 57-61-44. Notwithstanding any provision of this chapter to  
12430 the contrary, the Department of Economic and Community Development  
12431 may deposit not more than Seven Hundred Fifty Thousand Dollars



12432 (\$750,000.00) out of the proceeds of bonds issued in this chapter  
12433 into the revolving fund created in Section 43-3-103, Mississippi  
12434 Code of 1972, for use by the Mississippi Industries for the Blind.

12435 **SECTION 417.** Section 57-62-1, Mississippi Code of 1972, is  
12436 brought forward as follows:

12437 57-62-1. This chapter shall be known and may be cited as the  
12438 "Mississippi Advantage Jobs Act."

12439 **SECTION 418.** Section 57-62-3, Mississippi Code of 1972, is  
12440 brought forward as follows:

12441 57-62-3. It is the intent of the Legislature that:

12442 (a) The State of Mississippi provide appropriate  
12443 incentives to support the establishment of quality business and  
12444 industry that hold the promise of significant development of the  
12445 economy of the State of Mississippi through the creation of  
12446 quality jobs;

12447 (b) The amount of incentives provided under this  
12448 chapter in connection with a particular establishment shall be  
12449 directly related to the jobs created as a result of the  
12450 establishment locating in the State of Mississippi;

12451 (c) The Mississippi Development Authority and the  
12452 Department of Revenue shall implement the provisions of this  
12453 chapter and exercise all powers as authorized in this chapter;  
12454 however, the application of this chapter or the offering of any of  
12455 its incentives as to any particular qualified business or industry  
12456 shall be in the sole discretion of the Mississippi Development



12457 Authority. The exercise of powers conferred by this chapter shall  
12458 be deemed and held to be the performance of essential public  
12459 purposes; and

12460 (d) Nothing in this chapter shall be construed to  
12461 constitute a guarantee or assumption by the State of Mississippi  
12462 of any debt of any individual, company, corporation or association  
12463 nor to authorize the credit of the State of Mississippi to be  
12464 given, pledged or loaned to any individual, company, corporation  
12465 or association. Also, nothing in this chapter gives any right to  
12466 any qualified business or industry to the incentives contained  
12467 herein unless said incentive is given by the Mississippi  
12468 Development Authority pursuant to this chapter.

12469 **SECTION 419.** Section 57-62-5, Mississippi Code of 1972, is  
12470 brought forward as follows:

12471 [For businesses or industries that received or applied for  
12472 incentive payments prior to July 1, 2005, this section shall read  
12473 as follows:]

12474 57-62-5. As used in this chapter, the following words and  
12475 phrases shall have the meanings ascribed in this section unless  
12476 the context clearly indicates otherwise:

12477 (a) "Qualified business or industry" means any  
12478 corporation, limited liability company, partnership, sole  
12479 proprietorship, business trust or other legal entity and subunits  
12480 or affiliates thereof, pursuant to rules and regulations of the  
12481 MDA, which provides an average annual salary, excluding benefits





12482 which are not subject to Mississippi income taxes, of at least one  
12483 hundred twenty-five percent (125%) of the most recently published  
12484 state average annual wage or the most recently published average  
12485 annual wage of the county in which the qualified business or  
12486 industry is located as determined by the Mississippi Department of  
12487 Employment Security, whichever is the lesser. An establishment  
12488 shall not be considered to be a qualified business or industry  
12489 unless it offers, or will offer within one hundred eighty (180)  
12490 days of the date it receives the first incentive payment pursuant  
12491 to the provisions of this chapter, a basic health benefits plan to  
12492 the individuals it employs in new direct jobs in this state which  
12493 is approved by the MDA. Qualified business or industry does not  
12494 include retail business or gaming business;

12495 (b) "New direct job" means full-time employment in this  
12496 state in a qualified business or industry that has qualified to  
12497 receive an incentive payment pursuant to this chapter, which  
12498 employment did not exist in this state before the date of approval  
12499 by the MDA of the application of the qualified business or  
12500 industry pursuant to the provisions of this chapter. "New direct  
12501 job" shall include full-time employment in this state of employees  
12502 who are employed by an entity other than the establishment that  
12503 has qualified to receive an incentive payment and who are leased  
12504 to the qualified business or industry, if such employment did not  
12505 exist in this state before the date of approval by the MDA of the  
12506 application of the establishment;



12507 (c) "Full-time job" means a job of at least thirty-five  
12508 (35) hours per week;

12509 (d) "Estimated direct state benefits" means the tax  
12510 revenues projected by the MDA to accrue to the state as a result  
12511 of the qualified business or industry;

12512 (e) "Estimated direct state costs" means the costs  
12513 projected by the MDA to accrue to the state as a result of the  
12514 qualified business or industry;

12515 (f) "Estimated net direct state benefits" means the  
12516 estimated direct state benefits less the estimated direct state  
12517 costs;

12518 (g) "Net benefit rate" means the estimated net direct  
12519 state benefits computed as a percentage of gross payroll, provided  
12520 that:

12521 (i) Except as otherwise provided in this paragraph  
12522 (g), the net benefit rate may be variable and shall not exceed  
12523 four percent (4%) of the gross payroll; and shall be set in the  
12524 sole discretion of the MDA;

12525 (ii) In no event shall incentive payments,  
12526 cumulatively, exceed the estimated net direct state benefits;

12527 (h) "Gross payroll" means wages for new direct jobs of  
12528 the qualified business or industry; and

12529 (i) "MDA" means the Mississippi Development Authority.



12530 [For businesses or industries that received or applied for  
12531 incentive payments from and after July 1, 2005, but prior to July  
12532 1, 2010, this section shall read as follows:]

12533 57-62-5. As used in this chapter, the following words and  
12534 phrases shall have the meanings ascribed in this section unless  
12535 the context clearly indicates otherwise:

12536 (a) "Qualified business or industry" means any  
12537 corporation, limited liability company, partnership, sole  
12538 proprietorship, business trust or other legal entity and subunits  
12539 or affiliates thereof, pursuant to rules and regulations of the  
12540 MDA, which:

12541 (i) Is a data/information processing enterprise  
12542 meeting minimum criteria established by the MDA that provides an  
12543 average annual salary, excluding benefits which are not subject to  
12544 Mississippi income taxes, of at least one hundred percent (100%)  
12545 of the most recently published state average annual wage or the  
12546 most recently published average annual wage of the county in which  
12547 the qualified business or industry is located as determined by the  
12548 Mississippi Department of Employment Security, whichever is the  
12549 lesser, and creates not less than two hundred (200) new direct  
12550 jobs if the enterprise is located in a Tier One or Tier Two area  
12551 (as such areas are designated in accordance with Section  
12552 57-73-21), or which creates not less than one hundred (100) new  
12553 jobs if the enterprise is located in a Tier Three area (as such  
12554 areas are designated in accordance with Section 57-73-21);



12555 (ii) Is a manufacturing or distribution enterprise  
12556 meeting minimum criteria established by the MDA that provides an  
12557 average annual salary, excluding benefits which are not subject to  
12558 Mississippi income taxes, of at least one hundred ten percent  
12559 (110%) of the most recently published state average annual wage or  
12560 the most recently published average annual wage of the county in  
12561 which the qualified business or industry is located as determined  
12562 by the Mississippi Department of Employment Security, whichever is  
12563 the lesser, invests not less than Twenty Million Dollars  
12564 (\$20,000,000.00) in land, buildings and equipment, and creates not  
12565 less than fifty (50) new direct jobs if the enterprise is located  
12566 in a Tier One or Tier Two area (as such areas are designated in  
12567 accordance with Section 57-73-21), or which creates not less than  
12568 twenty (20) new jobs if the enterprise is located in a Tier Three  
12569 area (as such areas are designated in accordance with Section  
12570 57-73-21);

12571 (iii) Is a corporation, limited liability company,  
12572 partnership, sole proprietorship, business trust or other legal  
12573 entity and subunits or affiliates thereof, pursuant to rules and  
12574 regulations of the MDA, which provides an average annual salary,  
12575 excluding benefits which are not subject to Mississippi income  
12576 taxes, of at least one hundred twenty-five percent (125%) of the  
12577 most recently published state average annual wage or the most  
12578 recently published average annual wage of the county in which the  
12579 qualified business or industry is located as determined by the



12580 Mississippi Department of Employment Security, whichever is the  
12581 lesser, and creates not less than twenty-five (25) new direct jobs  
12582 if the enterprise is located in a Tier One or Tier Two area (as  
12583 such areas are designated in accordance with Section 57-73-21), or  
12584 which creates not less than ten (10) new jobs if the enterprise is  
12585 located in a Tier Three area (as such areas are designated in  
12586 accordance with Section 57-73-21). An establishment shall not be  
12587 considered to be a qualified business or industry unless it  
12588 offers, or will offer within one hundred eighty (180) days of the  
12589 date it receives the first incentive payment pursuant to the  
12590 provisions of this chapter, a basic health benefits plan to the  
12591 individuals it employs in new direct jobs in this state which is  
12592 approved by the MDA. Qualified business or industry does not  
12593 include retail business or gaming business; or  
12594 (iv) Is a research and development or a technology  
12595 intensive enterprise meeting minimum criteria established by the  
12596 MDA that provides an average annual salary, excluding benefits  
12597 which are not subject to Mississippi income taxes, of at least one  
12598 hundred fifty percent (150%) of the most recently published state  
12599 average annual wage or the most recently published average annual  
12600 wage of the county in which the qualified business or industry is  
12601 located as determined by the Mississippi Department of Employment  
12602 Security, whichever is the lesser, and creates not less than ten  
12603 (10) new direct jobs.



12604           An establishment shall not be considered to be a qualified  
12605 business or industry unless it offers, or will offer within one  
12606 hundred eighty (180) days of the date it receives the first  
12607 incentive payment pursuant to the provisions of this chapter, a  
12608 basic health benefits plan to the individuals it employs in new  
12609 direct jobs in this state which is approved by the MDA. Qualified  
12610 business or industry does not include retail business or gaming  
12611 business.

12612           (b) "New direct job" means full-time employment in this  
12613 state in a qualified business or industry that has qualified to  
12614 receive an incentive payment pursuant to this chapter, which  
12615 employment did not exist in this state before the date of approval  
12616 by the MDA of the application of the qualified business or  
12617 industry pursuant to the provisions of this chapter. "New direct  
12618 job" shall include full-time employment in this state of employees  
12619 who are employed by an entity other than the establishment that  
12620 has qualified to receive an incentive payment and who are leased  
12621 to the qualified business or industry, if such employment did not  
12622 exist in this state before the date of approval by the MDA of the  
12623 application of the establishment.

12624           (c) "Full-time job" or "full-time employment" means a  
12625 job of at least thirty-five (35) hours per week.

12626           (d) "Estimated direct state benefits" means the tax  
12627 revenues projected by the MDA to accrue to the state as a result  
12628 of the qualified business or industry.



12629 (e) "Estimated direct state costs" means the costs  
12630 projected by the MDA to accrue to the state as a result of the  
12631 qualified business or industry.

12632 (f) "Estimated net direct state benefits" means the  
12633 estimated direct state benefits less the estimated direct state  
12634 costs.

12635 (g) "Net benefit rate" means the estimated net direct  
12636 state benefits computed as a percentage of gross payroll, provided  
12637 that:

12638 (i) Except as otherwise provided in this paragraph  
12639 (g), the net benefit rate may be variable and shall not exceed  
12640 four percent (4%) of the gross payroll; and shall be set in the  
12641 sole discretion of the MDA;

12642 (ii) In no event shall incentive payments,  
12643 cumulatively, exceed the estimated net direct state benefits.

12644 (h) "Gross payroll" means wages for new direct jobs of  
12645 the qualified business or industry.

12646 (i) "MDA" means the Mississippi Development Authority.

12647 [For businesses or industries that apply for incentive  
12648 payments from and after July 1, 2010, this section shall read as  
12649 follows:]

12650 57-62-5. As used in this chapter, the following words and  
12651 phrases shall have the meanings ascribed in this section unless  
12652 the context clearly indicates otherwise:



12653 (a) "Qualified business or industry" means any  
12654 corporation, limited liability company, partnership, sole  
12655 proprietorship, business trust or other legal entity and subunits  
12656 or affiliates thereof, pursuant to rules and regulations of the  
12657 MDA, which:

12658 (i) Is a data/information processing enterprise  
12659 meeting minimum criteria established by the MDA that provides an  
12660 average annual salary, excluding benefits which are not subject to  
12661 Mississippi income taxes, of at least one hundred percent (100%)  
12662 of the most recently published state average annual wage or the  
12663 most recently published average annual wage of the county in which  
12664 the qualified business or industry is located as determined by the  
12665 Mississippi Department of Employment Security, whichever is the  
12666 lesser, and creates not less than two hundred (200) new direct  
12667 jobs;

12668 (ii) Is a corporation, limited liability company,  
12669 partnership, sole proprietorship, business trust or other legal  
12670 entity and subunits or affiliates thereof, pursuant to rules and  
12671 regulations of the MDA, which provides an average annual salary,  
12672 excluding benefits which are not subject to Mississippi income  
12673 taxes, of at least one hundred ten percent (110%) of the most  
12674 recently published state average annual wage or the most recently  
12675 published average annual wage of the county in which the qualified  
12676 business or industry is located as determined by the Mississippi





12677 Department of Employment Security, whichever is the lesser, and  
12678 creates not less than twenty-five (25) new direct jobs; or  
12679 (iii) Is a corporation, limited liability company,  
12680 partnership, sole proprietorship, business trust or other legal  
12681 entity and subunits or affiliates thereof, pursuant to rules and  
12682 regulations of the MDA, which is a manufacturer that:

12683 1. Provides an average annual salary,  
12684 excluding benefits which are not subject to Mississippi income  
12685 taxes, of at least one hundred ten percent (110%) of the most  
12686 recently published state average annual wage or the most recently  
12687 published average annual wage of the county in which the qualified  
12688 business or industry is located as determined by the Mississippi  
12689 Department of Employment Security, whichever is the lesser;

12690 2. Has a minimum of five thousand (5,000)  
12691 existing employees as of the last day of the previous calendar  
12692 year; and

12693 3. MDA determines will create not less than  
12694 three thousand (3,000) new direct jobs within forty-eight (48)  
12695 months of the date the MDA determines that the applicant is  
12696 qualified to receive incentive payments.

12697 An establishment shall not be considered to be a qualified  
12698 business or industry unless it offers, or will offer within one  
12699 hundred eighty (180) days of the date it receives the first  
12700 incentive payment pursuant to the provisions of this chapter, a  
12701 basic health benefits plan to the individuals it employs in new



12702 direct jobs in this state which is approved by the MDA. Qualified  
12703 business or industry does not include retail business or gaming  
12704 business.

12705 (b) "New direct job" means full-time employment in this  
12706 state in a qualified business or industry that has qualified to  
12707 receive an incentive payment pursuant to this chapter, which  
12708 employment did not exist in this state before the date of approval  
12709 by the MDA of the application of the qualified business or  
12710 industry pursuant to the provisions of this chapter. "New direct  
12711 job" shall include full-time employment in this state of employees  
12712 who are employed by an entity other than the establishment that  
12713 has qualified to receive an incentive payment and who are leased  
12714 to the qualified business or industry, if such employment did not  
12715 exist in this state before the date of approval by the MDA of the  
12716 application of the establishment.

12717 (c) "Full-time job" or "full-time employment" means a  
12718 job of at least thirty-five (35) hours per week.

12719 (d) "Gross payroll" means wages for new direct jobs of  
12720 the qualified business or industry.

12721 (e) "MDA" means the Mississippi Development Authority.

12722 **SECTION 420.** Section 57-62-7, Mississippi Code of 1972, is  
12723 brought forward as follows:

12724 57-62-7. The MDA shall determine, upon initial application  
12725 on a form approved by the MDA, if an establishment is engaged in a  
12726 qualified business or industry.



12727           **SECTION 421.** Section 57-62-9, Mississippi Code of 1972, is  
12728 brought forward as follows:

12729           [For businesses or industries that received or applied for  
12730 incentive payments prior to July 1, 2005, this section shall read  
12731 as follows:]

12732           57-62-9. (1) Except as otherwise provided in this section,  
12733 a qualified business or industry that meets the qualifications  
12734 specified in this chapter may receive quarterly incentive payments  
12735 for a period not to exceed ten (10) years from the Department of  
12736 Revenue pursuant to the provisions of this chapter in an amount  
12737 which shall be equal to the net benefit rate multiplied by the  
12738 actual gross payroll of new direct jobs for a calendar quarter as  
12739 verified by the Mississippi Department of Employment Security, but  
12740 not to exceed the amount of money previously paid into the fund by  
12741 the employer. A qualified business or industry that is a project  
12742 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
12743 which the ten-year period will begin. Such date may not be later  
12744 than sixty (60) months after the date the business or industry  
12745 applied for incentive payments.

12746           (2) (a) A qualified business or industry that is a project  
12747 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
12748 receive incentive payments for an additional period not to exceed  
12749 five (5) years beyond the expiration date of the initial ten-year  
12750 period if:



12751 (i) The qualified business or industry creates at  
12752 least three thousand (3,000) new direct jobs within five (5) years  
12753 after the date the business or industry commences commercial  
12754 production;

12755 (ii) Within five (5) years after the date the  
12756 business or industry commences commercial production, the average  
12757 annual wage of the jobs is at least one hundred fifty percent  
12758 (150%) of the most recently published state average annual wage or  
12759 the most recently published average annual wage of the county in  
12760 which the qualified business or industry is located as determined  
12761 by the Mississippi Department of Employment Security, whichever is  
12762 the lesser. The criteria for the average annual wage requirement  
12763 shall be based upon the state average annual wage or the average  
12764 annual wage of the county whichever is appropriate, at the time of  
12765 creation of the minimum number of jobs, and the threshold  
12766 established at that time will remain constant for the duration of  
12767 the additional period; and

12768 (iii) The qualified business or industry meets and  
12769 maintains the job and wage requirements of subparagraphs (i) and  
12770 (ii) of this paragraph (a) for four (4) consecutive calendar  
12771 quarters.

12772 (b) A qualified business or industry that is a project  
12773 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
12774 incentive payments for the additional period provided in paragraph  
12775 (a) of this subsection (2) may apply to the MDA to receive



12776 incentive payments for an additional period not to exceed ten (10)  
12777 years beyond the expiration date of the additional period provided  
12778 in paragraph (a) of this subsection (2) if:

12779           (i) The qualified business or industry creates at  
12780 least four thousand (4,000) new direct jobs after qualifying for  
12781 the additional incentive period provided in paragraph (a) of this  
12782 subsection (2) but before the expiration of the additional period.  
12783 For purposes of determining whether the business or industry meets  
12784 the minimum jobs requirement of this subparagraph (i), the number  
12785 of jobs the business or industry created in order to meet the  
12786 minimum jobs requirement of paragraph (a) of this subsection (2)  
12787 shall be subtracted from the minimum jobs requirement of this  
12788 subparagraph (i);

12789           (ii) The average annual wage of the jobs is at  
12790 least one hundred fifty percent (150%) of the most recently  
12791 published state average annual wage or the most recently published  
12792 average annual wage of the county in which the qualified business  
12793 or industry is located as determined by the Mississippi Department  
12794 of Employment Security, whichever is the lesser. The criteria for  
12795 the average annual wage requirement shall be based upon the state  
12796 average annual wage or the average annual wage of the county  
12797 whichever is appropriate, at the time of creation of the minimum  
12798 number of jobs, and the threshold established at that time will  
12799 remain constant for the duration of the additional period; and



12800 (iii) The qualified business or industry meets and  
12801 maintains the job and wage requirements of subparagraphs (i) and  
12802 (ii) of this paragraph (b) for four (4) consecutive calendar  
12803 quarters.

12804 (3) In order to receive incentive payments, an establishment  
12805 shall apply to the MDA. The application shall be on a form  
12806 prescribed by the MDA and shall contain such information as may be  
12807 required by the MDA to determine if the applicant is qualified.

12808 (4) In order to qualify to receive such payments, the  
12809 establishment applying shall be required to:

12810 (a) Be engaged in a qualified business or industry;

12811 (b) Provide an average salary, excluding benefits which  
12812 are not subject to Mississippi income taxes, of at least one  
12813 hundred twenty-five percent (125%) of the most recently published  
12814 state average annual wage or the most recently published average  
12815 annual wage of the county in which the qualified business or  
12816 industry is located as determined by the Mississippi Department of  
12817 Employment Security, whichever is the lesser. The criteria for  
12818 this requirement shall be based upon the state average annual wage  
12819 or the average annual wage of the county whichever is appropriate,  
12820 at the time of application, and the threshold established upon  
12821 application will remain constant for the duration of the project;

12822 (c) The business or industry must create and maintain a  
12823 minimum of ten (10) full-time jobs in counties that have an  
12824 average unemployment rate over the previous twelve-month period



12825 which is at least one hundred fifty percent (150%) of the most  
12826 recently published state unemployment rate, as determined by the  
12827 Mississippi Department of Employment Security or in Tier Three  
12828 counties as determined under Section 57-73-21. In all other  
12829 counties, the business or industry must create and maintain a  
12830 minimum of twenty-five (25) full-time jobs. The criteria for this  
12831 requirement shall be based on the designation of the county at the  
12832 time of the application. The threshold established upon the  
12833 application will remain constant for the duration of the project.  
12834 The business or industry must meet its job creation commitment  
12835 within twenty-four (24) months of the application approval.  
12836 However, if the qualified business or industry is applying for  
12837 incentive payments for an additional period under subsection (2)  
12838 of this section, the business or industry must comply with the  
12839 applicable job and wage requirements of subsection (2) of this  
12840 section.

12841 (5) The MDA shall determine if the applicant is qualified to  
12842 receive incentive payments. If the applicant is determined to be  
12843 qualified by the MDA, the MDA shall conduct a cost/benefit  
12844 analysis to determine the estimated net direct state benefits and  
12845 the net benefit rate applicable for a period not to exceed ten  
12846 (10) years and to estimate the amount of gross payroll for the  
12847 period. If the applicant is determined to be qualified to receive  
12848 incentive payments for an additional period under subsection (2)  
12849 of this section, the MDA shall conduct a cost/benefit analysis to



12850 determine the estimated net direct state benefits and the net  
12851 benefit rate applicable for the appropriate additional period and  
12852 to estimate the amount of gross payroll for the additional period.  
12853 In conducting such cost/benefit analysis, the MDA shall consider  
12854 quantitative factors, such as the anticipated level of new tax  
12855 revenues to the state along with the cost to the state of the  
12856 qualified business or industry, and such other criteria as deemed  
12857 appropriate by the MDA, including the adequacy of retirement  
12858 benefits that the business or industry provides to individuals it  
12859 employs in new direct jobs in this state. In no event shall  
12860 incentive payments, cumulatively, exceed the estimated net direct  
12861 state benefits. Once the qualified business or industry is  
12862 approved by the MDA, an agreement shall be deemed to exist between  
12863 the qualified business or industry and the State of Mississippi,  
12864 requiring the continued incentive payment to be made as long as  
12865 the qualified business or industry retains its eligibility.

12866 (6) Upon approval of such an application, the MDA shall  
12867 notify the Department of Revenue and shall provide it with a copy  
12868 of the approved application and the estimated net direct state  
12869 benefits. The Department of Revenue may require the qualified  
12870 business or industry to submit such additional information as may  
12871 be necessary to administer the provisions of this chapter. The  
12872 qualified business or industry shall report to the Department of  
12873 Revenue periodically to show its continued eligibility for  
12874 incentive payments. The qualified business or industry may be





12875 audited by the Department of Revenue to verify such eligibility.  
12876 In addition, the State Auditor may conduct performance and  
12877 compliance audits under this chapter according to Section  
12878 7-7-211(o) and may bill the oversight agency.

12879 (7) If the qualified business or industry is located in an  
12880 area that has been declared by the Governor to be a disaster area  
12881 and as a result of the disaster the business or industry is unable  
12882 to create or maintain the full-time jobs required by this section:

12883 (a) The Commissioner of Revenue may extend the period  
12884 of time that the business or industry may receive incentive  
12885 payments for a period of time not to exceed two (2) years;

12886 (b) The Commissioner of Revenue may waive the  
12887 requirement that a certain number of jobs be maintained for a  
12888 period of time not to exceed twenty-four (24) months; and

12889 (c) The MDA may extend the period of time within which  
12890 the jobs must be created for a period of time not to exceed  
12891 twenty-four (24) months.

12892 [For businesses or industries that received or applied for  
12893 incentive payments from and after July 1, 2005, but prior to July  
12894 1, 2010, this section shall read as follows:]

12895 57-62-9. (1) (a) Except as otherwise provided in this  
12896 section, a qualified business or industry that meets the  
12897 qualifications specified in this chapter may receive quarterly  
12898 incentive payments for a period not to exceed ten (10) years from  
12899 the Department of Revenue pursuant to the provisions of this



12900 chapter in an amount which shall be equal to the net benefit rate  
12901 multiplied by the actual gross payroll of new direct jobs for a  
12902 calendar quarter as verified by the Mississippi Department of  
12903 Employment Security, but not to exceed:

12904 (i) Ninety percent (90%) of the amount of money  
12905 previously paid into the fund by the employer if the employer  
12906 provides an average annual salary, excluding benefits which are  
12907 not subject to Mississippi income taxes, of at least one hundred  
12908 seventy-five percent (175%) of the most recently published state  
12909 average annual wage or the most recently published average annual  
12910 wage of the county in which the qualified business or industry is  
12911 located as determined by the Mississippi Department of Employment  
12912 Security, whichever is the lesser;

12913 (ii) Eighty percent (80%) of the amount of money  
12914 previously paid into the fund by the employer if the employer  
12915 provides an average annual salary, excluding benefits which are  
12916 not subject to Mississippi income taxes, of at least one hundred  
12917 twenty-five percent (125%) but less than one hundred seventy-five  
12918 percent (175%) of the most recently published state average annual  
12919 wage or the most recently published average annual wage of the  
12920 county in which the qualified business or industry is located as  
12921 determined by the Mississippi Department of Employment Security,  
12922 whichever is the lesser; or

12923 (iii) Seventy percent (70%) of the amount of money  
12924 previously paid into the fund by the employer if the employer



12925 provides an average annual salary, excluding benefits which are  
12926 not subject to Mississippi income taxes, of less than one hundred  
12927 twenty-five percent (125%) of the most recently published state  
12928 average annual wage or the most recently published average annual  
12929 wage of the county in which the qualified business or industry is  
12930 located as determined by the Mississippi Department of Employment  
12931 Security, whichever is the lesser.

12932 (b) A qualified business or industry that is a project  
12933 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
12934 which the ten-year period will begin. Such date may not be later  
12935 than sixty (60) months after the date the business or industry  
12936 applied for incentive payments.

12937 (2) (a) A qualified business or industry that is a project  
12938 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to  
12939 receive incentive payments for an additional period not to exceed  
12940 five (5) years beyond the expiration date of the initial ten-year  
12941 period if:

12942 (i) The qualified business or industry creates at  
12943 least three thousand (3,000) new direct jobs within five (5) years  
12944 after the date the business or industry commences commercial  
12945 production;

12946 (ii) Within five (5) years after the date the  
12947 business or industry commences commercial production, the average  
12948 annual wage of the jobs is at least one hundred fifty percent  
12949 (150%) of the most recently published state average annual wage or



12950 the most recently published average annual wage of the county in  
12951 which the qualified business or industry is located as determined  
12952 by the Mississippi Department of Employment Security, whichever is  
12953 the lesser. The criteria for the average annual wage requirement  
12954 shall be based upon the state average annual wage or the average  
12955 annual wage of the county whichever is appropriate, at the time of  
12956 creation of the minimum number of jobs, and the threshold  
12957 established at that time will remain constant for the duration of  
12958 the additional period; and

12959 (iii) The qualified business or industry meets and  
12960 maintains the job and wage requirements of subparagraphs (i) and  
12961 (ii) of this paragraph (a) for four (4) consecutive calendar  
12962 quarters.

12963 (b) A qualified business or industry that is a project  
12964 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
12965 incentive payments for the additional period provided in paragraph  
12966 (a) of this subsection (2) may apply to the MDA to receive  
12967 incentive payments for an additional period not to exceed ten (10)  
12968 years beyond the expiration date of the additional period provided  
12969 in paragraph (a) of this subsection (2) if:

12970 (i) The qualified business or industry creates at  
12971 least four thousand (4,000) new direct jobs after qualifying for  
12972 the additional incentive period provided in paragraph (a) of this  
12973 subsection (2) but before the expiration of the additional period.  
12974 For purposes of determining whether the business or industry meets



12975 the minimum jobs requirement of this subparagraph (i), the number  
12976 of jobs the business or industry created in order to meet the  
12977 minimum jobs requirement of paragraph (a) of this subsection (2)  
12978 shall be subtracted from the minimum jobs requirement of this  
12979 subparagraph (i);

12980                   (ii) The average annual wage of the jobs is at  
12981 least one hundred fifty percent (150%) of the most recently  
12982 published state average annual wage or the most recently published  
12983 average annual wage of the county in which the qualified business  
12984 or industry is located as determined by the Mississippi Department  
12985 of Employment Security, whichever is the lesser. The criteria for  
12986 the average annual wage requirement shall be based upon the state  
12987 average annual wage or the average annual wage of the county  
12988 whichever is appropriate, at the time of creation of the minimum  
12989 number of jobs, and the threshold established at that time will  
12990 remain constant for the duration of the additional period; and

12991                   (iii) The qualified business or industry meets and  
12992 maintains the job and wage requirements of subparagraphs (i) and  
12993 (ii) of this paragraph (b) for four (4) consecutive calendar  
12994 quarters.

12995           (3) In order to receive incentive payments, an establishment  
12996 shall apply to the MDA. The application shall be on a form  
12997 prescribed by the MDA and shall contain such information as may be  
12998 required by the MDA to determine if the applicant is qualified.



12999           (4) (a) In order to qualify to receive such payments, the  
13000 establishment applying shall be required to meet the definition of  
13001 the term "qualified business or industry";

13002                   (b) The criteria for the average annual salary  
13003 requirement shall be based upon the state average annual wage or  
13004 the average annual wage of the county whichever is appropriate, at  
13005 the time of application, and the threshold established upon  
13006 application will remain constant for the duration of the project;

13007                   (c) The business or industry must meet its job creation  
13008 commitment within twenty-four (24) months of the application  
13009 approval. However, if the qualified business or industry is  
13010 applying for incentive payments for an additional period under  
13011 subsection (2) of this section, the business or industry must  
13012 comply with the applicable job and wage requirements of subsection  
13013 (2) of this section.

13014           (5) (a) The MDA shall determine if the applicant is  
13015 qualified to receive incentive payments.

13016                   (b) If the applicant is determined to be qualified to  
13017 receive incentive payments for an additional period under  
13018 subsection (2) of this section, the MDA shall conduct a  
13019 cost/benefit analysis to determine the estimated net direct state  
13020 benefits and the net benefit rate applicable for the appropriate  
13021 additional period and to estimate the amount of gross payroll for  
13022 the additional period. In conducting such cost/benefit analysis,  
13023 the MDA shall consider quantitative factors, such as the



13024 anticipated level of new tax revenues to the state along with the  
13025 cost to the state of the qualified business or industry, and such  
13026 other criteria as deemed appropriate by the MDA, including the  
13027 adequacy of retirement benefits that the business or industry  
13028 provides to individuals it employs in new direct jobs in this  
13029 state. In no event shall incentive payments, cumulatively, exceed  
13030 the estimated net direct state benefits. Once the qualified  
13031 business or industry is approved by the MDA, an agreement shall be  
13032 deemed to exist between the qualified business or industry and the  
13033 State of Mississippi, requiring the continued incentive payment to  
13034 be made as long as the qualified business or industry retains its  
13035 eligibility.

13036 (6) Upon approval of such an application, the MDA shall  
13037 notify the Department of Revenue and shall provide it with a copy  
13038 of the approved application and the estimated net direct state  
13039 benefits. The Department of Revenue may require the qualified  
13040 business or industry to submit such additional information as may  
13041 be necessary to administer the provisions of this chapter. The  
13042 qualified business or industry shall report to the Department of  
13043 Revenue periodically to show its continued eligibility for  
13044 incentive payments. The qualified business or industry may be  
13045 audited by the Department of Revenue to verify such eligibility.  
13046 In addition, the State Auditor may conduct performance and  
13047 compliance audits under this chapter according to Section  
13048 7-7-211(o) and may bill the oversight agency.



13049 (7) If the qualified business or industry is located in an  
13050 area that has been declared by the Governor to be a disaster area  
13051 and as a result of the disaster the business or industry is unable  
13052 to create or maintain the full-time jobs required by this section:

13053 (a) The Commissioner of Revenue may extend the period  
13054 of time that the business or industry may receive incentive  
13055 payments for a period of time not to exceed two (2) years;

13056 (b) The Commissioner of Revenue may waive the  
13057 requirement that a certain number of jobs be maintained for a  
13058 period of time not to exceed twenty-four (24) months; and

13059 (c) The MDA may extend the period of time within which  
13060 the jobs must be created for a period of time not to exceed  
13061 twenty-four (24) months.

13062 [For businesses or industries that apply for incentive  
13063 payments from and after July 1, 2010, this section shall read as  
13064 follows:]

13065 57-62-9. (1) (a) Except as otherwise provided in this  
13066 section, a qualified business or industry that meets the  
13067 qualifications specified in this chapter may receive quarterly  
13068 incentive payments for a period not to exceed ten (10) years from  
13069 the Department of Revenue pursuant to the provisions of this  
13070 chapter in an amount which shall be equal to ninety percent (90%)  
13071 of the amount of actual income tax withheld for employees with new  
13072 direct jobs, but in no event more than four percent (4%) of the  
13073 total annual salary paid for new direct jobs during such period,





13074 excluding benefits which are not subject to Mississippi income  
13075 taxes.

13076 (b) A qualified business or industry that is a project  
13077 as defined in Section 57-75-5(f)(iv)1 may elect the date upon  
13078 which the ten-year period will begin. Such date may not be later  
13079 than sixty (60) months after the date the business or industry  
13080 applied for incentive payments.

13081 (c) A qualified business or industry as defined in  
13082 Section 57-62-5(a)(iii) may elect the date upon which the ten-year  
13083 period will begin and may elect to begin receiving incentive  
13084 payments as early as the second quarter after that date.  
13085 Incentive payments will be calculated on all jobs above the  
13086 existing number of jobs as of the date the MDA determines that the  
13087 applicant is qualified to receive incentive payments. In the  
13088 event that the qualified business or industry falls below the  
13089 number of existing jobs at the time of determination that the  
13090 applicant is qualified to receive the incentive payment, the  
13091 incentive payment shall cease until the qualified business or  
13092 industry once again exceeds that number. If after forty-eight  
13093 (48) months, the qualified business or industry has failed to  
13094 create at least three thousand (3,000) new direct jobs, incentive  
13095 payments shall cease and the qualified business or industry shall  
13096 not be qualified to receive further incentive payments.

13097 (2) (a) A qualified business or industry that is a project  
13098 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to



13099 receive incentive payments for an additional period not to exceed  
13100 five (5) years beyond the expiration date of the initial ten-year  
13101 period if:

13102 (i) The qualified business or industry creates at  
13103 least three thousand (3,000) new direct jobs within five (5) years  
13104 after the date the business or industry commences commercial  
13105 production;

13106 (ii) Within five (5) years after the date the  
13107 business or industry commences commercial production, the average  
13108 annual wage of the jobs is at least one hundred fifty percent  
13109 (150%) of the most recently published state average annual wage or  
13110 the most recently published average annual wage of the county in  
13111 which the qualified business or industry is located as determined  
13112 by the Mississippi Department of Employment Security, whichever is  
13113 the lesser. The criteria for the average annual wage requirement  
13114 shall be based upon the state average annual wage or the average  
13115 annual wage of the county whichever is appropriate, at the time of  
13116 creation of the minimum number of jobs, and the threshold  
13117 established at that time will remain constant for the duration of  
13118 the additional period; and

13119 (iii) The qualified business or industry meets and  
13120 maintains the job and wage requirements of subparagraphs (i) and  
13121 (ii) of this paragraph (a) for four (4) consecutive calendar  
13122 quarters.



13123 (b) A qualified business or industry that is a project  
13124 as defined in Section 57-75-5(f)(iv)1 and qualified to receive  
13125 incentive payments for the additional period provided in paragraph  
13126 (a) of this subsection (2) may apply to the MDA to receive  
13127 incentive payments for an additional period not to exceed ten (10)  
13128 years beyond the expiration date of the additional period provided  
13129 in paragraph (a) of this subsection (2) if:

13130 (i) The qualified business or industry creates at  
13131 least four thousand (4,000) new direct jobs after qualifying for  
13132 the additional incentive period provided in paragraph (a) of this  
13133 subsection (2) but before the expiration of the additional period.  
13134 For purposes of determining whether the business or industry meets  
13135 the minimum jobs requirement of this subparagraph (i), the number  
13136 of jobs the business or industry created in order to meet the  
13137 minimum jobs requirement of paragraph (a) of this subsection (2)  
13138 shall be subtracted from the minimum jobs requirement of this  
13139 subparagraph (i);

13140 (ii) The average annual wage of the jobs is at  
13141 least one hundred fifty percent (150%) of the most recently  
13142 published state average annual wage or the most recently published  
13143 average annual wage of the county in which the qualified business  
13144 or industry is located as determined by the Mississippi Department  
13145 of Employment Security, whichever is the lesser. The criteria for  
13146 the average annual wage requirement shall be based upon the state  
13147 average annual wage or the average annual wage of the county



13148 whichever is appropriate, at the time of creation of the minimum  
13149 number of jobs, and the threshold established at that time will  
13150 remain constant for the duration of the additional period; and

13151 (iii) The qualified business or industry meets and  
13152 maintains the job and wage requirements of subparagraphs (i) and  
13153 (ii) of this paragraph (b) for four (4) consecutive calendar  
13154 quarters.

13155 (3) In order to receive incentive payments, an establishment  
13156 shall apply to the MDA. The application shall be on a form  
13157 prescribed by the MDA and shall contain such information as may be  
13158 required by the MDA to determine if the applicant is qualified.

13159 (4) (a) In order to qualify to receive such payments, the  
13160 establishment applying shall be required to meet the definition of  
13161 the term "qualified business or industry";

13162 (b) The criteria for the average annual salary  
13163 requirement shall be based upon the state average annual wage or  
13164 the average annual wage of the county whichever is appropriate, at  
13165 the time of application, and the threshold established upon  
13166 application will remain constant for the duration of the project;

13167 (c) Except as otherwise provided for a qualified  
13168 business or industry as defined in Section 57-62-5(a)(iii), the  
13169 business or industry must meet its job creation commitment within  
13170 twenty-four (24) months of the application approval. However, if  
13171 the qualified business or industry is applying for incentive  
13172 payments for an additional period under subsection (2) of this



13173 section, the business or industry must comply with the applicable  
13174 job and wage requirements of subsection (2) of this section.

13175 (5) (a) The MDA shall determine if the applicant is  
13176 qualified to receive incentive payments.

13177 (b) If the applicant is determined to be qualified to  
13178 receive incentive payments for an additional period under  
13179 subsection (2) of this section, the MDA shall conduct an analysis  
13180 to estimate the amount of gross payroll for the appropriate  
13181 additional period. Incentive payments, cumulatively, shall not  
13182 exceed ninety percent (90%) of the amount of actual income tax  
13183 withheld for employees with new direct jobs, but in no event more  
13184 than four percent (4%) of the total annual salary paid for new  
13185 direct jobs during the additional period, excluding benefits which  
13186 are not subject to Mississippi income taxes. Once the qualified  
13187 business or industry is approved by the MDA, an agreement shall be  
13188 deemed to exist between the qualified business or industry and the  
13189 State of Mississippi, requiring the continued incentive payment to  
13190 be made as long as the qualified business or industry retains its  
13191 eligibility.

13192 (6) Upon approval of such an application, the MDA shall  
13193 notify the Department of Revenue and shall provide it with a copy  
13194 of the approved application and the minimum job and salary  
13195 requirements. The Department of Revenue may require the qualified  
13196 business or industry to submit such additional information as may  
13197 be necessary to administer the provisions of this chapter. The



13198 qualified business or industry shall report to the Department of  
13199 Revenue periodically to show its continued eligibility for  
13200 incentive payments. The qualified business or industry may be  
13201 audited by the Department of Revenue to verify such eligibility.  
13202 In addition, the State Auditor may conduct performance and  
13203 compliance audits under this chapter according to Section  
13204 7-7-211(o) and may bill the oversight agency.

13205 (7) If the qualified business or industry is located in an  
13206 area that has been declared by the Governor to be a disaster area  
13207 and as a result of the disaster the business or industry is unable  
13208 to create or maintain the full-time jobs required by this section:

13209 (a) The Commissioner of Revenue may extend the period  
13210 of time that the business or industry may receive incentive  
13211 payments for a period of time not to exceed two (2) years;

13212 (b) The Commissioner of Revenue may waive the  
13213 requirement that a certain number of jobs be maintained for a  
13214 period of time not to exceed twenty-four (24) months; and

13215 (c) The MDA may extend the period of time within which  
13216 the jobs must be created for a period of time not to exceed  
13217 twenty-four (24) months.

13218 **SECTION 422.** Section 57-62-11, Mississippi Code of 1972, is  
13219 brought forward as follows:

13220 57-62-11. (1) There is created in the State Treasury a  
13221 special fund to be known as the Mississippi Advantage Jobs  
13222 Incentive Payment Fund, into which shall be deposited withholding



13223 tax revenue required to be deposited into such fund pursuant to  
13224 Section 27-7-312. The money in the fund shall be used for the  
13225 purpose of making the incentive payments authorized under this  
13226 chapter.

13227 (2) The Mississippi Advantage Jobs Incentive Payment Fund  
13228 shall be administered by the Department of Revenue, and monies in  
13229 the fund, less three percent (3%) to be retained by the Department  
13230 of Revenue to pay the reasonable and necessary expenses of the  
13231 Department of Revenue in administering its duties under this  
13232 chapter, shall be expended pursuant to the approved application.  
13233 Amounts in the fund at the end of any fiscal year that are not  
13234 necessary to make future incentive payments shall be paid into the  
13235 General Fund.

13236 (3) The liability of the State of Mississippi to make the  
13237 incentive payments authorized under this chapter shall be limited  
13238 to the balance contained in the fund.

13239 **SECTION 423.** Section 57-62-13, Mississippi Code of 1972, is  
13240 brought forward as follows:

13241 57-62-13. (1) As soon as practicable after the end of a  
13242 calendar quarter for which a qualified business or industry has  
13243 qualified to receive an incentive payment, the qualified business  
13244 or industry shall file a claim for the payment with the Department  
13245 of Revenue and shall specify the actual number of new direct jobs  
13246 created and maintained by the business or industry for the  
13247 calendar quarter and the gross payroll thereof. The Department of



13248 Revenue shall verify the actual number of new direct jobs created  
13249 and maintained by the business or industry and compliance with the  
13250 average annual wage requirements for such business or industry  
13251 under this chapter. If the qualified business or industry files a  
13252 claim for an incentive payment during an additional incentive  
13253 period provided under Section 57-62-9(2), the Department of  
13254 Revenue shall verify the actual number of new direct jobs created  
13255 and maintained by the business or industry and compliance with the  
13256 average annual wage requirements for such business or industry  
13257 under this chapter. If the Department of Revenue is not able to  
13258 provide such verification utilizing all available resources, the  
13259 Department of Revenue may request such additional information from  
13260 the business or industry as may be necessary.

13261 (2) (a) Except as otherwise provided in this chapter, the  
13262 business or industry must meet the salary and job requirements of  
13263 this chapter for four (4) consecutive calendar quarters prior to  
13264 payment of the first incentive payment. Except as otherwise  
13265 provided in Section 57-62-9, if the business or industry does not  
13266 maintain the salary or job requirements of this chapter at any  
13267 other time during the ten-year period after the date the first  
13268 payment was made, the incentive payments shall not be made and  
13269 shall not be resumed until such time as the actual verified number  
13270 of new direct jobs created and maintained by the business or  
13271 industry equals or exceeds the requirements of this chapter for  
13272 one (1) calendar quarter.





13273 (b) If the business or industry is qualified to receive  
13274 incentive payments for an additional period provided under Section  
13275 57-62-9(2), the business or industry must meet the wage and job  
13276 requirements of Section 57-62-9(2), for four (4) consecutive  
13277 calendar quarters prior to payment of the first incentive payment.  
13278 If the business or industry does not maintain the wage or job  
13279 requirements of Section 57-62-9(2), at any other time during the  
13280 appropriate additional period after the date the first payment was  
13281 made, the incentive payments shall not be made and shall not be  
13282 resumed until such time as the actual verified number of new  
13283 direct jobs created and maintained by the business or industry  
13284 equals or exceeds the amounts specified in Section 57-62-9(2), for  
13285 one (1) calendar quarter.

13286 (3) An establishment that has qualified pursuant to this  
13287 chapter may receive payments only in accordance with the provision  
13288 under which it initially applied and was approved. If an  
13289 establishment that is receiving incentive payments expands, it may  
13290 apply for additional incentive payments based on the new gross  
13291 payroll for new direct jobs anticipated from the expansion only,  
13292 pursuant to this chapter.

13293 (4) As soon as practicable after verification of the  
13294 qualified business or industry meeting the requirements of this  
13295 chapter and all rules and regulations, the Department of Finance  
13296 and Administration, upon requisition of the Department of Revenue,  
13297 shall issue a warrant drawn on the Mississippi Advantage Jobs



13298 Incentive Payment Fund to the establishment in the amount of the  
13299 incentive payment as determined pursuant to subsection (1) of this  
13300 section for the calendar quarter.

13301 **SECTION 424.** Section 57-62-15, Mississippi Code of 1972, is  
13302 brought forward as follows:

13303 57-62-15. The MDA and the Department of Revenue shall  
13304 promulgate rules and regulations, in accordance with the  
13305 Mississippi Administrative Procedures Law, and all application  
13306 forms and other forms necessary to implement their respective  
13307 duties and responsibilities under the provisions of this chapter.

13308 **SECTION 425.** Section 57-62-17, Mississippi Code of 1972, is  
13309 brought forward as follows:

13310 57-62-17. The MDA shall prepare a report on the program  
13311 pursuant to Section 57-1-12.

13312 **SECTION 426.** Section 57-64-1, Mississippi Code of 1972, is  
13313 brought forward as follows:

13314 57-64-1. This chapter may be cited as the "Regional Economic  
13315 Development Act."

13316 **SECTION 427.** Section 57-64-3, Mississippi Code of 1972, is  
13317 brought forward as follows:

13318 57-64-3. It is hereby declared that the state's public  
13319 welfare demands, and the state's public policy requires:

13320 (a) That for the benefit of the people of the State of  
13321 Mississippi, it is essential to foster and promote the issuing of  
13322 bonds by local government units jointly or severally, including



13323 any joint bond issuance with a county, parish or other foreign  
13324 political subdivision in another state.

13325 (b) That the bonds to be issued pursuant to this  
13326 chapter shall be of any type permissible to be issued by any local  
13327 government unit without limitation.

13328 (c) That the purposes of the bonds issued under this  
13329 chapter are for acquiring land and/or acquiring or constructing  
13330 buildings, fixtures, machinery, equipment, infrastructure,  
13331 utilities, port or airport facilities, roads, railroad spurs and  
13332 other related projects that have or will provide a  
13333 multijurisdictional benefit.

13334 (d) That the projects contemplated under this chapter  
13335 are to provide economic development benefits, including, but not  
13336 limited to, industry, distribution, commerce, tourism, healthcare  
13337 and other purposes in which the public purpose and interest of the  
13338 people of the state is served.

13339 (e) That costs and revenues connected with a project  
13340 should both be shared by the members of the alliance created  
13341 pursuant to this chapter.

13342 (f) That the authority granted under this chapter and  
13343 the purposes to be accomplished hereby are proper governmental and  
13344 public purposes and that the resulting economic benefits to the  
13345 state are of paramount importance, mandating that the provisions  
13346 of this chapter be liberally construed and applied in order to  
13347 advance the public purposes.



13348           **SECTION 428.** Section 57-64-5, Mississippi Code of 1972, is  
13349 brought forward as follows:

13350           57-64-5. It is the purpose of this chapter to permit local  
13351 government units of the state to make the most efficient use of  
13352 their powers and resources by enabling them to cooperate and to  
13353 contract with other local government units, including foreign  
13354 governmental units from another state, on a basis of mutual  
13355 advantage, to share the costs of and revenues derived from a  
13356 project, and to pledge revenue from a project to secure payment of  
13357 the bonds issued for the project, and thereby provide services and  
13358 facilities in a manner pursuant to forms of governmental  
13359 organization that will accord best with geographic, economic,  
13360 population and other factors influencing the needs and economic  
13361 development of the local government units.

13362           **SECTION 429.** Section 57-64-7, Mississippi Code of 1972, is  
13363 brought forward as follows:

13364           57-64-7. For the purposes of this chapter, the following  
13365 words shall be defined as herein provided unless the context  
13366 requires otherwise:

13367           (a) "Alliance" means a regional economic development  
13368 alliance created under this chapter.

13369           (b) "Bond" or "bonds" means bonds, notes or other evidence  
13370 of indebtedness of the local government unit issued pursuant to  
13371 this chapter.



13372 (c) "Cost of project" means all costs of site preparation  
13373 and other start-up costs; all costs of construction; all costs of  
13374 fixtures and of real and personal property required for the  
13375 purposes of the project and facilities related thereto, whether  
13376 publicly or privately owned, including land and any rights or  
13377 undivided interest therein, easements, franchises, fees, permits,  
13378 approvals, licenses, and certificates and the securing of such  
13379 permits, approvals, licenses, and certificates and all machinery  
13380 and equipment, including motor vehicles which are used for project  
13381 functions; and including any cost associated with the closure,  
13382 post-closure maintenance or corrective action on environmental  
13383 matters, financing charges and interest prior to and during  
13384 construction and during such additional period as the alliance may  
13385 reasonably determine to be necessary for the placing of the  
13386 project in operation; costs of engineering, surveying,  
13387 environmental geotechnical, architectural and legal services;  
13388 costs of plans and specifications and all expenses necessary or  
13389 incident to determining the feasibility or practicability of the  
13390 project; administrative expenses; and such other expenses as may  
13391 be necessary or incidental to the financing authorized in this  
13392 chapter. The costs of any project may also include funds for the  
13393 creation of a debt service reserve, a renewal and replacement  
13394 reserve, bond insurance and credit enhancement, and such other  
13395 reserves as may be reasonably required by the alliance for the  
13396 operation of its projects and as may be authorized by any bond



13397 resolution or trust agreement or indenture pursuant to the  
13398 provisions of which the issuance of any such bonds may be  
13399 authorized. Any obligation or expense incurred for any of the  
13400 foregoing purposes shall be regarded as a part of the costs of the  
13401 project and may be paid or reimbursed as such out of the proceeds  
13402 of user fees, of revenue bonds or notes issued under this chapter  
13403 for such project, or from other revenues obtained by the alliance.

13404 (d) "County" means any county of this state.

13405 (e) "Foreign governmental unit" means any county, parish,  
13406 city, town, village, utility district, school district, any  
13407 community college, any institution of higher learning, any  
13408 municipal airport authority, regional airport authority, port  
13409 authority or any other political subdivision of another state.

13410 (f) "Governing body" means the board of supervisors of any  
13411 county or the governing board of any city, town or village, the  
13412 governing body of any utility district, the governing body of any  
13413 school district or community college, the Board of Trustees of  
13414 State Institutions of Higher Learning, the governing body of any  
13415 municipal or regional airport authority, the governing body of any  
13416 port authority, or the governing body of any other political  
13417 subdivision of the state. As to the state, the term governing  
13418 body means the State Bond Commission.

13419 (g) "Holder of bonds" or "bondholder" or any similar term  
13420 means any person who shall be the registered owner of any such  
13421 bond or bonds which shall at the time be registered.



13422 (h) "Law" means any act or statute, general, special or  
13423 local, of this state.

13424 (i) "Local government unit" means any county or incorporated  
13425 city, town or village in the state, any school district, any  
13426 utility district, any community college, any institution of higher  
13427 learning, any municipal airport authority, any regional airport  
13428 authority, any port authority or any other political subdivision  
13429 of the state acting jointly or severally.

13430 (j) "MDA" means the Mississippi Development Authority.

13431 (k) "Municipality" means any incorporated municipality in  
13432 the state.

13433 (l) "Person" means a natural person, partnership,  
13434 association, corporation, business trust or other business entity.

13435 (m) "Project" means and includes any of the following which  
13436 promotes economic development or which assists in the creation of  
13437 jobs, whether publicly or privately owned:

13438 (i) Acquisition, construction, repair, renovation,  
13439 demolition or removal of:

13440 1. Buildings and site improvements (including  
13441 fixtures);

13442 2. Potable and nonpotable water supply  
13443 systems;

13444 3. Sewage and waste disposal systems;

13445 4. Storm water drainage and other drainage  
13446 systems;



13447 5. Airport facilities;  
13448 6. Rail lines and rail spurs;  
13449 7. Port facilities;  
13450 8. Highways, streets and other roadways;  
13451 9. Fire suppression and prevention systems;  
13452 10. Utility distribution systems, including,  
13453 but not limited to, water, electricity, natural gas, telephone and  
13454 other information and telecommunications facilities, whether by  
13455 wire, fiber or wireless means; provided, however, that electrical,  
13456 natural gas, telephone and telecommunication systems shall be  
13457 constructed, repaired or renovated only for the purpose of  
13458 completing the project and connecting to existing utility systems  
13459 (this provision shall not be construed to prevent a city, county  
13460 or natural gas district from supplying utility service that it is  
13461 authorized to supply in the service area that it is authorized to  
13462 serve);  
13463 11. Business, industrial and technology parks  
13464 and the acquisition of land and acquisition or construction of  
13465 improvements to land connected with any of the preceding purposes;  
13466 (ii) County purposes authorized by or defined in  
13467 Sections 17-5-3 and 19-9-1, (except Section 19-9-1(f));  
13468 (iii) Municipal purposes authorized by or defined  
13469 in Sections 17-5-3, 17-17-301 et seq., 21-27-23 and 21-33-301;  
13470 (iv) Refunding of bonds as authorized in Section  
13471 21-27-1 et seq.; and





13472 (v) A project as defined in Section 57-75-5(f) (i)  
13473 or a facility related to the project as defined in Section  
13474 57-75-5(d), or both.

13475 (n) "Resolution" means a resolution, ordinance, act,  
13476 record of minutes or other appropriate enactment of a governing  
13477 body.

13478 (o) "Revenues" mean any and all taxes, fees, rates,  
13479 rentals, profits and receipts collected by, payable to, or  
13480 otherwise derived by, the local government units and foreign  
13481 governmental units, and all other monies and income of whatsoever  
13482 kind or character collected by, payable to, or otherwise derived  
13483 by, the local government unit and foreign governmental units in  
13484 connection with the economic development projects provided through  
13485 this chapter.

13486 (p) "Security" means a bond, note or other evidence of  
13487 indebtedness issued by a local government unit pursuant to the  
13488 provisions of this chapter.

13489 (q) "State" means the State of Mississippi.

13490 **SECTION 430.** Section 57-64-9, Mississippi Code of 1972, is  
13491 brought forward as follows:

13492 57-64-9. (1) Prior to issuing bonds to finance any proposed  
13493 project under this chapter, the local government unit shall submit  
13494 an application to the MDA for a certificate of public convenience  
13495 and necessity. The application shall be in such form and content  
13496 as the MDA shall from time to time prescribe.



13497           (2) The MDA shall investigate, find and determine, upon  
13498 application of any local government unit therefor, as to whether a  
13499 certificate of public convenience and necessity shall be issued to  
13500 such local government unit to authorize creation of an alliance.  
13501 The MDA is authorized and empowered, having due regard to the  
13502 promotion of the public policy and the general welfare herein  
13503 declared, to issue or refuse to issue a certificate of public  
13504 convenience and necessity for the alliance to the local government  
13505 unit. The MDA shall issue or refuse to issue the certificate of  
13506 public convenience and necessity within six (6) months after it  
13507 receives such application. If and when such certificate is  
13508 issued, it shall authorize the particular local government unit to  
13509 create and operate the alliance but, except as otherwise provided  
13510 in subsection (4) of this section, the certificate shall expire  
13511 twelve (12) months from its date unless within that time such  
13512 alliance shall have been created. Any application rejected may be  
13513 resubmitted.

13514           (3) If and when a certificate is issued, the MDA therein  
13515 shall fix and determine:

13516                   (a) The extent and amount to which the local government  
13517 unit may issue bonds or make expenditures for such alliance;

13518                   (b) The extent and amount that the revenues derived  
13519 from the project shall be shared by the local government unit with  
13520 other members of the alliance;



13521 (c) The extent and amount that the revenues derived  
13522 from the project may be pledged to secure payment of the bonds  
13523 issued to finance the project;

13524 (d) What property may be acquired therefor;

13525 (e) The terms upon which such acquisition may be had;

13526 (f) What expenditures may be made; and

13527 (g) The construction of buildings and of equipment with  
13528 its installation.

13529 If the governing body of the local government unit fails or  
13530 refuses to follow the requirements made by the MDA in the  
13531 certificate, then the members of the governing body of the local  
13532 government unit voting for such failure or refusal shall be  
13533 individually and personally liable until they have been out of  
13534 office for one (1) year, and liable upon their official bonds for  
13535 any loss that the local government unit may sustain by reason of  
13536 such failure or refusal to follow the requirements, and in  
13537 addition may be compelled by injunction to comply with such  
13538 requirements.

13539 (4) (a) As an alternative to the procedure provided in  
13540 subsection (1) of this section, local governmental units desiring  
13541 to create an alliance may initially apply to the MDA for the  
13542 creation of an alliance without identifying or providing details  
13543 about a specific project for which the local governmental units  
13544 desire to create an alliance. Upon receipt of such an  
13545 application, the MDA shall review the application and determine



13546 whether it is appropriate for the issuance of an initial  
13547 certificate of public convenience and necessity to the local  
13548 government units authorizing the creation of an alliance. If the  
13549 MDA determines the application for the creation of an alliance is  
13550 appropriate, the MDA shall issue an initial certificate of public  
13551 convenience and necessity authorizing the creation of an alliance  
13552 and authorizing the expenditure of funds by the alliance. An  
13553 alliance created under this subsection (4) may make a subsequent  
13554 application to the MDA identifying and providing details about a  
13555 specific project or projects along with the methods of financing  
13556 or amounts required for each project as provided under subsection  
13557 (3) of this section. Upon receipt of such an application, the MDA  
13558 shall review the application and determine whether it is  
13559 appropriate for the issuance of a subsequent certificate of public  
13560 convenience and necessity. If the MDA determines the application  
13561 for a subsequent certificate of public convenience and necessity  
13562 is appropriate, the MDA shall issue a subsequent certificate of  
13563 public convenience and necessity authorizing and approving the  
13564 project including the items provided in subsection (3) of this  
13565 section.

13566 (b) A certificate of public convenience and necessity  
13567 issued under this subsection (4) shall not expire until the local  
13568 governmental units comprising the alliance terminate and dissolve  
13569 the alliance.



13570           **SECTION 431.** Section 57-64-11, Mississippi Code of 1972, is  
13571 brought forward as follows:

13572           57-64-11. (1) After receiving a certificate of public  
13573 convenience and necessity from the MDA, the local government unit  
13574 is empowered and authorized, from time to time, to issue bonds up  
13575 to the maximum principal amount authorized in the certificate.

13576           (2) After receiving a certificate of public convenience and  
13577 necessity from the MDA, the governing body of any local government  
13578 unit entering into an agreement pursuant to this chapter may incur  
13579 bonded and floating indebtedness by issuing general obligation  
13580 bonds, revenue bonds or special assessment bonds as authorized by  
13581 any statute authorizing the issuance of such bonds, and otherwise  
13582 incur indebtedness in any manner for which the local government  
13583 unit is authorized by statute to incur debt, and may appropriate  
13584 funds for the purposes and in the manner prescribed by law without  
13585 regard to whether the activities and improvements authorized by  
13586 this chapter to be financed by such debt or appropriation are  
13587 within or without the boundaries of the local government unit.  
13588 Revenues derived from any project financed with bonds issued  
13589 pursuant to this chapter may be pledged in whole or in part to  
13590 secure payment of the bonded indebtedness incurred to finance the  
13591 project. Such governing body may sell, lease, grant or otherwise  
13592 supply goods and services to any other local government unit which  
13593 is a party to the agreement or the administrative body or legal  
13594 entity created to operate the joint or cooperative undertaking.



13595           **SECTION 432.** Section 57-64-13, Mississippi Code of 1972, is  
13596 brought forward as follows:

13597           57-64-13. (1) Any power, authority or responsibility  
13598 exercised or capable of being exercised by a local government unit  
13599 of this state may be exercised and carried out jointly with any  
13600 other local government unit of this state or with a foreign  
13601 governmental unit of another state, any state board, agency or  
13602 commission and any public agency of the United States, to the  
13603 extent that the laws of the United States permit such joint  
13604 exercise or enjoyment.

13605           (2) No such power, authority and responsibility may be  
13606 exercised under the provisions of this chapter which will have the  
13607 effect of abolishing any office which is held by a person elected  
13608 by the citizenry.

13609           (3) No agreement made under this chapter shall be entered  
13610 into by any local government unit without the approval by  
13611 resolution on the minutes of the governing body of that local  
13612 government unit.

13613           (4) Any joint undertaking entered into under this chapter  
13614 shall be evidenced by written contractual agreements for joint or  
13615 cooperative action to provide services and facilities pursuant to  
13616 the provisions of this chapter which agreements shall be approved  
13617 by the MDA. Appropriate action by ordinance, resolution or  
13618 otherwise pursuant to the law controlling the participating local



13619 government units or agencies shall be necessary before any such  
13620 agreement shall be in force.

13621 (5) An alliance created pursuant to this chapter may take  
13622 any action with respect to a project that any local government  
13623 unit member may take. If one (1) member of the alliance shall  
13624 have authority to undertake a particular project or pursue a  
13625 particular action with respect to such project, then the alliance  
13626 shall have identical authority so to do. No local government unit  
13627 shall be precluded from joining an alliance, and it shall not be  
13628 the basis for denying an application for a certificate of  
13629 convenience and necessity by the MDA, solely because the alliance  
13630 may have power to take actions that the local government unit  
13631 acting alone could not take.

13632 **SECTION 433.** Section 57-64-15, Mississippi Code of 1972, is  
13633 brought forward as follows:

13634 57-64-15. (1) The local government unit shall be the issuer  
13635 of any debt incurred hereunder and the proceeds of such debt shall  
13636 be made available to the alliance in order to provide funds to  
13637 defray the costs of a project.

13638 (2) The local government unit shall have power in the  
13639 issuance of its bonds to:

13640 (a) Covenant as to the use of any or all of its  
13641 property, real or personal.

13642 (b) Redeem the bonds, to covenant for their redemption  
13643 and to provide the terms and conditions thereof.



13644 (c) Covenant to charge rates, fees and charges  
13645 sufficient to meet operating and maintenance expenses, renewals  
13646 and replacements, principal and debt service on bonds, creation  
13647 and maintenance of any reserves required by a bond resolution,  
13648 trust indenture or other security instrument and to provide for  
13649 any margins or coverages over and above debt service on the bonds  
13650 deemed desirable for the marketability of the bonds.

13651 (d) Covenant and prescribe as to events of default and  
13652 terms and conditions upon which any or all of its bonds shall  
13653 become or may be declared due before maturity, as to the terms and  
13654 conditions upon which such declaration and its consequences may be  
13655 waived and as to the consequences of default and the remedies of  
13656 bondholders.

13657 (e) Covenant as to the mortgage or pledge of or the  
13658 grant of a security interest in any real or personal property and  
13659 all or any part of the revenues from any facilities or any  
13660 revenue-producing contract or contracts made by the compact with  
13661 any person to secure the payment of bonds, subject to such  
13662 agreements with the holders of bonds as may then exist.

13663 (f) Covenant as to the custody, collection, securing,  
13664 investment and payment of any revenue assets, monies, funds or  
13665 property with respect to which the compact may have any rights or  
13666 interest.

13667 (g) Covenant as to the purpose to which the proceeds  
13668 from the sale of any bonds then or thereafter to be issued may be





13669 applied, and the pledge of such proceeds to secure the payment of  
13670 the bonds.

13671 (h) Covenant as to the limitations on the issuance of  
13672 any additional bonds, the terms upon which additional bonds may be  
13673 issued and secured, and the refunding of outstanding bonds.

13674 (i) Covenant as to the rank or priority of any bonds  
13675 with respect to any lien or security.

13676 (j) Covenant as to the procedure by which the terms of  
13677 any contract with or for the benefit of the holders of bonds may  
13678 be amended or abrogated, the amount of bonds the holders of which  
13679 must consent thereto, and the manner in which such consent may be  
13680 given.

13681 (k) Covenant as to the custody of any of its properties  
13682 or investments, the safekeeping thereof, the insurance to be  
13683 carried thereon, and the use and disposition of insurance  
13684 proceeds.

13685 (l) Covenant as to the vesting in a trustee or  
13686 trustees, within or outside the state, of such properties, rights,  
13687 powers and duties in trust as the local government unit may  
13688 determine.

13689 (m) Covenant as to the appointing and providing for the  
13690 duties and obligations of a paying agent or paying agents or other  
13691 fiduciaries within or outside the state.

13692 (n) Make all other covenants and to do any and all such  
13693 acts and things as may be necessary or convenient or desirable in



13694 order to secure its bonds, including providing a debt service  
13695 reserve fund, bond insurance and credit enhancement, or in the  
13696 absolute discretion of the local government unit make the bonds  
13697 more marketable, notwithstanding that such covenants, acts or  
13698 things may not be enumerated herein; it being the intention hereof  
13699 to give the local government unit power to do all things in the  
13700 issuance of bonds and in the provisions for security thereof which  
13701 are not inconsistent with the Mississippi Constitution of 1890.

13702 (o) Execute all instruments necessary or convenient in  
13703 the exercise of the powers herein granted or in the performance of  
13704 covenants or duties, which may contain such covenants and  
13705 provisions, as any purchaser of the bonds of the local government  
13706 unit may reasonably require.

13707 (3) Before the local government unit may issue any bonds to  
13708 finance any debt relating to a proposed project under this  
13709 chapter, the governing authority of the local government unit  
13710 shall advertise, in addition to any other publication required by  
13711 law, its intention to issue the bonds. The intention to issue  
13712 bonds shall include (a) the amount of bonds proposed to be issued;  
13713 (b) the purpose for which the bonds are to be issued, including a  
13714 specific description of the proposed project for which the  
13715 proceeds of the bonds may be used and extended; and (c) the date  
13716 upon which the governing authority proposes to direct the issuance  
13717 of such bonds. Such intention to issue bonds shall be published  
13718 once in at least one (1) newspaper published in such local



13719 government unit. The publication of such intention to issue bonds  
13720 shall be made not less than thirty (30) days before the date upon  
13721 which the governing authority proposes to direct the issuance of  
13722 the bonds. If no newspaper be published in such local government  
13723 unit, then such notice shall be given by publishing the intention  
13724 to issue bonds for the required time in some newspaper having a  
13725 general circulation in such local government unit and, in  
13726 addition, by posting a copy of such intention to issue bonds for  
13727 at least thirty (30) days next preceding the date fixed therein at  
13728 three (3) public places in such local government unit. The  
13729 newspaper publication shall be a notice that shall not be less  
13730 than forty (40) square inches in size and surrounded by a  
13731 one-fourth-inch solid black border. The notice shall be headlined  
13732 "NOTICE OF BOND ISSUE" and the headline shall be no smaller than  
13733 thirty (30) point type. The remainder of the notice shall be no  
13734 smaller than ten (10) point type. The notice shall not be placed  
13735 in any portion of the newspaper where legal notices and classified  
13736 advertisements appear.

13737       **SECTION 434.** Section 57-64-17, Mississippi Code of 1972, is  
13738 brought forward as follows:

13739       57-64-17. The MDA is hereby authorized and empowered to  
13740 promulgate and put into effect, in accordance with the Mississippi  
13741 Administrative Procedures Law, all reasonable rules and  
13742 regulations that it may deem necessary to carry out the provisions  
13743 of the Regional Economic Development Act. Nothing in the Regional



13744 Economic Development Act shall in any way confer to the MDA the  
13745 authority to impose a sales tax or other tax of any kind.

13746 **SECTION 435.** Section 57-64-19, Mississippi Code of 1972, is  
13747 brought forward as follows:

13748 57-64-19. (1) The alliance is authorized to cooperate and  
13749 coordinate with economic development commissions, authorities,  
13750 districts, travel, and other similar commissions and boards, or  
13751 other similar agencies of other states, the federal government,  
13752 and with county, municipal, and regional economic development,  
13753 travel, and other similar commissions or boards, or other agencies  
13754 thereof, and other political subdivisions of this state, for the  
13755 purposes of securing economic development within the State of  
13756 Mississippi and other states, and to accomplish this purpose.

13757 (2) With regard to a project as defined in Section  
13758 57-75-5(f)(xxi) a regional economic development alliance shall  
13759 have the following powers:

13760 (a) [Repealed]

13761 (b) To negotiate the necessary relocation or rerouting  
13762 of roads and highways, railroad, telephone and telegraph lines and  
13763 properties, electric power lines, pipelines and related  
13764 facilities, cellular towers and related facilities, or to require  
13765 the anchoring or other protection of any of these, provided due  
13766 compensation is paid to the owners thereof or agreement is had  
13767 with such owners regarding the payment of the cost of such  
13768 relocation, and to acquire by condemnation or otherwise easements



13769 or rights-of-way for such relocation or rerouting and to convey  
13770 the same to the owners of the facilities being relocated or  
13771 rerouted in connection with the purposes of the project.

13772 (c) To negotiate the necessary relocation of graves and  
13773 cemeteries and to pay all reasonable costs thereof as necessary  
13774 for the project.

13775 (d) To lease, sell or convey any or all property  
13776 acquired by the alliance or its agent under the provisions of this  
13777 section to the enterprise operating the project, its affiliates,  
13778 successors or assigns, and in connection therewith to warrant  
13779 title to pay the costs of title search, perfection of title, title  
13780 insurance and recording fees as may be required for the project.

13781 (e) To establish and maintain reasonable rates and  
13782 charges for the use of any facility or property within the project  
13783 area owned or operated by the alliance, and from time to time, to  
13784 adjust such rates and to impose penalties for failure to pay such  
13785 rates and charges when due as necessary for the project.

13786 (f) To establish land use restrictions within the lands  
13787 adjacent to the project site. Within the lands identified as  
13788 necessary for the project, the following land uses are prohibited:

13789 (i) Heavy industrial uses, where the assembly,  
13790 fabrication, or processing of goods and materials using processes  
13791 that ordinarily have greater than average impacts on the  
13792 environment, or that ordinarily have significant impacts on the  
13793 use and enjoyment of other properties in terms of noise, smoke,



13794 fumes, odors, glare, or health or safety hazards, which shall  
13795 include, enameling, lacquering; foundries producing iron and steel  
13796 products; industrial chemical manufacture; meat packing plants;  
13797 oxygen manufacture and/or storage; pottery, porcelain and vitreous  
13798 china manufacture; poultry dressing for wholesale; pressure  
13799 treating of wood; stone cutting; tire recapping and retreading;  
13800 resource extraction; and recycling and salvage operations.

13801 (ii) All temporary or permanent living quarters,  
13802 including, without limitation, houses, residential buildings,  
13803 apartments, motels, hotels, motor lodges, mobile home parks,  
13804 camping grounds, nursing homes, independent and assisted living  
13805 facilities.

13806 (iii) Schools, day care centers and hospitals.

13807 (iv) Any of the uses set forth in this paragraph

13808 (f) which are ancillary or adjacent to an otherwise permitted use.

13809 Notwithstanding the foregoing, these land use restrictions  
13810 will not prohibit the continuation of existing uses, including  
13811 rebuilding substantially in conformity with the use in existence  
13812 immediately before a casualty loss. For a period of twelve (12)  
13813 months from the date of adoption, the property owners within the  
13814 lands identified as necessary for the project have a vested right  
13815 to complete any new land use that is currently under construction.

13816 (g) To execute contractual agreements to warrant the  
13817 project site for any and all preexisting environmental issues and



13818 to indemnify an enterprise owning a project on that site for such  
13819 preexisting environmental issues.

13820 (h) To adopt and enforce all necessary and reasonable  
13821 rules and regulations restrictions to carry out and effectuate the  
13822 implementation of the project concerning mining or any other  
13823 activity the occurrence of which may endanger the structure or  
13824 operation of the project. These rules may be enforced within the  
13825 project area and without the project area as necessary to protect  
13826 the structure and operation of the project.

13827 **SECTION 436.** Section 57-64-21, Mississippi Code of 1972, is  
13828 brought forward as follows:

13829 57-64-21. Any agreement made under this chapter shall  
13830 specify the following:

13831 (a) Its duration.

13832 (b) Its purpose or purposes.

13833 (c) The precise organization, composition, nature and  
13834 powers of any separate legal or administrative entity created  
13835 thereby and the specific citation of statutory authority vested in  
13836 each of the local government units which is to be a party to the  
13837 agreement.

13838 (d) The manner of financing, staffing and supplying the  
13839 joint or cooperative undertaking and of establishing and  
13840 maintaining a budget therefor; provided that the treasurer and/or  
13841 disbursing officer of one (1) of the local government units shall  
13842 be designated in the agreement to receive, disburse and account



13843 for all funds of the joint undertaking as a part of the duties of  
13844 the officer or officers.

13845 (e) The permissible method or methods to be employed in  
13846 operating the alliance and the project and accomplishing the  
13847 partial or complete termination or amendment of the agreement and  
13848 for disposing of property upon such partial or complete  
13849 termination or amendment.

13850 (f) The provision for administration of issuance of any  
13851 bonds under this chapter by a local government unit exercising the  
13852 power authorized by this chapter.

13853 (g) The manner of acquiring, holding and disposing of  
13854 real and personal property used in the joint or cooperative  
13855 undertaking in the event that the agreement does not or may not  
13856 establish a separate legal entity to conduct the joint or  
13857 cooperative undertaking.

13858 (h) A provision specifying the terms and conditions  
13859 that would cause the alliance to be terminated.

13860 (i) The manner in which the costs of the project shall  
13861 be shared between the local government units.

13862 (j) The manner in which the revenues from the project  
13863 shall be shared by the local government units.

13864 (k) Any other necessary and proper matters.

13865 **SECTION 437.** Section 57-64-23, Mississippi Code of 1972, is  
13866 brought forward as follows:





13867           57-64-23. (1) In the event that an agreement made pursuant  
13868 to this chapter shall deal in whole or in part with the provision  
13869 of services or facilities with regard to which an officer, unit or  
13870 agency of the state government has constitutional or statutory  
13871 powers of control, the agreement shall, as a condition precedent  
13872 to its being in force, be submitted to the state officer, unit or  
13873 agency having such power of control and shall be approved or  
13874 disapproved by him or it as to all matters within his or its  
13875 jurisdiction in the same manner and subject to the same  
13876 requirements governing action of the Attorney General pursuant to  
13877 subsection (2) of this section.

13878           (2) Every agreement made by a local government unit under  
13879 this chapter shall, prior to and as a condition precedent to its  
13880 entry into force, be submitted to the Attorney General of this  
13881 state who shall determine whether the agreement is in proper form  
13882 and compatible with the laws of this state. The Attorney General  
13883 shall approve any such agreement submitted to him hereunder unless  
13884 he shall find that it does not meet the conditions set forth  
13885 herein and elsewhere in the laws of this state and shall detail in  
13886 writing addressed to the governing bodies of the units concerned  
13887 the specific respects in which the proposed agreement fails to  
13888 meet the requirements of law.

13889           Failure to disapprove an agreement submitted hereunder within  
13890 sixty (60) days of its submission shall constitute approval  
13891 thereof.



13892 (3) Prior to its being in force, an agreement made pursuant  
13893 to this chapter shall be filed with the chancery clerk of each of  
13894 the counties wherein a participating local government unit is  
13895 located and with the Secretary of State. The chancery clerk and  
13896 the Secretary of State shall preserve such agreements as public  
13897 records and index and docket the same separate and apart from all  
13898 other records in his office.

13899 **SECTION 438.** Section 57-64-25, Mississippi Code of 1972, is  
13900 brought forward as follows:

13901 57-64-25. All laws in regard to purchases, auditing,  
13902 depositories and expenditures in general which limit the authority  
13903 of the agreeing local governing units shall also apply to any  
13904 joint body created by the agreement pursuant to the provisions of  
13905 this chapter.

13906 **SECTION 439.** Section 57-64-27, Mississippi Code of 1972, is  
13907 brought forward as follows:

13908 57-64-27. (1) The powers and authority granted and set  
13909 forth in this chapter shall be additional and supplemental to any  
13910 other powers and authority granted by law and shall not amend,  
13911 repeal or supersede any other powers and authority granted by law.

13912 (2) Nothing in this chapter shall authorize an alliance to  
13913 provide utility services, other than water and sewage, for  
13914 compensation. This subsection shall not be construed to prevent a  
13915 city, county or natural gas district from supplying utility



13916 service that it is authorized to supply in the service area that  
13917 it is authorized to serve.

13918 (3) Nothing in this chapter shall be construed to limit the  
13919 authority of any local government unit to plan, construct, expand  
13920 or maintain a project as defined in this chapter utilizing any  
13921 method not included in this chapter, nor shall the authority to  
13922 issue bonds to finance such projects or oversight of the project  
13923 be construed to be transferred to the MDA.

13924 **SECTION 440.** Section 57-64-29, Mississippi Code of 1972, is  
13925 brought forward as follows:

13926 57-64-29. A local government unit that is a member of a  
13927 regional economic development alliance created under the Regional  
13928 Economic Development Act is authorized to negotiate a purchase  
13929 option for real property to be used for the purposes of the  
13930 alliance. A local government unit may pay all costs incurred for  
13931 the acquisition of such an option regardless of whether the local  
13932 government unit exercises the option at a later date. As a part  
13933 of any such option, a local government unit may negotiate the  
13934 right to enter upon the real property before the purchase for the  
13935 purpose of conducting any preliminary engineering, environmental  
13936 and related surveys or studies necessary to effectuate the option.  
13937 A local government unit may pay all costs incurred for such  
13938 surveys or studies regardless of whether the local government unit  
13939 exercises the option at a later date.



13940           **SECTION 441.** Section 57-64-31, Mississippi Code of 1972, is  
13941 brought forward as follows:

13942           57-64-31. The board of supervisors of any county that is a  
13943 member of a regional economic development alliance created under  
13944 the Regional Economic Development Act may exercise the power of  
13945 eminent domain for the purpose of acquiring land, property and/or  
13946 rights-of-way for a project as defined in Section 57-75-5(f)(i) or  
13947 any facility related to the project as defined in Section  
13948 57-75-5(d), or both. The board of supervisors of such a county  
13949 shall not exercise the authority granted under this section  
13950 without first receiving a binding commitment providing that such a  
13951 project will be located in a county that is a member of the  
13952 regional economic development alliance. The board of supervisors  
13953 of such a county shall not exercise the power of eminent domain  
13954 under this section after July 1, 2006.

13955           **SECTION 442.** Section 57-65-1, Mississippi Code of 1972, is  
13956 amended as follows:

13957           57-65-1. (1) The \* \* \* Mississippi Development Authority  
13958 may establish a Mississippi International Trade Institute,  
13959 hereinafter referred to as the MITI.

13960           (2) It shall be the function and duties of the MITI to:

13961           (a) Gather, evaluate, interpret and publish  
13962 international trade data on Mississippi's foreign trade.

13963           (b) Represent the state in responding to, and  
13964 assisting, foreign officials or business representatives and



13965 domestic representatives in undertaking appropriate foreign trade  
13966 development.

13967 (c) Establish liaison with those federal and state  
13968 agencies and organizations engaged in international trade to  
13969 assure for Mississippi the best possible posture for expanding its  
13970 international trade economy.

13971 (d) Serve as a clearinghouse for inquiries received  
13972 from foreign business persons seeking information on product  
13973 distribution, sales, trade agreements, manufacturing, licensing  
13974 and similar matters.

13975 (e) Publish a directory of prominent businesses and  
13976 organizations in Mississippi's foreign trade, with a product  
13977 guide.

13978 (f) Provide special assistance to Mississippi's  
13979 agricultural producers and firms engaged in the marketing of  
13980 agricultural products produced in Mississippi to develop overseas  
13981 markets.

13982 (g) Communicate with foreign, national, state and local  
13983 agencies, and public and private persons, associations and  
13984 corporations regarding international marketing of agricultural  
13985 products produced in Mississippi.

13986 (3) In executing the duties assigned in this section, the  
13987 MITI shall work closely with other state and local agencies having  
13988 responsibility for economic development.



13989 (4) It is the intention of the Legislature that the \* \* \*  
13990 Mississippi Development Authority shall establish such institute  
13991 if personnel and funds are made available therefor.

13992 **SECTION 443.** Section 57-67-1, Mississippi Code of 1972, is  
13993 brought forward as follows:

13994 57-67-1. This chapter shall be known and may be cited as the  
13995 "Mississippi Superconducting Super Collider Act."

13996 **SECTION 444.** Section 57-67-3, Mississippi Code of 1972, is  
13997 brought forward as follows:

13998 57-67-3. The Legislature hereby finds and declares that:

13999 (a) There exists in the State of Mississippi a  
14000 continuing need for gainful employment for the citizens of this  
14001 state.

14002 (b) To help provide employment opportunities, a  
14003 division within the Office of the Governor should be created with  
14004 power to secure the location within this state of the particle  
14005 beam accelerator known as the Superconducting Super Collider that  
14006 the United States Department of Energy is planning to build.

14007 (c) In accomplishing this purpose, such division will  
14008 be acting in all respects for the benefit of the people of the  
14009 state in the performance of essential public functions and is  
14010 serving a valid public purpose in improving and otherwise  
14011 promoting their health, welfare and prosperity, and the enactment  
14012 of the provisions hereinafter set forth is for a valid public  
14013 purpose.



14014 (d) Public agencies of the state, as herein defined,  
14015 must be authorized and empowered to contract with and cooperate  
14016 with the authority for the purposes herein set out.

14017 (e) The borrowing of money and the issuance of bonds  
14018 and state bonds for the purposes hereinafter set out serves valid  
14019 public purposes in that the project will significantly contribute  
14020 to the employment base and scientific and educational growth of  
14021 the state.

14022 **SECTION 445.** Section 57-67-5, Mississippi Code of 1972, is  
14023 brought forward as follows:

14024 57-67-5. Words and phrases used in this chapter shall have  
14025 meanings as follows, unless the context clearly indicates a  
14026 different meaning:

14027 (a) "Act" means the Mississippi Superconducting Super  
14028 Collider Act as originally enacted or as hereafter amended.

14029 (b) "Authority" means the Mississippi Superconducting  
14030 Super Collider Authority created pursuant to the chapter.

14031 (c) "Bonds" means bonds, interim notes and other  
14032 certificates of indebtedness of the authority issued pursuant to  
14033 the provisions of Sections 57-67-19 through 57-67-31.

14034 (d) "Facility related to the project" means and  
14035 includes any of the following, as the same may pertain to the  
14036 project:



14037 (i) Facilities to provide potable and industrial  
14038 water supply systems (including cooling lakes) and sewage and  
14039 waste disposal systems to the site of the project;

14040 (ii) Airports, airfields and air terminals;

14041 (iii) Rail lines;

14042 (iv) Port facilities on the Tennessee-Tombigbee  
14043 Waterway;

14044 (v) Highways, streets and other roadways;

14045 (vi) Public school buildings, classrooms and  
14046 instructional facilities, including any functionally related  
14047 facilities;

14048 (vii) Parks, outdoor recreation facilities and  
14049 athletic facilities; and

14050 (viii) Auditoriums, pavilions, campgrounds, art  
14051 centers, cultural centers, folklore centers and other public  
14052 facilities.

14053 (e) "Person" means any natural person, corporation,  
14054 association, partnership, receiver, trustee, guardian, executor,  
14055 administrator, fiduciary, governmental unit, public agency,  
14056 political subdivision, or any other group acting as a unit, and  
14057 the plural as well as the singular.

14058 (f) "Project" means the superconducting super colliding  
14059 particle beam accelerator, known as the Superconducting Super  
14060 Collider, proposed to be constructed by the United States  
14061 Department of Energy, as described in the Invitation for Proposals





14062 issued by said department, as now or hereafter supplemented or  
14063 amended, together with all real property required for  
14064 construction, maintenance and operation of the Superconducting  
14065 Super Collider, and all buildings, tunneling and other supporting  
14066 land and facilities required or useful for construction,  
14067 maintenance and operation of the Superconducting Super Collider.

14068 (g) "Project area" means the project site, together  
14069 with any area or territory within the state lying within fifty  
14070 (50) air miles from any portion of the project site to be conveyed  
14071 to the Department of Energy, whether or not such area or territory  
14072 be contiguous. "Project site" means the real property to be  
14073 conveyed to the United States Department of Energy as set forth in  
14074 the application to be filed with the Department of Energy by the  
14075 authority.

14076 (h) "Public agency" means and includes:

14077 (i) The state and any department, board,  
14078 commission, institution or other agency or instrumentality of the  
14079 state, including, but not limited to, the Board of Trustees of  
14080 State Institutions of Higher Learning and the State Board of  
14081 Education;

14082 (ii) Any city, town, county, political  
14083 subdivision, school district or other district created or existing  
14084 under the laws of the state or any public agency of any such city,  
14085 town, county, political subdivision or district;



14086 (iii) Any department, commission, agency or  
14087 instrumentality of the United States of America; and  
14088 (iv) Any other state of the United States of  
14089 America which may be cooperating with respect to location of the  
14090 project within the state, or any agency thereof.

14091 (i) "State" means State of Mississippi.

14092 (j) "State bonds" means general obligation bonds, notes  
14093 or other evidences of the State of Mississippi issued under  
14094 Section 57-67-15.

14095 **SECTION 446.** Section 57-67-7, Mississippi Code of 1972, is  
14096 brought forward as follows:

14097 57-67-7. (1) There is created within the Office of the  
14098 Governor a division to be known as the "Mississippi  
14099 Superconducting Super Collider Authority" for the performance of  
14100 essential public functions. The Governor shall appoint, with the  
14101 advice and consent of the Senate, an executive director, who shall  
14102 serve at the will and pleasure of the Governor. The Governor  
14103 shall prescribe the duties of and fix the compensation of such  
14104 executive director. The executive director shall have the  
14105 authority to employ and dismiss employees of the authority.

14106 (2) The executive director shall administer, manage and  
14107 direct the affairs and business of the authority, subject to the  
14108 policies, direction, control and approval of the Governor.

14109 **SECTION 447.** Section 57-67-9, Mississippi Code of 1972, is  
14110 brought forward as follows:



14111           57-67-9. (1) The authority is hereby designated and  
14112 empowered to act on behalf of the state in submitting a siting  
14113 proposal for the project. If the authority is not operational as  
14114 of the date of the proposal, the Governor is authorized to submit  
14115 the proposal. The authority is empowered to take all steps  
14116 appropriate or necessary to effect the siting, development, and  
14117 operation of the Superconducting Super Collider research facility  
14118 within the state. If the state is selected as the preferred site  
14119 for the project, the authority is hereby designated and empowered  
14120 to act on behalf of the state and to represent the state in the  
14121 planning, financing, development, construction and operation of  
14122 the project or any facility related to the project. The authority  
14123 shall take affirmative steps to coordinate fully all aspects of  
14124 the submission of a siting proposal for the project and, if the  
14125 state is selected as the preferred site, to coordinate fully the  
14126 development of the project or any facility related to the project  
14127 with the United States Department of Energy and other public  
14128 agencies. Other state agencies and local governmental entities in  
14129 this state shall cooperate to the fullest extent possible to  
14130 effectuate the duties of the authority.

14131           (2) To consult with the Governor and with the authority  
14132 concerning the siting, development and operation of the  
14133 Superconducting Super Collider research facility in the state, the  
14134 Governor may establish special advisory committees, as he deems  
14135 necessary, which may be composed of lay persons, scientists,



14136 physicists, engineers, other professionals and anyone having  
14137 special knowledge of or interest in the project.

14138 **SECTION 448.** Section 57-67-11, Mississippi Code of 1972, is  
14139 brought forward as follows:

14140 57-67-11. The authority, in addition to any and all powers  
14141 now or hereafter granted to it, is hereby empowered:

14142 (a) To maintain an office at a place or places in the  
14143 state.

14144 (b) To employ or contract with architects, engineers,  
14145 attorneys, accountants, construction and financial experts and  
14146 such other advisors, consultants and agents as may be necessary in  
14147 its judgment and to fix and pay their compensation.

14148 (c) To make such applications and enter into such  
14149 contracts for financial assistance as may be appropriate under  
14150 applicable federal or state law.

14151 (d) To apply for, accept and utilize grants, gifts and  
14152 other funds or aid from any source for any purpose contemplated by  
14153 the chapter, and to comply, subject to the provisions of this  
14154 chapter, with the terms and conditions thereof.

14155 (e) To acquire by purchase, lease, gift, or in other  
14156 manner other than by eminent domain, or obtain options to acquire,  
14157 and to own, maintain, use, operate and convey any and all property  
14158 of any kind, real, personal, or mixed, or any interest or estate  
14159 therein, (including easements, rights-of-way, air rights or  
14160 subsurface rights, or a stratified fee estate in a specified



14161 volume of land located below, at, or above the surface) within or  
14162 without the project area, necessary or convenient for the project  
14163 or any facility related to the project or necessary or convenient  
14164 for any enhancement offered to secure the siting of the project in  
14165 the state or for the exercise of the powers granted by this  
14166 chapter.

14167           (f) To acquire by purchase or lease any public lands  
14168 and public property, including sixteenth section lands and lieu  
14169 lands, within the project area, which are necessary or convenient  
14170 for the project. Sixteenth section lands or lieu lands acquired  
14171 under this chapter shall be deemed to be acquired for the purposes  
14172 of industrial development thereon and such acquisition will serve  
14173 a higher public interest in accordance with the purposes of this  
14174 chapter.

14175           (g) To make or cause to be made such examinations and  
14176 surveys as may be necessary to the planning, design, construction  
14177 and operation of the project; and for such purpose the authority,  
14178 its agents, servants, or any public agency involved in the project  
14179 selection, design, construction or operation, shall have immediate  
14180 and full right of entry upon the lands and waters of any person  
14181 for the purposes of survey and exploration.

14182           (h) From and after the date of notification to the  
14183 authority by the Department of Energy that the state has been  
14184 finally selected as the site of the project, to acquire by  
14185 condemnation and to own, maintain, use, operate and convey or



14186 otherwise dispose of any and all property of any kind, real,  
14187 personal or mixed, or any interest or estate therein, (including  
14188 easements, rights-of-way, air rights or subsurface rights, or a  
14189 stratified fee estate in a specified volume of land located below,  
14190 at, or above the surface), within the project area, necessary or  
14191 convenient for the project or any facility related to the project  
14192 and the exercise of the powers granted by this chapter, according  
14193 to the procedures provided by Chapter 27, Title 11, Mississippi  
14194 Code of 1972, except as modified by this chapter. For the  
14195 purposes of this chapter, the right of eminent domain shall be  
14196 superior and dominant to the right of eminent domain of other  
14197 public agencies and of railroad, telephone, telegraph, gas, power  
14198 and other companies or corporations and shall extend to public and  
14199 private lands including sixteenth section lands. The amount and  
14200 character of interest in land, other property, and easements thus  
14201 to be acquired shall be determined by the authority, and its  
14202 determination shall be conclusive and shall not be subject to  
14203 attack in the absence of manifest abuse of discretion or fraud on  
14204 the part of the authority in making such determination. However,  
14205 (i) In acquiring lands by condemnation, the  
14206 authority shall not acquire minerals or royalties in minerals  
14207 unless a competent registered professional engineer shall have  
14208 certified that the acquisition of such minerals and royalties in  
14209 minerals is necessary for purposes of the project; provided that



14210 limestone, clay, chalk, sand and gravel shall not be considered as  
14211 minerals within the meaning of this section; and

14212 (ii) Unless minerals or royalties in minerals have  
14213 been acquired by condemnation or otherwise, no person or persons  
14214 owning the drilling rights or the right to share in production of  
14215 minerals shall be prevented from exploring, developing, or  
14216 producing oil or gas with necessary rights-of-way for ingress and  
14217 egress, pipelines and other means of transporting interests on any  
14218 land or interest therein of the authority held or used for the  
14219 purposes of this chapter; but any such activities shall be under  
14220 such reasonable regulation by the authority as will adequately  
14221 protect the project contemplated by this chapter as provided in  
14222 subparagraph (s) of this section. For the purpose of acquiring by  
14223 condemnation land and easements for the project or any facility  
14224 related to the project located within the project area, the  
14225 authority shall have the right of immediate possession pursuant to  
14226 Sections 11-27-81 through 11-27-89.

14227 (i) In any proceeding in any court which has been or  
14228 may be instituted by and in the name of the authority for the  
14229 acquisition of any land or easement or right-of-way in land for  
14230 the public use as provided in subparagraph (h) of this section,  
14231 the authority may file in the cause, with the petition or at any  
14232 time before judgment, a declaration of taking signed by the  
14233 authority, declaring that said lands are thereby taken for the use



14234 of the authority in connection with the location of the project.  
14235 Said declaration of taking shall contain or have annexed thereto:  
14236 (i) A statement of the statutory authority under  
14237 which and the public use for which said lands are taken.  
14238 (ii) A description of the lands taken sufficient  
14239 for the identification thereof.  
14240 (iii) A statement of the estate or interest in  
14241 said lands taken for said public use.  
14242 (iv) A statement of the necessity of the immediate  
14243 vesting of title in the authority in order to convey such property  
14244 to the United States for the use in connection with the project.  
14245 (v) A statement of the sum of money estimated by  
14246 the authority to be due compensation for the land taken. Upon  
14247 filing the declaration of taking and of the deposit in the court,  
14248 to the use of the persons entitled thereto, of the amount of the  
14249 estimated compensation stated in the declaration, title to such  
14250 lands in fee simple absolute, or such less estate or interest  
14251 therein as is specified in the declaration, shall vest in the  
14252 authority, and such lands shall be deemed to be condemned and  
14253 taken for the use of the authority, and the right to due  
14254 compensation for the same shall vest in the persons entitled  
14255 thereto; and compensation shall be ascertained and awarded in the  
14256 proceeding and established by judgment therein, and the judgment  
14257 shall include, as part of the due compensation awarded, interest  
14258 in accordance with law on the amount finally awarded as the value





14259 of the property as of the date of taking, from such date to the  
14260 date of payment; but interest shall not be allowed on so much  
14261 thereof as shall have been paid into the court. No sum so paid  
14262 into the court shall be charged with commissions or poundage.

14263       Upon the application of the parties in interest, the court  
14264 may order that the money deposited in the court, or any part  
14265 thereof, be paid forthwith for or on account of the due  
14266 compensation to be awarded in the proceeding. If the compensation  
14267 finally awarded in respect of such lands, or any parcel thereof,  
14268 shall exceed the amount of the money so received by any person  
14269 entitled, the court shall enter judgment against the authority for  
14270 the amount of the deficiency.

14271       Upon the filing of a declaration of taking, the court shall  
14272 have power to fix the time within which and the terms upon which  
14273 the parties in possession shall be required to surrender  
14274 possession to the petitioner. The court shall have power to make  
14275 such orders in respect of encumbrances, liens, rents, taxes,  
14276 assessments, insurance, and other charges, if any, as shall be  
14277 just and equitable. No appeal in any cause under this  
14278 subparagraph (i) of this section nor any bond or undertaking given  
14279 therein shall operate to prevent or delay the vesting of title to  
14280 such lands in the authority.

14281       (j) To require the necessary relocation or rerouting of  
14282 roads and highways, railroad, telephone and telegraph lines and  
14283 properties, electric power lines, pipelines and related



14284 facilities, or to require the anchoring or other protection of any  
14285 of these, provided due compensation is paid to the owners thereof  
14286 or agreement is had with such owners regarding the payment of the  
14287 cost of such relocation, and to acquire by condemnation or  
14288 otherwise easements or rights-of-way for such relocation or  
14289 rerouting and to convey the same to the owners of the facilities  
14290 being relocated or rerouted in connection with the purposes of  
14291 this chapter.

14292           (k) To require the necessary relocation of cemeteries  
14293 and to pay all reasonable costs thereof.

14294           (l) To perform or have performed any and all acts and  
14295 make all payments necessary to comply with all applicable federal  
14296 laws, rules or regulations including but not limited to the  
14297 Uniform Relocation Assistance and Real Property Acquisition  
14298 Policies Act of 1970 (42 U.S.C. 4601, 4602, 4621 to 4638, and 4651  
14299 to 4655) and relocation rules and regulations promulgated by the  
14300 Department of Energy.

14301           (m) To construct, extend, improve, maintain, and  
14302 reconstruct, to cause to be constructed, extended, improved,  
14303 maintained, and reconstructed, and to use and operate any and all  
14304 components of the project or any facility related to the project,  
14305 within the project area, necessary or convenient to the project  
14306 and to the exercise of such powers, rights, and privileges granted  
14307 the authority.



14308 (n) To incur or defray any designated portion of the  
14309 cost of any component of the project or any facility related to  
14310 the project acquired or constructed by any public agency.

14311 (o) To lease, sell, give, donate, convey or otherwise  
14312 transfer any or all property acquired by the authority under the  
14313 provisions of this chapter to the United States Department of  
14314 Energy, its successors or assigns, and in connection therewith to  
14315 pay the costs of title search, perfection of title, title  
14316 insurance and recording fees as may be required. The authority  
14317 may provide in the instrument conveying such property a provision  
14318 that such property shall revert to the authority if, as and when  
14319 the property is declared by the United States Department of Energy  
14320 to be no longer needed for the Superconducting Super Collider  
14321 research facility.

14322 (p) To enter into contracts with any person, public  
14323 agency or political subdivision including, but not limited to,  
14324 contracts authorized by Section 57-67-17, in furtherance of any of  
14325 the purposes authorized by this chapter upon such consideration as  
14326 the authority and such person, public agency or political  
14327 subdivision may agree. Any such contract may extend over any  
14328 period of time, notwithstanding any rule of law to the contrary,  
14329 may be upon such terms as the parties thereto shall agree, and may  
14330 provide that it shall continue in effect until bonds specified  
14331 therein, refunding bonds issued in lieu of such bonds, and all  
14332 other obligations specified therein are paid or terminated. Any



14333 such contract shall be binding upon the parties thereto according  
14334 to its terms. Such contracts may include an agreement to  
14335 reimburse the United States Department of Energy, its successors  
14336 and assigns for any assistance provided by the United States  
14337 Department of Energy in the acquisition of real property for the  
14338 project or any facility related to the project.

14339 (q) To establish and maintain reasonable rates and  
14340 charges for the use of any facility within the project area owned  
14341 or operated by the authority, and from time to time to adjust such  
14342 rates and to impose penalties for failure to pay such rates and  
14343 charges when due.

14344 (r) To make and enforce, and from time to time amend  
14345 and repeal, rules and regulations for the construction, use,  
14346 maintenance and operation of any facility related to the project  
14347 under its management and control and any other of its properties.

14348 (s) To adopt and enforce all necessary and reasonable  
14349 rules and regulations to carry out and effectuate the  
14350 implementation of the project and any land use plan or zoning  
14351 classification adopted for the project area, including but not  
14352 limited to rules, regulations, and restrictions concerning mining,  
14353 construction, excavation or any other activity the occurrence of  
14354 which may endanger the structure or operation of the project.  
14355 Such rules may be enforced within the project area and without the  
14356 project area as necessary to protect the structure and operation  
14357 of the project. The authority is authorized to plan or replan,



14358 zone or rezone, and make exceptions to any regulations, whether  
14359 local or state, which are inconsistent with the design, planning,  
14360 construction or operation of the project and facilities related to  
14361 the project.

14362 (t) To plan, design, coordinate and implement measures  
14363 and programs to mitigate impacts on the natural environment caused  
14364 by the project or any facility related to the project.

14365 (u) To assist any public agency involved with the  
14366 project design, construction or operation in securing any state or  
14367 local permits and approval required for the project or any  
14368 facility related to the project.

14369 (v) To do any and all things necessary or convenient to  
14370 carry out the authority's purposes and to exercise the powers  
14371 given and granted in this chapter.

14372 **SECTION 449.** Section 57-67-13, Mississippi Code of 1972, is  
14373 brought forward as follows:

14374 57-67-13. (1) The Board of Trustees of State Institutions  
14375 of Higher Learning is hereby directed to develop plans for the  
14376 creation of an Institute of High Energy Physics. Upon  
14377 notification to the authority by the Department of Energy that the  
14378 state has been selected as the site of the project, the Board of  
14379 Trustees of State Institutions of Higher Learning not later than  
14380 one (1) year thereafter shall establish and create the institute.  
14381 Such institute shall include at least twenty (20) funded faculty



14382 positions and shall include facilities to accommodate faculty and  
14383 graduate students.

14384 (2) The Board of Trustees of State Institutions of Higher  
14385 Learning is hereby directed to develop plans for the creation of  
14386 an Institute for Mathematics and Computing Sciences. Upon  
14387 notification to the authority by the Department of Energy that the  
14388 state has been selected as the site of the project, the Board of  
14389 Trustees of State Institutions of Higher Learning not later than  
14390 one (1) year thereafter shall establish and create the institute.

14391 (3) The authority is hereby directed to develop plans for  
14392 technology transfer activities to ensure private sector conduits  
14393 for exchange of information, technology and expertise related to  
14394 the project to generate opportunities for commercial development  
14395 within the state.

14396 **SECTION 450.** Section 57-67-15, Mississippi Code of 1972, is  
14397 amended as follows:

14398 57-67-15. (1) Upon notification to the authority by the  
14399 Department of Energy that the state has been finally selected as  
14400 the site for the project, the State Bond Commission shall have the  
14401 power and is hereby authorized and directed, upon receipt of a  
14402 declaration from the Governor as hereinafter provided, to borrow  
14403 money and issue general obligation bonds of the state in one or  
14404 more series for the purposes herein set out. Upon such  
14405 notification, the Governor may thereafter, from time to time,  
14406 declare the necessity for the issuance of general obligation state



14407 bonds as authorized by this section and forward such declaration  
14408 to the State Bond Commission, provided that prior to said  
14409 notification, the Governor may enter into agreements with the  
14410 United States Government and others that will commit the Governor  
14411 to direct the State Bond Commission to issue bonds for eligible  
14412 undertakings set out in subsection (4) of this section,  
14413 conditioned on the siting of the project in the state.

14414 (2) Upon receipt of any such declaration from the Governor,  
14415 the State Bond Commission, upon verifying that the state has been  
14416 selected as the site of the project, shall act as the issuing  
14417 agent for the series of state bonds directed to be issued in such  
14418 declaration pursuant to authority granted in this section.

14419 (3) Bonds issued under the authority of this section shall  
14420 not exceed an aggregate principal amount in the sum of Five  
14421 Hundred Million Dollars (\$500,000,000.00).

14422 (4) The proceeds from the sale of the state bonds issued  
14423 pursuant to this section may be applied for the purposes of: (a)  
14424 defraying all or any designated portion of the costs incurred with  
14425 respect to acquisition, planning, design, construction,  
14426 installation, rehabilitation, improvement and relocation of the  
14427 project and any facility related to the project located within the  
14428 project area, including costs of design and engineering, all costs  
14429 incurred to provide land, easements and rights-of-way, relocation  
14430 costs with respect to the project and with respect to any facility  
14431 related to the project located within the project area, and costs



14432 associated with mitigation of environmental impacts; (b) providing  
14433 for the payment of interest on the bonds; (c) providing debt  
14434 service reserves; and (d) paying underwriters discount, original  
14435 issue discount, accountants' fees, engineers' fees, attorney's  
14436 fees, rating agency fees and other fees and expenses in connection  
14437 with the issuance of the bonds. Such bonds shall be issued, from  
14438 time to time, and in such principal amounts as shall be designated  
14439 by the Governor not to exceed in aggregate principal amount the  
14440 amount authorized in subsection (3) of this section. Proceeds  
14441 from the sale of the state bonds issued pursuant to this section  
14442 may be invested, subject to federal limitations, pending their  
14443 use, in such securities as may be specified in the resolution  
14444 authorizing the issuance of the bonds or the trust indenture  
14445 securing them, and the earning on such investment applied as  
14446 provided in such resolution or trust indenture.

14447 (5) The principal of and the interest on the state bonds  
14448 shall be payable in the manner hereinafter set forth. The state  
14449 bonds shall bear date or dates, be in such denomination or  
14450 denominations, bear interest at such rate or rates, be payable at  
14451 such place or places within or without the state, shall mature  
14452 absolutely at such time or times, be redeemable prior to maturity  
14453 at such time or times and upon such terms, with or without  
14454 premium, shall bear such registration privileges, and shall be  
14455 substantially in such form, all as shall be determined by  
14456 resolution of the State Bond Commission. Provided, however, that





14457 such state bonds shall mature or otherwise be retired in annual  
14458 installments beginning not more than five (5) years from date  
14459 thereof and extending not more than twenty-five (25) years from  
14460 date thereof. The state bonds shall be signed by the Chairman of  
14461 the State Bond Commission, or by his facsimile signature, and the  
14462 official seal of the State Bond Commission shall be imprinted on  
14463 or affixed thereto, attested by the manual or facsimile signature  
14464 of the Secretary of the State Bond Commission. Whenever any such  
14465 state bonds shall have been signed by the officials herein  
14466 designated to sign the bonds, who were in the office at the time  
14467 of such signing but who may have ceased to be such officers prior  
14468 to the sale and delivery of such bonds, or who may not have been  
14469 in office on the date such bonds may bear, the signatures of such  
14470 officers upon such bonds shall nevertheless be valid and  
14471 sufficient for all purposes and have the same effect as if the  
14472 person so officially signing such bonds had remained in office  
14473 until the delivery of the same to the purchaser, or had been in  
14474 office on the date such bonds may bear.

14475 (6) All state bonds issued under the provisions of this  
14476 section shall be and are hereby declared to have all the qualities  
14477 and incidents of negotiable instruments under the provisions of  
14478 the Uniform Commercial Code and in exercising the powers granted  
14479 by this chapter, the State Bond Commission shall not be required  
14480 to and need not comply with the provisions of the Uniform  
14481 Commercial Code.



14482 (7) The State Bond Commission shall sell the state bonds on  
14483 sealed bids at public sale, and for such price as it may determine  
14484 to be for the best interest of the State of Mississippi, but no  
14485 such sale shall be made at a price less than par plus accrued  
14486 interest to date of delivery of the bonds to the purchaser. The  
14487 state bonds shall bear interest at such rate or rates not  
14488 exceeding the limits set forth in Section 75-17-101 as shall be  
14489 fixed by the State Bond Commission. All interest accruing on such  
14490 bonds so issued shall be payable semiannually or annually;  
14491 provided that the first interest payment may be for any period of  
14492 not more than one (1) year.

14493 The lowest interest rate specified for any bonds issued shall  
14494 not be less than sixty percent (60%) of the highest interest rate  
14495 specified for the same bond issue. Each interest rate specified  
14496 in any bid must be in a multiple of one-eighth of one percent (1/8  
14497 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of  
14498 interest cannot be named. Notice of the sale of any state bond  
14499 shall be published at least one (1) time, the first of which shall  
14500 be made not less than ten (10) days prior to the date of sale, and  
14501 shall be so published in one or more newspapers having a general  
14502 circulation in the City of Jackson and in one or more other  
14503 newspapers or financial journals with a large national  
14504 circulation, to be selected by the State Bond Commission.

14505 The State Bond Commission, when issuing any state bonds under  
14506 the authority of this section, may provide that the bonds, at the



14507 option of the state, may be called in for payment and redemption  
14508 in reverse order of maturity at the call price named therein and  
14509 accrued interest on such date or dates named therein.

14510 (8) State bonds issued under the provisions of this section  
14511 shall be the general obligations of the state and backed by the  
14512 full faith and credit of the state, and if the funds appropriated  
14513 by the Legislature shall be insufficient to pay the principal of  
14514 and the interest on such bonds as they become due, then the  
14515 deficiency shall be paid by the State Treasurer from any funds in  
14516 the State Treasury not otherwise appropriated. All state bonds  
14517 shall contain recitals on their faces substantially covering the  
14518 foregoing provisions of this section.

14519 (9) The State Treasurer is hereby authorized, without  
14520 further process of law, to certify to the State Fiscal Management  
14521 Board the necessity for warrants, and the State Fiscal Management  
14522 Board is hereby authorized and directed to issue such warrants  
14523 payable out of any funds authorized by this section for such  
14524 purpose, in such amounts as may be necessary to pay when due the  
14525 principal of and interest on all state bonds issued under the  
14526 provisions of this section; and the State Treasurer shall forward  
14527 the necessary amount to the designated place or places of payment  
14528 of such bonds in ample time to discharge such bonds, or the  
14529 interest thereon, on the due dates thereof.

14530 (10) The state bonds may be issued without any other  
14531 proceedings or the happening of any other conditions or things



14532 other than those proceedings, conditions and things which are  
14533 specified or required by this chapter. Any resolution providing  
14534 for the issuance of general obligation state bonds under the  
14535 provisions of this section shall become effective immediately upon  
14536 its adoption by the State Bond Commission, and any such resolution  
14537 may be adopted at any regular or special meeting of the State Bond  
14538 Commission by a majority of its members.

14539 (11) In anticipation of the issuance of state bonds  
14540 hereunder, the State Bond Commission is hereby authorized to  
14541 negotiate and enter into any purchase, loan, credit or other  
14542 agreement with any bank, trust company or other lending  
14543 institution or to issue and sell short-term notes for the purpose  
14544 of making any payments authorized under this section. All  
14545 borrowings made under this provision shall be evidenced by notes  
14546 of the state which shall be issued from time to time, for such  
14547 amounts not exceeding the amount of state bonds authorized herein,  
14548 in such form and in such denomination and subject to such terms  
14549 and conditions of sale and issuance, prepayment or redemption and  
14550 maturity, rate or rates of interest not to exceed the maximum rate  
14551 authorized herein for bonds, and time of payment of interest as  
14552 the State Bond Commission shall agree to in such agreement. Such  
14553 notes shall constitute general obligations of the state and shall  
14554 be backed by the full faith and credit of the state. Such notes  
14555 may also be issued for the purpose of refunding previously issued  
14556 notes; provided that no notes shall mature more than three (3)



14557 years following the date of issuance of the first note hereunder  
14558 and provided further, that all outstanding notes shall be retired  
14559 from the proceeds of the first issuance of bonds hereunder. The  
14560 State Bond Commission is authorized to provide for the  
14561 compensation of any purchaser of the notes by payment of a fixed  
14562 fee or commission and for all other costs and expenses of issuance  
14563 and service, including paying agent costs. Such costs and  
14564 expenses may be paid from the proceeds of the notes.

14565 (12) The bonds and notes authorized under the authority of  
14566 this section may be validated in the First Judicial District of  
14567 the Chancery Court of Hinds County, Mississippi, in the manner and  
14568 with the force and effect provided now or hereafter by Chapter 13,  
14569 Title 31, Mississippi Code of 1972, for the validation of county,  
14570 municipal, school district and other bonds. The necessary papers  
14571 for such validation proceedings shall be transmitted to the state  
14572 bond attorney, and the required notice shall be published in a  
14573 newspaper published in the City of Jackson, Mississippi.

14574 (13) There is hereby created in the State Treasury a special  
14575 fund, separate and apart from any other fund, to be designated as  
14576 the "Superconducting Super Collider Special Fund." On July 15  
14577 immediately succeeding the date that the state has been finally  
14578 selected as the site for the project and on or before the  
14579 fifteenth day of each succeeding month thereafter until a period  
14580 of time not to exceed twenty-five (25) years from the initial  
14581 deposit or until the date that all state bonds issued under this



14582 chapter are retired, whichever occurs last in time, the State  
14583 Treasurer shall deposit into the Superconducting Super Collider  
14584 Special Fund the sum of Three Million Seven Hundred Fifty Thousand  
14585 Dollars (\$3,750,000.00) from taxes collected under the provisions  
14586 of Chapter 7, Title 27, Mississippi Code of 1972. Funds deposited  
14587 in the special fund shall be used to pay the principal of and  
14588 interest on the state bonds issued under this section and any  
14589 balance in the special fund in excess of the amount needed to pay  
14590 the principal of and interest on the state bonds shall be  
14591 appropriated by the Legislature to defray expenses of the project,  
14592 facilities related to the project or enhancements within the  
14593 project area.

14594       **SECTION 451.** Section 57-67-17, Mississippi Code of 1972, is  
14595 amended as follows:

14596       57-67-17. For the purpose of aiding in the planning, design,  
14597 undertaking and carrying out of the project or any facility  
14598 related to the project, or any educational, cultural, housing or  
14599 recreational facility or enhancement offered to secure the siting  
14600 of the project in the state, any public agency or political  
14601 subdivision of any kind is authorized and empowered upon such  
14602 terms, with or without consideration, as it may determine: (a) to  
14603 enter into agreements, which may extend over any period, with the  
14604 authority respecting action to be taken by such public agency or  
14605 political subdivision with respect to the acquisition, planning,  
14606 construction, improvement, operation, maintenance or funding of



14607 the project or any such facility or enhancement, including without  
14608 limitation (i) the appropriation or payment of funds to the  
14609 authority or to a trustee in amounts which shall be sufficient to  
14610 enable the authority to defray any designated portion or  
14611 percentage of the expenses of administering, planning, designing,  
14612 constructing, acquiring, improving, operating, and maintaining the  
14613 project or any such facility or enhancement, (ii) the  
14614 appropriation or payment of funds to the authority or to a trustee  
14615 to pay interest and principal (whether at maturity or upon sinking  
14616 fund redemption) on bonds of the authority issued pursuant to this  
14617 chapter and to fund reserves for debt service, for operation and  
14618 maintenance and for renewals and replacements, and to fulfill  
14619 requirements of any covenant with respect to debt service  
14620 contained in any resolution, trust indenture or other security  
14621 agreement relating to the bonds of the authority issued pursuant  
14622 to this chapter and (iii) the furnishing of other assistance in  
14623 connection with the project or any such facility or enhancement;  
14624 (b) to dedicate, sell, donate, convey or lease any property or  
14625 interest in property to the authority or grant easements, licenses  
14626 or other rights or privileges therein to the authority; (c) to  
14627 incur the entire expense of any public improvements made or to be  
14628 made by such public agency or political subdivision in exercising  
14629 the powers granted in this section; (d) to do any and all things  
14630 necessary to aid or cooperate in the planning or carrying out of  
14631 the project or any such facility or enhancement; (e) to lend,



14632 grant or contribute funds to the authority; (f) to cause public  
14633 buildings and public facilities, including parks, playgrounds,  
14634 recreational areas, community meeting facilities, water, sewer or  
14635 drainage facilities, or any other works which it is otherwise  
14636 empowered to undertake, to be furnished to or with respect to the  
14637 project or any such facility or enhancement; (g) to furnish,  
14638 dedicate, close, vacate, pave, install, upgrade or improve  
14639 highways, streets, roads, sidewalks, airports, railroads, ports or  
14640 other public facilities; (h) to plan or replan, zone or rezone any  
14641 parcel of land within the public agency or political subdivision  
14642 or make exceptions from land use, building and zoning regulations;  
14643 and (i) to cause administrative and other services to be furnished  
14644 to the authority, including services pertaining to the acquisition  
14645 of real property and the furnishing of relocation assistance. Any  
14646 contract between a public agency or political subdivision entered  
14647 into with the authority pursuant to any of the powers granted by  
14648 this chapter shall be binding upon said public agency or political  
14649 subdivision according to its terms, and such public agency or  
14650 political subdivision shall have the power to enter into such  
14651 contracts as in the discretion of the governing authorities  
14652 thereof would be to the best interest of the people of such public  
14653 agency or political subdivision. Such contracts may include  
14654 within the discretion of such governing authorities a pledge of  
14655 the full faith and credit of such political subdivision for the  
14656 performance thereof. If such contracts include a pledge of the





14657 full faith and credit of such political subdivision, then for the  
14658 purposes of Sections 27-39-321 and 37-57-107, the indebtedness  
14659 created by such contracts shall be deemed to be general obligation  
14660 bonds. The obligations of any public agency or political  
14661 subdivision arising under the terms of such contracts shall not be  
14662 included within the indebtedness of such public agency or  
14663 political subdivision for the purposes of any constitutional or  
14664 statutory limitation or provision. If at any time title to or  
14665 possession of the project or any such facility or enhancement is  
14666 held by any public body or governmental agency other than the  
14667 authority, including any agency or instrumentality of the United  
14668 States of America, the agreements referred to in this section  
14669 shall inure to the benefit of and may be enforced by such public  
14670 body or governmental agency.

14671 Notwithstanding any provisions of this chapter to the  
14672 contrary, any contract entered into between the authority and any  
14673 political subdivision for the appropriation or payment of funds to  
14674 the authority under item (a) (ii) of this section shall contain a  
14675 provision therein requiring monthly payments by the political  
14676 subdivision to pay its indebtedness and, if the political  
14677 subdivision is not a county or municipality, such contract shall  
14678 include as an additional party to the contract the county or  
14679 municipality (referred to in this paragraph as "levying  
14680 authority") that levies and collects taxes for the contracting  
14681 political subdivision. If the political subdivision fails to pay



14682 its indebtedness for any month, the authority shall certify to  
14683 the \* \* \* Department of Revenue, or other appropriate agency, the  
14684 amount of the delinquency, and the \* \* \* Department of Revenue  
14685 shall deduct such amount from the political subdivision's or  
14686 levying authority's, as the case may be, next allocation of sales  
14687 taxes, petroleum taxes, highway privilege taxes, severance taxes,  
14688 Tennessee Valley Authority payments in lieu of taxes and homestead  
14689 exemption reimbursements in that order of priority. The \* \* \*  
14690 Department of Revenue, or other appropriate agency, shall pay the  
14691 sums so deducted to the authority to be applied to the discharge  
14692 of the contractual obligation.

14693         **SECTION 452.** Section 57-67-19, Mississippi Code of 1972, is  
14694 amended as follows:

14695         57-67-19. (1) Upon notification to the authority by the  
14696 United States Department of Energy that the state has been finally  
14697 selected as the site for the project, then the authority shall  
14698 have the power and is hereby authorized, from time to time,  
14699 pursuant to contracts entered into under Section 57-67-17, to  
14700 borrow money and to issue bonds in such principal amounts as the  
14701 authority may determine to be necessary to provide funds  
14702 sufficient to defray all or any designated portion of the costs  
14703 incurred with respect to the project or any facility related to  
14704 the project, or any educational, cultural, housing or recreational  
14705 facility or enhancement offered to secure the siting of the  
14706 project in the state; provided that prior to said notification,



14707 the authority may enter into agreements with the United States  
14708 government or others that will commit the authority to issue bonds  
14709 for eligible undertakings set out in subsection (6) of this  
14710 section pursuant to contracts entered into under Section 57-67-17,  
14711 conditioned on the siting of the project in the state.

14712 (2) Bonds of the authority issued pursuant to Sections  
14713 57-67-19 through 57-67-31 shall be payable (except to the extent  
14714 that payment may be made from bond proceeds deposited or  
14715 accumulated in any capitalized interest fund or bond reserve fund)  
14716 solely from and secured by a pledge of all or any designated part  
14717 of the revenues received by the authority pursuant to contracts  
14718 entered into with one or more public agencies pursuant to Section  
14719 57-67-17. Such bonds may be further secured by a trust indenture  
14720 between the authority and a corporate trustee, which may be any  
14721 trust company or bank having powers of a trust company within or  
14722 without the state, and by reserves established to secure the  
14723 payment of principal of and interest on such bonds. Any pledge of  
14724 earnings, revenues or other \* \* \* monies made by the authority  
14725 shall be valid and binding from the time the pledge is made. The  
14726 earnings, revenues or other \* \* \* monies so pledged and thereafter  
14727 received by the authority shall immediately be subject to the lien  
14728 of such pledge without any physical delivery thereof or further  
14729 act, and the lien of any such pledge shall be valid and binding as  
14730 against all parties having claims of any kind against the  
14731 authority whether such parties have or do not have notice thereof.



14732 Neither the bond resolution, trust indenture nor any other  
14733 instrument by which a pledge is created need be recorded.

14734 (3) Bonds of the authority issued pursuant to Sections  
14735 57-67-19 through 57-67-31 may be authorized and issued in one or  
14736 more series by a resolution or resolutions of the authority,  
14737 without publication of notice of intent and without an election on  
14738 the question of the issuance thereof. Such bonds shall bear such  
14739 date or dates, mature at such time or times, bear interest at such  
14740 rate or rates, be in such denomination or denominations, be in  
14741 such form, carry such conversion privileges, have such rank or  
14742 priority, be executed in such manner and by such officers, be  
14743 payable from such sources in such medium of payment at such place  
14744 or places within or without the state, be subject to such terms of  
14745 redemption prior to maturity, all as may be provided by resolution  
14746 or resolutions of the authority. Such bonds may be executed and  
14747 delivered at any time as a single issue or from time to time as  
14748 several issues, and may mature or become payable in such amounts  
14749 and at such time or times not exceeding thirty (30) years from  
14750 their date, all as may be provided by resolution or resolutions of  
14751 the authority.

14752 (4) Bonds of the authority issued pursuant to Sections  
14753 57-67-19 through 57-67-31 may be sold at a price not less than  
14754 ninety-eight percent (98%) of par value plus accrued interest, at  
14755 public or private sale, at such times as may be determined by the  
14756 authority to be in the public interest, and the authority may pay



14757 all expenses, premiums, fees and commissions which it may deem  
14758 necessary and advantageous in connection with the issuance and  
14759 sale thereof.

14760 (5) Whenever any bonds issued pursuant to Sections 57-67-19  
14761 through 57-67-31 shall have been signed by the officer(s)  
14762 designated by the resolution of the authority to sign the bonds,  
14763 who were in office at the time of such signing but who may have  
14764 ceased to be such officer(s) prior to the sale and delivery of  
14765 such bonds, or who may not have been in office on the date such  
14766 bonds may bear, the manual or facsimile signatures of such  
14767 officer(s) upon such bonds shall nevertheless be valid and  
14768 sufficient for all purposes and have the same effect as if the  
14769 person so officially executing such bonds had remained in office  
14770 until the delivery of the same to the purchaser or had been in  
14771 office on the date such bonds may bear.

14772 (6) Proceeds from the sale of bonds issued pursuant to  
14773 Sections 57-67-19 through 57-67-31 may be applied for the purposes  
14774 of (a) defraying all or any designated portion of the costs  
14775 incurred with respect to the project or any facility related to  
14776 the project, or any educational, cultural, housing or recreational  
14777 facility offered as an enhancement to secure the siting of the  
14778 project in the state, including costs of design and engineering,  
14779 all costs incurred to provide land, easements, rights-of-way and  
14780 relocation costs with respect to the project and with respect to  
14781 any such facility; (b) providing for the payment of interest on



14782 the bonds; (c) providing debt service reserves; and (d) paying  
14783 underwriters discount, original issue discount, accountants' fees,  
14784 engineers' fees, attorney's fees, rating agency fees and other  
14785 fees and expenses in connection with the issuance of the bonds and  
14786 other necessary and proper expenses of the authority in connection  
14787 with the project or any such facility. Proceeds from the sale of  
14788 bonds issued pursuant to Sections 57-67-19 through 57-67-31 may be  
14789 invested, subject to federal limitations, pending their use, in  
14790 such securities as may be specified in the resolution authorizing  
14791 the issuance of the bonds or the trust indenture securing them,  
14792 and the earning on such investment applied as provided in such  
14793 resolution or trust indenture.

14794 (7) Neither the executive director of the authority nor any  
14795 person executing the bonds shall be personally liable on the bonds  
14796 or be subject to any personal liability or accountability by  
14797 reason of the issuance thereof.

14798 (8) In anticipation of the issuance of bonds under Sections  
14799 57-67-19 through 57-67-31, the authority is hereby authorized to  
14800 negotiate and enter into any loan or credit agreement with any  
14801 bank, trust company or other lending institution for the purpose  
14802 of making any payments authorized under this chapter. All  
14803 borrowings made under this provision shall be evidenced by notes  
14804 of the authority which shall be issued from time to time, for such  
14805 amounts not exceeding the amount of bonds authorized herein, in  
14806 such form and in such denomination and subject to such terms and



14807 conditions of sale and issuance, prepayment or redemption and  
14808 maturity, rate or rates of interest, and time of payment of  
14809 interest as the authority shall agree to in such agreement. Such  
14810 notes may also be issued for the purpose of refunding previously  
14811 issued notes; provided that no notes shall mature more than three  
14812 (3) years following the date of issuance of the first note  
14813 hereunder and provided further, that all outstanding notes shall  
14814 be retired from the proceeds of the first issuance of bonds  
14815 hereunder. The authority is authorized to provide for the  
14816 compensation of any purchaser of the notes by payment of a fixed  
14817 fee or commission and for all other costs and expenses of issuance  
14818 and service, including paying agent costs. Such costs and  
14819 expenses may be paid from the proceeds of the notes.

14820       **SECTION 453.** Section 57-67-21, Mississippi Code of 1972, is  
14821 brought forward as follows:

14822       57-67-21. The authority may issue refunding bonds for the  
14823 purpose of paying any of its bonds at or prior to maturity or upon  
14824 acceleration or redemption. Refunding bonds may be issued at such  
14825 time prior to the maturity or redemption of the refunded bonds as  
14826 the authority deems to be in the public interest, without notice  
14827 and without an election on the question of the issuance thereof.  
14828 The refunding bonds may be issued in sufficient amounts to pay or  
14829 provide the principal of the bonds being refunded, together with  
14830 any redemption premium thereon, any interest accrued or to accrue  
14831 to the date of payment of such bonds, the expenses of issue of the



14832 refunding bonds, the expenses of redeeming the bonds being  
14833 refunded, and such reserves for debt service or other capital or  
14834 current expenses from the proceeds of such refunding bonds as may  
14835 be required by the resolution, trust indenture or other security  
14836 instruments. The issue of refunding bonds, the maturities and  
14837 other details thereof, the security therefor, the rights of the  
14838 holders and the rights, duties and obligations of the authority in  
14839 respect of the same shall be governed by the provisions of this  
14840 chapter relating to the issue of bonds other than refunding bonds  
14841 insofar as the same may be applicable. Any such refunding may be  
14842 effected, whether the obligations to be refunded shall have then  
14843 matured or shall thereafter mature, either by the exchange of the  
14844 refunding bonds for the obligations to be refunded thereby with  
14845 the consent of the holders of the obligations so to be refunded,  
14846 or by sale of the refunding bonds and the application of the  
14847 proceeds thereof to the payment of the obligations proposed to be  
14848 refunded thereby, and regardless of whether the obligations  
14849 proposed to be refunded shall be payable on the same date or  
14850 different dates or shall be due serially or otherwise.

14851           **SECTION 454.** Section 57-67-23, Mississippi Code of 1972, is  
14852 brought forward as follows:

14853           57-67-23. All bonds (other than state bonds, refunding  
14854 bonds, interim notes and certificates of indebtedness, which may  
14855 be validated) issued pursuant to Sections 57-67-19 through  
14856 57-67-31 shall be validated as provided in Sections 31-13-1





14857 through 31-13-11, Mississippi Code of 1972; provided, however,  
14858 that notice of such validation proceedings shall be addressed to  
14859 the taxpayers of all public agencies and political subdivisions:

14860 (a) Which have contracted with the authority pursuant  
14861 to Section 57-67-17; and

14862 (b) Whose contracts and the payments to be made  
14863 thereunder constitute security for the bonds of the authority  
14864 proposed to be issued, and such notice shall be published at least  
14865 once in a newspaper or newspapers having a general circulation  
14866 within the geographical boundaries of each public agency or  
14867 political subdivision to whose taxpayers the notice is addressed.

14868 Such validation proceedings shall be instituted in the First  
14869 Judicial District of the Chancery Court of Hinds County. The  
14870 validity of the bonds so validated and of the contracts and  
14871 payments to be made by the political subdivisions thereunder  
14872 constituting security for the bonds shall be forever conclusive  
14873 against the authority and the political subdivisions which are  
14874 parties to said contracts; and the validity of said bonds and said  
14875 contracts and the payments to be made thereunder shall never be  
14876 called in question in any court in this state.

14877 **SECTION 455.** Section 57-67-25, Mississippi Code of 1972, is  
14878 amended as follows:

14879 57-67-25. Bonds issued pursuant to Sections 57-67-19 through  
14880 57-67-31 shall not be deemed to constitute a debt, liability or  
14881 obligation of the contracting public agency or political



14882 subdivisions, within the meaning of any constitutional or  
14883 statutory limitation, nor shall such bonds constitute a pledge of  
14884 the full faith and credit of the state or the contracting public  
14885 agency or political subdivisions, but shall be payable solely from  
14886 the revenues, \* \* \* monies and funds of the authority pledged  
14887 therefor. Each bond shall contain on the face thereof a statement  
14888 to the effect that the authority shall not be obligated to pay the  
14889 same nor the interest thereon except from those sources above  
14890 mentioned and pledged therefor and that neither the full faith and  
14891 credit nor the taxing power of the state or any political  
14892 subdivision thereof is pledged to the payment of the principal of  
14893 or the interest on such bond.

14894 **SECTION 456.** Section 57-67-27, Mississippi Code of 1972, is  
14895 brought forward as follows:

14896 57-67-27. The authority may, in any authorizing resolution,  
14897 trust indenture or other security instrument relating to its  
14898 bonds, provide for the appointment of a trustee who shall have  
14899 such powers as are provided therein to represent the registered  
14900 owners of any issue of bonds in the enforcement or protection of  
14901 their rights under any such resolution, trust indenture or  
14902 security instrument. The authority may also provide in such  
14903 resolution, trust indenture or other security instrument that the  
14904 trustee, or in the event that the trustee so appointed shall fail  
14905 or decline to so protect and enforce such registered owners'  
14906 rights then such percentage of registered owners as shall be set



14907 forth in, and subject to the provisions of, such resolution, trust  
14908 indenture or other security interest, may petition the court of  
14909 proper jurisdiction for the appointment of a receiver of the  
14910 revenues which are pledged to the payment of the principal of and  
14911 interest on the bonds of such registered owners. Such receiver  
14912 may exercise any power as may be granted in any such resolution,  
14913 trust indenture or security instrument to collect, enforce and  
14914 receive all revenues derived from agreements with any public  
14915 agency or political subdivisions entered pursuant to Section  
14916 57-67-17, and carry out the contracts and obligations of the  
14917 authority in the same manner as the authority itself might do, all  
14918 under the direction of such court.

14919 **SECTION 457.** Section 57-67-29, Mississippi Code of 1972, is  
14920 brought forward as follows:

14921 57-67-29. The authority shall have power in connection with  
14922 the issuance of bonds other than state bonds issued pursuant to  
14923 this chapter to:

14924 (a) Covenant as to the use of any or all of its  
14925 property, real or personal.

14926 (b) Redeem the bonds, to covenant for their redemption  
14927 and to provide the terms and conditions thereof.

14928 (c) Covenant and prescribe as to events of default and  
14929 terms and conditions upon which any or all of its bonds shall  
14930 become or may be declared due before maturity, as to the terms and  
14931 conditions upon which such declaration and its consequences may be



14932 waived and as to the consequences of default and the remedies of  
14933 the registered owners of the bonds.

14934 (d) Covenant as to the mortgage or pledge of or the  
14935 grant of a security interest in all or any part of the revenues  
14936 derived from any revenue-producing contract or contracts made by  
14937 the authority with any public agency or political subdivision to  
14938 secure the payment of bonds, subject to such agreements with the  
14939 registered owners of bonds as may then exist.

14940 (e) Covenant as to the custody, collection, securing,  
14941 investment and payment of any revenues to which the authority may  
14942 have any rights or interest, which are pledged as security for the  
14943 bonds.

14944 (f) Covenant as to the purposes to which the proceeds  
14945 from the sale of any bonds then or thereafter to be issued may be  
14946 applied, and the pledge of such proceeds to secure the payment of  
14947 the bonds.

14948 (g) Covenant as to the limitations on the issuance of  
14949 any additional bonds, the terms upon which additional bonds may be  
14950 issued and secured, and the refunding of outstanding bonds.

14951 (h) Covenant as to the rank or priority of any bonds  
14952 with respect to any lien or security.

14953 (i) Covenant as to the procedure by which the terms of  
14954 any contract with or for the benefit of the registered owners of  
14955 bonds may be amended or abrogated, the amount of bonds the



14956 registered owners of which must consent thereto, and the manner in  
14957 which such consent may be given.

14958 (j) Covenant as to the custody of any of its properties  
14959 or investments, the safekeeping thereof, the insurance to be  
14960 carried thereon, and the use and disposition of insurance  
14961 proceeds.

14962 (k) Covenant as to the vesting in a trustee or  
14963 trustees, within or outside the state, of such properties, rights,  
14964 powers and duties in trust as the authority may determine.

14965 (l) Covenant as to the appointing and providing for the  
14966 duties and obligations of a paying agent or paying agents, a bond  
14967 registrar and transfer agent or other fiduciaries, all of which  
14968 may be domiciled within or outside the state.

14969 (m) Make all other covenants and to do any and all such  
14970 acts and things as may be necessary or convenient or desirable in  
14971 order to secure its bonds, or in the absolute discretion of the  
14972 authority tend to make the bonds more marketable, notwithstanding  
14973 that such covenants, acts or things may not be enumerated herein;  
14974 it being the intention hereof to give the authority power to do  
14975 all things in the issuance of bonds and in the provisions for  
14976 security thereof which are not inconsistent with the Constitution  
14977 of the state.

14978 (n) Execute all instruments necessary or convenient in  
14979 the exercise of the powers herein granted or in the performance of  
14980 covenants or duties, which may contain such covenants and



14981 provisions, as any purchaser of the bonds of the authority may  
14982 reasonably require.

14983           **SECTION 458.** Section 57-67-31, Mississippi Code of 1972, is  
14984 brought forward as follows:

14985           57-67-31. The state hereby covenants with the registered  
14986 owners of bonds of the authority issued pursuant to this chapter,  
14987 that so long as the bonds are outstanding and unpaid the state  
14988 will not materially limit or materially alter the rights and  
14989 powers of the authority under this chapter to conduct the  
14990 activities referred to herein in any way pertinent to the  
14991 interests of the bondholders including without limitation the  
14992 authority's right to collect revenues and to fulfill the terms of  
14993 any covenants made with the registered owners of the bonds, or in  
14994 any other way materially impair the rights and remedies of the  
14995 registered owners of the bonds, unless provision for full payment  
14996 of such bonds, by escrow or otherwise, has been made pursuant to  
14997 the terms of the bonds or the resolution, trust indenture or  
14998 security instrument securing the bonds.

14999           **SECTION 459.** Section 57-67-33, Mississippi Code of 1972, is  
15000 brought forward as follows:

15001           57-67-33. Any bonds or state bonds issued under the  
15002 provisions of this chapter, a transaction relating to the sale or  
15003 securing of such bonds, their transfer and the income therefrom  
15004 shall at all times be free from taxation by the state or any local



15005 unit or political subdivision or other instrumentality of the  
15006 state, excepting inheritance and gift taxes.

15007         **SECTION 460.** Section 57-67-35, Mississippi Code of 1972, is  
15008 brought forward as follows:

15009         57-67-35. All bonds or state bonds issued pursuant to this  
15010 chapter shall be legal investments for trustees, other  
15011 fiduciaries, savings banks, trust companies and insurance  
15012 companies organized under the laws of the State of Mississippi;  
15013 and such bonds shall be legal securities which may be deposited  
15014 with and shall be received by all public officers and bodies of  
15015 the state and all municipalities and other political subdivisions  
15016 thereof for the purpose of securing the deposit of public funds.

15017         **SECTION 461.** Section 57-67-37, Mississippi Code of 1972, is  
15018 amended as follows:

15019         57-67-37. (1) (a) The authority shall expend not less than  
15020 fifteen percent (15%) of the total amounts expended by the  
15021 authority on planning, construction, training, research,  
15022 development, testing, evaluation, personal services, procurement,  
15023 and for the operation and maintenance of any facilities or  
15024 activities controlled by such authority, with minority small  
15025 business concerns owned and controlled by socially and  
15026 economically disadvantaged individuals. For the purpose of  
15027 determining the total amounts expended with such minority small  
15028 business concerns, credit shall be given for that portion of any  
15029 prime contract entered into with the authority which inures to the



15030 benefit of such minority small business concern as a subcontractor  
15031 thereunder.

15032 (b) For the purposes of this section, the term  
15033 "socially and economically disadvantaged individuals" shall have  
15034 the meaning ascribed to such term under Section 8(d) of the Small  
15035 Business Act (15 \* \* \* USCS, Section 637(d)) and relevant  
15036 subcontracting regulations promulgated pursuant thereto.

15037 (c) For the purposes of this section, the term  
15038 "minority small business concern" means any small business  
15039 concern:

15040 (i) Which is at least fifty-one percent (51%)  
15041 owned by one or more socially and economically disadvantaged  
15042 individuals; or, in the case of any publicly owned businesses, at  
15043 least fifty-one percent (51%) of the stock of which is owned by  
15044 one or more socially and economically disadvantaged individuals;  
15045 and

15046 (ii) Whose management and daily business  
15047 operations are controlled by one or more of such individuals.

15048 (d) For the purposes of this section, the term "small  
15049 business concern" shall mean "small business" as the latter term  
15050 is defined in Section 57-10-155, Mississippi Code of 1972.

15051 (2) In order to comply in a timely manner with its minority  
15052 small business participation mandate, the authority shall set an  
15053 annual goal to expend not less than fifteen percent (15%) of its





15054 aggregate yearly expenditures with minority small business  
15055 concerns.

15056 (3) The authority shall:

15057 (a) Monitor the minority small business concerns  
15058 assistance programs prescribed in this section.

15059 (b) Review and determine the business capabilities of  
15060 minority small business concerns.

15061 (c) Establish standards for a certification procedure  
15062 for minority small business concerns seeking to do business with  
15063 the authority.

15064 (d) Provide technical assistance services to minority  
15065 small business concerns. Such technical assistance shall include  
15066 but not be limited to:

15067 (i) Research;

15068 (ii) Assistance in obtaining bonds;

15069 (iii) Bid preparation;

15070 (iv) Certification of business concerns;

15071 (v) Marketing assistance; and

15072 (vi) Joint venture and capital development.

15073 (e) Develop alternative bidding and contracting  
15074 procedures for minority small business concerns in conjunction  
15075 with the State Fiscal Management Board and the Governor's Office  
15076 of General Services.

15077 (f) Utilize such alternative bidding and contracting  
15078 procedures in lieu of those prescribed in \* \* \* Chapters 5 and 7,



15079 Title 31, Mississippi Code of 1972, when contracting with minority  
15080 small business concerns that have qualified to bid for contracts  
15081 and have satisfied any other disclosure provisions required by the  
15082 authority.

15083 (g) Be authorized to accept in lieu of any bond  
15084 otherwise required from minority small business concerns or small  
15085 business concerns contracting with the authority, in an amount  
15086 equal to one hundred percent (100%) of the total cost of the  
15087 contracted project, any combination of the following:

15088 (i) Cash;

15089 (ii) Certificates of deposit from any bank or  
15090 banking corporation insured by the Federal Deposit Insurance  
15091 Corporation or the Federal Savings and Loan Insurance Corporation;

15092 (iii) Federal treasury bills;

15093 (iv) Letters of credit issued by a bank as that  
15094 term is defined in Section 81-3-1, Mississippi Code of 1972; or

15095 (v) Surety bonds issued by an insurance company  
15096 licensed and qualified to do business in the State of Mississippi.

15097 (h) Be authorized, in its discretion, to waive any bond  
15098 required on any project which does not exceed a total dollar value  
15099 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall  
15100 be held by the authority in an amount not to exceed fifteen  
15101 percent (15%) from each draw according to American Institute of  
15102 Architects (AIA) standards. Upon satisfactory completion of such  
15103 project, ten percent (10%) of the total cost of the contract shall



15104 be held in an interest-bearing escrow account for one (1) year.  
15105 Funds deposited in such escrow account shall stand as a surety for  
15106 any defects in workmanship or materials detected within twelve  
15107 (12) months of completion. The balance of all monies so escrowed  
15108 including accrued interest shall be paid to the contractor at the  
15109 end of such twelve-month period.

15110 (i) Be empowered to provide an incentive of bimonthly  
15111 payments to any prime contractors utilizing minority small  
15112 business concerns as subcontractors on twenty-five percent (25%)  
15113 or more of the total dollar value of any single project or  
15114 contract.

15115 (j) Submit an annual report on its progress concerning  
15116 minority small business contracts to the Legislature by January 30  
15117 of each year.

15118 (k) Take all steps necessary to implement the  
15119 provisions of this section.

15120 (4) The Governor shall create an Office of Minority Small  
15121 Business Development within the authority. The Office of Minority  
15122 Small Business Development shall be the primary provider of  
15123 technical assistance to minority small business concerns. The  
15124 authority may, in its discretion, contract with minority small  
15125 business concerns and small business concerns to provide technical  
15126 assistance under the provisions of this section. The authority  
15127 may annually expend not more than one percent (1%) of the total  
15128 dollar amount prescribed in subsection (2) of this section for the



15129 purpose of providing technical assistance. All funds expended for  
15130 technical assistance shall be administrative funds or any funds  
15131 available other than the amounts prescribed in subsection (1)(a)  
15132 of this section.

15133 (5) The authority shall assist in facilitating the entry of  
15134 minorities into the subject areas of engineering, high-energy  
15135 physics, mathematics and computer science. An historically Black  
15136 public institution of higher learning may receive funding from the  
15137 authority for the enhancement of curriculum in any of these areas  
15138 for minority student development on the undergraduate and graduate  
15139 levels.

15140 **SECTION 462.** Section 57-67-39, Mississippi Code of 1972, is  
15141 brought forward as follows:

15142 57-67-39. The provisions of this chapter are cumulative of  
15143 other statutes now or hereafter enacted relating to the authority,  
15144 and the authority may exercise all presently held powers in the  
15145 furtherance of this chapter. If any section, paragraph, sentence,  
15146 clause, phrase or any part of the provisions of this chapter is  
15147 declared to be unconstitutional or void, or for any reason is  
15148 declared to be invalid or of no effect, the remaining sections,  
15149 paragraphs, sentences, clauses and phrases shall in no manner be  
15150 affected thereby but shall remain in full force and effect.

15151 **SECTION 463.** Section 57-69-1, Mississippi Code of 1972, is  
15152 brought forward as follows:



15153           57-69-1. This chapter shall be known and may be cited as the  
15154 "Mississippi Minority Business Enterprise Act."

15155           **SECTION 464.** Section 57-69-3, Mississippi Code of 1972, is  
15156 amended as follows:

15157           57-69-3. Unless the context requires otherwise, the  
15158 following words shall have the following meanings for the purposes  
15159 of this chapter:

15160                   (a) "Class of contract basis" means an entire group of  
15161 contracts having a common characteristic.

15162                   (b) "Commercially useful function" means being  
15163 responsible for execution of a contract or a distinct element of  
15164 the work under a contract by actually performing, managing, and  
15165 supervising the work involved.

15166                   (c) "Contract" means all types of state agreements,  
15167 regardless of what they may be called, for the purchase of  
15168 supplies or services or for construction or major repairs.  
15169 "Contract" includes the following:

15170                           (i) Awards and notices of award.

15171                           (ii) Contracts of a fixed price, cost,  
15172 cost-plus-a-fixed-fee, or incentive types.

15173                           (iii) Contracts providing for the issuance of job  
15174 or task orders.

15175                           (iv) Leases.

15176                           (v) Letter contracts.

15177                           (vi) Purchase orders.



15178 (vii) Any supplemental agreements with respect to  
15179 (i) through (vi) of this \* \* \* paragraph.

15180 (d) "Contracting base" means the dollar amount of  
15181 contracts for public works and procurement of goods and services  
15182 awarded by a state agency or a state educational institution  
15183 during a fiscal year.

15184 (e) "Contract by contract basis" means a single  
15185 contract within a specific class of contracts.

15186 (f) "Contractor" means a party who enters into a  
15187 contract to provide a state or educational institution with goods  
15188 or services, including construction, or a subcontractor or  
15189 sublessee of such a party.

15190 (g) "Director" means the Executive Director of the  
15191 Office of Minority Business Enterprises of the Mississippi  
15192 Development Authority.

15193 (h) "Educational institutions" means the state  
15194 universities, vocational institutions, and any other  
15195 state-supported educational institutions.

15196 (i) "Joint venture" means an association of two (2) or  
15197 more persons or businesses to carry out a single business  
15198 enterprise for profit for which purpose they combine their  
15199 property, capital, efforts, skills, and knowledge, and in which  
15200 they exercise control and share in profits and losses in  
15201 proportion to their contribution to the enterprise.



15202 (j) "Minority" means a person who is a citizen or  
15203 lawful permanent resident of the United States and who is:

15204 (i) Black: having origins in any of the black  
15205 racial groups of Africa.

15206 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,  
15207 Central or South American, or other Spanish or Portuguese culture  
15208 or origin regardless of race.

15209 (iii) Asian American: having origins in any of  
15210 the original peoples of the Far East, Southeast Asia, the Indian  
15211 subcontinent, or the Pacific Islands.

15212 (iv) American Indian or Alaskan Native: having  
15213 origins in any of the original peoples of North America.

15214 (v) Female.

15215 (k) "Minority business enterprise" or "minority owned  
15216 business" means a socially and economically disadvantaged small  
15217 business concern organized for profit performing a commercially  
15218 useful function which is owned and controlled by one or more  
15219 individuals or minority business enterprises certified by the  
15220 office, at least seventy-five percent (75%) of whom are resident  
15221 citizens of the State of Mississippi. For purposes of this  
15222 paragraph, the term "socially and economically disadvantaged small  
15223 business concern" shall have the meaning ascribed to such term  
15224 under the Small Business Act (15 USCS, Section 637(a)). Owned and  
15225 controlled means a business in which one or more minorities or  
15226 minority business enterprises certified by the office own at least



15227 fifty-one percent (51%) or in the case of a corporation at least  
15228 fifty-one percent (51%) of the voting stock and control at least  
15229 fifty-one percent (51%) of the management and daily business  
15230 operations of the business.

15231 (l) "Minority business enterprise supplier" means a  
15232 socially and economically disadvantaged small business concern  
15233 which is owned and controlled by one or more individuals, at least  
15234 seventy-five percent (75%) of whom are resident citizens of the  
15235 State of Mississippi. For purposes of this paragraph, the term  
15236 "socially and economically disadvantaged small business concern"  
15237 shall have the meaning ascribed to such term under the Small  
15238 Business Act (15 USCS, Section 637(a)) except that the net worth  
15239 of the business may not be greater than Seven Hundred Fifty  
15240 Thousand Dollars (\$750,000.00). Owned and controlled means a  
15241 business in which one or more minorities own at least fifty-one  
15242 percent (51%) or in the case of a corporation at least fifty-one  
15243 percent (51%) of the voting stock and control at least fifty-one  
15244 percent (51%) of the management and daily business operations of  
15245 the business.

15246 (m) "Office" means the Office of Minority Business  
15247 Enterprises of the Mississippi Development Authority.

15248 (n) "Procurement" means the purchase, lease, or rental  
15249 of any goods or services.

15250 (o) "Commodities" means the various items described in  
15251 Section 31-7-1(e).





15252 (p) "Professional services" means all personal service  
15253 contracts utilized by state agencies and institutions.

15254 (q) "Small business" means a small business as defined  
15255 by the Small Business Administration of the United States  
15256 government which for purposes of size eligibility or other factors  
15257 meets the applicable criteria set forth in Part 121 of Title 13 of  
15258 the Code of Federal Regulations as amended, and which has its  
15259 principal place of business in Mississippi.

15260 (r) "State agency" includes the State of Mississippi  
15261 and all agencies, departments, offices, divisions, boards,  
15262 commissions, and correctional and other types of institutions.  
15263 "State agency" does not include the Mississippi Department of  
15264 Transportation nor the judicial or legislative branches of  
15265 government except to the extent that procurement or public works  
15266 for these branches is performed by a state agency.

15267 **SECTION 465.** Section 57-69-5, Mississippi Code of 1972, is  
15268 brought forward as follows:

15269 57-69-5. (1) There is hereby created the Office of Minority  
15270 Business Enterprises of the Mississippi Development Authority  
15271 under the Mississippi Development Authority. The Executive  
15272 Director of the Mississippi Development Authority shall appoint an  
15273 executive director for the office. The executive director may  
15274 employ a staff subject to approval of the Executive Director of  
15275 the Mississippi Development Authority as necessary to carry out  
15276 the purposes of this office.



15277           (2) The office shall perform the following:

15278                 (a) Develop, plan and implement programs to provide an  
15279 opportunity for participation by qualified minority owned  
15280 businesses in public works and the process by which goods and  
15281 services are procured by state agencies and educational  
15282 institutions from the private sector;

15283                 (b) Develop a comprehensive plan encouraging that  
15284 qualified minority owned businesses are provided an opportunity to  
15285 participate in public contracts for public works and commodities  
15286 and services;

15287                 (c) Identify barriers to equal participation by  
15288 qualified minority owned businesses in all state agency and  
15289 educational institution contracts;

15290                 (d) Develop and maintain a central minority business  
15291 enterprise certification list for all state agencies and  
15292 educational institutions;

15293                 (e) Adopt rules for the implementation of this chapter;

15294                 (f) Develop and maintain a central minority business  
15295 enterprise certification program;

15296                 (g) Develop and maintain a central minority business  
15297 enterprise supplier certification program;

15298                 (h) Submit an annual report to the Governor and the  
15299 Legislature outlining the progress and economic impact on the  
15300 public and private sectors of implementing this chapter;



15301 (i) Increase efforts to inform minority businesses of  
15302 state government procurement procedures and policies;

15303 (j) Serve as the principal advocate in the state on  
15304 behalf of minority business enterprises and minority business  
15305 enterprise suppliers and provide advice in the consideration of  
15306 administrative requirements and legislation that affect minority  
15307 business enterprises and minority business enterprise suppliers;

15308 (k) Evaluate the effectiveness of efforts of state  
15309 agencies and other entities to assist minority business  
15310 enterprises and minority business enterprise suppliers and make  
15311 appropriate recommendations to assist the development and  
15312 strengthening of minority business enterprises and minority  
15313 business enterprise suppliers;

15314 (l) Determine the availability of financial and other  
15315 resources to minority business enterprises and minority business  
15316 enterprise suppliers and recommend methods for:

15317 (i) Increasing the availability of equity capital  
15318 and other forms of financial assistance to minority business  
15319 enterprises and minority business enterprise suppliers;

15320 (ii) Generating markets for the goods and services  
15321 of minority business enterprises and minority business enterprise  
15322 suppliers;

15323 (iii) Providing more effective education, training  
15324 and management and technical assistance to minority business  
15325 enterprises and minority business enterprise suppliers; and



15326 (iv) Providing assistance to minority business  
15327 enterprises and minority business enterprise suppliers in  
15328 complying with federal, state and local laws;

15329 (m) Serve as a focal point for receiving complaints and  
15330 suggestions concerning state government policies and activities  
15331 that affect minority business enterprises and minority business  
15332 enterprise suppliers;

15333 (n) Develop and advocate proposals for changes in state  
15334 policies and activities that adversely affect minority business  
15335 enterprises and minority business enterprise suppliers;

15336 (o) Provide to legislative committees and state  
15337 agencies information on the effects of proposed policies or  
15338 actions that affect minority business enterprises and minority  
15339 business enterprise suppliers;

15340 (p) Enlist the assistance of public and private  
15341 agencies, businesses and other organizations in disseminating  
15342 information about state programs and services that benefit  
15343 minority business enterprises and minority business enterprise  
15344 suppliers and information regarding means by which minority  
15345 business enterprises and minority business enterprise suppliers  
15346 can use those programs and services;

15347 (q) Identify sources of financial assistance for  
15348 minority business enterprises, match minority business enterprises  
15349 and minority business enterprise suppliers with sources of  
15350 financial assistance, and assist minority business enterprises and



15351 minority business enterprise suppliers with the preparation of  
15352 applications for loans from governmental or private sources;

15353 (r) Sponsor meetings, to the extent practicable in  
15354 cooperation with public and private educational institutions, to  
15355 provide training and disseminate information beneficial to  
15356 minority business enterprises and minority business enterprise  
15357 suppliers;

15358 (s) Assist minority business enterprises and minority  
15359 business enterprise suppliers in their dealings with federal,  
15360 state and local governmental agencies and provide information  
15361 regarding governmental requirements affecting minority business  
15362 enterprises and minority business enterprise suppliers;

15363 (t) Develop and implement programs to encourage  
15364 governmental agencies, public sector business associations and  
15365 other organizations to provide useful services to minority  
15366 business enterprises and minority business enterprise suppliers;

15367 (u) Use available resources within the state, such as  
15368 minority business enterprise development centers, educational  
15369 institutions and nonprofit associations, to coordinate the  
15370 provision of management and technical assistance to minority  
15371 business enterprises and minority business enterprise suppliers in  
15372 a systematic manner;

15373 (v) Publish newsletters, brochures and other documents  
15374 containing information useful to minority business enterprises and  
15375 minority business enterprise suppliers;



15376 (w) Identify successful minority business enterprise  
15377 assistance programs provided by other states and determine the  
15378 feasibility of adapting those programs for implementation in  
15379 Mississippi;

15380 (x) Establish an outreach program to make the existence  
15381 of the office known to minority business enterprises, minority  
15382 business enterprise suppliers and potential clients throughout the  
15383 state; and

15384 (y) Identify potential business opportunities for  
15385 minority business enterprises and minority business enterprise  
15386 suppliers and develop programs to maximize those opportunities.

15387 **SECTION 466.** Section 57-69-7, Mississippi Code of 1972, is  
15388 amended as follows:

15389 57-69-7. (1) The Executive Director of the Mississippi  
15390 Development Authority shall certify minority business enterprises  
15391 that qualify as such. The director shall establish criteria by  
15392 which minority business enterprises may qualify for certification.

15393 (2) The Executive Director of the Mississippi Development  
15394 Authority shall certify minority business \* \* \* enterprise  
15395 suppliers that qualify as such. The director shall establish  
15396 criteria by which minority business enterprise suppliers may  
15397 qualify for certification.

15398 **SECTION 467.** Section 57-69-9, Mississippi Code of 1972, is  
15399 brought forward as follows:



15400           57-69-9. Each state agency and educational institution shall  
15401 report the participation of minority business enterprises in the  
15402 public works and procurement contracts executed by the agency or  
15403 institution. The reports shall be made on a an annual basis.

15404           **SECTION 468.** Section 57-71-1, Mississippi Code of 1972, is  
15405 brought forward as follows:

15406           57-71-1. This act shall be known and may be cited as the  
15407 Mississippi Small Enterprise Development Finance Act.

15408           **SECTION 469.** Section 57-71-3, Mississippi Code of 1972, is  
15409 amended as follows:

15410           57-71-3. It is the purpose of this act to promote business  
15411 and economic development in the State of Mississippi through job  
15412 producing programs and by providing loans to the \* \* \* Mississippi  
15413 Business Finance Corporation, as defined in this act; to assist in  
15414 securing investment in small communities by private companies  
15415 locating or expanding in the state; and to authorize the issuance  
15416 of state bonds or notes for funding such programs.

15417           **SECTION 470.** Section 57-71-5, Mississippi Code of 1972, is  
15418 brought forward as follows:

15419           57-71-5. The following words and phrases when used in this  
15420 act shall have the meaning given to them in this section unless  
15421 the context clearly indicates otherwise:

15422           (a) "MBFC" or "company" means the Mississippi Business  
15423 Finance Corporation.



15424 (b) "Private company" means any agricultural,  
15425 aquacultural, horticultural, industrial, manufacturing or research  
15426 and development enterprise or enterprises, or the lessor thereof,  
15427 or any commercial enterprise approved by the Mississippi Business  
15428 Finance Corporation; however, the term "private company" shall not  
15429 include any business, corporation or entity having a gaming  
15430 license issued under Section 75-76-1 et seq.

15431 (c) "Qualified financial institution" means any  
15432 commercial bank or savings and loan institution approved by the  
15433 Mississippi Business Finance Corporation to provide letters of  
15434 credit under this act.

15435 (d) "Letter of credit" means a letter of credit  
15436 obligation from a qualified financial institution approved by the  
15437 Mississippi Business Finance Corporation.

15438 (e) "Planning and development districts" means the  
15439 organized planning and development districts in Mississippi.

15440 (f) "Director" means the Executive Director of the  
15441 Mississippi Business Finance Corporation.

15442 (g) "Seller" means the State Bond Commission.

15443 **SECTION 471.** Section 57-71-7, Mississippi Code of 1972, is  
15444 amended as follows:

15445 57-71-7. There is hereby established, under the direction of  
15446 the \* \* \* Mississippi Business Finance Corporation, a program to  
15447 be known as the Mississippi Small Enterprise Development Finance  
15448 Program for the purpose of making loans to qualified private





15449 companies in order to provide financing to small businesses which  
15450 will increase employment and investment in small communities.

15451 **SECTION 472.** Section 57-71-9, Mississippi Code of 1972, is  
15452 amended as follows:

15453 57-71-9. Any private company desiring to borrow from the  
15454 program shall make application to the company. The company shall  
15455 define and publish criteria for eligibility for the program and  
15456 timetable for review.

15457 All loan applications shall identify a qualified financial  
15458 institution which will issue a letter of credit to the \* \* \*  
15459 Mississippi Business Finance Corporation guaranteeing the loan  
15460 made pursuant to this act. Such letter of credit will be in a  
15461 form satisfactory to the \* \* \* Mississippi Business Finance  
15462 Corporation.

15463 **SECTION 473.** Section 57-71-11, Mississippi Code of 1972, is  
15464 brought forward as follows:

15465 57-71-11. (1) No loan made under the provisions of this act  
15466 shall be in an amount exceeding Four Million Dollars  
15467 (\$4,000,000.00) principal.

15468 (2) The maximum loan term shall not exceed twenty (20)  
15469 years.

15470 (3) All loans made pursuant to this act shall be guaranteed  
15471 by a letter of credit in a form acceptable to the Mississippi  
15472 Business Finance Corporation from a qualified financial  
15473 institution. A letter of credit may be replaced by another letter



15474 of credit from a qualified financial institution if the letter is  
15475 in a form acceptable to the Mississippi Business Finance  
15476 Corporation. The cost of the letter of credit shall not exceed  
15477 two percent (2%) per annum of the loan. If a letter of credit,  
15478 upon expiration, is not renewed by the financial institution or  
15479 otherwise replaced, the company shall draw upon the letter of  
15480 credit for the payment of the principal of and accrued interest on  
15481 the bonds, including any penalties, premium on bonds or other  
15482 costs incident to the loan.

15483 (4) No more than Four Million Dollars (\$4,000,000.00) in  
15484 loans may be outstanding in the aggregate to any one (1) borrower,  
15485 either directly or indirectly, at any one time.

15486 (5) The interest rate on such loans shall not be less than  
15487 the net interest rate on the bonds or notes issued pursuant to  
15488 this act to finance the loan being repaid, plus company servicing  
15489 fees.

15490 (6) The total amount of a loan secured by real and/or  
15491 personal property, including any previous indebtedness incurred  
15492 against real and/or personal property offered as security for such  
15493 loan shall not exceed ninety percent (90%) of the market value  
15494 thereof as determined by an appraisal made by the lender. In  
15495 determining the amount of indebtedness to be incurred against any  
15496 real or personal property securing such a loan, the lender may  
15497 consider the enhanced value of the real property and any other



15498 additional capital assets accruing to the borrower through loans  
15499 provided under this act.

15500 (7) No loan shall be made under this act to finance any  
15501 existing debt.

15502 **SECTION 474.** Section 57-71-13, Mississippi Code of 1972, is  
15503 brought forward as follows:

15504 57-71-13. The Mississippi Business Finance Corporation shall  
15505 promulgate lending guidelines, rules and regulations as may be  
15506 necessary to carry out the provisions of this act.

15507 The Mississippi Business Finance Corporation may work closely  
15508 with the planning and development districts in identifying  
15509 eligible projects and making the program available in all areas of  
15510 the state.

15511 As part of the lending criteria, the Mississippi Business  
15512 Finance Corporation must receive a commitment that the proposed  
15513 project will create a minimum of ten (10) net new full-time  
15514 equivalent jobs.

15515 Notwithstanding the provisions of Section 27-65-101(1),  
15516 Mississippi Code of 1972, and other applicable laws, all purchases  
15517 required to establish any project and financed by proceeds from  
15518 bonds issued under this act shall be exempt from all taxation in  
15519 the State of Mississippi except the contractors' tax imposed by  
15520 Sections 27-65-21 and 27-65-24(1)(b).

15521 **SECTION 475.** Section 57-71-15, Mississippi Code of 1972, is  
15522 amended as follows:



15523           57-71-15. The \* \* \* Mississippi Business Finance Corporation  
15524 is hereby authorized to engage legal services, financial advisors,  
15525 appraisers and consultants if needed to review and close loans  
15526 made pursuant to this act. The costs of such professionals shall  
15527 be paid by the borrower or from loan proceeds as determined and  
15528 approved by the company.

15529           **SECTION 476.** Section 57-71-17, Mississippi Code of 1972, is  
15530 amended as follows:

15531           57-71-17. In the event of a default, the \* \* \* Mississippi  
15532 Business Finance Corporation shall call upon the letter of credit  
15533 guaranteeing the principal amount of the loan plus interest due.

15534           Failure to comply with lending criteria shall result in a  
15535 penalty which the company may establish by regulation, and  
15536 penalties shall not be treated as interest income for the purposes  
15537 of Section 148 of the Internal Revenue Code of 1986.

15538           **SECTION 477.** Section 57-71-19, Mississippi Code of 1972, is  
15539 amended as follows:

15540           57-71-19. No loan shall be made to a private company under  
15541 this act unless the private company certifies to the \* \* \*  
15542 Mississippi Business Finance Corporation, in a form satisfactory  
15543 to the company, that it will not discriminate against any employee  
15544 or against any applicant for employment because of race, religion,  
15545 color, national origin, sex or age.

15546           **SECTION 478.** Section 57-71-21, Mississippi Code of 1972, is  
15547 amended as follows:



15548           57-71-21. (1) There is hereby created a special fund in the  
15549 State Treasury to be known as the Mississippi Small Enterprise  
15550 Development Finance Fund out of which the \* \* \* Mississippi  
15551 Business Finance Corporation shall provide loans authorized by  
15552 this act. All monies received by the company to carry out the  
15553 purposes of this act by issuance of bonds shall be deposited into  
15554 the Mississippi Small Enterprise Development Finance Fund or  
15555 funds. Expenditures authorized from the fund shall be paid by the  
15556 State Treasurer upon warrants drawn on the Mississippi Small  
15557 Enterprise Development Finance Fund, and the \* \* \* Department of  
15558 Finance and Administration shall issue warrants upon requisitions  
15559 signed by the director.

15560           (2) Any monies repaid to the state from loans funded through  
15561 the Mississippi Small Enterprise Development Finance Fund shall be  
15562 deposited into the Mississippi Small Enterprise Development  
15563 Finance Sinking Fund, which is hereby created in the State  
15564 Treasury.

15565           **SECTION 479.** Section 57-71-23, Mississippi Code of 1972, is  
15566 amended as follows:

15567           57-71-23. (1) All bonds issued under the authority of this  
15568 act shall be redeemed at maturity, together with all interest due,  
15569 from time to time, on the bonds, and these principal and interest  
15570 payments shall be paid from the Mississippi Small Enterprise  
15571 Development Finance Sinking Fund. All monies paid into the  
15572 Mississippi Small Enterprise Development Finance Sinking Fund not



15573 appropriated to pay accruing bonds and interest shall be invested  
15574 by the State Treasurer in such securities as are provided by law  
15575 for the investment of the sinking funds of the state.

15576 (2) In the event that all or any part of the bonds and notes  
15577 are purchased, they shall be canceled and returned to the loan and  
15578 transfer agent as canceled and paid bonds and notes; and  
15579 thereafter all payments of interest thereon shall cease and the  
15580 canceled bonds, notes and coupons together with any other canceled  
15581 bonds, notes and coupons shall be destroyed as promptly as  
15582 possible after cancellation but not later than two (2) years after  
15583 cancellation. A certificate evidencing the destruction of the  
15584 canceled bonds, notes and coupons shall be provided by the loan  
15585 and transfer agent to the seller.

15586 (3) The State Treasurer shall determine and report to  
15587 the \* \* \* Department of Finance and Administration and Legislative  
15588 Budget Office by September 1 of each year the amount of money  
15589 necessary for the payment of the principal of and interest on  
15590 outstanding obligations for the following fiscal year and the  
15591 times and amounts of the payments. It shall be the duty of the  
15592 Governor to include in every executive budget submitted to the  
15593 Legislature full information relating to the issuance of bonds and  
15594 notes under the provisions of this act and the status of the  
15595 Mississippi Small Enterprise Development Finance Sinking Fund of  
15596 the state for the payment of the principal of and interest on the  
15597 bonds and notes.



15598 (4) Except as otherwise provided by law, the rate of  
15599 interest on any loan made using funds from the Mississippi Small  
15600 Enterprise Development Finance Fund shall be that rate as  
15601 established by Section 57-71-11(5). Notwithstanding the  
15602 provisions of any other law to the contrary, the interest rate  
15603 charged shall not be set such that the aggregate of the interest,  
15604 penalties and other payments to the state on loans and other  
15605 assistance made using funds from the Mississippi Small Enterprise  
15606 Development Finance Fund will cause the bonds issued pursuant to  
15607 this act to be deemed arbitrage bonds pursuant to Section 148 of  
15608 the Internal Revenue Code of 1986 and the regulations promulgated  
15609 thereunder. In the case of loans initially funded from the  
15610 proceeds of notes and subsequently funded from renewal bonds and  
15611 notes, the interest rate to be charged on the loans shall be  
15612 established in accordance with Section 57-71-11(5) upon the sale  
15613 of bonds or notes, as the case may be, for the loans.

15614 **SECTION 480.** Section 57-71-25, Mississippi Code of 1972, is  
15615 brought forward as follows:

15616 57-71-25. (1) The seller is authorized to borrow, on the  
15617 credit of the state, upon receipt of a resolution from the company  
15618 requesting the same, money not exceeding the aggregate sum of One  
15619 Hundred Forty Million Dollars (\$140,000,000.00), outstanding at  
15620 any one time, not including money borrowed to refund outstanding  
15621 bonds, notes or replacement notes, as may be necessary to carry  
15622 out the purposes of this act. The rate of interest on any such



15623 bonds or notes which are not subject to taxation shall not exceed  
15624 the rates set forth in Section 75-17-101, Mississippi Code of  
15625 1972, for general obligation bonds.

15626 (2) As evidence of indebtedness authorized in this act,  
15627 general or limited obligation bonds of the state shall be issued  
15628 from time to time to provide monies necessary to carry out the  
15629 purposes of this act for such total amount, in such form, in such  
15630 denominations, payable in such currencies (either domestic or  
15631 foreign or both), and subject to such terms and conditions of  
15632 issue, redemption and maturity, rate of interest and time of  
15633 payment of interest as the seller directs, except that such bonds  
15634 shall mature or otherwise be retired in annual installments  
15635 beginning not more than five (5) years from date thereof and  
15636 extending not more than twenty (20) years from date thereof.

15637 (3) All bonds and notes issued under authority of this act  
15638 shall be signed by the chairman of the seller, or by his facsimile  
15639 signature, and the official seal of the seller shall be affixed  
15640 thereto, attested by the secretary of the seller.

15641 (4) All bonds and notes issued under authority of this act  
15642 may be general or limited obligations of the state, and the full  
15643 faith and credit of the State of Mississippi as to general  
15644 obligation bonds, or the revenue derived from projects assisted as  
15645 to limited obligation bonds, are hereby pledged for the payment of  
15646 the principal of and the interest on such bonds and notes.





15647 (5) Such bonds and notes and the income therefrom shall be  
15648 exempt from all taxation in the State of Mississippi.

15649 (6) The bonds may be issued as coupon bonds or registered as  
15650 to both principal and interest as the seller may determine. If  
15651 interest coupons are attached, they shall contain the facsimile  
15652 signature of the chairman and the secretary of the seller.

15653 (7) As to bonds issued hereunder and designated as taxable  
15654 bonds by the seller, any immunity of the state to taxation by the  
15655 United States government of interest on bonds or notes issued by  
15656 the state is hereby waived.

15657 **SECTION 481.** Section 57-71-27, Mississippi Code of 1972, is  
15658 brought forward as follows:

15659 57-71-27. (1) Whenever bonds are issued, they shall be  
15660 offered for sale at not less than par value and accrued interest  
15661 and shall be sold by the seller at public or private sale, from  
15662 time to time, in such manner and at such price as may be  
15663 determined by the seller to be most advantageous.

15664 (2) Any portion of any bond issue so offered and not sold or  
15665 subscribed for at public sale may be disposed of by private sale  
15666 by the seller in such manner and at such prices not less than par  
15667 and accrued interest, as the seller shall direct.

15668 (3) When bonds are issued from time to time, the bonds of  
15669 each issue shall constitute a separate series to be designated by  
15670 the seller or may be combined for sale as one (1) series with  
15671 other general obligation bonds of the State of Mississippi.



15672 (4) Until permanent bonds can be prepared, the seller may in  
15673 its discretion issue, in lieu of permanent bonds, temporary bonds  
15674 in such form and with such privileges as to registration and  
15675 exchange for permanent bonds as may be determined by the seller.

15676 (5) Pending their application to the purposes authorized,  
15677 bond proceeds held or deposited by the State Treasurer may be  
15678 invested or reinvested as are other funds in the custody of the  
15679 State Treasurer in the manner provided by law. All earnings  
15680 received from the investment or deposit of such funds shall be  
15681 paid into the State Treasury to the credit of the Mississippi  
15682 Small Enterprise Development Finance Fund.

15683 (6) The State Treasurer shall prepare the necessary registry  
15684 book to be kept in the office of the duly authorized loan and  
15685 transfer agent of the state for the registration of any bonds, at  
15686 the request of owners thereof, according to the terms and  
15687 conditions of issue directed by the seller.

15688 (7) All costs and expenses in connection with the issue of  
15689 and sale and registration of the bonds and notes in connection  
15690 with this act may be paid from the proceeds of bonds and notes  
15691 issued under this act.

15692 (8) The seller may provide in the resolution authorizing the  
15693 issuance of such bonds for the employment of one or more persons  
15694 or firms to assist in the sale of the bonds; to enter into  
15695 contracts with financial institutions located either within or  
15696 without the State of Mississippi to act as registrars, paying



15697 agents, transfer agents or otherwise; for rating of the bonds; and  
15698 to purchase insurance.

15699           **SECTION 482.** Section 57-71-29, Mississippi Code of 1972, is  
15700 brought forward as follows:

15701           57-71-29. (1) Pending the issuance of bonds of the state as  
15702 authorized under this act, the seller is hereby authorized in  
15703 accordance with the provisions of this act and on the credit of  
15704 the state, to make temporary borrowings not to exceed two (2)  
15705 years in anticipation of the issue of bonds in order to provide  
15706 funds in such amounts as may, from time to time, be deemed  
15707 advisable prior to the issue of bonds. In order to provide for  
15708 and in connection with such temporary borrowings, the seller is  
15709 hereby authorized in the name and on behalf of the state to enter  
15710 into any purchase, loan or credit agreement, or agreements, or  
15711 other agreement or agreements with any financial institution or  
15712 persons in the United States having power to enter into the same,  
15713 which agreements may contain such provisions not inconsistent with  
15714 the provisions of this act as may be authorized by the seller.

15715           (2) All temporary borrowings made under this section shall  
15716 be evidenced by notes of the state which shall be issued, from  
15717 time to time, for such amounts not exceeding in the aggregate the  
15718 applicable statutory and constitutional debt limitation, in such  
15719 form and in such denominations and subject to terms and conditions  
15720 of sale and issue, prepayment or redemption and maturity, rate or  
15721 rates of interest and time of payment of interest as the seller



15722 shall authorize and direct and in accordance with this act. Such  
15723 authorization and direction may provide for the subsequent  
15724 issuance of replacement notes to refund, upon issuance thereof,  
15725 such notes, and may specify such other terms and conditions with  
15726 respect to the notes and replacement notes thereby authorized for  
15727 issuance as the seller may determine and direct.

15728 (3) When the authorization and direction of the seller  
15729 provide for the issuance of replacement notes, the seller is  
15730 hereby authorized in the name and on behalf of the state to enter  
15731 into agreements with any financial institutions or persons in the  
15732 United States having the power to enter the same:

15733 (a) To purchase or underwrite an issue or series of  
15734 issues of notes.

15735 (b) To enter into any purchase, loan or credit  
15736 agreements, and to draw monies pursuant to any such agreements on  
15737 the terms and conditions set forth therein and to issue notes as  
15738 evidence of borrowings made under any such agreements.

15739 (c) To appoint or act as issuing and paying agent or  
15740 agents with respect to notes.

15741 (d) To do such other acts as may be necessary or  
15742 appropriate to provide for the payment, when due, of the principal  
15743 of and interest on such notes.

15744 Such agreements may provide for the compensation of any  
15745 purchasers or underwriters of notes or replacement notes by  
15746 payment of a fixed fee or commission at the time of issuance



15747 thereof, and for all other costs and expenses, including fees for  
15748 agreements related to the notes issuing and paying agent costs.  
15749 Costs and expenses of issuance may be paid from the proceeds of  
15750 the notes.

15751 (4) When the authorization and direction of the seller  
15752 provides for the issuance of replacement notes, it shall, at or  
15753 prior to the time of delivery of these notes or replacement notes,  
15754 determine the principal amounts, dates of issue, interest rate or  
15755 rates, rates of discount, denominations and all other terms and  
15756 conditions relating to the issuance. The State Treasurer shall  
15757 perform all acts and things necessary to pay or cause to be paid,  
15758 when due, all principal of and interest on the notes being  
15759 refunded by replacement notes and to assure that the same may draw  
15760 upon any monies available for that purpose pursuant to any  
15761 purchase loan or credit agreements established with respect  
15762 thereto, all subject to the authorization and direction of the  
15763 seller.

15764 (5) Outstanding notes evidencing such borrowings may be  
15765 funded and retired by the issuance and sale of the bonds of the  
15766 state as hereinafter authorized. The refunding bonds must be  
15767 issued and sold not later than a date two (2) years after the date  
15768 of issuance of the first notes evidencing such borrowings to the  
15769 extent that payment of such notes has not otherwise been made or  
15770 provided for by sources other than proceeds of replacement notes.



15771 (6) The proceeds of all such temporary borrowing shall be  
15772 paid to the State Treasurer to be held and disposed of in  
15773 accordance with the provisions of Section 57-71-31.

15774 **SECTION 483.** Section 57-71-31, Mississippi Code of 1972, is  
15775 brought forward as follows:

15776 57-71-31. (1) The proceeds realized from the sale of bonds  
15777 and notes under this act, other than refunding bonds and  
15778 replacement notes, shall be paid to the State Treasurer and  
15779 deposited into the Mississippi Small Enterprise Development  
15780 Finance Fund or funds and specifically dedicated to the purposes  
15781 enumerated in this act.

15782 (2) All nonfederal funds which may become available for the  
15783 purposes of this act shall be deposited in the Mississippi Small  
15784 Enterprise Development Finance Fund or funds and shall be  
15785 allocated for the purposes of this act.

15786 (3) The proceeds of the sale of refunding bonds and  
15787 replacement notes shall be applied solely to the payment of the  
15788 principal of and the accrued interest on and premium, if any, and  
15789 costs of redemption of the bonds and notes for which such  
15790 obligations have been issued.

15791 **SECTION 484.** Section 57-71-33, Mississippi Code of 1972, is  
15792 brought forward as follows:

15793 57-71-33. Except as otherwise authorized in Section 7-5-39,  
15794 the Attorney General of the State of Mississippi shall represent  
15795 the seller in issuing, selling and validating bonds or notes



15796 herein provided for, and the seller is hereby authorized and  
15797 empowered to expend from the proceeds derived from the sale of the  
15798 bonds or notes authorized hereunder all necessary administrative,  
15799 legal and other expenses incidental and related to the issuance of  
15800 bonds or notes authorized under this act.

15801         **SECTION 485.** Section 57-71-35, Mississippi Code of 1972, is  
15802 brought forward as follows:

15803             57-71-35. The term "this act" referred to in Sections  
15804 57-71-1 through 57-71-33 hereof shall mean the Mississippi Small  
15805 Enterprise Development Finance Act unless the context clearly  
15806 indicates otherwise.

15807         **SECTION 486.** Section 57-73-21, Mississippi Code of 1972, is  
15808 brought forward as follows:

15809             [In cases involving business enterprises that received or  
15810 applied for the job tax credit authorized by this section prior to  
15811 January 1, 2005, this section shall read as follows:]

15812             57-73-21. (1) Annually by December 31, using the most  
15813 current data available from the University Research Center,  
15814 Mississippi Department of Employment Security and the United  
15815 States Department of Commerce, the State Tax Commission shall rank  
15816 and designate the state's counties as provided in this section.  
15817 The twenty-eight (28) counties in this state having a combination  
15818 of the highest unemployment rate and lowest per capita income for  
15819 the most recent thirty-six-month period, with equal weight being  
15820 given to each category, are designated Tier Three areas. The



15821 twenty-seven (27) counties in the state with a combination of the  
15822 next highest unemployment rate and next lowest per capita income  
15823 for the most recent thirty-six-month period, with equal weight  
15824 being given to each category, are designated Tier Two areas. The  
15825 twenty-seven (27) counties in the state with a combination of the  
15826 lowest unemployment rate and the highest per capita income for the  
15827 most recent thirty-six-month period, with equal weight being given  
15828 to each category, are designated Tier One areas. Counties  
15829 designated by the Tax Commission qualify for the appropriate tax  
15830 credit for jobs as provided in subsections (2), (3) and (4) of  
15831 this section. The designation by the Tax Commission is effective  
15832 for the tax years of permanent business enterprises which begin  
15833 after the date of designation. For companies which plan an  
15834 expansion in their labor forces, the Tax Commission shall  
15835 prescribe certification procedures to ensure that the companies  
15836 can claim credits in future years without regard to whether or not  
15837 a particular county is removed from the list of Tier Three or Tier  
15838 Two areas.

15839 (2) Permanent business enterprises primarily engaged in  
15840 manufacturing, processing, warehousing, distribution, wholesaling  
15841 and research and development, or permanent business enterprises  
15842 designated by rule and regulation of the Mississippi Development  
15843 Authority as air transportation and maintenance facilities, final  
15844 destination or resort hotels having a minimum of one hundred fifty  
15845 (150) guest rooms, recreational facilities that impact tourism,





15846 movie industry studios, telecommunications enterprises, data or  
15847 information processing enterprises or computer software  
15848 development enterprises or any technology intensive facility or  
15849 enterprise, in counties designated by the Tax Commission as Tier  
15850 Three areas are allowed a job tax credit for taxes imposed by  
15851 Section 27-7-5 equal to Two Thousand Dollars (\$2,000.00) annually  
15852 for each net new full-time employee job for five (5) years  
15853 beginning with years two (2) through six (6) after the creation of  
15854 the job; however, if the permanent business enterprise is located  
15855 in an area that has been declared by the Governor to be a disaster  
15856 area and as a direct result of the disaster the permanent business  
15857 enterprise is unable to maintain the required number of jobs, the  
15858 Chairman of the State Tax Commission may extend this time period  
15859 for not more two (2) years. The number of new full-time jobs must  
15860 be determined by comparing the monthly average number of full-time  
15861 employees subject to the Mississippi income tax withholding for  
15862 the taxable year with the corresponding period of the prior  
15863 taxable year. Only those permanent businesses that increase  
15864 employment by ten (10) or more in a Tier Three area are eligible  
15865 for the credit. Credit is not allowed during any of the five (5)  
15866 years if the net employment increase falls below ten (10). The  
15867 Tax Commission shall adjust the credit allowed each year for the  
15868 net new employment fluctuations above the minimum level of ten  
15869 (10).



15870 (3) Permanent business enterprises primarily engaged in  
15871 manufacturing, processing, warehousing, distribution, wholesaling  
15872 and research and development, or permanent business enterprises  
15873 designated by rule and regulation of the Mississippi Development  
15874 Authority as air transportation and maintenance facilities, final  
15875 destination or resort hotels having a minimum of one hundred fifty  
15876 (150) guest rooms, recreational facilities that impact tourism,  
15877 movie industry studios, telecommunications enterprises, data or  
15878 information processing enterprises or computer software  
15879 development enterprises or any technology intensive facility or  
15880 enterprise, in counties that have been designated by the Tax  
15881 Commission as Tier Two areas are allowed a job tax credit for  
15882 taxes imposed by Section 27-7-5 equal to One Thousand Dollars  
15883 (\$1,000.00) annually for each net new full-time employee job for  
15884 five (5) years beginning with years two (2) through six (6) after  
15885 the creation of the job; however, if the permanent business  
15886 enterprise is located in an area that has been declared by the  
15887 Governor to be a disaster area and as a direct result of the  
15888 disaster the permanent business enterprise is unable to maintain  
15889 the required number of jobs, the Chairman of the State Tax  
15890 Commission may extend this time period for not more two (2) years.  
15891 The number of new full-time jobs must be determined by comparing  
15892 the monthly average number of full-time employees subject to  
15893 Mississippi income tax withholding for the taxable year with the  
15894 corresponding period of the prior taxable year. Only those



15895 permanent businesses that increase employment by fifteen (15) or  
15896 more in Tier Two areas are eligible for the credit. The credit is  
15897 not allowed during any of the five (5) years if the net employment  
15898 increase falls below fifteen (15). The Tax Commission shall  
15899 adjust the credit allowed each year for the net new employment  
15900 fluctuations above the minimum level of fifteen (15).

15901 (4) Permanent business enterprises primarily engaged in  
15902 manufacturing, processing, warehousing, distribution, wholesaling  
15903 and research and development, or permanent business enterprises  
15904 designated by rule and regulation of the Mississippi Development  
15905 Authority as air transportation and maintenance facilities, final  
15906 destination or resort hotels having a minimum of one hundred fifty  
15907 (150) guest rooms, recreational facilities that impact tourism,  
15908 movie industry studios, telecommunications enterprises, data or  
15909 information processing enterprises or computer software  
15910 development enterprises or any technology intensive facility or  
15911 enterprise, in counties designated by the Tax Commission as Tier  
15912 One areas are allowed a job tax credit for taxes imposed by  
15913 Section 27-7-5 equal to Five Hundred Dollars (\$500.00) annually  
15914 for each net new full-time employee job for five (5) years  
15915 beginning with years two (2) through six (6) after the creation of  
15916 the job; however, if the permanent business enterprise is located  
15917 in an area that has been declared by the Governor to be a disaster  
15918 area and as a direct result of the disaster the permanent business  
15919 enterprise is unable to maintain the required number of jobs, the



15920 Chairman of the State Tax Commission may extend this time period  
15921 for not more than two (2) years. The number of new full-time jobs  
15922 must be determined by comparing the monthly average number of  
15923 full-time employees subject to Mississippi income tax withholding  
15924 for the taxable year with the corresponding period of the prior  
15925 taxable year. Only those permanent businesses that increase  
15926 employment by twenty (20) or more in Tier One areas are eligible  
15927 for the credit. The credit is not allowed during any of the five  
15928 (5) years if the net employment increase falls below twenty (20).  
15929 The Tax Commission shall adjust the credit allowed each year for  
15930 the net new employment fluctuations above the minimum level of  
15931 twenty (20).

15932 (5) In addition to the credits authorized in subsections  
15933 (2), (3) and (4), an additional Five Hundred Dollars (\$500.00)  
15934 credit for each net new full-time employee or an additional One  
15935 Thousand Dollars (\$1,000.00) credit for each net new full-time  
15936 employee who is paid a salary, excluding benefits which are not  
15937 subject to Mississippi income taxation, of at least one hundred  
15938 twenty-five percent (125%) of the average annual wage of the state  
15939 or an additional Two Thousand Dollars (\$2,000.00) credit for each  
15940 net new full-time employee who is paid a salary, excluding  
15941 benefits which are not subject to Mississippi income taxation, of  
15942 at least two hundred percent (200%) of the average annual wage of  
15943 the state, shall be allowed for any company establishing or  
15944 transferring its national or regional headquarters from within or



15945 outside the State of Mississippi. A minimum of thirty-five (35)  
15946 jobs must be created to qualify for the additional credit. The  
15947 State Tax Commission shall establish criteria and prescribe  
15948 procedures to determine if a company qualifies as a national or  
15949 regional headquarters for purposes of receiving the credit awarded  
15950 in this subsection. As used in this subsection, the average  
15951 annual wage of the state is the most recently published average  
15952 annual wage as determined by the Mississippi Department of  
15953 Employment Security.

15954 (6) In addition to the credits authorized in subsections  
15955 (2), (3), (4) and (5), any job requiring research and development  
15956 skills (chemist, engineer, etc.) shall qualify for an additional  
15957 One Thousand Dollars (\$1,000.00) credit for each net new full-time  
15958 employee.

15959 (7) In lieu of the tax credits provided in subsections (2)  
15960 through (6), any commercial or industrial property owner which  
15961 remediates contaminated property in accordance with Sections  
15962 49-35-1 through 49-35-25, is allowed a job tax credit for taxes  
15963 imposed by Section 27-7-5 equal to the amounts provided in  
15964 subsection (2), (3) or (4) for each net new full-time employee job  
15965 for five (5) years beginning with years two (2) through six (6)  
15966 after the creation of the job. The number of new full-time jobs  
15967 must be determined by comparing the monthly average number of  
15968 full-time employees subject to Mississippi income tax withholding  
15969 for the taxable year with the corresponding period of the prior



15970 taxable year. This subsection shall be administered in the same  
15971 manner as subsections (2), (3) and (4), except the landowner shall  
15972 not be required to increase employment by the levels provided in  
15973 subsections (2), (3) and (4) to be eligible for the tax credit.

15974 (8) Tax credits for five (5) years for the taxes imposed by  
15975 Section 27-7-5 shall be awarded for additional net new full-time  
15976 jobs created by business enterprises qualified under subsections  
15977 (2), (3), (4), (5), (6) and (7) of this section. Except as  
15978 otherwise provided, the Tax Commission shall adjust the credit  
15979 allowed in the event of employment fluctuations during the  
15980 additional five (5) years of credit.

15981 (9) (a) The sale, merger, acquisition, reorganization,  
15982 bankruptcy or relocation from one (1) county to another county  
15983 within the state of any business enterprise may not create new  
15984 eligibility in any succeeding business entity, but any unused job  
15985 tax credit may be transferred and continued by any transferee of  
15986 the business enterprise. The Tax Commission shall determine  
15987 whether or not qualifying net increases or decreases have occurred  
15988 or proper transfers of credit have been made and may require  
15989 reports, promulgate regulations, and hold hearings as needed for  
15990 substantiation and qualification.

15991 (b) This subsection shall not apply in cases in which a  
15992 business enterprise has ceased operation, laid off all its  
15993 employees and is subsequently acquired by another unrelated  
15994 business entity that continues operation of the enterprise in the



15995 same or a similar type of business. In such a case the succeeding  
15996 business entity shall be eligible for the credit authorized by  
15997 this section unless the cessation of operation of the business  
15998 enterprise was for the purpose of obtaining new eligibility for  
15999 the credit.

16000 (10) Any tax credit claimed under this section but not used  
16001 in any taxable year may be carried forward for five (5) years from  
16002 the close of the tax year in which the qualified jobs were  
16003 established but the credit established by this section taken in  
16004 any one (1) tax year must be limited to an amount not greater than  
16005 fifty percent (50%) of the taxpayer's state income tax liability  
16006 which is attributable to income derived from operations in the  
16007 state for that year. If the permanent business enterprise is  
16008 located in an area that has been declared by the Governor to be a  
16009 disaster area and as a direct result of the disaster the business  
16010 enterprise is unable to use the existing carryforward, the  
16011 Chairman of the State Tax Commission may extend the period that  
16012 the credit may be carried forward for a period of time not to  
16013 exceed two (2) years.

16014 (11) No business enterprise for the transportation,  
16015 handling, storage, processing or disposal of hazardous waste is  
16016 eligible to receive the tax credits provided in this section.

16017 (12) The credits allowed under this section shall not be  
16018 used by any business enterprise or corporation other than the  
16019 business enterprise actually qualifying for the credits.



16020           (13) The tax credits provided for in this section shall be  
16021 in addition to any tax credits described in Sections 57-51-13(b),  
16022 57-53-1(1) (a) and 57-54-9(b) and granted pursuant to official  
16023 action by the Mississippi Development Authority prior to July 1,  
16024 1989, to any business enterprise determined prior to July 1, 1989,  
16025 by the Mississippi Development Authority to be a qualified  
16026 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
16027 a qualified company as described in Section 57-53-1, as the case  
16028 may be; however, from and after July 1, 1989, tax credits shall be  
16029 allowed only under either this section or Sections 57-51-13(b),  
16030 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time  
16031 employee.

16032           (14) As used in this section, the term "telecommunications  
16033 enterprises" means entities engaged in the creation, display,  
16034 management, storage, processing, transmission or distribution for  
16035 compensation of images, text, voice, video or data by wire or by  
16036 wireless means, or entities engaged in the construction, design,  
16037 development, manufacture, maintenance or distribution for  
16038 compensation of devices, products, software or structures used in  
16039 the above activities. Companies organized to do business as  
16040 commercial broadcast radio stations, television stations or news  
16041 organizations primarily serving in-state markets shall not be  
16042 included within the definition of the term "telecommunications  
16043 enterprises."





16044 [In cases involving business enterprises that apply for the  
16045 job tax credit authorized by this section from and after January  
16046 1, 2005, this section shall read as follows:]

16047 57-73-21. (1) Annually by December 31, using the most  
16048 current data available from the University Research Center,  
16049 Mississippi Department of Employment Security and the United  
16050 States Department of Commerce, the Department of Revenue shall  
16051 rank and designate the state's counties as provided in this  
16052 section. The twenty-eight (28) counties in this state having a  
16053 combination of the highest unemployment rate and lowest per capita  
16054 income for the most recent thirty-six-month period, with equal  
16055 weight being given to each category, are designated Tier Three  
16056 areas. The twenty-seven (27) counties in the state with a  
16057 combination of the next highest unemployment rate and next lowest  
16058 per capita income for the most recent thirty-six-month period,  
16059 with equal weight being given to each category, are designated  
16060 Tier Two areas. The twenty-seven (27) counties in the state with  
16061 a combination of the lowest unemployment rate and the highest per  
16062 capita income for the most recent thirty-six-month period, with  
16063 equal weight being given to each category, are designated Tier One  
16064 areas. Counties designated by the Department of Revenue qualify  
16065 for the appropriate tax credit for jobs as provided in this  
16066 section. The designation by the Department of Revenue is  
16067 effective for the tax years of permanent business enterprises  
16068 which begin after the date of designation. For companies which



16069 plan an expansion in their labor forces, the Department of Revenue  
16070 shall prescribe certification procedures to ensure that the  
16071 companies can claim credits in future years without regard to  
16072 whether or not a particular county is removed from the list of  
16073 Tier Three or Tier Two areas.

16074 (2) Permanent business enterprises in counties designated by  
16075 the Department of Revenue as Tier Three areas are allowed a job  
16076 tax credit for taxes imposed by Section 27-7-5 equal to ten  
16077 percent (10%) of the payroll of the enterprise for net new  
16078 full-time employee jobs for five (5) years beginning with years  
16079 two (2) through six (6) after the creation of the minimum number  
16080 of jobs required by this subsection; however, if the permanent  
16081 business enterprise is located in an area that has been declared  
16082 by the Governor to be a disaster area and as a direct result of  
16083 the disaster the permanent business enterprise is unable to  
16084 maintain the required number of jobs, the Commissioner of Revenue  
16085 may extend this time period for not more than two (2) years. The  
16086 number of new full-time jobs must be determined by comparing the  
16087 monthly average number of full-time employees subject to the  
16088 Mississippi income tax withholding for the taxable year with the  
16089 corresponding period of the prior taxable year. Only those  
16090 permanent business enterprises that increase employment by ten  
16091 (10) or more in a Tier Three area are eligible for the credit.  
16092 Credit is not allowed during any of the five (5) years if the net  
16093 employment increase falls below ten (10). The Department of



16094 Revenue shall adjust the credit allowed each year for the net new  
16095 employment fluctuations above the minimum level of ten (10).

16096 (3) Permanent business enterprises in counties that have  
16097 been designated by the Department of Revenue as Tier Two areas are  
16098 allowed a job tax credit for taxes imposed by Section 27-7-5 equal  
16099 to five percent (5%) of the payroll of the enterprise for net new  
16100 full-time employee jobs for five (5) years beginning with years  
16101 two (2) through six (6) after the creation of the minimum number  
16102 of jobs required by this subsection; however, if the permanent  
16103 business enterprise is located in an area that has been declared  
16104 by the Governor to be a disaster area and as a direct result of  
16105 the disaster the permanent business enterprise is unable to  
16106 maintain the required number of jobs, the Commissioner of Revenue  
16107 may extend this time period for not more than two (2) years. The  
16108 number of new full-time jobs must be determined by comparing the  
16109 monthly average number of full-time employees subject to  
16110 Mississippi income tax withholding for the taxable year with the  
16111 corresponding period of the prior taxable year. Only those  
16112 permanent business enterprises that increase employment by fifteen  
16113 (15) or more in Tier Two areas are eligible for the credit. The  
16114 credit is not allowed during any of the five (5) years if the net  
16115 employment increase falls below fifteen (15). The Department of  
16116 Revenue shall adjust the credit allowed each year for the net new  
16117 employment fluctuations above the minimum level of fifteen (15).



16118 (4) Permanent business enterprises in counties designated by  
16119 the Department of Revenue as Tier One areas are allowed a job tax  
16120 credit for taxes imposed by Section 27-7-5 equal to two and  
16121 one-half percent (2.5%) of the payroll of the enterprise for net  
16122 new full-time employee jobs for five (5) years beginning with  
16123 years two (2) through six (6) after the creation of the minimum  
16124 number of jobs required by this subsection; however, if the  
16125 permanent business enterprise is located in an area that has been  
16126 declared by the Governor to be a disaster area and as a direct  
16127 result of the disaster the permanent business enterprise is unable  
16128 to maintain the required number of jobs, the Commissioner of  
16129 Revenue may extend this time period for not more than two (2)  
16130 years. The number of new full-time jobs must be determined by  
16131 comparing the monthly average number of full-time employees  
16132 subject to Mississippi income tax withholding for the taxable year  
16133 with the corresponding period of the prior taxable year. Only  
16134 those permanent business enterprises that increase employment by  
16135 twenty (20) or more in Tier One areas are eligible for the credit.  
16136 The credit is not allowed during any of the five (5) years if the  
16137 net employment increase falls below twenty (20). The Department  
16138 of Revenue shall adjust the credit allowed each year for the net  
16139 new employment fluctuations above the minimum level of twenty  
16140 (20).

16141 (5) (a) In addition to the other credits authorized in this  
16142 section, an additional Five Hundred Dollars (\$500.00) credit for



16143 each net new full-time employee or an additional One Thousand  
16144 Dollars (\$1,000.00) credit for each net new full-time employee who  
16145 is paid a salary, excluding benefits which are not subject to  
16146 Mississippi income taxation, of at least one hundred twenty-five  
16147 percent (125%) of the average annual wage of the state or an  
16148 additional Two Thousand Dollars (\$2,000.00) credit for each net  
16149 new full-time employee who is paid a salary, excluding benefits  
16150 which are not subject to Mississippi income taxation, of at least  
16151 two hundred percent (200%) of the average annual wage of the  
16152 state, shall be allowed for any company establishing or  
16153 transferring its national or regional headquarters from within or  
16154 outside the State of Mississippi. A minimum of twenty (20) jobs  
16155 must be created to qualify for the additional credit. The  
16156 Department of Revenue shall establish criteria and prescribe  
16157 procedures to determine if a company qualifies as a national or  
16158 regional headquarters for purposes of receiving the credit awarded  
16159 in this paragraph (a). As used in this paragraph (a), the average  
16160 annual wage of the state is the most recently published average  
16161 annual wage as determined by the Mississippi Department of  
16162 Employment Security.

16163 (b) In addition to the other credits authorized in this  
16164 section, an additional Five Hundred Dollars (\$500.00) credit for  
16165 each net new full-time employee or an additional One Thousand  
16166 Dollars (\$1,000.00) credit for each net new full-time employee who  
16167 is paid a salary, excluding benefits which are not subject to



16168 Mississippi income taxation, of at least one hundred twenty-five  
16169 percent (125%) of the average annual wage of the state or an  
16170 additional Two Thousand Dollars (\$2,000.00) credit for each net  
16171 new full-time employee who is paid a salary, excluding benefits  
16172 which are not subject to Mississippi income taxation, of at least  
16173 two hundred percent (200%) of the average annual wage of the  
16174 state, shall be allowed for any company expanding or making  
16175 additions after January 1, 2013, to its national or regional  
16176 headquarters within the State of Mississippi. A minimum of twenty  
16177 (20) new jobs must be created to qualify for the additional  
16178 credit. The Department of Revenue shall establish criteria and  
16179 prescribe procedures to determine if a company qualifies as a  
16180 national or regional headquarters for purposes of receiving the  
16181 credit awarded in this paragraph (b). As used in this paragraph  
16182 (b), the average annual wage of the state is the most recently  
16183 published average annual wage as determined by the Mississippi  
16184 Department of Employment Security.

16185 (6) In addition to the other credits authorized in this  
16186 section, any job requiring research and development skills  
16187 (chemist, engineer, etc.) shall qualify for an additional One  
16188 Thousand Dollars (\$1,000.00) credit for each net new full-time  
16189 employee.

16190 (7) (a) In addition to the other credits authorized in this  
16191 section, any company that transfers or relocates its national or  
16192 regional headquarters to the State of Mississippi from outside the



16193 State of Mississippi may receive a tax credit in an amount equal  
16194 to the actual relocation costs paid by the company. A minimum of  
16195 twenty (20) jobs must be created in order to qualify for the  
16196 additional credit authorized under this subsection. Relocation  
16197 costs for which a credit may be awarded shall be determined by the  
16198 Department of Revenue and shall include those nondepreciable  
16199 expenses that are necessary to relocate headquarters employees to  
16200 the national or regional headquarters, including, but not limited  
16201 to, costs such as travel expenses for employees and members of  
16202 their households to and from Mississippi in search of homes and  
16203 moving expenses to relocate furnishings, household goods and  
16204 personal property of the employees and members of their  
16205 households.

16206 (b) The tax credit authorized under this subsection  
16207 shall be applied for the taxable year in which the relocation  
16208 costs are paid. The maximum cumulative amount of tax credits that  
16209 may be claimed by all taxpayers claiming a credit under this  
16210 subsection in any one (1) state fiscal year shall not exceed One  
16211 Million Dollars (\$1,000,000.00), exclusive of credits that might  
16212 be carried forward from previous taxable years. A company may not  
16213 receive a credit for the relocation of an employee more than one  
16214 (1) time in a twelve-month period for that employee.

16215 (c) The Department of Revenue shall establish criteria  
16216 and prescribe procedures to determine if a company creates the  
16217 required number of jobs and qualifies as a national or regional



16218 headquarters for purposes of receiving the credit awarded in this  
16219 subsection. A company desiring to claim a credit under this  
16220 subsection must submit an application for such credit with the  
16221 Department of Revenue in a manner prescribed by the department.

16222 (d) In order to participate in the provisions of this  
16223 section, a company must certify to the Mississippi Department of  
16224 Revenue that it complies with the equal pay provisions of the  
16225 federal Equal Pay Act of 1963, the Americans with Disabilities Act  
16226 of 1990 and the fair pay provisions of the Civil Rights Act of  
16227 1964.

16228 (e) This subsection shall stand repealed on July 1,  
16229 2022.

16230 (8) In lieu of the other tax credits provided in this  
16231 section, any commercial or industrial property owner which  
16232 remediates contaminated property in accordance with Sections  
16233 49-35-1 through 49-35-25, is allowed a job tax credit for taxes  
16234 imposed by Section 27-7-5 equal to the percentage of payroll  
16235 provided in subsection (2), (3) or (4) of this section for net new  
16236 full-time employee jobs for five (5) years beginning with years  
16237 two (2) through six (6) after the creation of the jobs. The  
16238 number of new full-time jobs must be determined by comparing the  
16239 monthly average number of full-time employees subject to  
16240 Mississippi income tax withholding for the taxable year with the  
16241 corresponding period of the prior taxable year. This subsection  
16242 shall be administered in the same manner as subsections (2), (3)





16243 and (4), except the landowner shall not be required to increase  
16244 employment by the levels provided in subsections (2), (3) and (4)  
16245 to be eligible for the tax credit.

16246 (9) (a) Tax credits for five (5) years for the taxes  
16247 imposed by Section 27-7-5 shall be awarded for increases in the  
16248 annual payroll for net new full-time jobs created by business  
16249 enterprises qualified under this section. The Department of  
16250 Revenue shall adjust the credit allowed in the event of payroll  
16251 fluctuations during the additional five (5) years of credit.

16252 (b) Tax credits for five (5) years for the taxes  
16253 imposed by Section 27-7-5 shall be awarded for additional net new  
16254 full-time jobs created by business enterprises qualified under  
16255 subsections (5) and (6) of this section and for additional  
16256 relocation costs paid by companies qualified under subsection (7)  
16257 of this section. The Department of Revenue shall adjust the  
16258 credit allowed in the event of employment fluctuations during the  
16259 additional five (5) years of credit.

16260 (10) (a) The sale, merger, acquisition, reorganization,  
16261 bankruptcy or relocation from one (1) county to another county  
16262 within the state of any business enterprise may not create new  
16263 eligibility in any succeeding business entity, but any unused job  
16264 tax credit may be transferred and continued by any transferee of  
16265 the business enterprise. The Department of Revenue shall  
16266 determine whether or not qualifying net increases or decreases  
16267 have occurred or proper transfers of credit have been made and may



16268 require reports, promulgate regulations, and hold hearings as  
16269 needed for substantiation and qualification.

16270 (b) This subsection shall not apply in cases in which a  
16271 business enterprise has ceased operation, laid off all its  
16272 employees and is subsequently acquired by another unrelated  
16273 business entity that continues operation of the enterprise in the  
16274 same or a similar type of business. In such a case the succeeding  
16275 business entity shall be eligible for the credit authorized by  
16276 this section unless the cessation of operation of the business  
16277 enterprise was for the purpose of obtaining new eligibility for  
16278 the credit.

16279 (11) Any tax credit claimed under this section but not used  
16280 in any taxable year may be carried forward for five (5) years from  
16281 the close of the tax year in which the qualified jobs were  
16282 established and/or headquarters relocation costs paid, as  
16283 applicable, but the credit established by this section taken in  
16284 any one (1) tax year must be limited to an amount not greater than  
16285 fifty percent (50%) of the taxpayer's state income tax liability  
16286 which is attributable to income derived from operations in the  
16287 state for that year. If the permanent business enterprise is  
16288 located in an area that has been declared by the Governor to be a  
16289 disaster area and as a direct result of the disaster the business  
16290 enterprise is unable to use the existing carryforward, the  
16291 Commissioner of Revenue may extend the period that the credit may



16292 be carried forward for a period of time not to exceed two (2)  
16293 years.

16294 (12) No business enterprise for the transportation,  
16295 handling, storage, processing or disposal of hazardous waste is  
16296 eligible to receive the tax credits provided in this section.

16297 (13) The credits allowed under this section shall not be  
16298 used by any business enterprise or corporation other than the  
16299 business enterprise actually qualifying for the credits.

16300 (14) As used in this section:

16301 (a) "Business enterprises" means entities primarily  
16302 engaged in:

16303 (i) Manufacturing, processing, warehousing,  
16304 warehousing activities, distribution, wholesaling and research and  
16305 development, or

16306 (ii) Permanent business enterprises designated by  
16307 rule and regulation of the Mississippi Development Authority as  
16308 air transportation and maintenance facilities, final destination  
16309 or resort hotels having a minimum of one hundred fifty (150) guest  
16310 rooms, recreational facilities that impact tourism, movie industry  
16311 studios, telecommunications enterprises, data or information  
16312 processing enterprises or computer software development  
16313 enterprises or any technology intensive facility or enterprise.

16314 (b) "Telecommunications enterprises" means entities  
16315 engaged in the creation, display, management, storage, processing,  
16316 transmission or distribution for compensation of images, text,



16317 voice, video or data by wire or by wireless means, or entities  
16318 engaged in the construction, design, development, manufacture,  
16319 maintenance or distribution for compensation of devices, products,  
16320 software or structures used in the above activities. Companies  
16321 organized to do business as commercial broadcast radio stations,  
16322 television stations or news organizations primarily serving  
16323 in-state markets shall not be included within the definition of  
16324 the term "telecommunications enterprises."

16325 (c) "Warehousing activities" means entities that  
16326 establish or expand facilities that service and support multiple  
16327 retail or wholesale locations within and outside the state.  
16328 Warehousing activities may be performed solely to support the  
16329 primary activities of the entity, and credits generated shall  
16330 offset the income of the entity based on an apportioned ratio of  
16331 payroll for warehouse employees of the entity to total Mississippi  
16332 payroll of the entity that includes the payroll of retail  
16333 employees of the entity.

16334 (15) The tax credits provided for in this section shall be  
16335 in addition to any tax credits described in Sections 57-51-13(b),  
16336 57-53-1(1)(a) and 57-54-9(b) and granted pursuant to official  
16337 action by the Mississippi Development Authority prior to July 1,  
16338 1989, to any business enterprise determined prior to July 1, 1989,  
16339 by the Mississippi Development Authority to be a qualified  
16340 business as defined in Section 57-51-5(f) or Section 57-54-5(d) or  
16341 a qualified company as described in Section 57-53-1, as the case



16342 may be; however, from and after July 1, 1989, tax credits shall be  
16343 allowed only under either this section or Sections 57-51-13(b),  
16344 57-53-1(1) (a) and Section 57-54-9(b) for each net new full-time  
16345 employee.

16346 (16) A business enterprise that chooses to receive job  
16347 training assistance pursuant to Section 57-1-451 shall not be  
16348 eligible for the tax credits provided for in this section.

16349 **SECTION 487.** Section 57-73-23, Mississippi Code of 1972, is  
16350 amended as follows:

16351 57-73-23. A fifty percent (50%) income tax credit shall be  
16352 granted to any employer providing dependent care for employees  
16353 during the employee's work hours. Credit is applied to the net  
16354 cost of any contract executed by the employer for another entity  
16355 to provide dependent care; or, if the employer elects to provide  
16356 dependent care itself, to expenses of dependent care staff,  
16357 learning and recreational materials and equipment, and the  
16358 construction and maintenance of a facility. Additional eligible  
16359 expenses include net costs assumed by the employer which increase  
16360 the quality, availability and affordability of dependent care in  
16361 the community used by employees during the employee's work hours.  
16362 This cost is net of any reimbursement. A deduction shall not be  
16363 allowed for any expenses which serve as the basis for an income  
16364 tax credit. The credits allowed under this section shall not be  
16365 used by any business enterprise or corporation other than the  
16366 business enterprise actually qualifying for the credits.



16367 Credit may be carried forward for the five (5) successive  
16368 years if the amount allowable as credit exceeds income tax  
16369 liability in a tax year; however, thereafter, if the amount  
16370 allowable as a credit exceeds the tax liability, the amount of  
16371 excess shall not be refundable or carried forward to any other  
16372 taxable year.

16373 The facility must have an average daily enrollment for the  
16374 taxable year of no less than six (6) children who are twelve (12)  
16375 years of age or less and be licensed according to the regulations  
16376 governing licensure of child care facilities in Mississippi; or  
16377 must serve five (5) or fewer children and/or elderly adults in a  
16378 family child care/elder care home approved by the Department of  
16379 Health for participation in the United States Department of  
16380 Agriculture child and adult nutrition program; or must serve  
16381 children over twelve (12) years of age but less than eighteen (18)  
16382 years of age in either a community-based facility or a facility at  
16383 the employment site; or must serve adult relatives of employees in  
16384 either a community-based elder care facility or a facility at the  
16385 employment site; or must serve children or adult dependents having  
16386 physical, emotional or mental disabilities in either a  
16387 community-based facility or a facility at the employment site.

16388 Employers will be certified as eligible for the tax credit by  
16389 the \* \* \*State Department of Health for programs serving children  
16390 twelve (12) years of age or younger and for programs serving



16391 elderly adults and by the State Tax Commission for programs  
16392 serving other dependents older than twelve (12) years of age.

16393 **SECTION 488.** Section 57-73-27, Mississippi Code of 1972, is  
16394 brought forward as follows:

16395 57-73-27. The State Tax Commission is authorized to  
16396 promulgate reasonable rules and regulations necessary to  
16397 accomplish its duties under Chapter 524, Laws, 1989.

16398 **SECTION 489.** Section 57-73-29, Mississippi Code of 1972, is  
16399 amended as follows:

16400 57-73-29. The \* \* \* Mississippi Development Authority is  
16401 authorized to promulgate reasonable rules and regulations  
16402 necessary to accomplish its duties under Chapter 524, Laws, 1989.

16403 **SECTION 490.** Section 57-75-1, Mississippi Code of 1972, is  
16404 brought forward as follows:

16405 57-75-1. This chapter shall be known and may be cited as the  
16406 "Mississippi Major Economic Impact Act."

16407 **SECTION 491.** Section 57-75-3, Mississippi Code of 1972, is  
16408 brought forward as follows:

16409 57-75-3. The Legislature hereby finds and declares that:

16410 (a) There exists in the State of Mississippi a  
16411 continuing need for gainful employment for the citizens of this  
16412 state.

16413 (b) To help provide employment opportunities, a  
16414 division within the Mississippi Development Authority should be  
16415 created with power to secure the location and expansion within



16416 this state of major economic impact projects by providing  
16417 assistance and incentives in connection with such projects.

16418 (c) In accomplishing this purpose, such division will  
16419 be acting in all respects for the benefit of the people of the  
16420 state in the performance of essential public functions and is  
16421 serving a valid public purpose in improving and otherwise  
16422 promoting their health, welfare and prosperity, and the enactment  
16423 of the provisions hereinafter set forth is for a valid public  
16424 purpose.

16425 (d) Public agencies of the state, as herein defined,  
16426 must be authorized and empowered to contract with and cooperate  
16427 with the authority for the purposes herein set out.

16428 (e) The borrowing of money and the issuance of bonds  
16429 for the purposes hereinafter set out serves valid public purposes  
16430 in that the project will significantly contribute to the  
16431 employment base and scientific and educational growth of the  
16432 state.

16433 (f) The Mississippi Major Economic Impact Authority  
16434 created pursuant to this chapter shall implement the provisions of  
16435 this chapter and exercise all power as authorized in this chapter;  
16436 however, the application of this chapter or the offering of any  
16437 assistance and incentives as to any particular project or person  
16438 shall be in the sole discretion of the Mississippi Major Economic  
16439 Impact Authority, and nothing in this chapter shall be deemed to  
16440 vest in any person any right to any assistance or incentive





16441 contained herein unless the assistance or incentive is approved by  
16442 the Mississippi Major Economic Impact Authority pursuant to this  
16443 chapter. The exercise of powers conferred by this chapter shall  
16444 be deemed and held to be the performance of essential public  
16445 purposes.

16446           **SECTION 492.** Section 57-75-5, Mississippi Code of 1972, is  
16447 brought forward as follows:

16448           57-75-5. Words and phrases used in this chapter shall have  
16449 meanings as follows, unless the context clearly indicates a  
16450 different meaning:

16451           (a) "Act" means the Mississippi Major Economic Impact  
16452 Act as originally enacted or as hereafter amended.

16453           (b) "Authority" means the Mississippi Major Economic  
16454 Impact Authority created pursuant to the act.

16455           (c) "Bonds" means general obligation bonds, interim  
16456 notes and other evidences of debt of the State of Mississippi  
16457 issued pursuant to this chapter.

16458           (d) "Facility related to the project" means and  
16459 includes any of the following, as the same may pertain to the  
16460 project within the project area: (i) facilities to provide  
16461 potable and industrial water supply systems, sewage and waste  
16462 disposal systems and water, natural gas and electric transmission  
16463 systems to the site of the project; (ii) airports, airfields and  
16464 air terminals; (iii) rail lines; (iv) port facilities; (v)  
16465 highways, streets and other roadways; (vi) public school



16466 buildings, classrooms and instructional facilities, training  
16467 facilities and equipment, including any functionally related  
16468 facilities; (vii) parks, outdoor recreation facilities and  
16469 athletic facilities; (viii) auditoriums, pavilions, campgrounds,  
16470 art centers, cultural centers, folklore centers and other public  
16471 facilities; (ix) health care facilities, public or private; and  
16472 (x) fire protection facilities, equipment and elevated water  
16473 tanks.

16474 (e) "Person" means any natural person, corporation,  
16475 association, partnership, receiver, trustee, guardian, executor,  
16476 administrator, fiduciary, governmental unit, public agency,  
16477 political subdivision, or any other group acting as a unit, and  
16478 the plural as well as the singular.

16479 (f) "Project" means:

16480 (i) Any industrial, commercial, research and  
16481 development, warehousing, distribution, transportation,  
16482 processing, mining, United States government or tourism enterprise  
16483 together with all real property required for construction,  
16484 maintenance and operation of the enterprise with an initial  
16485 capital investment of not less than Three Hundred Million Dollars  
16486 (\$300,000,000.00) from private or United States government sources  
16487 together with all buildings, and other supporting land and  
16488 facilities, structures or improvements of whatever kind required  
16489 or useful for construction, maintenance and operation of the  
16490 enterprise; or with an initial capital investment of not less than



16491 One Hundred Fifty Million Dollars (\$150,000,000.00) from private  
16492 or United States government sources together with all buildings  
16493 and other supporting land and facilities, structures or  
16494 improvements of whatever kind required or useful for construction,  
16495 maintenance and operation of the enterprise and which creates at  
16496 least one thousand (1,000) net new full-time jobs; or which  
16497 creates at least one thousand (1,000) net new full-time jobs which  
16498 provides an average salary, excluding benefits which are not  
16499 subject to Mississippi income taxation, of at least one hundred  
16500 twenty-five percent (125%) of the most recently published average  
16501 annual wage of the state as determined by the Mississippi  
16502 Department of Employment Security. "Project" shall include any  
16503 addition to or expansion of an existing enterprise if such  
16504 addition or expansion has an initial capital investment of not  
16505 less than Three Hundred Million Dollars (\$300,000,000.00) from  
16506 private or United States government sources, or has an initial  
16507 capital investment of not less than One Hundred Fifty Million  
16508 Dollars (\$150,000,000.00) from private or United States government  
16509 sources together with all buildings and other supporting land and  
16510 facilities, structures or improvements of whatever kind required  
16511 or useful for construction, maintenance and operation of the  
16512 enterprise and which creates at least one thousand (1,000) net new  
16513 full-time jobs; or which creates at least one thousand (1,000) net  
16514 new full-time jobs which provides an average salary, excluding  
16515 benefits which are not subject to Mississippi income taxation, of



16516 at least one hundred twenty-five percent (125%) of the most  
16517 recently published average annual wage of the state as determined  
16518 by the Mississippi Department of Employment Security. "Project"  
16519 shall also include any ancillary development or business resulting  
16520 from the enterprise, of which the authority is notified, within  
16521 three (3) years from the date that the enterprise entered into  
16522 commercial production, that the project area has been selected as  
16523 the site for the ancillary development or business.

16524 (ii) 1. Any major capital project designed to  
16525 improve, expand or otherwise enhance any active duty or reserve  
16526 United States armed services bases and facilities or any major  
16527 Mississippi National Guard training installations, their support  
16528 areas or their military operations, upon designation by the  
16529 authority that any such base was or is at risk to be recommended  
16530 for closure or realignment pursuant to the Defense Base Closure  
16531 and Realignment Act of 1990, as amended, or other applicable  
16532 federal law; or any major development project determined by the  
16533 authority to be necessary to acquire or improve base properties  
16534 and to provide employment opportunities through construction of  
16535 projects as defined in Section 57-3-5, which shall be located on  
16536 or provide direct support service or access to such military  
16537 installation property in the event of closure or reduction of  
16538 military operations at the installation.

16539 2. Any major study or investigation related  
16540 to such a facility, installation or base, upon a determination by



16541 the authority that the study or investigation is critical to the  
16542 expansion, retention or reuse of the facility, installation or  
16543 base.

16544 3. Any project as defined in Section 57-3-5,  
16545 any business or enterprise determined to be in the furtherance of  
16546 the public purposes of this act as determined by the authority or  
16547 any facility related to such project each of which shall be,  
16548 directly or indirectly, related to any military base or other  
16549 military-related facility no longer operated by the United States  
16550 armed services or the Mississippi National Guard.

16551 (iii) Any enterprise to be maintained, improved or  
16552 constructed in Tishomingo County by or for a National Aeronautics  
16553 and Space Administration facility in such county.

16554 (iv) 1. Any major capital project with an initial  
16555 capital investment from private sources of not less than Seven  
16556 Hundred Fifty Million Dollars (\$750,000,000.00) which will create  
16557 at least three thousand (3,000) jobs meeting criteria established  
16558 by the Mississippi Development Authority.

16559 2. "Project" shall also include any ancillary  
16560 development or business resulting from an enterprise operating a  
16561 project as defined in item 1 of this paragraph (f) (iv), of which  
16562 the authority is notified, within three (3) years from the date  
16563 that the enterprise entered into commercial production, that the  
16564 state has been selected as the site for the ancillary development  
16565 or business.



16566 (v) Any manufacturing, processing or industrial  
16567 project determined by the authority, in its sole discretion, to  
16568 contribute uniquely and significantly to the economic growth and  
16569 development of the state, and which meets the following criteria:

16570 1. The project shall create at least two  
16571 thousand (2,000) net new full-time jobs meeting criteria  
16572 established by the authority, which criteria shall include, but  
16573 not be limited to, the requirement that such jobs must be held by  
16574 persons eligible for employment in the United States under  
16575 applicable state and federal law.

16576 2. The project and any facility related to  
16577 the project shall include a total investment from private sources  
16578 of not less than Sixty Million Dollars (\$60,000,000.00), or from  
16579 any combination of sources of not less than Eighty Million Dollars  
16580 (\$80,000,000.00).

16581 (vi) Any real property owned or controlled by the  
16582 National Aeronautics and Space Administration, the United States  
16583 government, or any agency thereof, which is legally conveyed to  
16584 the State of Mississippi or to the State of Mississippi for the  
16585 benefit of the Mississippi Major Economic Impact Authority, its  
16586 successors and assigns pursuant to Section 212 of Public Law  
16587 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

16588 (vii) Any major capital project related to the  
16589 establishment, improvement, expansion and/or other enhancement of  
16590 any active duty military installation and having a minimum capital



16591 investment from any source or combination of sources other than  
16592 the State of Mississippi of at least Forty Million Dollars  
16593 (\$40,000,000.00), and which will create at least four hundred  
16594 (400) military installation related full-time jobs, which jobs may  
16595 be military jobs, civilian jobs or a combination of military and  
16596 civilian jobs. The authority shall require that binding  
16597 commitments be entered into requiring that the minimum  
16598 requirements for the project provided for in this subparagraph  
16599 shall be met not later than July 1, 2008.

16600 (viii) Any major capital project with an initial  
16601 capital investment from any source or combination of sources of  
16602 not less than Ten Million Dollars (\$10,000,000.00) which will  
16603 create at least eighty (80) full-time jobs which provide an  
16604 average annual salary, excluding benefits which are not subject to  
16605 Mississippi income taxes, of at least one hundred thirty-five  
16606 percent (135%) of the most recently published average annual wage  
16607 of the state or the most recently published average annual wage of  
16608 the county in which the project is located as determined by the  
16609 Mississippi Department of Employment Security, whichever is the  
16610 lesser. The authority shall require that binding commitments be  
16611 entered into requiring that:

16612 1. The minimum requirements for the project  
16613 provided for in this subparagraph shall be met; and



16614                   2. That if such commitments are not met, all  
16615 or a portion of the funds provided by the state for the project as  
16616 determined by the authority shall be repaid.

16617                   (ix) Any regional retail shopping mall with an  
16618 initial capital investment from private sources in excess of One  
16619 Hundred Fifty Million Dollars (\$150,000,000.00), with a square  
16620 footage in excess of eight hundred thousand (800,000) square feet,  
16621 which will create at least seven hundred (700) full-time jobs with  
16622 an average hourly wage of Eleven Dollars (\$11.00) per hour. The  
16623 authority shall require that binding commitments be entered into  
16624 requiring that:

16625                   1. The minimum requirements for the project  
16626 provided for in this subparagraph shall be met; and

16627                   2. That if such commitments are not met, all  
16628 or a portion of the funds provided by the state for the project as  
16629 determined by the authority shall be repaid.

16630                   (x) Any major capital project with an initial  
16631 capital investment from any source or combination of sources of  
16632 not less than Seventy-five Million Dollars (\$75,000,000.00) which  
16633 will create at least one hundred twenty-five (125) full-time jobs  
16634 which provide an average annual salary, excluding benefits which  
16635 are not subject to Mississippi income taxes, of at least one  
16636 hundred thirty-five percent (135%) of the most recently published  
16637 average annual wage of the state or the most recently published  
16638 average annual wage of the county in which the project is located





16639 as determined by the Mississippi Department of Employment  
16640 Security, whichever is the greater. The authority shall require  
16641 that binding commitments be entered into requiring that:

16642 1. The minimum requirements for the project  
16643 provided for in this subparagraph shall be met; and

16644 2. That if such commitments are not met, all  
16645 or a portion of the funds provided by the state for the project as  
16646 determined by the authority shall be repaid.

16647 (xi) Any potential major capital project that the  
16648 authority has determined is feasible to recruit.

16649 (xii) Any project built according to the  
16650 specifications and federal provisions set forth by the National  
16651 Aeronautics and Space Administration Center Operations Directorate  
16652 at Stennis Space Center for the purpose of consolidating common  
16653 services from National Aeronautics and Space Administration  
16654 centers in human resources, procurement, financial management and  
16655 information technology located on land owned or controlled by the  
16656 National Aeronautics and Space Administration, which will create  
16657 at least four hundred seventy (470) full-time jobs.

16658 (xiii) Any major capital project with an initial  
16659 capital investment from any source or combination of sources of  
16660 not less than Ten Million Dollars (\$10,000,000.00) which will  
16661 create at least two hundred fifty (250) full-time jobs. The  
16662 authority shall require that binding commitments be entered into  
16663 requiring that:



16664 1. The minimum requirements for the project  
16665 provided for in this subparagraph shall be met; and

16666 2. That if such commitments are not met, all  
16667 or a portion of the funds provided by the state for the project as  
16668 determined by the authority shall be repaid.

16669 (xiv) Any major pharmaceutical facility with a  
16670 capital investment of not less than Fifty Million Dollars  
16671 (\$50,000,000.00) made after July 1, 2002, through four (4) years  
16672 after the initial date of any loan or grant made by the authority  
16673 for such project, which will maintain at least seven hundred fifty  
16674 (750) full-time employees. The authority shall require that  
16675 binding commitments be entered into requiring that:

16676 1. The minimum requirements for the project  
16677 provided for in this subparagraph shall be met; and

16678 2. That if such commitments are not met, all  
16679 or a portion of the funds provided by the state for the project as  
16680 determined by the authority shall be repaid.

16681 (xv) Any pharmaceutical manufacturing, packaging  
16682 and distribution facility with an initial capital investment from  
16683 any local or federal sources of not less than Five Hundred  
16684 Thousand Dollars (\$500,000.00) which will create at least ninety  
16685 (90) full-time jobs. The authority shall require that binding  
16686 commitments be entered into requiring that:

16687 1. The minimum requirements for the project  
16688 provided for in this subparagraph shall be met; and



16689                   2. That if such commitments are not met, all  
16690 or a portion of the funds provided by the state for the project as  
16691 determined by the authority shall be repaid.

16692                   (xvi) Any major industrial wood processing  
16693 facility with an initial capital investment of not less than One  
16694 Hundred Million Dollars (\$100,000,000.00) which will create at  
16695 least one hundred twenty-five (125) full-time jobs which provide  
16696 an average annual salary, excluding benefits which are not subject  
16697 to Mississippi income taxes, of at least Thirty Thousand Dollars  
16698 (\$30,000.00). The authority shall require that binding  
16699 commitments be entered into requiring that:

16700                   1. The minimum requirements for the project  
16701 provided for in this subparagraph shall be met; and

16702                   2. That if such commitments are not met, all  
16703 or a portion of the funds provided by the state for the project as  
16704 determined by the authority shall be repaid.

16705                   (xvii) Any technical, engineering,  
16706 manufacturing-logistic service provider with an initial capital  
16707 investment of not less than One Million Dollars (\$1,000,000.00)  
16708 which will create at least ninety (90) full-time jobs. The  
16709 authority shall require that binding commitments be entered into  
16710 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                           (xviii) Any major capital project with an initial  
16717 capital investment from any source or combination of sources other  
16718 than the State of Mississippi of not less than Six Hundred Million  
16719 Dollars (\$600,000,000.00) which will create at least four hundred  
16720 fifty (450) full-time jobs with an average annual salary,  
16721 excluding benefits which are not subject to Mississippi income  
16722 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The  
16723 authority shall require that binding commitments be entered into  
16724 requiring that:

16725                           1. The minimum requirements for the project  
16726 provided for in this subparagraph shall be met; and

16727                           2. That if such commitments are not met, all  
16728 or a portion of the funds provided by the state for the project as  
16729 determined by the authority shall be repaid.

16730                           (xix) Any major coal and/or petroleum coke  
16731 gasification project with an initial capital investment from any  
16732 source or combination of sources other than the State of  
16733 Mississippi of not less than Eight Hundred Million Dollars  
16734 (\$800,000,000.00), which will create at least two hundred (200)  
16735 full-time jobs with an average annual salary, excluding benefits  
16736 which are not subject to Mississippi income taxes, of at least



16737 Forty-five Thousand Dollars (\$45,000.00). The authority shall  
16738 require that binding commitments be entered into requiring that:

16739 1. The minimum requirements for the project  
16740 provided for in this subparagraph shall be met; and

16741 2. That if such commitments are not met, all  
16742 or a portion of the funds provided by the state for the project as  
16743 determined by the authority shall be repaid.

16744 (xx) Any planned mixed use development located on  
16745 not less than four thousand (4,000) acres of land that will  
16746 consist of commercial, recreational, resort, tourism and  
16747 residential development with a capital investment from private  
16748 sources of not less than Four Hundred Seventy-five Million Dollars  
16749 (\$475,000,000.00) in the aggregate in any one (1) or any  
16750 combination of tourism projects that will create at least three  
16751 thousand five hundred (3,500) jobs in the aggregate. For the  
16752 purposes of this paragraph (f) (xx), the term "tourism project"  
16753 means and has the same definition as that term has in Section  
16754 57-28-1. In order to meet the minimum capital investment required  
16755 under this paragraph (f) (xx), at least Two Hundred Thirty-seven  
16756 Million Five Hundred Thousand Dollars (\$237,500,000.00) of such  
16757 investment must be made not later than June 1, 2015, and the  
16758 remainder of the minimum capital investment must be made not later  
16759 than June 1, 2017. In order to meet the minimum number of jobs  
16760 required to be created under this paragraph (f) (xx), at least one  
16761 thousand seven hundred fifty (1,750) of such jobs must be created



16762 not later than June 1, 2015, and the remainder of the jobs must be  
16763 created not later than June 1, 2017. The authority shall require  
16764 that binding commitments be entered into requiring that:

16765                   1. The minimum requirements for the project  
16766 provided for in this subparagraph shall be met; and

16767                   2. That if such commitments are not met, all  
16768 or a portion of the funds provided by the state for the project as  
16769 determined by the authority shall be repaid.

16770                   (xxi) Any enterprise owning or operating an  
16771 automotive manufacturing and assembly plant and its affiliates for  
16772 which construction begins after March 2, 2007, and not later than  
16773 December 1, 2007, with an initial capital investment from private  
16774 sources of not less than Five Hundred Million Dollars  
16775 (\$500,000,000.00) which will create at least one thousand five  
16776 hundred (1,500) jobs meeting criteria established by the  
16777 authority, which criteria shall include, but not be limited to,  
16778 the requirement that such jobs must be held by persons eligible  
16779 for employment in the United States under applicable state and  
16780 federal law. The authority shall require that binding commitments  
16781 be entered into requiring that:

16782                   1. The minimum requirements for the project  
16783 provided for in this subparagraph shall be met; and

16784                   2. That if such commitments are not met, all  
16785 or a portion of the funds provided by the state for the project as  
16786 determined by the authority shall be repaid.



16787 (xxii) Any enterprise owning or operating a major  
16788 powertrain component manufacturing and assembly plant for which  
16789 construction begins after May 11, 2007, and not later than  
16790 December 1, 2007, with an initial capital investment from private  
16791 sources of not less than Three Hundred Million Dollars  
16792 (\$300,000,000.00) which will create at least five hundred (500)  
16793 new full-time jobs meeting criteria established by the authority,  
16794 which criteria shall include, but not be limited to, the  
16795 requirement that such jobs must be held by persons eligible for  
16796 employment in the United States under applicable state and federal  
16797 law, and the requirement that the average annual wages and taxable  
16798 benefits of such jobs shall be at least one hundred twenty-five  
16799 percent (125%) of the most recently published average annual wage  
16800 of the state or the most recently published average annual wage of  
16801 the county in which the project is located as determined by the  
16802 Mississippi Department of Employment Security, whichever is the  
16803 lesser. The authority shall require that binding commitments be  
16804 entered into requiring that:

16805 1. The minimum requirements for the project  
16806 provided for in this subparagraph shall be met; and

16807 2. That if such commitments are not met, all  
16808 or a portion of the funds provided by the state for the project as  
16809 determined by the authority shall be repaid.

16810 (xxiii) Any biological and agricultural defense  
16811 project operated by an agency of the government of the United



16812 States with an initial capital investment of not less than Four  
16813 Hundred Fifty Million Dollars (\$450,000,000.00) from any source  
16814 other than the State of Mississippi and its subdivisions, which  
16815 will create at least two hundred fifty (250) new full-time jobs.  
16816 All jobs created by the project must be held by persons eligible  
16817 for employment in the United States under applicable state and  
16818 federal law.

16819 (xxiv) Any enterprise owning or operating an  
16820 existing tire manufacturing plant which adds to such plant capital  
16821 assets of not less than Twenty-five Million Dollars  
16822 (\$25,000,000.00) after January 1, 2009, and that maintains at  
16823 least one thousand two hundred (1,200) full-time jobs in this  
16824 state at one (1) location with an average annual salary, excluding  
16825 benefits which are not subject to Mississippi income taxes, of at  
16826 least Forty-five Thousand Dollars (\$45,000.00). The authority  
16827 shall require that binding commitments be entered into requiring  
16828 that:

16829 1. The minimum requirements for the project  
16830 provided for in this subparagraph shall be met; and

16831 2. That if such commitments are not met, all  
16832 or a portion of the funds provided by the state for the project as  
16833 determined by the authority shall be repaid.

16834 (xxv) Any enterprise owning or operating a  
16835 facility for the manufacture of composite components for the  
16836 aerospace industry which will have an investment from private





16837 sources of not less than One Hundred Seventy-five Million Dollars  
16838 (\$175,000,000.00) by not later than December 31, 2015, and which  
16839 will result in the full-time employment at the project site of not  
16840 less than two hundred seventy-five (275) persons by December 31,  
16841 2011, and not less than four hundred twenty-five (425) persons by  
16842 December 31, 2013, and not less than eight hundred (800) persons  
16843 by December 31, 2017, all with an average annual compensation,  
16844 excluding benefits which are not subject to Mississippi income  
16845 taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The  
16846 authority shall require that binding commitments be entered into  
16847 requiring that:

16848                   1. The minimum requirements for the project  
16849 provided for in this subparagraph shall be met; and

16850                   2. That if such commitments are not met, all  
16851 or a portion of the funds provided by the state for the project as  
16852 determined by the authority shall be repaid.

16853                   (xxvi) Any enterprise owning or operating a  
16854 facility for the manufacture of pipe which will have an investment  
16855 from any source other than the State of Mississippi and its  
16856 subdivisions of not less than Three Hundred Million Dollars  
16857 (\$300,000,000.00) by not later than December 31, 2015, and which  
16858 will create at least five hundred (500) new full-time jobs within  
16859 five (5) years after the start of commercial production and  
16860 maintain such jobs for at least ten (10) years, all with an  
16861 average annual compensation, excluding benefits which are not



16862 subject to Mississippi income taxes, of at least Thirty-two  
16863 Thousand Dollars (\$32,000.00). The authority shall require that  
16864 binding commitments be entered into requiring that:

16865 1. The minimum requirements for the project  
16866 provided for in this subparagraph shall be met; and

16867 2. That if such commitments are not met, all  
16868 or a portion of the funds provided by the state for the project as  
16869 determined by the authority shall be repaid.

16870 (xxvii) Any enterprise owning or operating a  
16871 facility for the manufacture of solar panels which will have an  
16872 investment from any source other than the State of Mississippi and  
16873 its subdivisions of not less than One Hundred Thirty-two Million  
16874 Dollars (\$132,000,000.00) by not later than December 31, 2015, and  
16875 which will create at least five hundred (500) new full-time jobs  
16876 within five (5) years after the start of commercial production and  
16877 maintain such jobs for at least ten (10) years, all with an  
16878 average annual compensation, excluding benefits which are not  
16879 subject to Mississippi income taxes, of at least Thirty-four  
16880 Thousand Dollars (\$34,000.00). The authority shall require that  
16881 binding commitments be entered into requiring that:

16882 1. The minimum requirements for the project  
16883 provided for in this subparagraph shall be met; and

16884 2. That if such commitments are not met, all  
16885 or a portion of the funds provided by the state for the project as  
16886 determined by the authority shall be repaid.



16887 (xxviii) 1. Any enterprise owning or operating an  
16888 automotive parts manufacturing plant and its affiliates for which  
16889 construction begins after June 1, 2013, and not later than June  
16890 30, 2014, with an initial capital investment of not less than  
16891 Three Hundred Million Dollars (\$300,000,000.00) which will create  
16892 at least five hundred (500) new full-time jobs meeting criteria  
16893 established by the authority, which criteria shall include, but  
16894 not be limited to, the requirement that such jobs must be held by  
16895 persons eligible for employment in the United States under  
16896 applicable state and federal law, and the requirement that the  
16897 average annual wages and taxable benefits of such jobs shall be at  
16898 least one hundred ten percent (110%) of the most recently  
16899 published average annual wage of the state or the most recently  
16900 published average annual wage of the county in which the project  
16901 is located as determined by the Mississippi Department of  
16902 Employment Security, whichever is the lesser. The authority shall  
16903 require that binding commitments be entered into requiring that:  
16904 a. The minimum requirements for the  
16905 project provided for in this subparagraph shall be met; and  
16906 b. That if such commitments are not met,  
16907 all or a portion of the funds provided by the state for the  
16908 project as determined by the authority shall be repaid.  
16909 2. It is anticipated that the project defined  
16910 in this subparagraph (xxviii) will expand in three (3) additional  
16911 phases, will create an additional five hundred (500) full-time



16912 jobs meeting the above criteria in each phase, and will invest an  
16913 additional Three Hundred Million Dollars (\$300,000,000.00) per  
16914 phase.

16915 (xxix) Any enterprise engaged in the manufacture  
16916 of tires or other related rubber or automotive products for which  
16917 construction of a plant begins after January 1, 2016, and is  
16918 substantially completed no later than December 31, 2022, and for  
16919 which such enterprise commits to an aggregate capital investment  
16920 by such enterprise and its affiliates of not less than One Billion  
16921 Four Hundred Fifty Million Dollars (\$1,450,000,000.00) and the  
16922 creation thereby of at least two thousand five hundred (2,500) new  
16923 full-time jobs meeting criteria established by the authority,  
16924 which criteria shall include, but not be limited to, the  
16925 requirement that such jobs must be held by persons eligible for  
16926 employment in the United States under applicable state and federal  
16927 law, and the requirement that the average annual salary or wage,  
16928 excluding the value of any benefits which are not subject to  
16929 Mississippi income tax, of such jobs shall be at least Forty  
16930 Thousand Dollars (\$40,000.00). The authority shall require that  
16931 binding commitments be entered into requiring that:

16932 1. Minimum requirements for investment and  
16933 jobs for the project shall be met; and

16934 2. If such requirements are not met, all or a  
16935 portion of the funds provided by the state for the project may, as  
16936 determined by the authority, be subject to repayment by such



16937 enterprise and/or its affiliates, together with any penalties or  
16938 damages required by the authority in connection therewith.

16939 (xxx) Any enterprise owning or operating a  
16940 maritime fabrication and assembly facility for which construction  
16941 begins after February 1, 2016, and concludes not later than  
16942 December 31, 2018, with an initial capital investment in land,  
16943 buildings and equipment not less than Sixty-eight Million Dollars  
16944 (\$68,000,000.00) and will create not less than one thousand  
16945 (1,000) new full-time jobs meeting criteria established by the  
16946 authority, which criteria shall include, but not be limited to,  
16947 the requirement that such jobs must be held by persons eligible  
16948 for employment in the United States under applicable state and  
16949 federal law, and the requirement that the average annual  
16950 compensation, excluding benefits which are not subject to  
16951 Mississippi income taxes, of at least Forty Thousand Dollars  
16952 (\$40,000.00). The authority shall require that binding  
16953 commitments be entered into requiring that:

16954 1. The minimum requirements for the project  
16955 provided for in this subparagraph shall be met; and

16956 2. If such commitments are not met, all or a  
16957 portion of the funds provided by the state for the project may, as  
16958 determined by the authority, be subject to repayment by such  
16959 enterprise, together with any penalties or damages required by the  
16960 authority in connection therewith.



16961 (g) (i) "Project area" means the project site,  
16962 together with any area or territory within the state lying within  
16963 sixty-five (65) miles of any portion of the project site whether  
16964 or not such area or territory be contiguous; however, for the  
16965 project defined in paragraph (f)(iv) of this section the term  
16966 "project area" means any area or territory within the state. The  
16967 project area shall also include all territory within a county if  
16968 any portion of such county lies within sixty-five (65) miles of  
16969 any portion of the project site. "Project site" means the real  
16970 property on which the principal facilities of the enterprise will  
16971 operate. The provisions of this subparagraph (i) shall not apply  
16972 to a project as defined in paragraph (f)(xxi) of this section.

16973 (ii) For the purposes of a project as defined in  
16974 paragraph (f)(xxi) of this section, the term "project area" means  
16975 the acreage authorized in the certificate of convenience and  
16976 necessity issued by the Mississippi Development Authority to a  
16977 regional economic development alliance under Section 57-64-1 et  
16978 seq.

16979 (h) "Public agency" means:

16980 (i) Any department, board, commission, institution  
16981 or other agency or instrumentality of the state;

16982 (ii) Any city, town, county, political  
16983 subdivision, school district or other district created or existing  
16984 under the laws of the state or any public agency of any such city,  
16985 town, county, political subdivision or district or any other



16986 public entity created or existing under local and private  
16987 legislation;

16988 (iii) Any department, commission, agency or  
16989 instrumentality of the United States of America; and

16990 (iv) Any other state of the United States of  
16991 America which may be cooperating with respect to location of the  
16992 project within the state, or any agency thereof.

16993 (i) "State" means State of Mississippi.

16994 (j) "Fee-in-lieu" means a negotiated fee to be paid by  
16995 the project in lieu of any franchise taxes imposed on the project  
16996 by Chapter 13, Title 27, Mississippi Code of 1972. The  
16997 fee-in-lieu shall not be less than Twenty-five Thousand Dollars  
16998 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an  
16999 enterprise operating an existing project defined in paragraph  
17000 (f)(iv)<sup>1</sup> of this section; however, a fee-in-lieu shall not be  
17001 negotiated for other existing enterprises that fall within the  
17002 definition of the term "project."

17003 (k) "Affiliate" means a subsidiary or related business  
17004 entity which shares a common direct or indirect ownership with the  
17005 enterprise owning or operating a project as defined in paragraph  
17006 (f)(xxi), paragraph (f)(xxviii) or paragraph (f)(xxix) of this  
17007 section. The subsidiary or related business must provide services  
17008 directly related to the core activities of the project.

17009 (l) "Tier One supplier" means a supplier of a project  
17010 as defined in paragraph (f)(xxi) of this section that is certified



17011 by the enterprise owning the project and creates a minimum of  
17012 fifty (50) new full-time jobs.

17013 **SECTION 493.** Section 57-75-7, Mississippi Code of 1972, is  
17014 amended as follows:

17015 57-75-7. (1) There is created within the \* \* \* Mississippi  
17016 Development Authority a division to be known as the "Mississippi  
17017 Major Economic Impact Authority" for the performance of essential  
17018 public functions. The Executive Director of the \* \* \* Mississippi  
17019 Development Authority or his designee shall be the director of the  
17020 authority.

17021 (2) The director shall administer, manage and direct the  
17022 affairs and business of the authority.

17023 **SECTION 494.** Section 57-75-9, Mississippi Code of 1972, is  
17024 brought forward as follows:

17025 57-75-9. (1) The authority is hereby designated and  
17026 empowered to act on behalf of the state in submitting a siting  
17027 proposal for any project eligible for assistance under this act.  
17028 The authority is empowered to take all steps appropriate or  
17029 necessary to effect the siting, development, and operation of the  
17030 project within the state, including the negotiation of a  
17031 fee-in-lieu. If the state is selected as the preferred site for  
17032 the project, the authority is hereby designated and empowered to  
17033 act on behalf of the state and to represent the state in the  
17034 planning, financing, development, construction and operation of  
17035 the project or any facility related to the project, with the





17036 concurrence of the affected public agency. The authority may take  
17037 affirmative steps to coordinate fully all aspects of the  
17038 submission of a siting proposal for the project and, if the state  
17039 is selected as the preferred site, to coordinate fully, with the  
17040 concurrence of the affected public agency, the development of the  
17041 project or any facility related to the project with private  
17042 business, the United States government and other public agencies.  
17043 All public agencies are encouraged to cooperate to the fullest  
17044 extent possible to effectuate the duties of the authority;  
17045 however, the development of the project or any facility related to  
17046 the project by the authority may be done only with the concurrence  
17047 of the affected public agency.

17048 (2) (a) Contracts, by the authority or a public agency,  
17049 including, but not limited to, design and construction contracts,  
17050 for the acquisition, purchase, construction or installation of a  
17051 project defined in Section 57-75-5(f)(iv)1 or any facility related  
17052 to the project shall be exempt from the provisions of Section  
17053 31-7-13 if:

17054 (i) The authority finds and records such finding  
17055 on its minutes, that because of availability or the particular  
17056 nature of a project, it would not be in the public interest or  
17057 would less effectively achieve the purposes of this chapter to  
17058 enter into such contracts on the basis of Section 31-7-13; and

17059 (ii) The enterprise that is involved in the  
17060 project concurs in such finding.



17061 (b) When the requirements of paragraph (a) of this  
17062 subsection are met:

17063 (i) The requirements of Section 31-7-13 shall not  
17064 apply to such contracts; and

17065 (ii) The contracts may be entered into on the  
17066 basis of negotiation.

17067 (c) The enterprise involved with the project may, upon  
17068 approval of the authority, negotiate such contracts in the name of  
17069 the authority.

17070 (d) The provisions of this subsection (2) shall not  
17071 apply to contracts by the authority for excavation, fill dirt and  
17072 compaction for the preparation of the site of a project as defined  
17073 in Section 57-75-5(f)(iv)1 and such contracts may be entered into  
17074 pursuant to subsection (3) of this section.

17075 (3) (a) Contracts by the authority for excavation, fill  
17076 dirt and compaction for the preparation of the site of a project  
17077 defined in Section 57-75-5(f)(iv)1 shall be exempt from the  
17078 provisions of Section 31-7-13 and the following procedure shall be  
17079 followed in the award of such contracts:

17080 (i) The authority shall advertise for a period of  
17081 time to be set by the authority, but in no event less than one (1)  
17082 business day, the date, time and place of a meeting with the  
17083 authority to receive specifications on a request for proposals on  
17084 excavation, fill dirt and compaction for the preparation of the  
17085 site of the project defined in Section 57-75-5(f)(iv)1.



17086 (ii) The authority shall set the minimum  
17087 qualifications necessary to be considered for award of the  
17088 contract and the advertisement shall set forth such minimum  
17089 qualifications.

17090 (iii) Following the meeting the authority shall,  
17091 in its discretion, select one or more of the qualified contractors  
17092 with whom to negotiate or award the contract. The decision of the  
17093 authority concerning the selection of the contractor shall be  
17094 final.

17095 (b) Contracts by the authority or a public agency for  
17096 site preparation, utilities, real estate improvements, wastewater  
17097 or for public works for a project defined in Section  
17098 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii) shall be exempt from  
17099 the provisions of Section 31-7-13 and the following procedure  
17100 shall be followed in the award of such contracts:

17101 (i) The authority or the public agency shall  
17102 advertise for a period of time to be set by the authority or the  
17103 public agency, but in no event less than one (1) nor more than  
17104 five (5) calendar days, the date, time and place of a meeting with  
17105 the authority or the public agency to receive specifications on  
17106 the preparation of the site of the project defined in Section  
17107 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii).

17108 (ii) The authority or the public agency shall set  
17109 the minimum qualifications necessary to be considered for award of



17110 the contract and the advertisement shall set forth such minimum  
17111 qualifications.

17112 (iii) Following the meeting the authority or the  
17113 public agency shall, in its discretion, select one or more of the  
17114 qualified contractors with whom to negotiate or award the  
17115 contract. The decision of the authority or the public agency  
17116 concerning the selection of the contractor shall be final.

17117 (c) Contracts by a public agency for site preparation,  
17118 utilities, real estate improvements, infrastructure, roads or for  
17119 public works for a project defined in Section 57-75-5(f)(xxiii),  
17120 Section 57-75-5(f)(xxix) or Section 57-75-5(f)(xxx) may be exempt  
17121 from the provisions of Section 31-7-13 and the following procedure  
17122 shall be followed in the award of contracts:

17123 (i) The public agency shall advertise for a period  
17124 of time to be set by the public agency, but in no event less than  
17125 one (1) nor more than five (5) calendar days, the date, time and  
17126 place of a meeting with the public agency to receive  
17127 specifications on site preparation, utilities, real estate  
17128 improvements, infrastructure, roads or for public works related to  
17129 the project defined in Section 57-75-5(f)(xxiii), Section  
17130 57-75-5(f)(xxix) or Section 57-75-5(f)(xxx).

17131 (ii) The public agency shall set the minimum  
17132 qualifications necessary to be considered for award of the  
17133 contract and the advertisement shall set forth such minimum  
17134 qualifications.



17135 (iii) Following the meeting the public agency  
17136 shall, in its discretion, which discretion may include  
17137 participation by an enterprise involved in the project, select one  
17138 or more of the qualified contractors with whom to negotiate or  
17139 award the contract. The decision of the public agency concerning  
17140 selection of the contractor shall be final.

17141 (4) (a) Contracts, by the authority or a public agency,  
17142 including, but not limited to, design and construction contracts,  
17143 for the acquisition, purchase, construction or installation of a  
17144 project defined in Section 57-75-5(f) (xxvi), Section  
17145 57-75-5(f) (xxvii), Section 57-75-5(f) (xxviii), Section  
17146 57-75-5(f) (xxix) or Section 57-75-5(f) (xxx) shall be exempt from  
17147 the provisions of Section 31-7-13 if:

17148 (i) The authority finds and records such finding  
17149 on its minutes, that because of availability or the particular  
17150 nature of a project, it would not be in the public interest or  
17151 would less effectively achieve the purposes of this chapter to  
17152 enter into such contracts on the basis of Section 31-7-13; and

17153 (ii) The enterprise that is involved in the  
17154 project concurs in such finding.

17155 (b) When the requirements of paragraph (a) of this  
17156 subsection are met:

17157 (i) The requirements of Section 31-7-13 shall not  
17158 apply to such contracts; and



17159 (ii) The contracts may be entered into on the  
17160 basis of negotiation with the authority or such public agency, and  
17161 the authority or such public agency may, as part of such  
17162 negotiations, further negotiate and require the level of  
17163 participation by the enterprise involved in the project in the  
17164 negotiation of such contracts.

17165 (c) The company shall make commercially reasonable  
17166 efforts to place out for bid, such that Mississippi Contractors  
17167 and Mississippi Disadvantaged Business Enterprises ("DBEs") shall  
17168 have an equal opportunity to respond to such bid, any contract by  
17169 the company which (i) is subject to tax pursuant to Mississippi  
17170 Code Section 27-65-21 (i.e., contracts for constructing, building,  
17171 erecting, grading, excavating, etc.), and (ii) will be paid, or  
17172 payment thereunder by the company will be reimbursed, using any  
17173 portion of the grant proceeds or funds provided by the authority  
17174 to the company in accordance with this agreement. In carrying out  
17175 such efforts, in order to increase the pool of qualified DBE  
17176 bidders, the company will request that successful prime contract  
17177 bidders include in their response a commitment to (a) participate  
17178 in and/or host forums that highlight subcontract bidding  
17179 opportunities for DBEs; and (b) work with various trade  
17180 associations and the Mississippi Development Authority to promote  
17181 increased participation from DBEs. With respect to awarding any  
17182 contract placed out for bid, the company shall be allowed to award  
17183 such contract in the company's sole discretion (e.g., based upon



17184 optimization of quality, cost and efficiency or on any other basis  
17185 as the company may see fit). MDA agrees that it will offer to  
17186 eligible contractor DBEs that have an opportunity to work on the  
17187 project assistance through its Minority Surety Bond Guaranty  
17188 Program.

17189         **SECTION 495.** Section 57-75-11, Mississippi Code of 1972, is  
17190 brought forward as follows:

17191             57-75-11. The authority, in addition to any and all powers  
17192 now or hereafter granted to it, is empowered and shall exercise  
17193 discretion and the use of these powers depending on the  
17194 circumstances of the project or projects:

17195             (a) To maintain an office at a place or places within  
17196 the state.

17197             (b) To employ or contract with architects, engineers,  
17198 attorneys, accountants, construction and financial experts and  
17199 such other advisors, consultants and agents as may be necessary in  
17200 its judgment and to fix and pay their compensation.

17201             (c) To make such applications and enter into such  
17202 contracts for financial assistance as may be appropriate under  
17203 applicable federal or state law.

17204             (d) To apply for, accept and utilize grants, gifts and  
17205 other funds or aid from any source for any purpose contemplated by  
17206 the act, and to comply, subject to the provisions of this act,  
17207 with the terms and conditions thereof.



17208           (e) (i) To acquire by purchase, lease, gift, or in  
17209 other manner, including quick-take eminent domain, or obtain  
17210 options to acquire, and to own, maintain, use, operate and convey  
17211 any and all property of any kind, real, personal, or mixed, or any  
17212 interest or estate therein, within the project area, necessary for  
17213 the project or any facility related to the project. The  
17214 provisions of this paragraph that allow the acquisition of  
17215 property by quick-take eminent domain shall be repealed by  
17216 operation of law on July 1, 1994; and

17217           (ii) Notwithstanding any other provision of this  
17218 paragraph (e), from and after November 6, 2000, to exercise the  
17219 right of immediate possession pursuant to the provisions of  
17220 Sections 11-27-81 through 11-27-89 for the purpose of acquiring  
17221 land, property and/or rights-of-way in the county in which a  
17222 project as defined in Section 57-75-5(f)(iv)1 is located, that are  
17223 necessary for such project or any facility related to the project.

17224           (f) To acquire by purchase or lease any public lands  
17225 and public property, including sixteenth section lands and lieu  
17226 lands, within the project area, which are necessary for the  
17227 project. Sixteenth section lands or lieu lands acquired under  
17228 this act shall be deemed to be acquired for the purposes of  
17229 industrial development thereon and such acquisition will serve a  
17230 higher public interest in accordance with the purposes of this  
17231 act.





17232 (g) If the authority identifies any land owned by the  
17233 state as being necessary, for the location or use of the project,  
17234 or any facility related to the project, to recommend to the  
17235 Legislature the conveyance of such land or any interest therein,  
17236 as the Legislature deems appropriate.

17237 (h) To make or cause to be made such examinations and  
17238 surveys as may be necessary to the planning, design, construction  
17239 and operation of the project.

17240 (i) From and after the date of notification to the  
17241 authority by the enterprise that the state has been finally  
17242 selected as the site of the project, to acquire by condemnation  
17243 and to own, maintain, use, operate and convey or otherwise dispose  
17244 of any and all property of any kind, real, personal or mixed, or  
17245 any interest or estate therein, within the project area, necessary  
17246 for the project or any facility related to the project, with the  
17247 concurrence of the affected public agency, and the exercise of the  
17248 powers granted by this act, according to the procedures provided  
17249 by Chapter 27, Title 11, Mississippi Code of 1972, except as  
17250 modified by this act.

17251 (i) Except as otherwise provided in subparagraph  
17252 (iii) of this paragraph (i), in acquiring lands by condemnation,  
17253 the authority shall not acquire minerals or royalties in minerals  
17254 unless a competent registered professional engineer shall have  
17255 certified that the acquisition of such minerals and royalties in  
17256 minerals is necessary for purposes of the project; provided that



17257 limestone, clay, chalk, sand and gravel shall not be considered as  
17258 minerals for the purposes of subparagraphs (i) and (ii) of this  
17259 paragraph (i);

17260                   (ii) Unless minerals or royalties in minerals have  
17261 been acquired by condemnation or otherwise, no person or persons  
17262 owning the drilling rights or the right to share in production of  
17263 minerals shall be prevented from exploring, developing, or  
17264 producing oil or gas with necessary rights-of-way for ingress and  
17265 egress, pipelines and other means of transporting interests on any  
17266 land or interest therein of the authority held or used for the  
17267 purposes of this act; but any such activities shall be under such  
17268 reasonable regulation by the authority as will adequately protect  
17269 the project contemplated by this act as provided in paragraph (r)  
17270 of this section; and

17271                   (iii) In acquiring lands by condemnation,  
17272 including the exercise of immediate possession, for a project, as  
17273 defined in Section 57-75-5(f)(iv)1, the authority may acquire  
17274 minerals or royalties in minerals.

17275                   (j) To negotiate the necessary relocation or rerouting  
17276 of roads and highways, railroad, telephone and telegraph lines and  
17277 properties, electric power lines, pipelines and related  
17278 facilities, or to require the anchoring or other protection of any  
17279 of these, provided due compensation is paid to the owners thereof  
17280 or agreement is had with such owners regarding the payment of the  
17281 cost of such relocation, and to acquire by condemnation or



17282 otherwise easements or rights-of-way for such relocation or  
17283 rerouting and to convey the same to the owners of the facilities  
17284 being relocated or rerouted in connection with the purposes of  
17285 this act.

17286 (k) To negotiate the necessary relocation of graves and  
17287 cemeteries and to pay all reasonable costs thereof.

17288 (l) To perform or have performed any and all acts and  
17289 make all payments necessary to comply with all applicable federal  
17290 laws, rules or regulations including, but not limited to, the  
17291 Uniform Relocation Assistance and Real Property Acquisition  
17292 Policies Act of 1970 (42 USCS 4601, 4602, 4621 to 4638, and 4651  
17293 to 4655) and relocation rules and regulations promulgated by any  
17294 agency or department of the federal government.

17295 (m) To construct, extend, improve, maintain, and  
17296 reconstruct, to cause to be constructed, extended, improved,  
17297 maintained, and reconstructed, and to use and operate any and all  
17298 components of the project or any facility related to the project,  
17299 with the concurrence of the affected public agency, within the  
17300 project area, necessary to the project and to the exercise of such  
17301 powers, rights, and privileges granted the authority.

17302 (n) To incur or defray any designated portion of the  
17303 cost of any component of the project or any facility related to  
17304 the project acquired or constructed by any public agency.

17305 (o) (i) To lease, sell or convey any or all property  
17306 acquired by the authority under the provisions of this act to the



17307 enterprise, its successors or assigns, and/or any entity for  
17308 purposes in furtherance of economic development as determined by  
17309 the authority, and in connection therewith to pay the costs of  
17310 title search, perfection of title, title insurance and recording  
17311 fees as may be required. The authority may provide in the  
17312 instrument conveying such property a provision that such property  
17313 shall revert to the authority if, as and when the property is  
17314 declared by the transferee to be no longer needed.

17315                   (ii) To lease, sell, transfer or convey on any  
17316 terms agreed upon by the authority any or all real and personal  
17317 property, improvements, leases, funds and contractual obligations  
17318 of a project as defined in Section 57-75-5(f)(vi) and conveyed to  
17319 the State of Mississippi by a Quitclaim Deed from the United  
17320 States of America dated February 23, 1996, filed of record at  
17321 pages 511 to 524, Deed Book Number B179, Chancery Clerk's Office,  
17322 Tishomingo County, Mississippi, to any governmental authority  
17323 located within the geographic boundaries of the county wherein  
17324 such project exists upon agreement of such governmental authority  
17325 to undertake and assume from the State of Mississippi all  
17326 obligations and responsibilities in connection with ownership and  
17327 operation of the project. Property leased, sold, transferred or  
17328 otherwise conveyed by the authority under this paragraph (o) shall  
17329 be used only for economic development purposes.

17330                   (p) To enter into contracts with any person or public  
17331 agency, including, but not limited to, contracts authorized by



17332 Section 57-75-17, in furtherance of any of the purposes authorized  
17333 by this act upon such consideration as the authority and such  
17334 person or public agency may agree. Any such contract may extend  
17335 over any period of time, notwithstanding any rule of law to the  
17336 contrary, may be upon such terms as the parties thereto shall  
17337 agree, and may provide that it shall continue in effect until  
17338 bonds specified therein, refunding bonds issued in lieu of such  
17339 bonds, and all other obligations specified therein are paid or  
17340 terminated. Any such contract shall be binding upon the parties  
17341 thereto according to its terms. Such contracts may include an  
17342 agreement to reimburse the enterprise, its successors and assigns  
17343 for any assistance provided by the enterprise in the acquisition  
17344 of real property for the project or any facility related to the  
17345 project.

17346 (q) To establish and maintain reasonable rates and  
17347 charges for the use of any facility within the project area owned  
17348 or operated by the authority, and from time to time, to adjust  
17349 such rates and to impose penalties for failure to pay such rates  
17350 and charges when due.

17351 (r) To adopt and enforce with the concurrence of the  
17352 affected public agency all necessary and reasonable rules and  
17353 regulations to carry out and effectuate the implementation of the  
17354 project and any land use plan or zoning classification adopted for  
17355 the project area, including, but not limited to, rules,  
17356 regulations, and restrictions concerning mining, construction,



17357 excavation or any other activity the occurrence of which may  
17358 endanger the structure or operation of the project. Such rules  
17359 may be enforced within the project area and without the project  
17360 area as necessary to protect the structure and operation of the  
17361 project. The authority is authorized to plan or replan, zone or  
17362 rezone, and make exceptions to any regulations, whether local or  
17363 state, with the concurrence of the affected public agency which  
17364 are inconsistent with the design, planning, construction or  
17365 operation of the project and facilities related to the project.

17366 (s) To plan, design, coordinate and implement measures  
17367 and programs to mitigate impacts on the natural environment caused  
17368 by the project or any facility related to the project.

17369 (t) To develop plans for technology transfer activities  
17370 to ensure private sector conduits for exchange of information,  
17371 technology and expertise related to the project to generate  
17372 opportunities for commercial development within the state.

17373 (u) To consult with the State Department of Education  
17374 and other public agencies for the purpose of improving public  
17375 schools and curricula within the project area.

17376 (v) To consult with the State Board of Health and other  
17377 public agencies for the purpose of improving medical centers,  
17378 hospitals and public health centers in order to provide  
17379 appropriate health care facilities within the project area.

17380 (w) To consult with the Office of Minority Business  
17381 Enterprise Development and other public agencies for the purpose



17382 of developing plans for technical assistance and loan programs to  
17383 maximize the economic impact related to the project for minority  
17384 business enterprises within the State of Mississippi.

17385 (x) To deposit into the "Yellow Creek Project Area  
17386 Fund" created pursuant to Section 57-75-31:

17387 (i) Any funds or aid received as authorized in  
17388 this section for the project described in Section 57-75-5(f)(vi),  
17389 and

17390 (ii) Any funds received from the sale or lease of  
17391 property from the project described in Section 57-75-5(f)(vi)  
17392 pursuant to the powers exercised under this section.

17393 (y) To manage and develop the project described in  
17394 Section 57-75-5(f)(vi).

17395 (z) To promulgate rules and regulations necessary to  
17396 effectuate the purposes of this act.

17397 (aa) To negotiate a fee-in-lieu with the owners of the  
17398 project.

17399 (bb) To enter into contractual agreements to warrant  
17400 any site work for a project defined in Section 57-75-5(f)(iv)1;  
17401 provided, however, that the aggregate amount of such warranties  
17402 shall not exceed Fifteen Million Dollars (\$15,000,000.00).

17403 (cc) To provide grant funds to an enterprise operating  
17404 a project defined in Section 57-75-5(f)(iv)1 in an amount not to  
17405 exceed Thirty-nine Million Dollars (\$39,000,000.00).



17406 (dd) (i) To own surface water transmission lines  
17407 constructed with the proceeds of bonds issued pursuant to this act  
17408 and in connection therewith to purchase and provide water to any  
17409 project defined in Section 57-75-5(f) (iv) and to certificated  
17410 water providers; and

17411 (ii) To lease such surface water transmission  
17412 lines to a public agency or public utility to provide water to  
17413 such project and to certificated water providers.

17414 (ee) To provide grant funds to an enterprise operating  
17415 a project defined in Section 57-75-5(f) (v) or, in connection with  
17416 a facility related to such a project, for job training, recruiting  
17417 and infrastructure.

17418 (ff) To enter into negotiations with persons proposing  
17419 projects defined in Section 57-75-5(f) (xi) and execute acquisition  
17420 options and conduct planning, design and environmental impact  
17421 studies with regard to such project.

17422 (gg) To establish such guidelines, rules and  
17423 regulations as the authority may deem necessary and appropriate  
17424 from time to time in its sole discretion, to promote the purposes  
17425 of this act.

17426 (hh) In connection with projects defined in Section  
17427 57-75-5(f) (ii):

17428 (i) To provide grant funds or loans to a public  
17429 agency or an enterprise owning, leasing or operating a project





17430 defined in Section 57-75-5(f) (ii) in amounts not to exceed the  
17431 amount authorized in Section 57-75-15(3) (b);

17432 (ii) To supervise the use of all such grant funds  
17433 or loans; and

17434 (iii) To requisition money in the Mississippi  
17435 Major Economic Impact Authority Revolving Loan Fund in connection  
17436 with such loans.

17437 (ii) In connection with projects defined under Section  
17438 57-75-5(f) (xiv):

17439 (i) To provide grant funds or loans to an  
17440 enterprise owning, leasing or operating a project defined in  
17441 Section 57-75-5(f) (xiv); however, the aggregate amount of any such  
17442 loans under this paragraph (ii) shall not exceed Eighteen Million  
17443 Dollars (\$18,000,000.00) and the aggregate amount of any such  
17444 grants under this paragraph (ii) shall not exceed Six Million  
17445 Dollars (\$6,000,000.00);

17446 (ii) To supervise the use of all such grant funds  
17447 or loans; and

17448 (iii) Notwithstanding any provision of this act to  
17449 the contrary, such loans shall be for a term not to exceed twenty  
17450 (20) years as may be determined by the authority, shall bear  
17451 interest at such rates as may be determined by the authority,  
17452 shall, in the sole discretion of the authority, be secured in an  
17453 amount and a manner as may be determined by the authority.



17454 (jj) In connection with projects defined under Section  
17455 57-75-5(f) (xviii):

17456 (i) To provide grant funds of Twenty-five Million  
17457 Dollars (\$25,000,000.00) to an enterprise owning or operating a  
17458 project defined in Section 57-75-5(f) (xviii) to be used for real  
17459 estate improvements and which may be disbursed as determined by  
17460 the authority;

17461 (ii) To provide loans to an enterprise owning or  
17462 operating a project defined in Section 57-75-5(f) (xviii) or make  
17463 payments to a lender providing financing to the enterprise;  
17464 subject to the following provisions:

17465 1. Not more than Ten Million Dollars  
17466 (\$10,000,000.00) may be loaned to such an enterprise for the  
17467 purpose of defraying costs incurred by the enterprise for site  
17468 preparation and real property improvements during the construction  
17469 of the project in excess of budgeted costs; however, the amount of  
17470 any such loan shall not exceed fifty percent (50%) of such excess  
17471 costs;

17472 2. Not more than Sixty Million Dollars  
17473 (\$60,000,000.00) may be loaned to such an enterprise or paid to a  
17474 lender providing financing to the enterprise for purposes  
17475 determined appropriate by the authority, and the enterprise shall  
17476 be obligated to repay the amount of the loan or payment plus any  
17477 expenses incurred by the state as a result of the issuance of  
17478 bonds pursuant to Section 57-75-15(3) (p); however, no such loan or



17479 payment may be made before the beginning of the fifth year after  
17480 issuance by the enterprise of debt in like amount the proceeds of  
17481 which are to be used in connection with the project;

17482 (iii) To supervise the use of all such loan funds;

17483 (iv) Loans under this paragraph (jj) may be for  
17484 any term determined appropriate by the authority provided that the  
17485 payments on any loan must be in an amount sufficient to pay the  
17486 state's debt service on bonds issued for the purpose of providing  
17487 funds for such a loan; and

17488 (v) The repayment obligation of the enterprise for  
17489 any loan or payment authorized under this paragraph (jj) shall, in  
17490 the discretion of the authority, be secured in an amount and a  
17491 manner as may be determined by the authority.

17492 (kk) In connection with projects defined in Section  
17493 57-75-5(f)(xxi) or a facility related to such a project:

17494 (i) To provide grant funds to reimburse public  
17495 agencies, Itawamba Community College, Northeast Mississippi  
17496 Community College, and/or East Mississippi Community College,  
17497 public or private nonprofits or an enterprise owning or operating  
17498 a project as defined in Section 57-75-5(f)(xxi) for site  
17499 preparation, real estate improvements, utilities, railroads,  
17500 roads, infrastructure, job training, recruiting and any other  
17501 expenses approved by the authority in amounts not to exceed the  
17502 amount authorized in Section 57-75-15(3)(s);



17503 (ii) To supervise the use of all such grant funds  
17504 so reimbursed; and

17505 (iii) To enter into contractual agreements to  
17506 warrant site preparation and availability for a project defined in  
17507 Section 57-75-5(f) (xxi).

17508 (ll) In connection with a project related to a Tier One  
17509 supplier:

17510 (i) To provide grant funds to reimburse public  
17511 agencies, public or private nonprofits and Tier One suppliers for  
17512 site preparation, real estate improvements, utilities, railroads,  
17513 roads, infrastructure, job training, recruiting and any other  
17514 expenses approved by the authority in amounts not to exceed the  
17515 amount authorized in Section 57-75-15(3) (t);

17516 (ii) To supervise the use of all such grant funds  
17517 so reimbursed.

17518 (mm) In connection with projects defined in Section  
17519 57-75-5(f) (xxii) or a facility related to such a project:

17520 (i) To provide grant funds to reimburse public  
17521 agencies or an enterprise owning or operating a project as defined  
17522 in Section 57-75-5(f) (xxii) for site preparation, real estate  
17523 improvements, utilities, fire protection, wastewater, railroads,  
17524 roads, infrastructure, job training, recruiting and any other  
17525 expenses approved by the authority in amounts not to exceed the  
17526 amount authorized in Section 57-75-15(3) (u); and



17527 (ii) To supervise the use of all such grant funds  
17528 so reimbursed.

17529 (nn) It is the policy of the authority and the  
17530 authority is authorized to accommodate and support any enterprise  
17531 owning or operating a project defined in Section  
17532 57-75-5(f) (xviii), 57-75-5(f) (xxi), 57-75-5(f) (xxii),  
17533 57-75-5(f) (xxvi), 57-75-5(f) (xxvii), 57-75-5(f) (xxviii),  
17534 57-75-5(f) (xxix) or 57-75-5(f) (xxx) or an enterprise developing or  
17535 owning a project defined in Section 57-75-5(f) (xx), that wishes to  
17536 have a program of diversity in contracting, and/or that wishes to  
17537 do business with or cause its prime contractor to do business with  
17538 Mississippi companies, including those companies that are small  
17539 business concerns owned and controlled by socially and  
17540 economically disadvantaged individuals. The term "socially and  
17541 economically disadvantaged individuals" shall have the meaning  
17542 ascribed to such term under Section 8(d) of the Small Business Act  
17543 (15 USCS 637(d)) and relevant subcontracting regulations  
17544 promulgated pursuant thereto; except that women shall be presumed  
17545 to be socially and economically disadvantaged individuals for the  
17546 purposes of this paragraph.

17547 (oo) To provide grant funds to an enterprise developing  
17548 or owning a project defined in Section 57-75-5(f) (xx) for  
17549 reimbursement of costs incurred by such enterprise for  
17550 infrastructure improvements in the initial phase of development of



17551 the project, upon dedication of such improvements to the  
17552 appropriate public agency.

17553 (pp) In connection with projects defined in Section  
17554 57-75-5(f) (xxiii):

17555 (i) To provide grant funds to reimburse public  
17556 agencies or an enterprise operating a project as defined in  
17557 Section 57-75-5(f) (xxiii) for site preparation, utilities, real  
17558 estate improvements, infrastructure, roads, public works, job  
17559 training and any other expenses approved by the authority in  
17560 amounts not to exceed the amount authorized in Section  
17561 57-75-15(3) (v); and

17562 (ii) To supervise the use of all such grant funds  
17563 so reimbursed.

17564 (qq) (i) To provide grant funds for the expansion of a  
17565 publicly owned building for the project defined in Section  
17566 57-75-5(f) (xxiv) or loans to an enterprise owning, leasing or  
17567 operating a project defined in Section 57-75-5(f) (xxiv) for the  
17568 purchase and/or relocation of equipment, or for any other purpose  
17569 related to the project as approved by the authority; however, the  
17570 aggregate amount of any such loans under this paragraph (qq) shall  
17571 not exceed Six Million Dollars (\$6,000,000.00) and the aggregate  
17572 amount of any such grants under this paragraph (qq) shall not  
17573 exceed Seven Million Dollars (\$7,000,000.00);

17574 (ii) To supervise the use of all such grant funds  
17575 or loans; and



17576 (iii) Notwithstanding any provision of this act to  
17577 the contrary, such loans shall be for a term not to exceed ten  
17578 (10) years as may be determined by the authority, shall bear a  
17579 rate of interest to be determined by the authority, and shall be  
17580 secured in an amount and a manner as may be determined by the  
17581 authority.

17582 (rr) (i) To provide grant funds to an enterprise  
17583 owning or operating a project defined in Section 57-75-5(f) (xxv)  
17584 for reimbursement of costs incurred by the enterprise in  
17585 reconfiguring the manufacturing plant and for the purchase of  
17586 equipment, or for any other purpose related to the project as  
17587 approved by the authority;

17588 (ii) To supervise the use of all such grant funds.

17589 (ss) In connection with projects defined under Section  
17590 57-75-5(f) (xxvi):

17591 (i) To provide grant funds and/or loans to a  
17592 public agency in an amount not to exceed Fifteen Million Dollars  
17593 (\$15,000,000.00) for the construction of a publicly owned building  
17594 to be leased by the enterprise owning or operating the project;

17595 (ii) To provide loan guarantees in an amount not  
17596 to exceed the total cost of the project for which financing is  
17597 sought or Twenty Million Dollars (\$20,000,000.00), whichever is  
17598 less, for the purpose of encouraging the extension of conventional  
17599 financing and the issuance of letters of credit to the enterprise  
17600 owning or operating the project;



17601 (iii) In connection with any loan guarantee made  
17602 pursuant to this paragraph, to make payments to lenders providing  
17603 financing to the enterprise owning or operating the project and  
17604 the enterprise shall be obligated to repay the amount of the  
17605 payment plus any expenses incurred by the state as a result of the  
17606 issuance of bonds pursuant to Section 57-75-15(3)(y);

17607 (iv) To supervise the use of all such grant funds,  
17608 loan funds or payments; and

17609 (v) To require the enterprise owning or operating  
17610 the project to provide security for the repayment obligation for  
17611 any loan guarantee authorized under this paragraph in an amount  
17612 and in a manner as may be determined by the authority.

17613 (tt) In connection with projects defined under Section  
17614 57-75-5(f)(xxvii):

17615 (i) To provide loans to a public agency in an  
17616 amount not to exceed Fifty Million Dollars (\$50,000,000.00) for  
17617 the construction of a publicly owned building and acquisition of  
17618 equipment to be leased by the enterprise owning or operating the  
17619 project; and

17620 (ii) To supervise the use of all such loan funds.

17621 (uu) In connection with projects defined under Section  
17622 57-75-5(f)(xxviii):

17623 (i) To provide grant funds to reimburse public  
17624 agencies or an enterprise operating a project for site  
17625 preparation, utilities, real estate purchase and improvements,





17626 infrastructure, roads, rail improvements, public works, job  
17627 training and any other expenses approved by the authority in  
17628 amounts not to exceed the amount authorized in Section  
17629 57-75-15(3) (aa);

17630 (ii) To supervise the use of all such grant funds  
17631 so reimbursed.

17632 (vv) In connection with projects defined under Section  
17633 57-75-5(f) (xxix):

17634 (i) To provide grant funds to reimburse or  
17635 otherwise defray the costs incurred by public agencies or an  
17636 enterprise operating a project for site preparation, utilities,  
17637 real estate purchases, purchase options and improvements,  
17638 infrastructure, roads, rail improvements, public works, buildings  
17639 and fixtures, job recruitment and training, as well as planning,  
17640 design, environmental mitigation and environmental impact studies  
17641 with respect to a project, and any other purposes approved by the  
17642 authority in amounts not to exceed the amount authorized in  
17643 Section 57-75-15(3) (bb);

17644 (ii) To provide loans to public agencies for site  
17645 preparation, utilities, real estate purchases, purchase options  
17646 and improvements, infrastructure, roads, rail improvements, public  
17647 works, buildings and fixtures, job recruiting and training, as  
17648 well as planning, design, environmental mitigation and  
17649 environmental impact studies with respect to a project, and any



17650 other purposes approved by the authority in amounts not to exceed  
17651 the amount authorized in Section 57-75-15(3) (bb);

17652 (iii) To supervise the use of all such grant funds  
17653 so reimbursed and/or loans so made; and

17654 (iv) To the extent that the authority enters into  
17655 any construction or similar contract for site preparation work or  
17656 for the construction of any improvements on a project site, to  
17657 assign or otherwise transfer to an enterprise or affiliate thereof  
17658 that owns or operates such a project on such project site any and  
17659 all contractual, express or implied warranties of any kind arising  
17660 from such contract or work performed or materials purchased in  
17661 connection therewith, and cause any such contract to contain terms  
17662 and provisions designating such enterprise as a third-party  
17663 beneficiary under the contract.

17664 (ww) In connection with projects defined under Section  
17665 57-75-5(f) (xxx):

17666 (i) To provide grant funds to reimburse or  
17667 otherwise defray the costs incurred by public agencies or an  
17668 enterprise operating a project for public infrastructure needs,  
17669 site preparation, building improvements, purchase of launch  
17670 systems, recruitment of employees to fill new full-time jobs,  
17671 providing internal company training and train prospective, new and  
17672 existing employees of the enterprise associated with the project,  
17673 including training of company employees who will utilize such  
17674 instruction to teach other prospective, new and existing employees



17675 of the company and other workforce expenses and any other expenses  
17676 approved by the authority in amounts not to exceed the amount  
17677 authorized in Section 57-75-15(3)(cc); and

17678 (ii) To supervise the use of all such grant funds  
17679 so reimbursed.

17680 (xx) (i) In addition to any other requirements or  
17681 conditions under this chapter, the authority shall require that  
17682 any application for assistance regarding a project under this  
17683 chapter include, at a minimum:

17684 1. A two-year business plan (which shall  
17685 include pro forma balance sheets, income statements and monthly  
17686 cash flow statements);

17687 2. Financial statements or tax returns for  
17688 the three (3) years immediately prior to the application (if the  
17689 project is a new company or enterprise, personal financial  
17690 statements or tax returns will be required);

17691 3. Credit reports on all persons or entities  
17692 with a twenty percent (20%) or greater interest in the project;

17693 4. Data supporting the expertise of the  
17694 project's principals;

17695 5. A cost-benefit analysis of the project  
17696 performed by a state institution of higher learning or other  
17697 entity selected by the authority; and

17698 6. Any other information required by the  
17699 authority.



17700 (ii) The authority shall require that binding  
17701 commitments be entered into requiring that:

17702 1. The applicable minimum requirements of  
17703 this chapter and such other requirements as the authority  
17704 considers proper shall be met; and

17705 2. If the agreed upon commitments are not  
17706 met, all or a portion of the funds provided under this chapter as  
17707 determined by the authority shall be repaid.

17708 (iii) Where appropriate, in the discretion of the  
17709 authority, the authority shall acquire a security interest in or  
17710 other lien upon any applicable collateral.

17711 (iv) The provisions of this paragraph (xx) shall  
17712 not apply to a project defined in Section 57-75-5(f) (xxiii).

17713 **SECTION 496.** Section 57-75-13, Mississippi Code of 1972, is  
17714 brought forward as follows:

17715 57-75-13. The Board of Trustees of State Institutions of  
17716 Higher Learning is hereby authorized to support the project by  
17717 creating institutes and developing curricula of direct benefit to  
17718 the enterprise. Upon notification to the authority by the  
17719 enterprise that the state has been selected as the site of the  
17720 project, the Board of Trustees of State Institutions of Higher  
17721 Learning may establish and create programs to enhance the  
17722 project's success.

17723 **SECTION 497.** Section 57-75-15, Mississippi Code of 1972, is  
17724 brought forward as follows:



17725 [Through June 30, 2022, this section shall read as follows:]

17726 57-75-15. (1) Upon notification to the authority by the  
17727 enterprise that the state has been finally selected as the site  
17728 for the project, the State Bond Commission shall have the power  
17729 and is hereby authorized and directed, upon receipt of a  
17730 declaration from the authority as hereinafter provided, to borrow  
17731 money and issue general obligation bonds of the state in one or  
17732 more series for the purposes herein set out. Upon such  
17733 notification, the authority may thereafter, from time to time,  
17734 declare the necessity for the issuance of general obligation bonds  
17735 as authorized by this section and forward such declaration to the  
17736 State Bond Commission, provided that before such notification, the  
17737 authority may enter into agreements with the United States  
17738 government, private companies and others that will commit the  
17739 authority to direct the State Bond Commission to issue bonds for  
17740 eligible undertakings set out in subsection (4) of this section,  
17741 conditioned on the siting of the project in the state.

17742 (2) Upon receipt of any such declaration from the authority,  
17743 the State Bond Commission shall verify that the state has been  
17744 selected as the site of the project and shall act as the issuing  
17745 agent for the series of bonds directed to be issued in such  
17746 declaration pursuant to authority granted in this section.

17747 (3) (a) Bonds issued under the authority of this section  
17748 for projects as defined in Section 57-75-5(f)(i) shall not exceed



17749 an aggregate principal amount in the sum of Sixty-seven Million  
17750 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

17751 (b) Bonds issued under the authority of this section  
17752 for projects as defined in Section 57-75-5(f)(ii) shall not exceed  
17753 Seventy-seven Million Dollars (\$77,000,000.00). The authority,  
17754 with the express direction of the State Bond Commission, is  
17755 authorized to expend any remaining proceeds of bonds issued under  
17756 the authority of this act prior to January 1, 1998, for the  
17757 purpose of financing projects as then defined in Section  
17758 57-75-5(f)(ii) or for any other projects as defined in Section  
17759 57-75-5(f)(ii), as it may be amended from time to time. No bonds  
17760 shall be issued under this paragraph (b) until the State Bond  
17761 Commission by resolution adopts a finding that the issuance of  
17762 such bonds will improve, expand or otherwise enhance the military  
17763 installation, its support areas or military operations, or will  
17764 provide employment opportunities to replace those lost by closure  
17765 or reductions in operations at the military installation or will  
17766 support critical studies or investigations authorized by Section  
17767 57-75-5(f)(ii).

17768 (c) Bonds issued under the authority of this section  
17769 for projects as defined in Section 57-75-5(f)(iii) shall not  
17770 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
17771 issued under this paragraph after December 31, 1996.

17772 (d) Bonds issued under the authority of this section  
17773 for projects defined in Section 57-75-5(f)(iv) shall not exceed



17774 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
17775 additional amount of bonds in an amount not to exceed Twelve  
17776 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
17777 issued under the authority of this section for the purpose of  
17778 defraying costs associated with the construction of surface water  
17779 transmission lines for a project defined in Section 57-75-5(f) (iv)  
17780 or for any facility related to the project. No bonds shall be  
17781 issued under this paragraph after June 30, 2005.

17782 (e) Bonds issued under the authority of this section  
17783 for projects defined in Section 57-75-5(f) (v) and for facilities  
17784 related to such projects shall not exceed Thirty-eight Million  
17785 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
17786 issued under this paragraph after April 1, 2005.

17787 (f) Bonds issued under the authority of this section  
17788 for projects defined in Section 57-75-5(f) (vii) shall not exceed  
17789 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
17790 under this paragraph after June 30, 2006.

17791 (g) Bonds issued under the authority of this section  
17792 for projects defined in Section 57-75-5(f) (viii) shall not exceed  
17793 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
17794 bonds shall be issued under this paragraph after June 30, 2008.

17795 (h) Bonds issued under the authority of this section  
17796 for projects defined in Section 57-75-5(f) (ix) shall not exceed  
17797 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
17798 under this paragraph after June 30, 2007.



17799           (i) Bonds issued under the authority of this section  
17800 for projects defined in Section 57-75-5(f)(x) shall not exceed  
17801 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
17802 under this paragraph after April 1, 2005.

17803           (j) Bonds issued under the authority of this section  
17804 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
17805 Thirty-three Million Dollars (\$33,000,000.00). The amount of  
17806 bonds that may be issued under this paragraph for projects defined  
17807 in Section 57-75-5(f)(xii) may be reduced by the amount of any  
17808 federal or local funds made available for such projects. No bonds  
17809 shall be issued under this paragraph until local governments in or  
17810 near the county in which the project is located have irrevocably  
17811 committed funds to the project in an amount of not less than Two  
17812 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the  
17813 aggregate; however, this irrevocable commitment requirement may be  
17814 waived by the authority upon a finding that due to the unforeseen  
17815 circumstances created by Hurricane Katrina, the local governments  
17816 are unable to comply with such commitment. No bonds shall be  
17817 issued under this paragraph after June 30, 2008.

17818           (k) Bonds issued under the authority of this section  
17819 for projects defined in Section 57-75-5(f)(xiii) shall not exceed  
17820 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
17821 under this paragraph after June 30, 2009.

17822           (l) Bonds issued under the authority of this section  
17823 for projects defined in Section 57-75-5(f)(xiv) shall not exceed





17824 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
17825 issued under this paragraph until local governments in the county  
17826 in which the project is located have irrevocably committed funds  
17827 to the project in an amount of not less than Two Million Dollars  
17828 (\$2,000,000.00). No bonds shall be issued under this paragraph  
17829 after June 30, 2009.

17830 (m) Bonds issued under the authority of this section  
17831 for projects defined in Section 57-75-5(f) (xv) shall not exceed  
17832 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
17833 issued under this paragraph after June 30, 2009.

17834 (n) Bonds issued under the authority of this section  
17835 for projects defined in Section 57-75-5(f) (xvi) shall not exceed  
17836 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
17837 under this paragraph after June 30, 2011.

17838 (o) Bonds issued under the authority of this section  
17839 for projects defined in Section 57-75-5(f) (xvii) shall not exceed  
17840 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No  
17841 bonds shall be issued under this paragraph after June 30, 2010.

17842 (p) Bonds issued under the authority of this section  
17843 for projects defined in Section 57-75-5(f) (xviii) shall not exceed  
17844 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be  
17845 issued under this paragraph after June 30, 2011.

17846 (q) Bonds issued under the authority of this section  
17847 for projects defined in Section 57-75-5(f) (xix) shall not exceed



17848 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be  
17849 issued under this paragraph after June 30, 2012.

17850 (r) Bonds issued under the authority of this section  
17851 for projects defined in Section 57-75-5(f)(xx) shall not exceed  
17852 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be  
17853 issued under this paragraph after April 25, 2013.

17854 (s) Bonds issued under the authority of this section  
17855 for projects defined in Section 57-75-5(f)(xxi) shall not exceed  
17856 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars  
17857 (\$293,900,000.00). No bonds shall be issued under this paragraph  
17858 after July 1, 2020.

17859 (t) Bonds issued under the authority of this section  
17860 for Tier One suppliers shall not exceed Thirty Million Dollars  
17861 (\$30,000,000.00). No bonds shall be issued under this paragraph  
17862 after July 1, 2020.

17863 (u) Bonds issued under the authority of this section  
17864 for projects defined in Section 57-75-5(f)(xxii) shall not exceed  
17865 Forty-eight Million Four Hundred Thousand Dollars  
17866 (\$48,400,000.00). No bonds shall be issued under this paragraph  
17867 after July 1, 2020.

17868 (v) Bonds issued under the authority of this section  
17869 for projects defined in Section 57-75-5(f)(xxiii) shall not exceed  
17870 Eighty-eight Million Two Hundred Fifty Thousand Dollars  
17871 (\$88,250,000.00). No bonds shall be issued under this paragraph  
17872 after July 1, 2009.



17873 (w) Bonds issued under the authority of this section  
17874 for projects defined in Section 57-75-5(f) (xxiv) shall not exceed  
17875 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be  
17876 issued under this paragraph after July 1, 2020.

17877 (x) Bonds issued under the authority of this section  
17878 for projects defined in Section 57-75-5(f) (xxv) shall not exceed  
17879 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be  
17880 issued under this paragraph after July 1, 2017.

17881 (y) Bonds issued under the authority of this section  
17882 for projects defined in Section 57-75-5(f) (xxvi) shall not exceed  
17883 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).  
17884 No bonds shall be issued under this paragraph after July 1, 2021.

17885 (z) Bonds issued under the authority of this section  
17886 for projects defined in Section 57-75-5(f) (xxvii) shall not exceed  
17887 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued  
17888 under this paragraph after April 25, 2013.

17889 (aa) Bonds issued under the authority of this section  
17890 for projects defined in Section 57-75-5(f) (xxviii) shall not  
17891 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No  
17892 bonds shall be issued under this paragraph after July 1, 2023.

17893 (bb) Bonds issued under the authority of this section  
17894 for projects defined in Section 57-75-5(f) (xxix) shall not exceed  
17895 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No  
17896 bonds shall be issued under this paragraph after July 1, 2034.



17897 (cc) Bonds issued under the authority of this section  
17898 for projects defined in Section 57-75-5(f) (xxx) shall not exceed  
17899 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued  
17900 under this paragraph after July 1, 2025.

17901 (4) (a) The proceeds from the sale of the bonds issued  
17902 under this section may be applied for the following purposes:

17903 (i) Defraying all or any designated portion of the  
17904 costs incurred with respect to acquisition, planning, design,  
17905 construction, installation, rehabilitation, improvement,  
17906 relocation and with respect to state-owned property, operation and  
17907 maintenance of the project and any facility related to the project  
17908 located within the project area, including costs of design and  
17909 engineering, all costs incurred to provide land, easements and  
17910 rights-of-way, relocation costs with respect to the project and  
17911 with respect to any facility related to the project located within  
17912 the project area, and costs associated with mitigation of  
17913 environmental impacts and environmental impact studies;

17914 (ii) Defraying the cost of providing for the  
17915 recruitment, screening, selection, training or retraining of  
17916 employees, candidates for employment or replacement employees of  
17917 the project and any related activity;

17918 (iii) Reimbursing the Mississippi Development  
17919 Authority for expenses it incurred in regard to projects defined  
17920 in Section 57-75-5(f) (iv) prior to November 6, 2000. The  
17921 Mississippi Development Authority shall submit an itemized list of



17922 expenses it incurred in regard to such projects to the Chairmen of  
17923 the Finance and Appropriations Committees of the Senate and the  
17924 Chairmen of the Ways and Means and Appropriations Committees of  
17925 the House of Representatives;

17926 (iv) Providing grants to enterprises operating  
17927 projects defined in Section 57-75-5(f)(iv)1;

17928 (v) Paying any warranty made by the authority  
17929 regarding site work for a project defined in Section  
17930 57-75-5(f)(iv)1;

17931 (vi) Defraying the cost of marketing and promotion  
17932 of a project as defined in Section 57-75-5(f)(iv)1, Section  
17933 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii). The authority shall  
17934 submit an itemized list of costs incurred for marketing and  
17935 promotion of such project to the Chairmen of the Finance and  
17936 Appropriations Committees of the Senate and the Chairmen of the  
17937 Ways and Means and Appropriations Committees of the House of  
17938 Representatives;

17939 (vii) Providing for the payment of interest on the  
17940 bonds;

17941 (viii) Providing debt service reserves;

17942 (ix) Paying underwriters' discount, original issue  
17943 discount, accountants' fees, engineers' fees, attorneys' fees,  
17944 rating agency fees and other fees and expenses in connection with  
17945 the issuance of the bonds;



17946 (x) For purposes authorized in paragraphs (b),  
17947 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) of this  
17948 subsection (4);

17949 (xi) Providing grants to enterprises operating  
17950 projects defined in Section 57-75-5(f)(v), or, in connection with  
17951 a facility related to such a project, for any purposes deemed by  
17952 the authority in its sole discretion to be necessary and  
17953 appropriate;

17954 (xii) Providing grant funds or loans to a public  
17955 agency or an enterprise owning, leasing or operating a project  
17956 defined in Section 57-75-5(f)(ii);

17957 (xiii) Providing grant funds or loans to an  
17958 enterprise owning, leasing or operating a project defined in  
17959 Section 57-75-5(f)(xiv);

17960 (xiv) Providing grants, loans and payments to or  
17961 for the benefit of an enterprise owning or operating a project  
17962 defined in Section 57-75-5(f)(xviii);

17963 (xv) Purchasing equipment for a project defined in  
17964 Section 57-75-5(f)(viii) subject to such terms and conditions as  
17965 the authority considers necessary and appropriate;

17966 (xvi) Providing grant funds to an enterprise  
17967 developing or owning a project defined in Section 57-75-5(f)(xx);

17968 (xvii) Providing grants and loans for projects as  
17969 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in  
17970 connection with a facility related to such a project, for any



17971 purposes deemed by the authority in its sole discretion to be  
17972 necessary and appropriate;

17973 (xviii) Providing grants for projects as  
17974 authorized in Section 57-75-11(pp) for any purposes deemed by the  
17975 authority in its sole discretion to be necessary and appropriate;

17976 (xix) Providing grants and loans for projects as  
17977 authorized in Section 57-75-11(qq);

17978 (xx) Providing grants for projects as authorized  
17979 in Section 57-75-11(rr);

17980 (xxi) Providing grants, loans and payments as  
17981 authorized in Section 57-75-11(ss);

17982 (xxii) Providing grants and loans as authorized in  
17983 Section 57-75-11(tt); and

17984 (xxiii) Providing grants as authorized in Section  
17985 57-75-11(wv) for any purposes deemed by the authority in its sole  
17986 discretion to be necessary and appropriate.

17987 Such bonds shall be issued, from time to time, and in such  
17988 principal amounts as shall be designated by the authority, not to  
17989 exceed in aggregate principal amounts the amount authorized in  
17990 subsection (3) of this section. Proceeds from the sale of the  
17991 bonds issued under this section may be invested, subject to  
17992 federal limitations, pending their use, in such securities as may  
17993 be specified in the resolution authorizing the issuance of the  
17994 bonds or the trust indenture securing them, and the earning on



17995 such investment applied as provided in such resolution or trust  
17996 indenture.

17997 (b) (i) The proceeds of bonds issued after June 21,  
17998 2002, under this section for projects described in Section  
17999 57-75-5(f) (iv) may be used to reimburse reasonable actual and  
18000 necessary costs incurred by the Mississippi Development Authority  
18001 in providing assistance related to a project for which funding is  
18002 provided from the use of proceeds of such bonds. The Mississippi  
18003 Development Authority shall maintain an accounting of actual costs  
18004 incurred for each project for which reimbursements are sought.  
18005 Reimbursements under this paragraph (b) (i) shall not exceed Three  
18006 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
18007 Reimbursements under this paragraph (b) (i) shall satisfy any  
18008 applicable federal tax law requirements.

18009 (ii) The proceeds of bonds issued after June 21,  
18010 2002, under this section for projects described in Section  
18011 57-75-5(f) (iv) may be used to reimburse reasonable actual and  
18012 necessary costs incurred by the Department of Audit in providing  
18013 services related to a project for which funding is provided from  
18014 the use of proceeds of such bonds. The Department of Audit shall  
18015 maintain an accounting of actual costs incurred for each project  
18016 for which reimbursements are sought. The Department of Audit may  
18017 escalate its budget and expend such funds in accordance with rules  
18018 and regulations of the Department of Finance and Administration in  
18019 a manner consistent with the escalation of federal funds.





18020 Reimbursements under this paragraph (b) (ii) shall not exceed One  
18021 Hundred Thousand Dollars (\$100,000.00) in the aggregate.

18022 Reimbursements under this paragraph (b) (ii) shall satisfy any  
18023 applicable federal tax law requirements.

18024 (c) (i) Except as otherwise provided in this  
18025 subsection, the proceeds of bonds issued under this section for a  
18026 project described in Section 57-75-5(f) may be used to reimburse  
18027 reasonable actual and necessary costs incurred by the Mississippi  
18028 Development Authority in providing assistance related to the  
18029 project for which funding is provided for the use of proceeds of  
18030 such bonds. The Mississippi Development Authority shall maintain  
18031 an accounting of actual costs incurred for each project for which  
18032 reimbursements are sought. Reimbursements under this paragraph  
18033 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
18034 each project.

18035 (ii) Except as otherwise provided in this  
18036 subsection, the proceeds of bonds issued under this section for a  
18037 project described in Section 57-75-5(f) may be used to reimburse  
18038 reasonable actual and necessary costs incurred by the Department  
18039 of Audit in providing services related to the project for which  
18040 funding is provided from the use of proceeds of such bonds. The  
18041 Department of Audit shall maintain an accounting of actual costs  
18042 incurred for each project for which reimbursements are sought.  
18043 The Department of Audit may escalate its budget and expend such  
18044 funds in accordance with rules and regulations of the Department



18045 of Finance and Administration in a manner consistent with the  
18046 escalation of federal funds. Reimbursements under this paragraph  
18047 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
18048 each project. Reimbursements under this paragraph shall satisfy  
18049 any applicable federal tax law requirements.

18050 (5) The principal of and the interest on the bonds shall be  
18051 payable in the manner hereinafter set forth. The bonds shall bear  
18052 date or dates; be in such denomination or denominations; bear  
18053 interest at such rate or rates; be payable at such place or places  
18054 within or without the state; mature absolutely at such time or  
18055 times; be redeemable before maturity at such time or times and  
18056 upon such terms, with or without premium; bear such registration  
18057 privileges; and be substantially in such form; all as shall be  
18058 determined by resolution of the State Bond Commission except that  
18059 such bonds shall mature or otherwise be retired in annual  
18060 installments beginning not more than five (5) years from the date  
18061 thereof and extending not more than twenty-five (25) years from  
18062 the date thereof. The bonds shall be signed by the Chairman of  
18063 the State Bond Commission, or by his facsimile signature, and the  
18064 official seal of the State Bond Commission shall be imprinted on  
18065 or affixed thereto, attested by the manual or facsimile signature  
18066 of the Secretary of the State Bond Commission. Whenever any such  
18067 bonds have been signed by the officials herein designated to sign  
18068 the bonds, who were in office at the time of such signing but who  
18069 may have ceased to be such officers before the sale and delivery



18070 of such bonds, or who may not have been in office on the date such  
18071 bonds may bear, the signatures of such officers upon such bonds  
18072 shall nevertheless be valid and sufficient for all purposes and  
18073 have the same effect as if the person so officially signing such  
18074 bonds had remained in office until the delivery of the same to the  
18075 purchaser, or had been in office on the date such bonds may bear.

18076 (6) All bonds issued under the provisions of this section  
18077 shall be and are hereby declared to have all the qualities and  
18078 incidents of negotiable instruments under the provisions of the  
18079 Uniform Commercial Code and in exercising the powers granted by  
18080 this chapter, the State Bond Commission shall not be required to  
18081 and need not comply with the provisions of the Uniform Commercial  
18082 Code.

18083 (7) The State Bond Commission shall act as issuing agent for  
18084 the bonds, prescribe the form of the bonds, determine the  
18085 appropriate method for sale of the bonds, advertise for and accept  
18086 bids or negotiate the sale of the bonds, issue and sell the bonds,  
18087 pay all fees and costs incurred in such issuance and sale, and do  
18088 any and all other things necessary and advisable in connection  
18089 with the issuance and sale of the bonds. The State Bond  
18090 Commission may sell such bonds on sealed bids at public sale or  
18091 may negotiate the sale of the bonds for such price as it may  
18092 determine to be for the best interest of the State of Mississippi.  
18093 The bonds shall bear interest at such rate or rates not exceeding  
18094 the limits set forth in Section 75-17-101 as shall be fixed by the



18095 State Bond Commission. All interest accruing on such bonds so  
18096 issued shall be payable semiannually or annually.

18097 If the bonds are to be sold on sealed bids at public sale,  
18098 notice of the sale of any bonds shall be published at least one  
18099 time, the first of which shall be made not less than ten (10) days  
18100 prior to the date of sale, and shall be so published in one or  
18101 more newspapers having a general circulation in the City of  
18102 Jackson, Mississippi, selected by the State Bond Commission.

18103 The State Bond Commission, when issuing any bonds under the  
18104 authority of this section, may provide that the bonds, at the  
18105 option of the state, may be called in for payment and redemption  
18106 at the call price named therein and accrued interest on such date  
18107 or dates named therein.

18108 (8) State bonds issued under the provisions of this section  
18109 shall be the general obligations of the state and backed by the  
18110 full faith and credit of the state. The Legislature shall  
18111 appropriate annually an amount sufficient to pay the principal of  
18112 and the interest on such bonds as they become due. All bonds  
18113 shall contain recitals on their faces substantially covering the  
18114 foregoing provisions of this section.

18115 (9) The State Treasurer is authorized to certify to the  
18116 Department of Finance and Administration the necessity for  
18117 warrants, and the Department of Finance and Administration is  
18118 authorized and directed to issue such warrants payable out of any  
18119 funds appropriated by the Legislature under this section for such



18120 purpose, in such amounts as may be necessary to pay when due the  
18121 principal of and interest on all bonds issued under the provisions  
18122 of this section. The State Treasurer shall forward the necessary  
18123 amount to the designated place or places of payment of such bonds  
18124 in ample time to discharge such bonds, or the interest thereon, on  
18125 the due dates thereof.

18126 (10) The bonds may be issued without any other proceedings  
18127 or the happening of any other conditions or things other than  
18128 those proceedings, conditions and things which are specified or  
18129 required by this chapter. Any resolution providing for the  
18130 issuance of general obligation bonds under the provisions of this  
18131 section shall become effective immediately upon its adoption by  
18132 the State Bond Commission, and any such resolution may be adopted  
18133 at any regular or special meeting of the State Bond Commission by  
18134 a majority of its members.

18135 (11) In anticipation of the issuance of bonds hereunder, the  
18136 State Bond Commission is authorized to negotiate and enter into  
18137 any purchase, loan, credit or other agreement with any bank, trust  
18138 company or other lending institution or to issue and sell interim  
18139 notes for the purpose of making any payments authorized under this  
18140 section. All borrowings made under this provision shall be  
18141 evidenced by notes of the state which shall be issued from time to  
18142 time, for such amounts not exceeding the amount of bonds  
18143 authorized herein, in such form and in such denomination and  
18144 subject to such terms and conditions of sale and issuance,



18145 prepayment or redemption and maturity, rate or rates of interest  
18146 not to exceed the maximum rate authorized herein for bonds, and  
18147 time of payment of interest as the State Bond Commission shall  
18148 agree to in such agreement. Such notes shall constitute general  
18149 obligations of the state and shall be backed by the full faith and  
18150 credit of the state. Such notes may also be issued for the  
18151 purpose of refunding previously issued notes. No note shall  
18152 mature more than three (3) years following the date of its  
18153 issuance. The State Bond Commission is authorized to provide for  
18154 the compensation of any purchaser of the notes by payment of a  
18155 fixed fee or commission and for all other costs and expenses of  
18156 issuance and service, including paying agent costs. Such costs  
18157 and expenses may be paid from the proceeds of the notes.

18158 (12) The bonds and interim notes authorized under the  
18159 authority of this section may be validated in the Chancery Court  
18160 of the First Judicial District of Hinds County, Mississippi, in  
18161 the manner and with the force and effect provided now or hereafter  
18162 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
18163 validation of county, municipal, school district and other bonds.  
18164 The necessary papers for such validation proceedings shall be  
18165 transmitted to the State Bond Attorney, and the required notice  
18166 shall be published in a newspaper published in the City of  
18167 Jackson, Mississippi.

18168 (13) Any bonds or interim notes issued under the provisions  
18169 of this chapter, a transaction relating to the sale or securing of



18170 such bonds or interim notes, their transfer and the income  
18171 therefrom shall at all times be free from taxation by the state or  
18172 any local unit or political subdivision or other instrumentality  
18173 of the state, excepting inheritance and gift taxes.

18174 (14) All bonds issued under this chapter shall be legal  
18175 investments for trustees, other fiduciaries, savings banks, trust  
18176 companies and insurance companies organized under the laws of the  
18177 State of Mississippi; and such bonds shall be legal securities  
18178 which may be deposited with and shall be received by all public  
18179 officers and bodies of the state and all municipalities and other  
18180 political subdivisions thereof for the purpose of securing the  
18181 deposit of public funds.

18182 (15) The Attorney General of the State of Mississippi shall  
18183 represent the State Bond Commission in issuing, selling and  
18184 validating bonds herein provided for, and the Bond Commission is  
18185 hereby authorized and empowered to expend from the proceeds  
18186 derived from the sale of the bonds authorized hereunder all  
18187 necessary administrative, legal and other expenses incidental and  
18188 related to the issuance of bonds authorized under this chapter.

18189 (16) There is hereby created a special fund in the State  
18190 Treasury to be known as the Mississippi Major Economic Impact  
18191 Authority Fund wherein shall be deposited the proceeds of the  
18192 bonds issued under this chapter and all monies received by the  
18193 authority to carry out the purposes of this chapter. Expenditures  
18194 authorized herein shall be paid by the State Treasurer upon



18195 warrants drawn from the fund, and the Department of Finance and  
18196 Administration shall issue warrants upon requisitions signed by  
18197 the director of the authority.

18198 (17) (a) There is hereby created the Mississippi Economic  
18199 Impact Authority Sinking Fund from which the principal of and  
18200 interest on such bonds shall be paid by appropriation. All monies  
18201 paid into the sinking fund not appropriated to pay accruing bonds  
18202 and interest shall be invested by the State Treasurer in such  
18203 securities as are provided by law for the investment of the  
18204 sinking funds of the state.

18205 (b) In the event that all or any part of the bonds and  
18206 notes are purchased, they shall be cancelled and returned to the  
18207 loan and transfer agent as cancelled and paid bonds and notes and  
18208 thereafter all payments of interest thereon shall cease and the  
18209 cancelled bonds, notes and coupons, together with any other  
18210 cancelled bonds, notes and coupons, shall be destroyed as promptly  
18211 as possible after cancellation but not later than two (2) years  
18212 after cancellation. A certificate evidencing the destruction of  
18213 the cancelled bonds, notes and coupons shall be provided by the  
18214 loan and transfer agent to the seller.

18215 (c) The State Treasurer shall determine and report to  
18216 the Department of Finance and Administration and Legislative  
18217 Budget Office by September 1 of each year the amount of money  
18218 necessary for the payment of the principal of and interest on  
18219 outstanding obligations for the following fiscal year and the





18220 times and amounts of the payments. It shall be the duty of the  
18221 Governor to include in every executive budget submitted to the  
18222 Legislature full information relating to the issuance of bonds and  
18223 notes under the provisions of this chapter and the status of the  
18224 sinking fund for the payment of the principal of and interest on  
18225 the bonds and notes.

18226 (d) Any monies repaid to the state from loans  
18227 authorized in Section 57-75-11(hh) shall be deposited into the  
18228 Mississippi Major Economic Impact Authority Sinking Fund unless  
18229 the State Bond Commission, at the request of the authority, shall  
18230 determine that such loan repayments are needed to provide  
18231 additional loans as authorized under Section 57-75-11(hh). For  
18232 purposes of providing additional loans, there is hereby created  
18233 the Mississippi Major Economic Impact Authority Revolving Loan  
18234 Fund and loan repayments shall be deposited into the fund. The  
18235 fund shall be maintained for such period as determined by the  
18236 State Bond Commission for the sole purpose of making additional  
18237 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
18238 remaining in the fund at the end of a fiscal year shall not lapse  
18239 into the State General Fund and any interest earned on amounts in  
18240 such fund shall be deposited to the credit of the fund.

18241 (e) Any monies repaid to the state from loans  
18242 authorized in Section 57-75-11(ii) shall be deposited into the  
18243 Mississippi Major Economic Impact Authority Sinking Fund.



18244 (f) Any monies repaid to the state from loans  
18245 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall  
18246 be deposited into the Mississippi Major Economic Impact Authority  
18247 Sinking Fund.

18248 (18) (a) Upon receipt of a declaration by the authority  
18249 that it has determined that the state is a potential site for a  
18250 project, the State Bond Commission is authorized and directed to  
18251 authorize the State Treasurer to borrow money from any special  
18252 fund in the State Treasury not otherwise appropriated to be  
18253 utilized by the authority for the purposes provided for in this  
18254 subsection.

18255 (b) The proceeds of the money borrowed under this  
18256 subsection may be utilized by the authority for the purpose of  
18257 defraying all or a portion of the costs incurred by the authority  
18258 with respect to acquisition options and planning, design and  
18259 environmental impact studies with respect to a project defined in  
18260 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority  
18261 may escalate its budget and expend the proceeds of the money  
18262 borrowed under this subsection in accordance with rules and  
18263 regulations of the Department of Finance and Administration in a  
18264 manner consistent with the escalation of federal funds.

18265 (c) The authority shall request an appropriation or  
18266 additional authority to issue general obligation bonds to repay  
18267 the borrowed funds and establish a date for the repayment of the  
18268 funds so borrowed.



18269 (d) Borrowings made under the provisions of this  
18270 subsection shall not exceed Five Hundred Thousand Dollars  
18271 (\$500,000.00) at any one time.

18272 [From and after July 1, 2022, this section shall read as  
18273 follows:]

18274 57-75-15. (1) Upon notification to the authority by the  
18275 enterprise that the state has been finally selected as the site  
18276 for the project, the State Bond Commission shall have the power  
18277 and is hereby authorized and directed, upon receipt of a  
18278 declaration from the authority as hereinafter provided, to borrow  
18279 money and issue general obligation bonds of the state in one or  
18280 more series for the purposes herein set out. Upon such  
18281 notification, the authority may thereafter, from time to time,  
18282 declare the necessity for the issuance of general obligation bonds  
18283 as authorized by this section and forward such declaration to the  
18284 State Bond Commission, provided that before such notification, the  
18285 authority may enter into agreements with the United States  
18286 government, private companies and others that will commit the  
18287 authority to direct the State Bond Commission to issue bonds for  
18288 eligible undertakings set out in subsection (4) of this section,  
18289 conditioned on the siting of the project in the state.

18290 (2) Upon receipt of any such declaration from the authority,  
18291 the State Bond Commission shall verify that the state has been  
18292 selected as the site of the project and shall act as the issuing



18293 agent for the series of bonds directed to be issued in such  
18294 declaration pursuant to authority granted in this section.

18295 (3) (a) Bonds issued under the authority of this section  
18296 for projects as defined in Section 57-75-5(f) (i) shall not exceed  
18297 an aggregate principal amount in the sum of Sixty-seven Million  
18298 Three Hundred Fifty Thousand Dollars (\$67,350,000.00).

18299 (b) Bonds issued under the authority of this section  
18300 for projects as defined in Section 57-75-5(f) (ii) shall not exceed  
18301 Seventy-seven Million Dollars (\$77,000,000.00). The authority,  
18302 with the express direction of the State Bond Commission, is  
18303 authorized to expend any remaining proceeds of bonds issued under  
18304 the authority of this act prior to January 1, 1998, for the  
18305 purpose of financing projects as then defined in Section  
18306 57-75-5(f) (ii) or for any other projects as defined in Section  
18307 57-75-5(f) (ii), as it may be amended from time to time. No bonds  
18308 shall be issued under this paragraph (b) until the State Bond  
18309 Commission by resolution adopts a finding that the issuance of  
18310 such bonds will improve, expand or otherwise enhance the military  
18311 installation, its support areas or military operations, or will  
18312 provide employment opportunities to replace those lost by closure  
18313 or reductions in operations at the military installation or will  
18314 support critical studies or investigations authorized by Section  
18315 57-75-5(f) (ii).

18316 (c) Bonds issued under the authority of this section  
18317 for projects as defined in Section 57-75-5(f) (iii) shall not



18318 exceed Ten Million Dollars (\$10,000,000.00). No bonds shall be  
18319 issued under this paragraph after December 31, 1996.

18320 (d) Bonds issued under the authority of this section  
18321 for projects defined in Section 57-75-5(f)(iv) shall not exceed  
18322 Three Hundred Fifty-one Million Dollars (\$351,000,000.00). An  
18323 additional amount of bonds in an amount not to exceed Twelve  
18324 Million Five Hundred Thousand Dollars (\$12,500,000.00) may be  
18325 issued under the authority of this section for the purpose of  
18326 defraying costs associated with the construction of surface water  
18327 transmission lines for a project defined in Section 57-75-5(f)(iv)  
18328 or for any facility related to the project. No bonds shall be  
18329 issued under this paragraph after June 30, 2005.

18330 (e) Bonds issued under the authority of this section  
18331 for projects defined in Section 57-75-5(f)(v) and for facilities  
18332 related to such projects shall not exceed Thirty-eight Million  
18333 Five Hundred Thousand Dollars (\$38,500,000.00). No bonds shall be  
18334 issued under this paragraph after April 1, 2005.

18335 (f) Bonds issued under the authority of this section  
18336 for projects defined in Section 57-75-5(f)(vii) shall not exceed  
18337 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
18338 under this paragraph after June 30, 2006.

18339 (g) Bonds issued under the authority of this section  
18340 for projects defined in Section 57-75-5(f)(viii) shall not exceed  
18341 Four Million Five Hundred Thousand Dollars (\$4,500,000.00). No  
18342 bonds shall be issued under this paragraph after June 30, 2008.



18343 (h) Bonds issued under the authority of this section  
18344 for projects defined in Section 57-75-5(f)(ix) shall not exceed  
18345 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
18346 under this paragraph after June 30, 2007.

18347 (i) Bonds issued under the authority of this section  
18348 for projects defined in Section 57-75-5(f)(x) shall not exceed  
18349 Five Million Dollars (\$5,000,000.00). No bonds shall be issued  
18350 under this paragraph after April 1, 2005.

18351 (j) Bonds issued under the authority of this section  
18352 for projects defined in Section 57-75-5(f)(xii) shall not exceed  
18353 Thirty-three Million Dollars (\$33,000,000.00). The amount of  
18354 bonds that may be issued under this paragraph for projects defined  
18355 in Section 57-75-5(f)(xii) may be reduced by the amount of any  
18356 federal or local funds made available for such projects. No bonds  
18357 shall be issued under this paragraph until local governments in or  
18358 near the county in which the project is located have irrevocably  
18359 committed funds to the project in an amount of not less than Two  
18360 Million Five Hundred Thousand Dollars (\$2,500,000.00) in the  
18361 aggregate; however, this irrevocable commitment requirement may be  
18362 waived by the authority upon a finding that due to the unforeseen  
18363 circumstances created by Hurricane Katrina, the local governments  
18364 are unable to comply with such commitment. No bonds shall be  
18365 issued under this paragraph after June 30, 2008.

18366 (k) Bonds issued under the authority of this section  
18367 for projects defined in Section 57-75-5(f)(xiii) shall not exceed



18368 Three Million Dollars (\$3,000,000.00). No bonds shall be issued  
18369 under this paragraph after June 30, 2009.

18370 (l) Bonds issued under the authority of this section  
18371 for projects defined in Section 57-75-5(f) (xiv) shall not exceed  
18372 Twenty-four Million Dollars (\$24,000,000.00). No bonds shall be  
18373 issued under this paragraph until local governments in the county  
18374 in which the project is located have irrevocably committed funds  
18375 to the project in an amount of not less than Two Million Dollars  
18376 (\$2,000,000.00). No bonds shall be issued under this paragraph  
18377 after June 30, 2009.

18378 (m) Bonds issued under the authority of this section  
18379 for projects defined in Section 57-75-5(f) (xv) shall not exceed  
18380 Five Hundred Thousand Dollars (\$500,000.00). No bonds shall be  
18381 issued under this paragraph after June 30, 2009.

18382 (n) Bonds issued under the authority of this section  
18383 for projects defined in Section 57-75-5(f) (xvi) shall not exceed  
18384 Ten Million Dollars (\$10,000,000.00). No bonds shall be issued  
18385 under this paragraph after June 30, 2011.

18386 (o) Bonds issued under the authority of this section  
18387 for projects defined in Section 57-75-5(f) (xvii) shall not exceed  
18388 Three Million Five Hundred Thousand Dollars (\$3,500,000.00). No  
18389 bonds shall be issued under this paragraph after June 30, 2010.

18390 (p) Bonds issued under the authority of this section  
18391 for projects defined in Section 57-75-5(f) (xviii) shall not exceed



18392 Ninety-six Million Dollars (\$96,000,000.00). No bonds shall be  
18393 issued under this paragraph after June 30, 2016.

18394 (q) Bonds issued under the authority of this section  
18395 for projects defined in Section 57-75-5(f) (xix) shall not exceed  
18396 Fifteen Million Dollars (\$15,000,000.00). No bonds shall be  
18397 issued under this paragraph after June 30, 2012.

18398 (r) Bonds issued under the authority of this section  
18399 for projects defined in Section 57-75-5(f) (xx) shall not exceed  
18400 Twenty-three Million Dollars (\$23,000,000.00). No bonds shall be  
18401 issued under this paragraph after April 25, 2013.

18402 (s) Bonds issued under the authority of this section  
18403 for projects defined in Section 57-75-5(f) (xxi) shall not exceed  
18404 Two Hundred Ninety-three Million Nine Hundred Thousand Dollars  
18405 (\$293,900,000.00). No bonds shall be issued under this paragraph  
18406 after July 1, 2020.

18407 (t) Bonds issued under the authority of this section  
18408 for Tier One suppliers shall not exceed Thirty Million Dollars  
18409 (\$30,000,000.00). No bonds shall be issued under this paragraph  
18410 after July 1, 2020.

18411 (u) Bonds issued under the authority of this section  
18412 for projects defined in Section 57-75-5(f) (xxii) shall not exceed  
18413 Forty-eight Million Four Hundred Thousand Dollars  
18414 (\$48,400,000.00). No bonds shall be issued under this paragraph  
18415 after July 1, 2020.





18416 (v) Bonds issued under the authority of this section  
18417 for projects defined in Section 57-75-5(f) (xxiii) shall not exceed  
18418 Eighty-eight Million Two Hundred Fifty Thousand Dollars  
18419 (\$88,250,000.00). No bonds shall be issued under this paragraph  
18420 after July 1, 2009.

18421 (w) Bonds issued under the authority of this section  
18422 for projects defined in Section 57-75-5(f) (xxiv) shall not exceed  
18423 Thirteen Million Dollars (\$13,000,000.00). No bonds shall be  
18424 issued under this paragraph after July 1, 2020.

18425 (x) Bonds issued under the authority of this section  
18426 for projects defined in Section 57-75-5(f) (xxv) shall not exceed  
18427 Twenty-five Million Dollars (\$25,000,000.00). No bonds shall be  
18428 issued under this paragraph after July 1, 2017.

18429 (y) Bonds issued under the authority of this section  
18430 for projects defined in Section 57-75-5(f) (xxvi) shall not exceed  
18431 Thirty-five Million One Hundred Thousand Dollars (\$35,100,000.00).  
18432 No bonds shall be issued under this paragraph after July 1, 2021.

18433 (z) Bonds issued under the authority of this section  
18434 for projects defined in Section 57-75-5(f) (xxvii) shall not exceed  
18435 Fifty Million Dollars (\$50,000,000.00). No bonds shall be issued  
18436 under this paragraph after April 25, 2013.

18437 (aa) Bonds issued under the authority of this section  
18438 for projects defined in Section 57-75-5(f) (xxviii) shall not  
18439 exceed One Hundred Thirty Million Dollars (\$130,000,000.00). No  
18440 bonds shall be issued under this paragraph after July 1, 2023.



18441 (bb) Bonds issued under the authority of this section  
18442 for projects defined in Section 57-75-5(f) (xxix) shall not exceed  
18443 Two Hundred Sixty-three Million Dollars (\$263,000,000.00). No  
18444 bonds shall be issued under this paragraph after July 1, 2034.

18445 (cc) Bonds issued under the authority of this section  
18446 for projects defined in Section 57-75-5(f) (xxx) shall not exceed  
18447 Eleven Million Dollars (\$11,000,000.00). No bonds shall be issued  
18448 under this paragraph after July 1, 2025.

18449 (4) (a) The proceeds from the sale of the bonds issued  
18450 under this section may be applied for the following purposes:

18451 (i) Defraying all or any designated portion of the  
18452 costs incurred with respect to acquisition, planning, design,  
18453 construction, installation, rehabilitation, improvement,  
18454 relocation and with respect to state-owned property, operation and  
18455 maintenance of the project and any facility related to the project  
18456 located within the project area, including costs of design and  
18457 engineering, all costs incurred to provide land, easements and  
18458 rights-of-way, relocation costs with respect to the project and  
18459 with respect to any facility related to the project located within  
18460 the project area, and costs associated with mitigation of  
18461 environmental impacts and environmental impact studies;

18462 (ii) Defraying the cost of providing for the  
18463 recruitment, screening, selection, training or retraining of  
18464 employees, candidates for employment or replacement employees of  
18465 the project and any related activity;



18466 (iii) Reimbursing the Mississippi Development  
18467 Authority for expenses it incurred in regard to projects defined  
18468 in Section 57-75-5(f) (iv) prior to November 6, 2000. The  
18469 Mississippi Development Authority shall submit an itemized list of  
18470 expenses it incurred in regard to such projects to the Chairmen of  
18471 the Finance and Appropriations Committees of the Senate and the  
18472 Chairmen of the Ways and Means and Appropriations Committees of  
18473 the House of Representatives;

18474 (iv) Providing grants to enterprises operating  
18475 projects defined in Section 57-75-5(f) (iv)1;

18476 (v) Paying any warranty made by the authority  
18477 regarding site work for a project defined in Section  
18478 57-75-5(f) (iv)1;

18479 (vi) Defraying the cost of marketing and promotion  
18480 of a project as defined in Section 57-75-5(f) (iv)1, Section  
18481 57-75-5(f) (xxi) or Section 57-75-5(f) (xxii). The authority shall  
18482 submit an itemized list of costs incurred for marketing and  
18483 promotion of such project to the Chairmen of the Finance and  
18484 Appropriations Committees of the Senate and the Chairmen of the  
18485 Ways and Means and Appropriations Committees of the House of  
18486 Representatives;

18487 (vii) Providing for the payment of interest on the  
18488 bonds;

18489 (viii) Providing debt service reserves;



18490 (ix) Paying underwriters' discount, original issue  
18491 discount, accountants' fees, engineers' fees, attorneys' fees,  
18492 rating agency fees and other fees and expenses in connection with  
18493 the issuance of the bonds;

18494 (x) For purposes authorized in paragraphs (b),  
18495 (c), (d), (e) and (f) of this subsection (4);

18496 (xi) Providing grants to enterprises operating  
18497 projects defined in Section 57-75-5(f)(v), or, in connection with  
18498 a facility related to such a project, for any purposes deemed by  
18499 the authority in its sole discretion to be necessary and  
18500 appropriate;

18501 (xii) Providing grant funds or loans to a public  
18502 agency or an enterprise owning, leasing or operating a project  
18503 defined in Section 57-75-5(f)(ii);

18504 (xiii) Providing grant funds or loans to an  
18505 enterprise owning, leasing or operating a project defined in  
18506 Section 57-75-5(f)(xiv);

18507 (xiv) Providing grants, loans and payments to or  
18508 for the benefit of an enterprise owning or operating a project  
18509 defined in Section 57-75-5(f)(xviii);

18510 (xv) Purchasing equipment for a project defined in  
18511 Section 57-75-5(f)(viii) subject to such terms and conditions as  
18512 the authority considers necessary and appropriate;

18513 (xvi) Providing grant funds to an enterprise  
18514 developing or owning a project defined in Section 57-75-5(f)(xx);



18515                   (xvii) Providing grants and loans for projects as  
18516 authorized in Section 57-75-11(kk), (ll), (mm), (uu), (vv) or, in  
18517 connection with a facility related to such a project, for any  
18518 purposes deemed by the authority in its sole discretion to be  
18519 necessary and appropriate;

18520                   (xviii) Providing grants for projects as  
18521 authorized in Section 57-75-11(pp) for any purposes deemed by the  
18522 authority in its sole discretion to be necessary and appropriate;

18523                   (xix) Providing grants and loans for projects as  
18524 authorized in Section 57-75-11(qq);

18525                   (xx) Providing grants for projects as authorized  
18526 in Section 57-75-11(rr);

18527                   (xxi) Providing grants, loans and payments as  
18528 authorized in Section 57-75-11(ss);

18529                   (xxii) Providing loans as authorized in Section  
18530 57-75-11(tt); and

18531                   (xxiii) Providing grants as authorized in Section  
18532 57-75-11(wv) for any purposes deemed by the authority in its sole  
18533 discretion to be necessary and appropriate.

18534           Such bonds shall be issued, from time to time, and in such  
18535 principal amounts as shall be designated by the authority, not to  
18536 exceed in aggregate principal amounts the amount authorized in  
18537 subsection (3) of this section. Proceeds from the sale of the  
18538 bonds issued under this section may be invested, subject to  
18539 federal limitations, pending their use, in such securities as may



18540 be specified in the resolution authorizing the issuance of the  
18541 bonds or the trust indenture securing them, and the earning on  
18542 such investment applied as provided in such resolution or trust  
18543 indenture.

18544           (b) (i) The proceeds of bonds issued after June 21,  
18545 2002, under this section for projects described in Section  
18546 57-75-5(f) (iv) may be used to reimburse reasonable actual and  
18547 necessary costs incurred by the Mississippi Development Authority  
18548 in providing assistance related to a project for which funding is  
18549 provided from the use of proceeds of such bonds. The Mississippi  
18550 Development Authority shall maintain an accounting of actual costs  
18551 incurred for each project for which reimbursements are sought.  
18552 Reimbursements under this paragraph (b) (i) shall not exceed Three  
18553 Hundred Thousand Dollars (\$300,000.00) in the aggregate.  
18554 Reimbursements under this paragraph (b) (i) shall satisfy any  
18555 applicable federal tax law requirements.

18556           (ii) The proceeds of bonds issued after June 21,  
18557 2002, under this section for projects described in Section  
18558 57-75-5(f) (iv) may be used to reimburse reasonable actual and  
18559 necessary costs incurred by the Department of Audit in providing  
18560 services related to a project for which funding is provided from  
18561 the use of proceeds of such bonds. The Department of Audit shall  
18562 maintain an accounting of actual costs incurred for each project  
18563 for which reimbursements are sought. The Department of Audit may  
18564 escalate its budget and expend such funds in accordance with rules



18565 and regulations of the Department of Finance and Administration in  
18566 a manner consistent with the escalation of federal funds.  
18567 Reimbursements under this paragraph (b)(ii) shall not exceed One  
18568 Hundred Thousand Dollars (\$100,000.00) in the aggregate.  
18569 Reimbursements under this paragraph (b)(ii) shall satisfy any  
18570 applicable federal tax law requirements.

18571 (c) (i) Except as otherwise provided in this  
18572 subsection, the proceeds of bonds issued under this section for a  
18573 project described in Section 57-75-5(f) may be used to reimburse  
18574 reasonable actual and necessary costs incurred by the Mississippi  
18575 Development Authority in providing assistance related to the  
18576 project for which funding is provided for the use of proceeds of  
18577 such bonds. The Mississippi Development Authority shall maintain  
18578 an accounting of actual costs incurred for each project for which  
18579 reimbursements are sought. Reimbursements under this paragraph  
18580 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
18581 each project.

18582 (ii) Except as otherwise provided in this  
18583 subsection, the proceeds of bonds issued under this section for a  
18584 project described in Section 57-75-5(f) may be used to reimburse  
18585 reasonable actual and necessary costs incurred by the Department  
18586 of Audit in providing services related to the project for which  
18587 funding is provided from the use of proceeds of such bonds. The  
18588 Department of Audit shall maintain an accounting of actual costs  
18589 incurred for each project for which reimbursements are sought.



18590 The Department of Audit may escalate its budget and expend such  
18591 funds in accordance with rules and regulations of the Department  
18592 of Finance and Administration in a manner consistent with the  
18593 escalation of federal funds. Reimbursements under this paragraph  
18594 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) for  
18595 each project. Reimbursements under this paragraph shall satisfy  
18596 any applicable federal tax law requirements.

18597 (5) The principal of and the interest on the bonds shall be  
18598 payable in the manner hereinafter set forth. The bonds shall bear  
18599 date or dates; be in such denomination or denominations; bear  
18600 interest at such rate or rates; be payable at such place or places  
18601 within or without the state; mature absolutely at such time or  
18602 times; be redeemable before maturity at such time or times and  
18603 upon such terms, with or without premium; bear such registration  
18604 privileges; and be substantially in such form; all as shall be  
18605 determined by resolution of the State Bond Commission except that  
18606 such bonds shall mature or otherwise be retired in annual  
18607 installments beginning not more than five (5) years from the date  
18608 thereof and extending not more than twenty-five (25) years from  
18609 the date thereof. The bonds shall be signed by the Chairman of  
18610 the State Bond Commission, or by his facsimile signature, and the  
18611 official seal of the State Bond Commission shall be imprinted on  
18612 or affixed thereto, attested by the manual or facsimile signature  
18613 of the Secretary of the State Bond Commission. Whenever any such  
18614 bonds have been signed by the officials herein designated to sign





18615 the bonds, who were in office at the time of such signing but who  
18616 may have ceased to be such officers before the sale and delivery  
18617 of such bonds, or who may not have been in office on the date such  
18618 bonds may bear, the signatures of such officers upon such bonds  
18619 shall nevertheless be valid and sufficient for all purposes and  
18620 have the same effect as if the person so officially signing such  
18621 bonds had remained in office until the delivery of the same to the  
18622 purchaser, or had been in office on the date such bonds may bear.

18623 (6) All bonds issued under the provisions of this section  
18624 shall be and are hereby declared to have all the qualities and  
18625 incidents of negotiable instruments under the provisions of the  
18626 Uniform Commercial Code and in exercising the powers granted by  
18627 this chapter, the State Bond Commission shall not be required to  
18628 and need not comply with the provisions of the Uniform Commercial  
18629 Code.

18630 (7) The State Bond Commission shall act as issuing agent for  
18631 the bonds, prescribe the form of the bonds, advertise for and  
18632 accept bids, issue and sell the bonds on sealed bids at public  
18633 sale, pay all fees and costs incurred in such issuance and sale,  
18634 and do any and all other things necessary and advisable in  
18635 connection with the issuance and sale of the bonds. The State  
18636 Bond Commission may sell such bonds on sealed bids at public sale  
18637 for such price as it may determine to be for the best interest of  
18638 the State of Mississippi, but no such sale shall be made at a  
18639 price less than par plus accrued interest to date of delivery of



18640 the bonds to the purchaser. The bonds shall bear interest at such  
18641 rate or rates not exceeding the limits set forth in Section  
18642 75-17-101 as shall be fixed by the State Bond Commission. All  
18643 interest accruing on such bonds so issued shall be payable  
18644 semiannually or annually; provided that the first interest payment  
18645 may be for any period of not more than one (1) year.

18646 Notice of the sale of any bonds shall be published at least  
18647 one time, the first of which shall be made not less than ten (10)  
18648 days prior to the date of sale, and shall be so published in one  
18649 or more newspapers having a general circulation in the City of  
18650 Jackson, Mississippi, selected by the State Bond Commission.

18651 The State Bond Commission, when issuing any bonds under the  
18652 authority of this section, may provide that the bonds, at the  
18653 option of the state, may be called in for payment and redemption  
18654 at the call price named therein and accrued interest on such date  
18655 or dates named therein.

18656 (8) State bonds issued under the provisions of this section  
18657 shall be the general obligations of the state and backed by the  
18658 full faith and credit of the state. The Legislature shall  
18659 appropriate annually an amount sufficient to pay the principal of  
18660 and the interest on such bonds as they become due. All bonds  
18661 shall contain recitals on their faces substantially covering the  
18662 foregoing provisions of this section.

18663 (9) The State Treasurer is authorized to certify to the  
18664 Department of Finance and Administration the necessity for



18665 warrants, and the Department of Finance and Administration is  
18666 authorized and directed to issue such warrants payable out of any  
18667 funds appropriated by the Legislature under this section for such  
18668 purpose, in such amounts as may be necessary to pay when due the  
18669 principal of and interest on all bonds issued under the provisions  
18670 of this section. The State Treasurer shall forward the necessary  
18671 amount to the designated place or places of payment of such bonds  
18672 in ample time to discharge such bonds, or the interest thereon, on  
18673 the due dates thereof.

18674 (10) The bonds may be issued without any other proceedings  
18675 or the happening of any other conditions or things other than  
18676 those proceedings, conditions and things which are specified or  
18677 required by this chapter. Any resolution providing for the  
18678 issuance of general obligation bonds under the provisions of this  
18679 section shall become effective immediately upon its adoption by  
18680 the State Bond Commission, and any such resolution may be adopted  
18681 at any regular or special meeting of the State Bond Commission by  
18682 a majority of its members.

18683 (11) In anticipation of the issuance of bonds hereunder, the  
18684 State Bond Commission is authorized to negotiate and enter into  
18685 any purchase, loan, credit or other agreement with any bank, trust  
18686 company or other lending institution or to issue and sell interim  
18687 notes for the purpose of making any payments authorized under this  
18688 section. All borrowings made under this provision shall be  
18689 evidenced by notes of the state which shall be issued from time to



18690 time, for such amounts not exceeding the amount of bonds  
18691 authorized herein, in such form and in such denomination and  
18692 subject to such terms and conditions of sale and issuance,  
18693 prepayment or redemption and maturity, rate or rates of interest  
18694 not to exceed the maximum rate authorized herein for bonds, and  
18695 time of payment of interest as the State Bond Commission shall  
18696 agree to in such agreement. Such notes shall constitute general  
18697 obligations of the state and shall be backed by the full faith and  
18698 credit of the state. Such notes may also be issued for the  
18699 purpose of refunding previously issued notes. No note shall  
18700 mature more than three (3) years following the date of its  
18701 issuance. The State Bond Commission is authorized to provide for  
18702 the compensation of any purchaser of the notes by payment of a  
18703 fixed fee or commission and for all other costs and expenses of  
18704 issuance and service, including paying agent costs. Such costs  
18705 and expenses may be paid from the proceeds of the notes.

18706 (12) The bonds and interim notes authorized under the  
18707 authority of this section may be validated in the Chancery Court  
18708 of the First Judicial District of Hinds County, Mississippi, in  
18709 the manner and with the force and effect provided now or hereafter  
18710 by Chapter 13, Title 31, Mississippi Code of 1972, for the  
18711 validation of county, municipal, school district and other bonds.  
18712 The necessary papers for such validation proceedings shall be  
18713 transmitted to the State Bond Attorney, and the required notice



18714 shall be published in a newspaper published in the City of  
18715 Jackson, Mississippi.

18716 (13) Any bonds or interim notes issued under the provisions  
18717 of this chapter, a transaction relating to the sale or securing of  
18718 such bonds or interim notes, their transfer and the income  
18719 therefrom shall at all times be free from taxation by the state or  
18720 any local unit or political subdivision or other instrumentality  
18721 of the state, excepting inheritance and gift taxes.

18722 (14) All bonds issued under this chapter shall be legal  
18723 investments for trustees, other fiduciaries, savings banks, trust  
18724 companies and insurance companies organized under the laws of the  
18725 State of Mississippi; and such bonds shall be legal securities  
18726 which may be deposited with and shall be received by all public  
18727 officers and bodies of the state and all municipalities and other  
18728 political subdivisions thereof for the purpose of securing the  
18729 deposit of public funds.

18730 (15) The Attorney General of the State of Mississippi shall  
18731 represent the State Bond Commission in issuing, selling and  
18732 validating bonds herein provided for, and the Bond Commission is  
18733 hereby authorized and empowered to expend from the proceeds  
18734 derived from the sale of the bonds authorized hereunder all  
18735 necessary administrative, legal and other expenses incidental and  
18736 related to the issuance of bonds authorized under this chapter.

18737 (16) There is hereby created a special fund in the State  
18738 Treasury to be known as the Mississippi Major Economic Impact



18739 Authority Fund wherein shall be deposited the proceeds of the  
18740 bonds issued under this chapter and all monies received by the  
18741 authority to carry out the purposes of this chapter. Expenditures  
18742 authorized herein shall be paid by the State Treasurer upon  
18743 warrants drawn from the fund, and the Department of Finance and  
18744 Administration shall issue warrants upon requisitions signed by  
18745 the director of the authority.

18746 (17) (a) There is hereby created the Mississippi Economic  
18747 Impact Authority Sinking Fund from which the principal of and  
18748 interest on such bonds shall be paid by appropriation. All monies  
18749 paid into the sinking fund not appropriated to pay accruing bonds  
18750 and interest shall be invested by the State Treasurer in such  
18751 securities as are provided by law for the investment of the  
18752 sinking funds of the state.

18753 (b) In the event that all or any part of the bonds and  
18754 notes are purchased, they shall be cancelled and returned to the  
18755 loan and transfer agent as cancelled and paid bonds and notes and  
18756 thereafter all payments of interest thereon shall cease and the  
18757 cancelled bonds, notes and coupons, together with any other  
18758 cancelled bonds, notes and coupons, shall be destroyed as promptly  
18759 as possible after cancellation but not later than two (2) years  
18760 after cancellation. A certificate evidencing the destruction of  
18761 the cancelled bonds, notes and coupons shall be provided by the  
18762 loan and transfer agent to the seller.



18763                   (c) The State Treasurer shall determine and report to  
18764 the Department of Finance and Administration and Legislative  
18765 Budget Office by September 1 of each year the amount of money  
18766 necessary for the payment of the principal of and interest on  
18767 outstanding obligations for the following fiscal year and the  
18768 times and amounts of the payments. It shall be the duty of the  
18769 Governor to include in every executive budget submitted to the  
18770 Legislature full information relating to the issuance of bonds and  
18771 notes under the provisions of this chapter and the status of the  
18772 sinking fund for the payment of the principal of and interest on  
18773 the bonds and notes.

18774                   (d) Any monies repaid to the state from loans  
18775 authorized in Section 57-75-11(hh) shall be deposited into the  
18776 Mississippi Major Economic Impact Authority Sinking Fund unless  
18777 the State Bond Commission, at the request of the authority, shall  
18778 determine that such loan repayments are needed to provide  
18779 additional loans as authorized under Section 57-75-11(hh). For  
18780 purposes of providing additional loans, there is hereby created  
18781 the Mississippi Major Economic Impact Authority Revolving Loan  
18782 Fund and loan repayments shall be deposited into the fund. The  
18783 fund shall be maintained for such period as determined by the  
18784 State Bond Commission for the sole purpose of making additional  
18785 loans as authorized by Section 57-75-11(hh). Unexpended amounts  
18786 remaining in the fund at the end of a fiscal year shall not lapse



18787 into the State General Fund and any interest earned on amounts in  
18788 such fund shall be deposited to the credit of the fund.

18789 (e) Any monies repaid to the state from loans  
18790 authorized in Section 57-75-11(ii) shall be deposited into the  
18791 Mississippi Major Economic Impact Authority Sinking Fund.

18792 (f) Any monies repaid to the state from loans  
18793 authorized in Section 57-75-11(jj) or Section 57-75-11(vv) shall  
18794 be deposited into the Mississippi Major Economic Impact Authority  
18795 Sinking Fund.

18796 (18) (a) Upon receipt of a declaration by the authority  
18797 that it has determined that the state is a potential site for a  
18798 project, the State Bond Commission is authorized and directed to  
18799 authorize the State Treasurer to borrow money from any special  
18800 fund in the State Treasury not otherwise appropriated to be  
18801 utilized by the authority for the purposes provided for in this  
18802 subsection.

18803 (b) The proceeds of the money borrowed under this  
18804 subsection may be utilized by the authority for the purpose of  
18805 defraying all or a portion of the costs incurred by the authority  
18806 with respect to acquisition options and planning, design and  
18807 environmental impact studies with respect to a project defined in  
18808 Section 57-75-5(f)(xi) or Section 57-75-5(f)(xxix). The authority  
18809 may escalate its budget and expend the proceeds of the money  
18810 borrowed under this subsection in accordance with rules and





18811 regulations of the Department of Finance and Administration in a  
18812 manner consistent with the escalation of federal funds.

18813 (c) The authority shall request an appropriation or  
18814 additional authority to issue general obligation bonds to repay  
18815 the borrowed funds and establish a date for the repayment of the  
18816 funds so borrowed.

18817 (d) Borrowings made under the provisions of this  
18818 subsection shall not exceed Five Hundred Thousand Dollars  
18819 (\$500,000.00) at any one time.

18820 **SECTION 498.** Section 57-75-17, Mississippi Code of 1972, is  
18821 brought forward as follows:

18822 57-75-17. (1) For the purpose of aiding in the planning,  
18823 design, undertaking and carrying out of the project or any  
18824 facility related to the project, any public agency is authorized  
18825 and empowered upon such terms, with or without consideration, as  
18826 it may determine:

18827 (a) To enter into agreements, which may extend over any  
18828 period, with the authority respecting action to be taken by such  
18829 public agency with respect to the acquisition, planning,  
18830 construction, improvement, operation, maintenance or funding of  
18831 the project or any such facility, and which agreements may  
18832 include:

18833 (i) The appropriation or payment of funds to the  
18834 authority or to a trustee in amounts which shall be sufficient to  
18835 enable the authority to defray any designated portion or



18836 percentage of the expenses of administering, planning, designing,  
18837 constructing, acquiring, improving, operating, and maintaining the  
18838 project or any facility related to the project,

18839 (ii) The appropriation or payment of funds to the  
18840 authority or to a trustee to pay interest and principal (whether  
18841 at maturity or upon sinking fund redemption) on bonds of the  
18842 authority issued pursuant to this act and to fund reserves for  
18843 debt service, for operation and maintenance and for renewals and  
18844 replacements, and to fulfill requirements of any covenant with  
18845 respect to debt service contained in any resolution, trust  
18846 indenture or other security agreement relating to the bonds of the  
18847 authority issued pursuant to this act,

18848 (iii) The furnishing of other assistance in  
18849 connection with the project or facility related to the project,  
18850 and

18851 (iv) The borrowing of money from the authority in  
18852 connection with a project defined in Section 57-75-5(f)(ii);

18853 (b) To dedicate, sell, donate, convey or lease any  
18854 property or interest in property to the authority or grant  
18855 easements, licenses or other rights or privileges therein to the  
18856 authority;

18857 (c) To incur the expense of any public improvements  
18858 made or to be made by such public agency in exercising the powers  
18859 granted in this section;



18860 (d) To lend, grant or contribute funds to the  
18861 authority;

18862 (e) To cause public buildings and public facilities,  
18863 including parks, playgrounds, recreational areas, community  
18864 meeting facilities, water, sewer or drainage facilities, or any  
18865 other works which it is otherwise empowered to undertake, to be  
18866 furnished to or with respect to the project or any such facility;

18867 (f) To furnish, dedicate, close, vacate, pave, install,  
18868 upgrade or improve highways, streets, roads, sidewalks, airports,  
18869 railroads, or ports;

18870 (g) To plan or replan, zone or rezone any parcel of  
18871 land within the public agency or make exceptions from land use,  
18872 building and zoning regulations;

18873 (h) To cause administrative and other services to be  
18874 furnished to the authority, including services pertaining to the  
18875 acquisition of real property and the furnishing of relocation  
18876 assistance; and

18877 (i) To loan to the owner, lessee or operator of any  
18878 project defined in Section 57-75-5(f)(ii) the proceeds of any loan  
18879 from the authority to the public entity under the provisions of  
18880 this act.

18881 (2) Any contract between a public agency entered into with  
18882 the authority pursuant to any of the powers granted by this act  
18883 shall be binding upon said public agency according to its terms,  
18884 and such public agency shall have the power to enter into such



18885 contracts as in the discretion of the governing authorities  
18886 thereof would be to the best interest of the people of such public  
18887 agency. Such contracts may include within the discretion of such  
18888 governing authorities of public agencies defined under Section  
18889 57-75-5(h) (ii) a pledge of the full faith and credit of such  
18890 public agency or any other lawfully available funds for the  
18891 performance thereof. If at any time title to or possession of the  
18892 project or any such facility is held by any public body or  
18893 governmental agency other than the authority, including any agency  
18894 or instrumentality of the United States of America, the agreements  
18895 referred to in this section shall inure to the benefit of and may  
18896 be enforced by such public body or governmental agency.

18897 (3) Notwithstanding any provisions of this act to the  
18898 contrary, any contract entered into between the authority and any  
18899 public agency for the appropriation or payment of funds to the  
18900 authority under item (a) (ii) or (a) (iv) of this section shall  
18901 contain a provision therein requiring periodic payments by the  
18902 public agency as required by the authority to pay its indebtedness  
18903 and, if the public agency is not a county or municipality, such  
18904 contract shall include as an additional party to the contract the  
18905 county or municipality (referred to in this paragraph as "levying  
18906 authority") that levies and collects taxes for the contracting  
18907 public agency. If the public agency fails to pay its indebtedness  
18908 for any month, the authority shall certify to the Department of  
18909 Revenue, or other appropriate agency, the amount of the



18910 delinquency, and the Department of Revenue shall deduct such  
18911 amount from the public agency's or levying authority's, as the  
18912 case may be, next allocation of sales taxes, petroleum taxes,  
18913 highway privilege taxes, severance taxes, Tennessee Valley  
18914 Authority payments in lieu of taxes and homestead exemption  
18915 reimbursements in that order of priority. The Department of  
18916 Revenue, or other appropriate agency, shall pay the sums so  
18917 deducted to the authority to be applied to the discharge of the  
18918 contractual obligation.

18919 (4) Notwithstanding any provision of this act to the  
18920 contrary, all loans made pursuant to Section 57-75-11(hh) and this  
18921 section shall be for a term not to exceed twenty (20) years as may  
18922 be determined by the authority, shall bear interest at such rates  
18923 as may be determined by the authority, shall, in the sole  
18924 discretion of the authority, be secured in an amount and a manner  
18925 as may be determined by the authority.

18926 (5) (a) Before authorizing any loan to a public agency  
18927 defined in Section 57-75-5(h)(ii), a local governmental unit, the  
18928 governing authority of such local governmental unit in connection  
18929 with a project defined in Section 57-75-5(f)(ii), shall adopt a  
18930 resolution declaring its intention so to do, stating the amount of  
18931 the loan proposed to be authorized and the purpose for which the  
18932 loan is to be authorized, and the date upon which the loan will be  
18933 authorized. Such resolution shall be published once a week for at  
18934 least three (3) consecutive weeks in at least one (1) newspaper



18935 published in such local governmental unit. The first publication  
18936 of such resolution shall be made not less than twenty-one (21)  
18937 days before the date fixed in such resolution for the  
18938 authorization of the loan and the last publication shall be made  
18939 not more than seven (7) days before such date. If no newspaper is  
18940 published in such local governmental unit, then such notice shall  
18941 be given by publishing the resolution for the required time in  
18942 some newspaper having a general circulation in such local  
18943 governmental unit and, in addition, by posting a copy of such  
18944 resolution for at least twenty-one (21) days next preceding the  
18945 date fixed therein at three (3) public places in such local  
18946 governmental unit. If fifteen percent (15%) of the qualified  
18947 electors of the local governmental unit or fifteen hundred (1500),  
18948 whichever is the lesser, file a written protest against the  
18949 authorization of such loan on or before the date specified in such  
18950 resolution, then an election on the question of the authorization  
18951 of such loan shall be called and held as otherwise provided for in  
18952 connection with the issuance of general obligation indebtedness of  
18953 such local governmental unit. Notice of such election shall be  
18954 given as otherwise required in connection with the issuance of  
18955 general obligation indebtedness of such local governmental unit.  
18956 If three-fifths (3/5) of the qualified electors voting in the  
18957 election vote in favor of authorizing the loan, then the governing  
18958 authority of the local governmental unit shall proceed with the  
18959 loan; however, if less than three-fifths (3/5) of the qualified



18960 electors voting in the election vote in favor of authorizing the  
18961 loan, then the loan shall not be incurred. If no protest be  
18962 filed, then such loan may be entered into by the local  
18963 governmental unit without an election on the question of the  
18964 authorization of such loan, at any time within a period of two (2)  
18965 years after the date specified in the resolution. However, the  
18966 governing authority of any local governmental unit, in its  
18967 discretion, may nevertheless call an election on such question, in  
18968 which event it shall not be necessary to publish the resolution  
18969 declaring its intention to authorize such loan as provided in this  
18970 subsection.

18971 (b) Local governmental units may, in connection with  
18972 any such loan, enter into any covenants and agreements with  
18973 respect to such local governmental unit's operations, revenues,  
18974 assets, monies, funds or property, or such loan, as may be  
18975 prescribed by the authority.

18976 (c) Upon the making of any such loan by the authority  
18977 to any local governmental unit, such local governmental unit shall  
18978 be held and be deemed to have agreed that if such governmental  
18979 unit fails to pay the principal of, premium, if any, and interest  
18980 on any such loan as when due and payable, such governmental unit  
18981 shall have waived any and all defenses to such nonpayment, and the  
18982 authority, upon such nonpayment, shall thereupon avail itself of  
18983 all remedies, rights and provisions of law applicable in such  
18984 circumstance, including without limitation any remedies or rights



18985 theretofore agreed to by the local governmental unit, and that  
18986 such loan shall for all of the purposes of this section, be held  
18987 and be deemed to have become due and payable and to be unpaid.  
18988 The authority may carry out the provisions of this section and  
18989 exercise all of the rights and other applicable laws of this  
18990 state.

18991 (d) This section shall be deemed to provide an  
18992 additional, alternative and complete method for the doing of the  
18993 things authorized by this section and shall be deemed and  
18994 construed to be supplemental to any power conferred by other laws  
18995 on public agencies and not in derogation of any such powers. Any  
18996 obligation incurred pursuant to the provisions of this section  
18997 shall not constitute an indebtedness of the public agency within  
18998 the meaning of any constitutional or statutory limitation or  
18999 restriction. For purposes of this act, a public agency shall not  
19000 be required to comply with the provisions of any other law except  
19001 as provided in this section.

19002 (6) Any public agency providing any utility service or  
19003 services, to any project defined in Section 57-75-5(f)(iv)1 may  
19004 enter into leases or subleases for any period of time not to  
19005 exceed thirty (30) years, in the capacity as lessor or lessee or  
19006 sublessor or sublessee of lands alone, or lands and facilities  
19007 located thereon, whether the facilities are owned by the owner of  
19008 the land, a lessee, sublessee or a third party, and whether the  
19009 public agency is a lessor, lessee or owner of the land. Any such





19010 public agency may also enter into operating agreements and/or  
19011 lease-purchase agreements with respect to land or utility  
19012 facilities as owner, operator, lessor or lessee for any period of  
19013 time not to exceed thirty (30) years. Any such public agency may  
19014 also enter into contracts for the provision of utilities for any  
19015 period of time not to exceed thirty (30) years and may set a  
19016 special rate structure for such utilities.

19017 (7) (a) No well shall be permitted by any public agency  
19018 responsible for the conservation of oil and gas in the State of  
19019 Mississippi to be drilled on or under a tract of land which is a  
19020 part of a project owned or operated by an enterprise as defined in  
19021 Section 57-75-5(f) (xxix) and which enterprise is a nonconsenting  
19022 owner as defined in Section 53-3-7(1), which owns both the surface  
19023 estate of said tract of land and also owns one hundred percent  
19024 (100%) of the drilling rights in said tract of land.

19025 (b) No mining activities on or under land which is part  
19026 of a project as defined in Section 57-75-5(f) (xxix) shall be  
19027 permitted by any public agency responsible for mining in the state  
19028 without the consent of the enterprise owning or operating such  
19029 project.

19030 **SECTION 499.** Section 57-75-19, Mississippi Code of 1972, is  
19031 brought forward as follows:

19032 57-75-19. The authority shall not undertake to develop any  
19033 project or facility related to the project within a county,



19034 municipality and/or school district without the concurrence of the  
19035 affected county, municipality and/or school district.

19036 **SECTION 500.** Section 57-75-21, Mississippi Code of 1972, is  
19037 brought forward as follows:

19038 57-75-21. (1) (a) The authority shall set a goal to expend  
19039 not less than ten percent (10%) of the total amounts expended by  
19040 the authority on planning, construction, training, research,  
19041 development, testing, evaluation, personal services, procurement,  
19042 and for the operation and maintenance of any facilities or  
19043 activities controlled by such authority, with minority small  
19044 business concerns owned and controlled by socially and  
19045 economically disadvantaged individuals. For the purpose of  
19046 determining the total amounts expended with such minority small  
19047 business concerns, credit shall be given for that portion of any  
19048 prime contract entered into with the authority which inures to the  
19049 benefit of such minority small business concern as a subcontractor  
19050 thereunder.

19051 (b) For the purposes of this section, the term  
19052 "socially and economically disadvantaged individuals" shall have  
19053 the meaning ascribed to such term under Section 8(d) of the Small  
19054 Business Act (15 USCS, Section 637(d)) and relevant subcontracting  
19055 regulations promulgated pursuant thereto.

19056 (c) For the purposes of this section, the term  
19057 "minority small business concern" means any small business  
19058 concern:



19059 (i) Which is at least fifty-one percent (51%)  
19060 owned by one or more socially and economically disadvantaged  
19061 individuals; or, in the case of any publicly owned businesses, at  
19062 least fifty-one percent (51%) of the stock of which is owned by  
19063 one or more socially and economically disadvantaged individuals;  
19064 and

19065 (ii) Whose management and daily business  
19066 operations are controlled by one or more of such individuals.

19067 (d) For the purpose of this section, the term "small  
19068 business concern" shall mean "small business" as the latter term  
19069 is defined in Section 57-10-155, Mississippi Code of 1972.

19070 (2) In order to comply in a timely manner with its minority  
19071 small business participation mandate, the authority shall set an  
19072 annual goal to expend not less than ten percent (10%) of its  
19073 aggregate yearly expenditures with minority small business  
19074 concerns.

19075 (3) The authority shall:

19076 (a) Monitor the minority small business concerns  
19077 assistance programs prescribed in this section.

19078 (b) Review and determine the business capabilities of  
19079 minority small business concerns.

19080 (c) Establish standards for a certification procedure  
19081 for minority small business concerns seeking to do business with  
19082 the authority.



19083 (d) Provide technical assistance services to minority  
19084 small business concerns. Such technical assistance shall include  
19085 but not be limited to:

- 19086 (i) Research;
- 19087 (ii) Assistance in obtaining bonds;
- 19088 (iii) Bid preparation;
- 19089 (iv) Certification of business concerns;
- 19090 (v) Marketing assistance; and
- 19091 (vi) Joint venture and capital development.

19092 (e) Develop alternative bidding and contracting  
19093 procedures for minority small business concerns in conjunction  
19094 with the State Fiscal Management Board and the Governor's Office  
19095 of General Services.

19096 (f) Utilize such alternative bidding and contracting  
19097 procedures in lieu of those prescribed in Title 31, Chapters 5 and  
19098 7, Mississippi Code of 1972, when contracting with minority small  
19099 business concerns that have qualified to bid for contracts and  
19100 have satisfied any other disclosure provisions required by the  
19101 authority.

19102 (g) Be authorized to accept in lieu of any bond  
19103 otherwise required from minority small business concerns or small  
19104 business concerns contracting with the authority, in an amount  
19105 equal to one hundred percent (100%) of the total cost of the  
19106 contracted project, any combination of the following:

- 19107 (i) Cash;



19108 (ii) Certificates of deposit from any bank or  
19109 banking corporation insured by the Federal Deposit Insurance  
19110 Corporation or the Federal Savings and Loan Insurance Corporation;

19111 (iii) Federal treasury bills;

19112 (iv) Letters of credit issued by a bank as that  
19113 term is defined in Section 81-3-1, Mississippi Code of 1972; or

19114 (v) Surety bonds issued by an insurance company  
19115 licensed and qualified to do business in the State of Mississippi.

19116 (h) Be authorized, in its discretion, to waive any bond  
19117 required on any project which does not exceed a total dollar value  
19118 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall  
19119 be held by the authority in an amount not to exceed fifteen  
19120 percent (15%) from each draw according to American Institute of  
19121 Architects (AIA) standards. Upon satisfactory completion of such  
19122 project, ten percent (10%) of the total cost of the contract shall  
19123 be held in an interest-bearing escrow account for one (1) year.  
19124 Funds deposited in such escrow account shall stand as a surety for  
19125 any defects in workmanship or materials detected within twelve  
19126 (12) months of completion. The balance of all monies so escrowed  
19127 including accrued interest shall be paid to the contractor at the  
19128 end of such twelve-month period.

19129 (i) Be empowered to provide an incentive of bimonthly  
19130 payments to any prime contractors utilizing minority small  
19131 business concerns as subcontractors on twenty-five percent (25%)



19132 or more of the total dollar value of any single project or  
19133 contract.

19134 (j) Submit an annual report on its progress concerning  
19135 minority small business contracts to the Legislature by January 30  
19136 of each year.

19137 (k) Take all steps necessary to implement the  
19138 provisions of this section.

19139 **SECTION 501.** Section 57-75-22, Mississippi Code of 1972, is  
19140 brought forward as follows:

19141 57-75-22. Any highways or highway segments constructed or  
19142 improved by the Mississippi Department of Transportation under the  
19143 provisions of this chapter for a project as defined in Section  
19144 57-75-5(f)(iv) shall become a state highway and shall be placed  
19145 under the jurisdiction of the Mississippi Transportation  
19146 Commission for construction and maintenance.

19147 **SECTION 502.** Section 57-75-23, Mississippi Code of 1972, is  
19148 brought forward as follows:

19149 57-75-23. The provisions of this act are cumulative of other  
19150 statutes now or hereafter enacted relating to the authority, and  
19151 the authority may exercise all presently held powers in the  
19152 furtherance of this act. If any section, paragraph, sentence,  
19153 clause, phrase or any part of the provisions of this act is  
19154 declared to be unconstitutional or void, or for any reason is  
19155 declared to be invalid or of no effect, the remaining sections,



19156 paragraphs, sentences, clauses and phrases shall in no manner be  
19157 affected thereby but shall remain in full force and effect.

19158         **SECTION 503.** Section 57-75-25, Mississippi Code of 1972, is  
19159 brought forward as follows:

19160             57-75-25. No member of the Legislature, elected official or  
19161 appointed official, or any partner or associate of any member of  
19162 the Legislature, elected official or appointed official, shall  
19163 derive any income from the issuance of any bonds under this act  
19164 contrary to the provisions of Section 109, Mississippi  
19165 Constitution of 1890, or Article 3, Chapter 4, Title 25,  
19166 Mississippi Code of 1972.

19167         **SECTION 504.** Section 57-75-27, Mississippi Code of 1972, is  
19168 amended as follows:

19169             57-75-27. Notwithstanding any provision of Chapter 61, Title  
19170 57, Mississippi Code of 1972, to the contrary, the Mississippi  
19171 Major Economic Impact Authority shall certify to the \* \* \*  
19172 Mississippi Development Authority the amount of money necessary  
19173 for the Major Economic Impact Authority to purchase land in fee  
19174 simple to provide a buffer zone for the National Aeronautics and  
19175 Space Administration facility to be constructed in Tishomingo  
19176 County, which amount shall not be more than Seven Million Dollars  
19177 (\$7,000,000.00); and the department shall, if funds have not  
19178 otherwise been made available, provide a grant to the authority  
19179 for such amount out of the proceeds of bonds issued under the  
19180 Mississippi Business Investment Act. Any funds remaining



19181 unexpended after the purchase of land hereunder shall be deposited  
19182 in the Mississippi Business Investment Sinking Fund. No funds in  
19183 excess of the amount authorized in this section shall be expended  
19184 pursuant to the Mississippi Business Investment Act for or in  
19185 connection with the National Aeronautics and Space Administration  
19186 facility to be constructed in Tishomingo County.

19187         **SECTION 505.** Section 57-75-33, Mississippi Code of 1972, is  
19188 brought forward as follows:

19189         57-75-33. The board of supervisors of a county or the  
19190 governing authorities of a municipality may each enter into an  
19191 agreement with an enterprise operating a project as defined in  
19192 Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi), Section  
19193 57-75-5(f)(xxii), Section 57-75-5(f)(xxviii) or Section  
19194 57-75-5(f)(xxix), providing that the county or municipality will  
19195 not levy any taxes, fees or assessments upon the enterprise other  
19196 than taxes, fees or assessments that are generally levied upon all  
19197 taxpayers, or all other taxpayers in the taxing districts in which  
19198 such project is located, and the board of supervisors or the  
19199 governing authorities also may each enter into a fee-in-lieu  
19200 agreement as provided in Section 27-31-104 and/or Section  
19201 27-31-105(2). Such agreements may be for a period not to exceed  
19202 thirty (30) years, except that any fee-in-lieu agreement entered  
19203 into under this section and Section 27-31-104 and/or Section  
19204 27-31-105(2) shall become effective upon its execution by the  
19205 enterprise and the county board of supervisors and/or municipal





19206 governing authorities, as the case may be, in accordance with  
19207 Section 27-31-104, and continue in effect until all fee-in-lieu  
19208 periods granted thereunder have expired; however, the period  
19209 during which any fee-in-lieu may be granted under this section  
19210 shall not exceed thirty (30) years, and no particular parcel of  
19211 land, real property improvement or item of personal property shall  
19212 be subject to a fee-in-lieu for a duration of more than ten (10)  
19213 years.

19214         **SECTION 506.** Section 57-75-35, Mississippi Code of 1972, is  
19215 brought forward as follows:

19216         57-75-35. The board of supervisors of a county or the  
19217 governing authorities of a municipality may enter into an  
19218 agreement with an enterprise operating a project as defined in  
19219 Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi) or 57-75-5  
19220 (f)(xxii), providing that the board of supervisors or governing  
19221 authorities will agree in advance to approve any request for  
19222 exemption from ad valorem taxes submitted by a supplier of such  
19223 enterprise in the manner provided by law and that any such  
19224 exemption shall be for a period of ten (10) years. Such an  
19225 agreement on the part of the board of supervisors or governing  
19226 authorities may be for a period not to exceed twenty (20) years.

19227         **SECTION 507.** Section 57-75-37, Mississippi Code of 1972, is  
19228 brought forward as follows:

19229         57-75-37. (1) (a) (i) Any county in which there is to be  
19230 constructed a project as defined in Section 57-75-5(f)(xviii) is



19231 authorized to assist in defraying the costs incurred or to be  
19232 incurred by the enterprise establishing such project by:

19233                   1. Contributing a sum of up to Five Million  
19234 Dollars (\$5,000,000.00) to such enterprise for use in connection  
19235 with the construction of the project; and/or

19236                   2. Lending a sum of up to Five Million  
19237 Dollars (\$5,000,000.00) upon such terms as the board of  
19238 supervisors of such county and such enterprise may agree, the  
19239 proceeds of which loan shall be used by such enterprise in  
19240 connection with the construction or financing of the project.

19241                   (ii) In order to provide the amounts set forth in  
19242 paragraph (a)(i) of this subsection (1), any such county may  
19243 appropriate monies from the county's general funds or provide such  
19244 amounts from the proceeds of general obligation bonds, or any  
19245 combination of the foregoing. Any such county may issue the bonds  
19246 for such purpose pursuant to the procedures for the issuance of  
19247 bonds under Chapter 9, Title 19, Mississippi Code of 1972, or  
19248 Section 19-5-99.

19249                   (b) The board of supervisors of any county may donate  
19250 real property for use in the location, construction and/or  
19251 operation of a project as defined under Section 57-75-5(f)(xviii)  
19252 to one or more economic development authorities, economic  
19253 development districts, industrial development authorities or  
19254 similar public agencies created pursuant to state law that engage  
19255 in economic or industrial development in the county, and any such



19256 public agencies may accept such donation of real property from the  
19257 county. Such public agencies also may transfer and convey among  
19258 themselves, with or without consideration being paid or received,  
19259 real property to be used in the location, construction and/or  
19260 operation of such a project, and may accept such transfers or  
19261 donations.

19262 (2) Any county or municipality in which there is to be  
19263 constructed a project as defined in Section 57-75-5(f) (xxvi) or  
19264 57-75-5(f) (xxvii) is authorized to:

19265 (a) Acquire the site for such project and contribute  
19266 the site to the enterprise owning or operating the project;

19267 (b) Apply for grants and loans and utilize the proceeds  
19268 of such grants and loans for infrastructure related to the  
19269 project; and

19270 (c) Enter into a lease agreement with the enterprise  
19271 owning or operating the project for a term not to exceed  
19272 ninety-nine (99) years.

19273 (3) (a) As used in this subsection:

19274 (i) "Project" shall have the meaning ascribed to  
19275 such term in Section 57-75-5(f) (xxviii).

19276 (ii) "Public agency" means the county in which the  
19277 project is located, any municipality located in the county, and/or  
19278 any economic development authority, economic development district,  
19279 industrial development authority or similar public agency created



19280 pursuant to state law that engages in economic or industrial  
19281 development in the county or a municipality in the county.

19282 (b) Any county in which there is to be located a  
19283 project is authorized to assist as provided in this paragraph in  
19284 defraying the costs incurred or to be incurred by the enterprise  
19285 establishing the project and any public agency in connection with  
19286 the location, construction and/or operation of the project or any  
19287 facilities or public infrastructure related to the project. The  
19288 county may provide such assistance by contributing or lending any  
19289 sum approved for such purpose by the board of supervisors of the  
19290 county, upon such terms as the board of supervisors may agree, to  
19291 the entity that directly or indirectly incurs or will incur such  
19292 costs or as otherwise provided in paragraph (c) of this  
19293 subsection. The proceeds of the contribution or loan shall be  
19294 used by the recipient in connection with the location,  
19295 construction and/or operation of the project or any facilities or  
19296 public infrastructure related to the project.

19297 (c) In order to provide the amounts set forth in  
19298 paragraph (b) of this subsection, any such county may appropriate  
19299 monies from the county's general funds or provide such amounts  
19300 from the proceeds of general obligation bonds, or any combination  
19301 of the foregoing. Any such county may issue the bonds for such  
19302 purpose pursuant to the procedures for the issuance of bonds under  
19303 Chapter 9, Title 19, Mississippi Code of 1972, or Section 19-5-99.



19304 (d) In any county in which there is to be located a  
19305 project, the governing authorities of any public agency may:

19306 (i) Transfer and convey to the authority or the  
19307 Mississippi Development Authority, with or without consideration  
19308 being paid or received, any real and/or personal property for use  
19309 in connection with the location, construction and/or operation of  
19310 the project or any facilities or public infrastructure related to  
19311 the project, and the authority and the Mississippi Development  
19312 Authority may accept such transfers or donations;

19313 (ii) Transfer and convey among themselves, with or  
19314 without consideration being paid or received, any real and/or  
19315 personal property for use in connection with the location,  
19316 construction and/or operation of a project or any facilities or  
19317 public infrastructure related to the project, and may accept such  
19318 transfers or donations; and

19319 (iii) Make grants or other contributions of funds  
19320 to one another for use in connection with the location,  
19321 construction and/or operation of such a project or any facilities  
19322 or public infrastructure related to the project, and may accept  
19323 such grants or contributions of funds.

19324 (e) In any county in which there is to be located a  
19325 project, the person, entity or other agency seeking to acquire any  
19326 real property to be used in connection with the location,  
19327 construction and/or operation of the project, shall be exempt with  
19328 respect to such property from the requirements of Section



19329 43-37-3(1) (b) and (c) if the purchase price for such property  
19330 equals the lowest price negotiated between the owner of the  
19331 property and the person, agency or other entity seeking to acquire  
19332 the property, and at which the owner of the property is willing to  
19333 sell the property.

19334 (4) (a) As used in this subsection:

19335 (i) "Project" shall have the meaning ascribed to  
19336 such term in Section 57-75-5(f) (xxix).

19337 (ii) "Public agency" means the county in which the  
19338 project is located, any municipality located in the county, and/or  
19339 any economic development authority, economic development district,  
19340 industrial development authority or similar public agency created  
19341 pursuant to state law that engages in economic or industrial  
19342 development in the county or a municipality in the county.

19343 (iii) "Board of education" shall have the meaning  
19344 ascribed to such term in Section 29-3-1.1.

19345 (iv) "Superintendent of education" shall have the  
19346 meaning ascribed to such term in Section 29-3-1.1.

19347 (b) In any county in which there is to be located a  
19348 project, any public agency is authorized to assist as provided in  
19349 this paragraph in defraying the costs incurred or to be incurred  
19350 by the enterprise establishing the project and/or any public  
19351 agency in connection with the location, construction and/or  
19352 operation of the project or any facilities or public  
19353 infrastructure related to the project. Any such public agency may



19354 provide such assistance by contributing or lending any sum  
19355 approved for such purpose by the governing authority of such  
19356 public agency, upon such terms as the governing authority of such  
19357 public agency may agree, to the entity or public agency that  
19358 directly or indirectly incurs or will incur such costs or as  
19359 otherwise provided in paragraph (c) of this subsection. The  
19360 proceeds of the contribution or loan shall be used by the  
19361 recipient in connection with the location, construction and/or  
19362 operation of the project or any facilities or public  
19363 infrastructure related to the project, including, without  
19364 limitation, to defray the costs of site preparation, utilities,  
19365 real estate purchases, purchase options and improvements,  
19366 infrastructure, roads, rail improvements, public works, job  
19367 training, as well as planning, design and environmental impact  
19368 studies with respect to a project, and any other expenses approved  
19369 by any such public agency.

19370 (c) In order to provide the amounts set forth in  
19371 paragraph (b) of this subsection:

19372 (i) Any such county may appropriate monies from  
19373 the county's general funds or provide such amounts from the  
19374 proceeds of general obligation bonds. Any such county may issue  
19375 the bonds for such purpose pursuant to the procedures for the  
19376 issuance of bonds under Chapter 9, Title 19, Mississippi Code of  
19377 1972, Section 19-5-99 or in any other manner permitted by any  
19378 local and private law or other general laws; and



19379 (ii) Any public agency may borrow or accept grants  
19380 of such amounts from the authority or the Mississippi Development  
19381 Authority for such duration and upon such terms and conditions  
19382 approved by the governing authority of such public agency and the  
19383 authority or Mississippi Development Authority, as applicable.

19384 (d) In any county in which there is to be located a  
19385 project, the governing authority of any public agency may:

19386 (i) Transfer and convey to the authority or the  
19387 Mississippi Development Authority, with or without consideration  
19388 being paid or received, any real and/or personal property for use  
19389 in connection with the location, construction and/or operation of  
19390 the project or any facilities or public infrastructure related to  
19391 the project, and the authority and the Mississippi Development  
19392 Authority may accept such transfers or donations;

19393 (ii) Transfer and convey among themselves, with or  
19394 without consideration being paid or received, any real and/or  
19395 personal property for use in connection with the location,  
19396 construction and/or operation of a project or any facilities or  
19397 public infrastructure related to the project, and may accept such  
19398 transfers or donations;

19399 (iii) Make grants or other contributions of funds  
19400 to:

19401 1. One another for use in connection with the  
19402 location, construction and/or operation of such a project or any





19403 facilities or public infrastructure related to the project, and  
19404 may accept such grants or contributions of funds; and/or

19405                   2. A local water association incorporated as  
19406 a nonprofit corporation and located within such county for the  
19407 purpose of defraying the costs incurred or to be incurred thereby  
19408 in connection with water or wastewater-related infrastructure  
19409 improvements, including an elevated water tank, located within the  
19410 project area; and

19411                   (iv) Make one or more periodic grants or other  
19412 contributions of funds to an enterprise or affiliate thereof  
19413 owning and/or operating a project in such amount or amounts  
19414 approved by such governing authority, and enter into an agreement  
19415 with such enterprise to make such periodic grants or other  
19416 contributions of funds; however, the duration of any such  
19417 obligation of the public agency to make such grants or other  
19418 contributions shall not exceed thirty (30) years.

19419                   (e) In any county in which there is to be located a  
19420 project, the public agency seeking to acquire any real property to  
19421 be used in connection with the location, construction and/or  
19422 operation of the project, shall be exempt with respect to such  
19423 property from the requirements of Section 43-37-3(1)(b) and (c) if  
19424 the purchase price for such property equals the lowest price  
19425 negotiated between the owner of the property and the public agency  
19426 seeking to acquire the property, and at which the owner of the  
19427 property is willing to sell the property, and any such public



19428 agency is further authorized to procure an option to purchase any  
19429 such real property for such purchase price authorized by this  
19430 subsection for the lowest option payment at which the owner of the  
19431 property is willing to grant such option.

19432 (f) In any county in which there is to be located a  
19433 project, upon the sale of any sixteenth section lands for  
19434 industrial purposes as provided by law for such project, the board  
19435 of education controlling such lands, the superintendent of  
19436 education and the Mississippi Development Authority, on behalf of  
19437 the state, may sell and convey all minerals in, on and under any  
19438 such lands for such consideration determined to be adequate by,  
19439 and upon such terms and conditions prescribed by, such board of  
19440 education, superintendent of education and the Mississippi  
19441 Development Authority.

19442 (g) In any county in which there is to be located a  
19443 project, the governing authority of the applicable public agency  
19444 may enter into an agreement binding on future governing  
19445 authorities, for any period not to exceed thirty (30) years to:

19446 (i) Waive any and all fees and expenses associated  
19447 with building permits and privilege licenses required for the  
19448 project;

19449 (ii) Establish and/or maintain a rate structure  
19450 for water supplied to the project and wastewater received from the  
19451 project, which shall be no higher than the lowest tariff prices



19452 for such water and wastewater charged to any customer of equal or  
19453 lesser volume located within the boundaries of the public agency;

19454 (iii) Provide firefighting, hazardous materials  
19455 emergency response, technical rescue and medical response  
19456 assistance to the enterprise owning or operating the project; and

19457 (iv) Require any contractor hired by the public  
19458 agency for purposes of entering onto the project site for such  
19459 project to perform work-related to the provision of water supply  
19460 or wastewater services, to procure customary liability insurance  
19461 designating the enterprise owning or operating the project as an  
19462 additional insured and to contractually indemnify such enterprise  
19463 for any losses incurred by the enterprise as a result of such  
19464 contractor's negligence and/or willful acts or omissions arising  
19465 from the contractor's entry upon such project site.

19466 (5) The powers and authority granted in this section are an  
19467 additional, alternative and supplemental method for the doing of  
19468 the things authorized by this section and are additional and  
19469 supplemental to, and not in derogation of, any other powers  
19470 conferred by law.

19471 **SECTION 508.** Section 57-77-1, Mississippi Code of 1972, is  
19472 brought forward as follows:

19473 57-77-1. This chapter shall be known, and may be cited, as  
19474 the Venture Capital Act of 1994.

19475 **SECTION 509.** Section 57-77-2, Mississippi Code of 1972, is  
19476 brought forward as follows:



19477           57-77-2. The Legislature finds that the Venture Capital Act  
19478 of 1994, Sections 57-77-1 through 57-77-39, Mississippi Code of  
19479 1972, has not been implemented in accordance with the legislative  
19480 intent. The Legislature finds that the Venture Capital Act of 1994  
19481 needs to be amended for the purpose of clarifying the legislative  
19482 intent and for the further purpose of ensuring public trust in the  
19483 venture capital loan program by providing safeguards in the  
19484 operation of the program and over the proper administration of the  
19485 use of public funds. The Legislature finds that persons are  
19486 purporting to serve on the Magnolia Capital Corporation Board of  
19487 Directors and the Magnolia Venture Capital Corporation Board of  
19488 Directors in violation of the legislative intent of the Venture  
19489 Capital Act of 1994. Pursuant to Section 178 of the Mississippi  
19490 Constitution of 1890, the Legislature finds that it is in the  
19491 public interest to amend the charters of incorporation of the  
19492 Magnolia Capital Corporation and the Magnolia Venture Capital  
19493 Corporation which were authorized to be formed under the  
19494 provisions of the Venture Capital Act of 1994, and the amendments  
19495 made to Sections 57-77-9 and 57-77-11 by Chapter 563, Laws of  
19496 1998, shall be amendments to the charters of incorporation of the  
19497 Magnolia Capital Corporation and the Magnolia Venture Capital  
19498 Corporation.

19499           **SECTION 510.** Section 57-77-3, Mississippi Code of 1972, is  
19500 brought forward as follows:



19501           57-77-3. It is the purpose of this chapter to establish the  
19502 Magnolia Capital Corporation, the Magnolia Venture Capital  
19503 Corporation and the Magnolia Venture Capital Fund Limited  
19504 Partnership for the purposes of increasing the rate of capital  
19505 formation; stimulating new growth-oriented business formations;  
19506 creating new jobs for Mississippi; developing new technology;  
19507 enhancing tax revenue for the state; and supplementing  
19508 conventional business financing. The Magnolia Capital  
19509 Corporation, the Magnolia Venture Capital Corporation, and the  
19510 Magnolia Venture Capital Fund Limited Partnership shall be  
19511 instrumentalities of the State of Mississippi and their operations  
19512 and activities shall be subject to review by the State Auditor of  
19513 Public Accounts, the Attorney General of Mississippi, the  
19514 Mississippi Ethics Commission, the Joint Legislative Committee on  
19515 Performance Evaluation and Expenditure Review, and any other state  
19516 officer or agency as provided by law. Funds obtained from the  
19517 special fund in the State Treasury known as the Venture Capital  
19518 Fund and any earnings on such amounts, which are held and  
19519 disbursed by the Magnolia Capital Corporation, the Magnolia  
19520 Venture Capital Corporation and/or the Magnolia Venture Capital  
19521 Fund Limited Partnership, except funds invested by private limited  
19522 partners, shall remain, and shall be considered to be, public  
19523 funds. Funds loaned by the department pursuant to Section  
19524 57-77-17, and all earnings on such funds shall remain, and shall  
19525 be considered to be, public funds. Except as provided in Section



19526 57-77-33(7), it is, and has always been, the intent of the  
19527 Legislature that nothing in this chapter shall be construed to  
19528 waive the sovereign immunity of the State of Mississippi or the  
19529 department pursuant to either state law or the Eleventh Amendment  
19530 to the United States Constitution. It is, and has always been,  
19531 the intent of the Legislature that no action by the State of  
19532 Mississippi or by the department, or by any officer or agent of  
19533 the State of Mississippi or of the department, shall be considered  
19534 a waiver of the sovereign immunity of the State of Mississippi or  
19535 the department pursuant to either state law or the Eleventh  
19536 Amendment to the United States Constitution. It is, and has  
19537 always been, the intent of the Legislature that the entering into  
19538 of any contract, loan agreement, pledge agreement, or other  
19539 instrument by the State of Mississippi or the department shall not  
19540 be considered a waiver of the sovereign immunity of the State of  
19541 Mississippi pursuant to either state law or the Eleventh Amendment  
19542 to the United States Constitution. It is, and has always been,  
19543 the intent of the Legislature that the sovereign immunity of the  
19544 State of Mississippi pursuant to either state law or the Eleventh  
19545 Amendment to the United States Constitution may only be waived by  
19546 express authorization set forth in an enactment of the Mississippi  
19547 Legislature.

19548           **SECTION 511.** Section 57-77-5, Mississippi Code of 1972, is  
19549 amended as follows:



19550           57-77-5. The following words shall have the meaning ascribed  
19551 herein unless the context clearly requires otherwise:

19552           (a) "Fund" means the Magnolia Venture Capital Fund  
19553 Limited Partnership, a limited partnership, established and  
19554 operated as described in this chapter.

19555           (b) "Corporation" means the Magnolia Capital  
19556 Corporation.

19557           (c) "Qualified investment" means a qualified interest,  
19558 which interest is purchased solely for cash in an amount not less  
19559 than Ten Thousand Dollars (\$10,000.00) for individuals; and not  
19560 less than Fifty Thousand Dollars (\$50,000.00) for corporations.

19561           (d) "General partner" means the Magnolia Venture  
19562 Capital Corporation.

19563           (e) "Qualified interest" means, in the case of the  
19564 Magnolia Venture Capital Corporation, a general partnership  
19565 interest in the fund and, in the case of all other persons, a  
19566 limited partnership interest in the fund.

19567           (f) "State tax liability" means a taxpayer's total  
19568 income tax liability that is incurred under the Mississippi Income  
19569 Tax Law before applying the credits provided by Section  
19570 27-7-22.11.

19571           (g) "Taxpayer" means any individual, corporation,  
19572 partnership, trust or other entity that has any state tax  
19573 liability and has made a qualified investment.



19574 (h) "Venture capital" means investments in either  
19575 common stock, preferred stock, or bonds convertible to either  
19576 common or preferred stock, or options, warrants or rights to  
19577 receive any of the foregoing, or any other similar investment in  
19578 or loan to a Mississippi business.

19579 (i) "Mississippi business" means a corporation, general  
19580 partnership, limited partnership, joint venture, trust,  
19581 proprietorship or any other similar entity or organization which  
19582 is either established and operating, or will be established to  
19583 operate, in Mississippi.

19584 (j) "Start-up business" means a Mississippi business  
19585 which is in the first thirty-six (36) months of providing goods or  
19586 services in the ordinary course of business or a Mississippi  
19587 business which qualified as a start-up business under this  
19588 definition at the time it entered the venture capital fund  
19589 portfolio.

19590 (k) "Program" means the venture capital loan program  
19591 established in this chapter.

19592 (l) "Seller" means the State Bond Commission.

19593 (m) "Department" means the Mississippi \* \* \*  
19594 Development Authority.

19595 (n) "General Fund" means the General Fund of the State  
19596 of Mississippi.

19597 (o) "Loan" means a loan by the department to Magnolia  
19598 Capital Corporation in accordance with this chapter.





19599 (p) "Appointing authority" means the Governor or the  
19600 Lieutenant Governor, as appropriate, in appointing members to the  
19601 Board of Directors of the Magnolia Venture Capital Corporation.

19602 **SECTION 512.** Section 57-77-7, Mississippi Code of 1972, is  
19603 brought forward as follows:

19604 57-77-7. A taxpayer is entitled to a credit, determined in  
19605 accordance with Section 27-7-22.11, which must be applied against  
19606 the state tax liability which may be imposed on the taxpayer.

19607 **SECTION 513.** Section 57-77-9, Mississippi Code of 1972, is  
19608 amended as follows:

19609 57-77-9. (1) The Magnolia Capital Corporation shall be  
19610 formed and operated pursuant to the laws of this state. The  
19611 articles of incorporation, bylaws and any other agreement relating  
19612 to the organization or operation of the corporation must comply  
19613 with the provisions set forth in this section. The corporation  
19614 will be a not-for-profit corporation.

19615 (2) The executive director of the department shall cause the  
19616 corporation to be formed, and he shall designate the  
19617 incorporators. The initial board of directors shall consist of  
19618 thirteen (13) members, all of whom will be appointed by the  
19619 executive director of the department. Except as otherwise  
19620 provided in this subsection (2), members of the initial board of  
19621 directors shall serve staggered terms as follows: four (4) for  
19622 terms of five (5) years each, three (3) for terms of four (4)  
19623 years each, three (3) for terms of three (3) years each and three



19624 (3) for terms of two (2) years each. The terms of the members of  
19625 the board of directors in place (including any initial directors  
19626 and successors) before April 17, 1998, shall expire on April 17,  
19627 1998, and such persons shall cease to serve on the board of  
19628 directors and shall relinquish all powers and control of the  
19629 corporation and assets of the corporation. From and after April  
19630 17, 1998, the board of directors shall consist of three (3)  
19631 members who shall be the State Treasurer, the Attorney General and  
19632 Secretary of State. If the position on the board of directors  
19633 held by the State Treasurer, Attorney General or Secretary of  
19634 State, becomes vacant through death, resignation or otherwise, the  
19635 position will be filled by the person acting as State Treasurer,  
19636 Attorney General or Secretary of State, as appropriate, until the  
19637 Office of State Treasurer, Attorney General or Secretary of State,  
19638 as appropriate, is filled in the manner provided by law. The  
19639 directors may not receive per diem.

19640 (3) The articles of incorporation shall provide that the  
19641 name of the corporation is the "Magnolia Capital Corporation," and  
19642 the registered agent shall be designated by the executive director  
19643 of the department. The corporation's existence begins upon filing  
19644 of the articles of incorporation. The corporation's existence is  
19645 perpetual, unless dissolved as provided herein. The general  
19646 nature of the business of the corporation is to serve as the sole  
19647 stockholder of the Magnolia Venture Capital Corporation.  
19648 Consistent with the provisions of this chapter, the bylaws, the



19649 organizational minutes, the election of officers, and any other  
19650 actions appropriate or necessary for the organization and  
19651 operation of the corporation shall be of that form and content as  
19652 determined by the board of directors. Nothing contained in this  
19653 chapter may prohibit the board of directors of the corporation  
19654 from altering, amending or otherwise modifying the articles of  
19655 incorporation, bylaws or any other agreement governing the  
19656 corporation as otherwise permitted under the laws of this state,  
19657 except that the method of electing directors may not be amended,  
19658 altered or otherwise modified or restricted; except that the  
19659 general nature of the business of the corporation may not be  
19660 amended, altered or otherwise modified or restricted; and except  
19661 that the corporation may be dissolved, merged or otherwise cease  
19662 to exist pursuant to the appropriate vote of the board of  
19663 directors. The executive director of the department may expend  
19664 any discretionary funds he has available and considers appropriate  
19665 for the purpose of organizing the corporation.

19666 (4) In addition to other powers and duties, the corporation  
19667 may take all actions it deems necessary to carry out the  
19668 provisions of this chapter, and the board of directors shall meet  
19669 at least one (1) time on a quarterly basis to assess the venture  
19670 capital loan program and whether or not the provisions of this  
19671 chapter are being complied with. In addition to any other powers  
19672 and duties, if the corporation determines, as evidenced by a  
19673 majority vote of the board of directors, that any member of the



19674 Magnolia Venture Capital Corporation's Board of Directors is not  
19675 performing the duties of such member in a manner consistent with  
19676 the provisions of this chapter, the corporation may recommend to  
19677 the appropriate appointing authority that such member of the  
19678 Magnolia Venture Capital Corporation's Board of Directors be  
19679 replaced.

19680 (5) As soon as legally permissible after April 17, 1998, the  
19681 corporation shall direct the Board of Directors of the Magnolia  
19682 Venture Capital Corporation to dissolve the Magnolia Venture  
19683 Capital Corporation and the fund.

19684 **SECTION 514.** Section 57-77-11, Mississippi Code of 1972, is  
19685 brought forward as follows:

19686 57-77-11. (1) The Magnolia Venture Capital Corporation  
19687 shall be formed and operated pursuant to the laws of this state.  
19688 The articles of incorporation, bylaws and any other agreement  
19689 relating to the organization or operation of the Magnolia Venture  
19690 Capital Corporation must comply with the provisions set forth in  
19691 this section. The Magnolia Venture Capital Corporation will be a  
19692 for-profit corporation.

19693 (2) The executive director of the department shall cause the  
19694 Magnolia Venture Capital Corporation to be formed, and he shall  
19695 designate the incorporators. The initial board of directors shall  
19696 consist of five (5) members, all of whom will be appointed by the  
19697 executive director of the department. Except as otherwise  
19698 provided in this subsection (2), members of the initial board of



19699 directors shall serve staggered terms as follows: three (3) for  
19700 terms of five (5) years each and two (2) for terms of three (3)  
19701 years each. The terms of the members of the board of directors in  
19702 place (including any initial directors and successors) before  
19703 April 17, 1998, shall expire on April 17, 1998, and such persons  
19704 shall cease to serve on the board of directors and shall  
19705 relinquish all powers and control of the corporation and assets of  
19706 the corporation. From and after April 17, 1998, the board of  
19707 directors shall be composed of five (5) members, three (3) of whom  
19708 shall be appointed by the Governor and two (2) of whom shall be  
19709 appointed by the Lieutenant Governor. Members of the initial  
19710 board, appointed from and after April 17, 1998, shall serve  
19711 staggered terms as follows: one (1) member appointed by the  
19712 Governor for a term of one (1) year, one (1) member appointed by  
19713 the Governor for a term of two (2) years, one (1) member appointed  
19714 by the Governor for a term of three (3) years, one (1) member  
19715 appointed by the Lieutenant Governor for a term of four (4) years,  
19716 and one (1) member appointed by the Lieutenant Governor for a term  
19717 of five (5) years. If the position of an initial director,  
19718 appointed from and after April 17, 1998, becomes vacant through  
19719 death, resignation or otherwise, the appropriate appointing  
19720 authority shall appoint another person to complete the unexpired  
19721 term. If the position of a successor director becomes vacant  
19722 through death, resignation or otherwise, the appropriate  
19723 appointing authority shall appoint another person to complete the



19724 unexpired term. After the terms of the initial directors,  
19725 appointed from and after April 17, 1998, expire, successors shall  
19726 be chosen by the appropriate appointing authority and shall serve  
19727 for terms of five (5) years. The appropriate appointing authority  
19728 may remove a member of the board of directors if, in the opinion  
19729 of the appointing authority, the board member is not performing  
19730 his or her duties in a manner consistent with the provisions of  
19731 this chapter. Members of the initial board, appointed from and  
19732 after April 17, 1998, and successor directors are eligible to  
19733 succeed themselves if reappointed by the appropriate appointing  
19734 authority. The Speaker of the House of Representatives shall  
19735 appoint two (2) nonvoting advisory members to the board. Such  
19736 nonvoting advisory members shall serve for terms concurrent with  
19737 the term of the Speaker of the House of Representatives. If the  
19738 position of an advisory member becomes vacant through death,  
19739 resignation or otherwise, the Speaker shall appoint another person  
19740 to complete the unexpired term. Members of the board shall  
19741 receive a per diem as provided in Section 25-3-69, for each day or  
19742 fraction thereof in performance of their duties, and shall be  
19743 reimbursed for their actual and necessary expenses incurred in the  
19744 performance of their duties as provided in Section 25-3-41.  
19745 Members of the board shall receive no compensation other than that  
19746 provided in this subsection (2). If a director is a full-time  
19747 state employee, he may not receive per diem.



19748           (3) The articles of incorporation shall provide that the  
19749 name of the entity is the "Magnolia Venture Capital Corporation,"  
19750 and the registered agent shall be designated by the executive  
19751 director of the department. The Magnolia Venture Capital  
19752 Corporation's existence begins upon filing of the articles of  
19753 incorporation. The Magnolia Venture Capital Corporation's  
19754 existence is perpetual, unless dissolved as provided herein. The  
19755 Magnolia Venture Capital Corporation is authorized to issue shares  
19756 of a number, class and par or no-par value as provided in its  
19757 articles of incorporation. The general nature of the business of  
19758 the Magnolia Venture Capital Corporation is to serve as general  
19759 partner of the Magnolia Venture Capital Fund Limited Partnership,  
19760 to provide venture capital to Mississippi businesses, to provide  
19761 financing to high-growth oriented businesses, and to undertake any  
19762 acts appropriate or necessary to carry out the foregoing.  
19763 Consistent with the provisions of this chapter, the bylaws, the  
19764 organizational minutes, the election of officers, the issuance of  
19765 any stock of the Magnolia Venture Capital Corporation, and any  
19766 other actions appropriate or necessary for the organization and  
19767 operation of the Magnolia Venture Capital Corporation shall be of  
19768 that form and content as determined by the board of directors.  
19769 Nothing contained in this chapter may prohibit the shareholders or  
19770 board of directors of the corporation from altering, amending or  
19771 otherwise modifying the articles of incorporation, bylaws or any  
19772 other agreement governing the Magnolia Venture Capital Corporation



19773 as otherwise permitted under the laws of this state, except that  
19774 the method of electing directors shall not be amended, altered or  
19775 otherwise modified; except that the general nature of the business  
19776 of the Magnolia Venture Capital Corporation may not be amended,  
19777 altered or otherwise modified or restricted; and except that the  
19778 Magnolia Venture Capital Corporation may be dissolved, merged or  
19779 otherwise cease to exist pursuant to the appropriate vote of the  
19780 board of directors and shareholders. The executive director of  
19781 the department may expend any discretionary funds he has available  
19782 and considers appropriate for the purpose of organizing the  
19783 Magnolia Venture Capital Corporation and promoting the sale of the  
19784 qualified investments.

19785 (4) The Magnolia Venture Capital Corporation shall cause the  
19786 fund to be formed as a limited partnership. The partnership  
19787 agreement relating to the organization and operation of the fund  
19788 must be of that form and content as determined by the Board of  
19789 Directors of the Magnolia Venture Capital Corporation. The  
19790 Magnolia Venture Capital Corporation shall be the sole general  
19791 partner of the fund, and the initial limited partner shall be a  
19792 person or entity designated by the Magnolia Venture Capital  
19793 Corporation's Board of Directors. Additional limited partners may  
19794 be admitted to the fund in accordance with the terms of the  
19795 partnership agreement.

19796 (5) Except as otherwise provided in subsection (8), the fund  
19797 shall raise funds to provide financing to high-growth oriented





19798 businesses. A "high-growth oriented business" is a corporation,  
19799 general partnership, limited partnership, joint venture, trust,  
19800 proprietorship, or other similar entity or organization which is  
19801 expected to experience significant sales growth over the  
19802 subsequent five-year period. All investments made from investment  
19803 monies raised by the fund, for which the tax credit provided by  
19804 this chapter is allowed and for which the tax credit is made  
19805 available by the fund in the prospectus or offering, must be made  
19806 to provide venture capital to Mississippi businesses, this venture  
19807 capital to be used primarily for the purpose of enhancing the  
19808 production capacity of these businesses or their ability to do  
19809 business in Mississippi. Seventy percent (70%) of these  
19810 investment monies acquired by the fund for which the tax credit is  
19811 allowed and available must be invested to provide venture capital  
19812 financing of start-up businesses. The remaining thirty percent  
19813 (30%) may be invested as the general partner of the fund  
19814 determines to provide capital to Mississippi businesses.

19815 (6) (a) No business may be transacted or indebtedness  
19816 incurred (not including indebtedness authorized to be incurred in  
19817 Sections 57-77-15 and 57-77-17) except that as is incidental to  
19818 the organization of the Magnolia Venture Capital Corporation or of  
19819 the fund or to obtaining subscriptions to or payment for qualified  
19820 interests, until consideration of Four Million Five Hundred  
19821 Thousand Dollars (\$4,500,000.00) has been paid as a capital  
19822 investment by a private investor or private investors to Magnolia



19823 Venture Capital Corporation or to the fund. It is the intent of  
19824 the Legislature that the Magnolia Venture Capital Corporation  
19825 and/or the fund shall always maintain a capital investment from a  
19826 private investor or private investors of at least Four Million  
19827 Five Hundred Thousand Dollars (\$4,500,000.00). If the Magnolia  
19828 Venture Capital Corporation and/or the fund fail to obtain a  
19829 capital investment from a private investor or private investors of  
19830 at least Four Million Five Hundred Thousand Dollars  
19831 (\$4,500,000.00), or if after having obtained such investment, the  
19832 total of the private capital investments ever falls below Four  
19833 Million Five Hundred Thousand Dollars (\$4,500,000.00), Magnolia  
19834 Venture Capital Corporation and the fund shall suspend making  
19835 investments and incurring indebtedness, and, if so directed by  
19836 Magnolia Capital Corporation, the Board of Directors of Magnolia  
19837 Venture Capital Corporation shall dissolve Magnolia Venture  
19838 Capital Corporation and the fund in the manner provided by law and  
19839 direct that all sums, causes of action and other assets held by  
19840 the Magnolia Venture Capital Corporation and the fund be paid  
19841 and/or assigned to the State Treasurer who shall administer such  
19842 sums and other assets as provided by law.

19843 (b) If directed by Magnolia Capital Corporation  
19844 pursuant to Section 57-77-9(5), the Board of Directors of Magnolia  
19845 Venture Capital Corporation shall dissolve Magnolia Venture  
19846 Capital Corporation and the fund in the manner provided by law and  
19847 direct that all sums, causes of action and other assets held by



19848 the Magnolia Venture Capital Corporation and the fund be paid  
19849 and/or assigned to the State Treasurer who shall administer such  
19850 sums and other assets as provided by law.

19851 (7) All securities issued by either the Mississippi Venture  
19852 Capital Corporation or the fund shall be exempt securities with  
19853 regard to the Mississippi Uniform Securities Act.

19854 **SECTION 515.** Section 57-77-13, Mississippi Code of 1972, is  
19855 brought forward as follows:

19856 57-77-13. Magnolia Venture Capital Corporation, but not the  
19857 shareholders thereof, is exempt from all state income taxes and  
19858 corporate license fees.

19859 **SECTION 516.** Section 57-77-15, Mississippi Code of 1972, is  
19860 brought forward as follows:

19861 57-77-15. The Magnolia Capital Corporation shall make  
19862 application for a loan to the department in a form satisfactory to  
19863 the department.

19864 **SECTION 517.** Section 57-77-17, Mississippi Code of 1972, is  
19865 brought forward as follows:

19866 57-77-17. The department shall lend funds under this chapter  
19867 to Magnolia Capital Corporation in accordance with the following  
19868 terms and conditions:

19869 (a) Loan funds received by Magnolia Capital Corporation  
19870 in accordance with this chapter shall remain, and shall be  
19871 considered to be, public funds and shall be used for the purpose



19872 of providing venture capital to Mississippi businesses through the  
19873 Mississippi Venture Capital Fund Limited Partnership;

19874 (b) The loan agreement between the department and  
19875 Magnolia Capital Corporation shall contain language necessary to  
19876 effect the escrow of a portion of the loan in an account for the  
19877 benefit of the department which, when the monies are invested in  
19878 zero coupon bonds for a period not to exceed fifteen (15) years,  
19879 shall mature at a value equal to or greater than one hundred  
19880 percent (100%) of the total principal amount loaned to Magnolia  
19881 Venture Capital Corporation;

19882 (c) The interest rate on the loan to Magnolia Capital  
19883 Corporation shall be set by the executive director of the  
19884 department; and

19885 (d) Funds received by the Magnolia Venture Capital  
19886 Corporation and/or the Magnolia Venture Capital Fund Limited  
19887 Partnership shall be subject to any loan agreement made between  
19888 the department and the Magnolia Capital Corporation pursuant to  
19889 this chapter; and, in the event of default on such loan agreement,  
19890 such funds shall, upon demand of the department, be returned to  
19891 the Venture Capital Fund in the State Treasury, regardless of  
19892 whether or not the Magnolia Venture Capital Corporation or the  
19893 Magnolia Venture Capital Fund Limited Partnership was a party to  
19894 any loan agreement evidencing any such loan.

19895 **SECTION 518.** Section 57-77-19, Mississippi Code of 1972, is  
19896 brought forward as follows:



19897           57-77-19. The department shall assist the Magnolia Capital  
19898 Corporation with such corporation's compliance with the program  
19899 provided for in this chapter.

19900           **SECTION 519.** Section 57-77-21, Mississippi Code of 1972, is  
19901 brought forward as follows:

19902           57-77-21. Magnolia Capital Corporation shall submit the  
19903 following reports to the department:

19904                   (a) An annual audit of loan funds received in  
19905 connection with the program;

19906                   (b) Quarterly reports describing all venture capital  
19907 assistance provided to businesses by Magnolia Venture Capital  
19908 Corporation and the fund, such reports to include at least the  
19909 following: a description of the business receiving assistance,  
19910 the project to be assisted and the purpose of such assistance; a  
19911 description of each loan and equity investment, including the  
19912 terms and conditions thereof and use of the venture fund's  
19913 assistance by the business; history of the assistance pool,  
19914 including amounts expended for administration and management,  
19915 principal amount of equity investments, losses, loans and other  
19916 relevant data.

19917           **SECTION 520.** Section 57-77-23, Mississippi Code of 1972, is  
19918 brought forward as follows:

19919           57-77-23. Subject to the provisions of this section,  
19920 Magnolia Capital Corporation and Magnolia Venture Capital  
19921 Corporation are hereby authorized to engage legal counsel,



19922 accountants, financial advisors, appraisers, consultants and  
19923 others as needed in connection with providing venture capital to  
19924 businesses pursuant to this chapter, and to charge the costs of  
19925 these services to the businesses receiving such assistance or  
19926 charge the proceeds of such assistance therefor. However, no such  
19927 professional services may be engaged unless done so through action  
19928 taken by a validly appointed board of directors having the legal  
19929 authority to engage such services. To the extent required by the  
19930 department, such professional services shall be engaged on a  
19931 statewide program basis.

19932         **SECTION 521.** Section 57-77-25, Mississippi Code of 1972, is  
19933 brought forward as follows:

19934         57-77-25. (1) The department shall adopt and publish the  
19935 eligibility criteria for Magnolia Capital Corporation to  
19936 participate in the program as set forth in this chapter, a  
19937 timetable and process for review of applications from Magnolia  
19938 Capital Corporation, and program report forms, all in accordance  
19939 with this chapter; provided, however, that Magnolia Venture  
19940 Capital Corporation shall recommend to Magnolia Capital  
19941 Corporation the approval of assistance under this chapter, and  
19942 Magnolia Capital Corporation shall have sole authority over the  
19943 approval of assistance provided under this chapter, and Magnolia  
19944 Venture Capital Corporation shall have sole authority over the  
19945 management of the assistance provided under this chapter.



19946 (2) Magnolia Venture Capital Corporation shall prepare and  
19947 adopt such uniform applications, forms, procedures and  
19948 requirements for use in connection with the program as it deems  
19949 necessary and appropriate.

19950 **SECTION 522.** Section 57-77-27, Mississippi Code of 1972, is  
19951 brought forward as follows:

19952 57-77-27. No assistance shall be provided to a business  
19953 under this chapter unless the business certifies to the Magnolia  
19954 Venture Capital Corporation, in a form satisfactory to the  
19955 department, that it will not discriminate against any employee or  
19956 against any applicant for employment because of race, religion,  
19957 color, national origin, sex or age.

19958 **SECTION 523.** Section 57-77-29, Mississippi Code of 1972, is  
19959 brought forward as follows:

19960 57-77-29. (1) There is hereby created a special fund in the  
19961 State Treasury, to be known as the Venture Capital Fund, out of  
19962 which loans to Magnolia Capital Corporation authorized in  
19963 connection with the program shall be disbursed. All monies  
19964 received by issuance of bonds to carry out the purposes of this  
19965 chapter shall be deposited into the Venture Capital Fund. No  
19966 funds in the Venture Capital Fund, no funds transferred from the  
19967 Venture Capital Fund to the department for subsequent transfer to  
19968 the Magnolia Capital Corporation, no funds transferred to the  
19969 Magnolia Capital Corporation, and no funds transferred by the  
19970 Magnolia Capital Corporation to the Magnolia Venture Capital



19971 Corporation and/or the Magnolia Venture Capital Fund Limited  
19972 Partnership may be used to provide financing for, or to contract  
19973 for goods or services with, any business in which a director,  
19974 employee, or limited partner of the Magnolia Capital Corporation,  
19975 the Magnolia Venture Capital Corporation or the Magnolia Venture  
19976 Capital Fund Limited Partnership, or the spouse of any such  
19977 director, employee or limited partner has a direct or indirect  
19978 interest. No funds in the Venture Capital Fund, no funds  
19979 transferred from the Venture Capital Fund to the department for  
19980 subsequent transfer to the Magnolia Capital Corporation, no funds  
19981 transferred to the Magnolia Capital Corporation, and no funds  
19982 transferred by the Magnolia Capital Corporation to the Magnolia  
19983 Venture Capital Corporation and/or the Magnolia Venture Capital  
19984 Fund Limited Partnership may be used to provide financing for, or  
19985 to contract for goods or services with, any business in which a  
19986 person who has been engaged pursuant to Section 57-77-23 or the  
19987 spouse of such person has a direct or indirect interest.

19988 (2) All funds repaid to the State Treasury under this  
19989 chapter or designated hereunder for repayment of any bonds issued  
19990 under this chapter shall be delivered to the State Treasurer for  
19991 deposit in the State General Fund. Any monetary assets received  
19992 pursuant to Section 57-77-11(6) (a) shall be applied to pay the  
19993 debt service on the bonds issued under the Venture Capital Act of  
19994 1994, in accordance with the proceedings authorizing the issuance  
19995 of such bonds and as directed by the State Bond Commission. Any





19996 nonmonetary assets shall be administered in the manner provided by  
19997 law. Any monies remaining in the fund after it is utilized as  
19998 provided for in this subsection (2) shall be deposited into the  
19999 State General Fund.

20000 (3) Any monetary assets received pursuant to Section  
20001 57-77-11(6) (b) shall be applied to pay valid monetary obligations  
20002 of the Magnolia Capital Corporation and the Magnolia Venture  
20003 Capital Corporation. Any nonmonetary assets shall be administered  
20004 in the manner provided by law. Any monies remaining in the fund  
20005 after it is utilized as provided in this subsection (3) shall be  
20006 deposited as follows: (a) Six Million Four Hundred Thousand  
20007 Dollars (\$6,400,000.00) of such monies shall be deposited into the  
20008 State General Fund and (b) the remainder of such monies shall be  
20009 deposited into the Budget Contingency Fund created in Section  
20010 27-103-301.

20011 (4) Valid monetary obligations of the Magnolia Capital  
20012 Corporation and the Magnolia Venture Capital Corporation shall not  
20013 be impaired and shall be satisfied from the special fund created  
20014 in this section.

20015 **SECTION 524.** Section 57-77-31, Mississippi Code of 1972, is  
20016 brought forward as follows:

20017 57-77-31. (1) All bonds issued under the authority of this  
20018 chapter shall be redeemed at maturity, together with all interest  
20019 due, from time to time, on the bonds, and these principal and  
20020 interest payments shall be paid from the General Fund.



20021           (2) In the event that all or any part of the bonds and notes  
20022 are purchased, they shall be canceled and returned to the loan and  
20023 transfer agent as canceled and paid bonds and notes; and,  
20024 thereafter, all payments of interest thereon shall cease and the  
20025 canceled bonds, notes and coupons shall be destroyed as promptly  
20026 as possible after cancellation but not later than two (2) years  
20027 after cancellation. A certificate evidencing the destruction of  
20028 the canceled bonds, notes and coupons shall be provided by the  
20029 loan and transfer agent to the seller.

20030           (3) The State Treasurer shall determine and report to the  
20031 Department of Finance and Administration and Joint Legislative  
20032 Budget Office by September 1 of each year the amount of money  
20033 necessary for the payment of the principal of and interest on  
20034 outstanding obligations for the following fiscal year and the  
20035 times and amounts of the payments. It shall be the duty of the  
20036 Governor to include in every executive budget submitted to the  
20037 Legislature full information relating to the issuance of bonds and  
20038 notes under the provisions of this chapter and the status of the  
20039 General Fund for the payment of the principal of and interest on  
20040 the bonds and notes.

20041           (4) Except as otherwise provided by law, the rate of  
20042 interest on any loans made using funds from the Venture Capital  
20043 Fund shall be in accordance with Section 57-77-17.  
20044 Notwithstanding the provisions of any other law to the contrary,  
20045 the interest rate charged shall not be set such that the aggregate



20046 of the interest, penalties and other payments in connection with  
20047 such assistance made using funds from the Venture Capital Fund  
20048 will cause the bonds issued pursuant to this chapter to be deemed  
20049 arbitrage bonds pursuant to Section 148 of the Internal Revenue  
20050 Code of 1986 and the regulations promulgated thereunder. In the  
20051 case of assistance initially funded from the proceeds of notes and  
20052 subsequently funded from renewal bonds and notes, the interest  
20053 rate to be charged on the assistance shall be established in  
20054 accordance with Section 57-77-17 upon the sale of bonds or notes,  
20055 as the case may be, for such assistance.

20056         **SECTION 525.** Section 57-77-33, Mississippi Code of 1972, is  
20057 brought forward as follows:

20058         57-77-33. (1) The seller is authorized to borrow, on the  
20059 credit of the state, money not exceeding the aggregate sum of  
20060 Twenty Million Dollars (\$20,000,000.00). Such borrowing may be  
20061 evidenced by the issuance of bonds or notes, and the rate of  
20062 interest on any such bonds or notes which are not subject to  
20063 taxation shall not exceed the rates set forth in Section  
20064 75-17-101, Mississippi Code of 1972, for general obligation bonds.

20065         (2) As evidence of indebtedness authorized in this chapter,  
20066 general or limited obligation bonds or notes of the state shall be  
20067 issued from time to time to provide monies necessary to carry out  
20068 the purposes of this chapter for such total amount, in such form,  
20069 in such denominations, payable in such currencies (either domestic  
20070 or foreign or both), and subject to such terms and conditions of



20071 issue, redemption and maturity, rate of interest and time of  
20072 payment of interest as the seller directs, except that such bonds  
20073 shall mature or otherwise be retired in annual installments  
20074 beginning not more than five (5) years from date thereof and  
20075 extending not more than twenty (20) years from the date thereof.

20076 (3) All bonds and notes issued under authority of this  
20077 chapter shall be signed by the chairman of the seller, or by his  
20078 facsimile signature, and the official seal of the seller shall be  
20079 affixed thereto, attested by the secretary of the seller.

20080 (4) All bonds and notes issued under authority of this  
20081 chapter may be general or limited obligations of the state, and  
20082 the full faith and credit of the State of Mississippi as to  
20083 general obligation bonds, or the revenue derived from projects  
20084 assisted as to limited obligation bonds, are hereby pledged for  
20085 the payment of the principal of and interest on such bonds and  
20086 notes.

20087 (5) Such bonds and notes and the income therefrom shall be  
20088 exempt from all taxation in the State of Mississippi.

20089 (6) Bonds may be issued as coupon bonds or registered as to  
20090 both principal and interest as the seller may determine. If  
20091 interest coupons are attached, they shall contain the facsimile  
20092 signature of the chairman and the secretary of the seller.

20093 (7) As to bonds issued hereunder and designated as taxable  
20094 bonds by the seller, any immunity of the state to taxation by the



20095 United States government of interest on bonds or notes issued by  
20096 the state is hereby waived.

20097 **SECTION 526.** Section 57-77-35, Mississippi Code of 1972, is  
20098 brought forward as follows:

20099 57-77-35. (1) Whenever bonds are issued, they shall be  
20100 offered for sale at not less than par value and accrued interest  
20101 and shall be sold by the seller at public or private sale, from  
20102 time to time, in such manner and at such price as may be  
20103 determined by the seller to be most advantageous.

20104 (2) Any portion of any bond issue so offered and not sold or  
20105 subscribed for at public sale may be disposed of by private sale  
20106 by the seller in such manner and at such prices not less than par  
20107 and accrued interest, as the seller shall direct.

20108 (3) When bonds are issued from time to time, the bonds of  
20109 each issue shall constitute a separate series to be designated by  
20110 the seller or may be combined for sale as one (1) series with  
20111 other general obligation bonds of the State of Mississippi.

20112 (4) Until permanent bonds can be prepared, the seller may,  
20113 in its discretion, issue in lieu of permanent bonds temporary  
20114 bonds in such form and with such privileges as to registration and  
20115 exchange for permanent bonds as may be determined by the seller.

20116 (5) Pending their application to the purposes authorized,  
20117 bond proceeds held or deposited by the State Treasurer may be  
20118 invested or reinvested as are other funds in the custody of the  
20119 State Treasurer in the manner provided by law. All earnings



20120 received from the investment or deposit of such funds shall be  
20121 paid into the State Treasury to the credit of the Venture Capital  
20122 Fund.

20123 (6) The State Treasurer shall prepare the necessary registry  
20124 book to be kept in the office of the duly authorized loan and  
20125 transfer agent of the state for the registration of any bonds, at  
20126 the request of the owners thereof, according to the terms and  
20127 conditions of issue directed by the seller.

20128 (7) All costs and expenses in connection with the issue of  
20129 and sale and registration of the bonds and notes in connection  
20130 with this chapter, and all costs and expenses, validly incurred  
20131 pursuant to this chapter, in connection with implementation of the  
20132 program and development of application forms, procedures and  
20133 requirements for use in connection with the program, may be paid  
20134 from the proceeds of bonds and notes issued under this chapter.

20135 (8) The seller may provide, in the resolution authorizing  
20136 the issuance of such bonds, for the employment of one or more  
20137 persons or firms to assist in the sale of the bonds; to enter into  
20138 contracts with financial institutions located either within or  
20139 without the State of Mississippi to act as registrar, paying  
20140 agents, transfer agents, or otherwise; for rating of the bonds;  
20141 and to purchase insurance.

20142 **SECTION 527.** Section 57-77-37, Mississippi Code of 1972, is  
20143 brought forward as follows:



20144           57-77-37. (1) The proceeds realized from the sale of bonds  
20145 and notes under this chapter shall be paid to the State Treasurer  
20146 and deposited into the Venture Capital Fund and specifically  
20147 dedicated to the purposes enumerated in this chapter.

20148           (2) All nonfederal funds which may become available for the  
20149 purposes of this chapter shall be deposited in the Venture Capital  
20150 Fund and shall be allocated for the purposes of this chapter.

20151           **SECTION 528.** Section 57-77-39, Mississippi Code of 1972, is  
20152 brought forward as follows:

20153           57-77-39. Except as otherwise authorized in Section 7-5-39,  
20154 the Attorney General of the State of Mississippi shall represent  
20155 the seller in issuing, selling and validating bonds or notes  
20156 herein provided for, and the seller is hereby authorized and  
20157 empowered to expend from the proceeds derived from the sale of the  
20158 bonds or notes authorized hereunder all necessary administrative,  
20159 legal and other expenses incidental and related to the issuance of  
20160 bonds or notes authorized under this chapter.

20161           **SECTION 529.** Section 57-79-1, Mississippi Code of 1972, is  
20162 brought forward as follows:

20163           57-79-1. This chapter shall be known and may be cited as  
20164 the "Mississippi Small Town Development Act."

20165           **SECTION 530.** Section 57-79-3, Mississippi Code of 1972, is  
20166 brought forward as follows:

20167           57-79-3. The Legislature finds that:



20168 (a) Many small towns and cities will benefit from  
20169 professional and financial assistance;

20170 (b) The improvement of small towns and cities benefit  
20171 the economic and general welfare of the people of the State of  
20172 Mississippi;

20173 (c) Establishment of the Mississippi Small Town  
20174 Development Program is an effective means to restore and  
20175 strengthen Mississippi's small towns; and

20176 (d) It is the intent of the Legislature to establish  
20177 the Mississippi Small Town Development Program.

20178 **SECTION 531.** Section 57-79-5, Mississippi Code of 1972, is  
20179 amended as follows:

20180 57-79-5. For the purposes of this chapter, the following  
20181 terms shall have the meanings ascribed herein unless the context  
20182 shall otherwise require:

20183 (a) "Small town" shall mean any city, town or village  
20184 with a population of five thousand (5,000) or fewer persons  
20185 according to the most recent federal decennial census.

20186 (b) "Mississippi Small Town Development Fund" shall  
20187 mean that fund administered by the Mississippi \* \* \* Development  
20188 Authority to assist small towns for purposes authorized under this  
20189 chapter.

20190 (c) "Grant application development expenses" shall mean  
20191 any preliminary study, survey, investigation, or report including  
20192 engineering analysis or cost estimates, or other professional





20193 services required to submit a grant or loan application to any  
20194 state or federal agency or department.

20195 (d) "Grant application matching requirement" means any  
20196 state or federal grant or loan requirement for the contribution of  
20197 cash or other in-kind services as a part of any such grant or loan  
20198 application.

20199 (e) "Mississippi Small Town Technical Assistance  
20200 Network" shall be that program administered by the  
20201 Mississippi \* \* \* Development Authority organized to provide both  
20202 direct, individual technical assistance to small towns, and to  
20203 maximize the efforts of other state and federal departments and  
20204 agencies, as well as private not-for-profit organizations.

20205 **SECTION 532.** Section 57-79-7, Mississippi Code of 1972, is  
20206 brought forward as follows:

20207 57-79-7. There is hereby authorized the creation of the  
20208 Mississippi Small Town Development Program.

20209 **SECTION 533.** Section 57-79-9, Mississippi Code of 1972, is  
20210 amended as follows:

20211 57-79-9. The Mississippi Small Town Development Program  
20212 shall consist of the following:

20213 (a) The Mississippi Small Town Development Fund,  
20214 administered by the Mississippi \* \* \* Development Authority. Such  
20215 fund shall be used to further the purposes of this chapter,  
20216 specifically to provide grant application development expenses,  
20217 grant application matching requirements and for related purposes.



20218 (b) Mississippi Small Town Technical Assistance  
20219 Network, administered by the Mississippi \* \* \* Development  
20220 Authority, which shall consist of the following elements:  
20221 (i) Provide direct technical assistance to  
20222 individual small towns to improve their effectiveness and  
20223 efficiency.  
20224 (ii) Shall be organized geographically using  
20225 Mississippi Planning and Development District lines.  
20226 (iii) Shall not duplicate the efforts of the  
20227 myriad public agencies, departments, and private not-for-profit  
20228 corporations, but will seek to maximize the effectiveness of  
20229 existing efforts to improve small town government in Mississippi.  
20230 (iv) Shall be authorized to enter into mutually  
20231 beneficial agreements with these and other local, state and  
20232 federal agencies and departments, as well as private  
20233 not-for-profit organizations, to receive donations, grants, real  
20234 or personal property, and to further the purposes of this chapter.  
20235 (v) May use interns from Mississippi's public  
20236 universities through the existing Mississippi Public Service  
20237 Internship Program.  
20238 (c) Other programs of the Mississippi \* \* \* Development  
20239 Authority, as well as other state agencies, that currently target  
20240 the small towns of the state shall work with the Mississippi Small  
20241 Town Technical Assistance Network to improve their publicity and  
20242 effectiveness.



20243           **SECTION 534.** Section 57-79-11, Mississippi Code of 1972, is  
20244 amended as follows:

20245           57-79-11. The Mississippi \* \* \* Development Authority is  
20246 authorized to contract with other public agencies, as well as  
20247 private not-for-profit corporations, to further the purposes of  
20248 this chapter.

20249           **SECTION 535.** Section 57-80-1, Mississippi Code of 1972, is  
20250 brought forward as follows:

20251           57-80-1. This chapter shall be known and may be cited as the  
20252 "Growth and Prosperity Act."

20253           **SECTION 536.** Section 57-80-3, Mississippi Code of 1972, is  
20254 brought forward as follows:

20255           57-80-3. The Legislature finds and determines that there  
20256 exists in this state a continuing need for programs to assist  
20257 certain counties in encouraging economic development, the  
20258 consequent job creation and retention, additional private  
20259 investment and increased local and state revenue which together  
20260 insures the further development of a balanced economy. To achieve  
20261 these purposes, it is necessary to assist and encourage the  
20262 creation of growth and prosperity by providing temporary relief  
20263 from certain taxes within certain counties and within specific  
20264 supervisors districts in certain other counties to certain  
20265 business enterprises.

20266           Further, the Legislature finds and determines that the  
20267 authority granted under this chapter and the purposes to be



20268 accomplished hereby are proper governmental and public purposes  
20269 and that the resulting economic benefits to the state are of  
20270 paramount importance, mandating that the provisions of this  
20271 chapter be liberally construed and applied in order to advance the  
20272 public purposes.

20273           **SECTION 537.** Section 57-80-5, Mississippi Code of 1972, is  
20274 brought forward as follows:

20275           57-80-5. As used in this chapter, the following words and  
20276 phrases shall have the meanings ascribed herein unless the context  
20277 clearly indicates otherwise:

20278           (a) "Approved business enterprise" means any business  
20279 enterprise seeking to locate or expand in a growth and prosperity  
20280 county, which business enterprise is approved by the MDA.

20281           (b) "Business enterprise" means any new or expanded (i)  
20282 industry for the manufacturing, processing, assembling, storing,  
20283 warehousing, servicing, distributing or selling of any products or  
20284 goods, including products of agriculture; (ii) enterprises for  
20285 research and development, including, but not limited to,  
20286 scientific laboratories; or (iii) such other businesses or  
20287 industry as will be in furtherance of the public purposes of this  
20288 chapter as determined by the MDA and which creates a minimum of  
20289 ten (10) jobs. "Business enterprise" does not include retail or  
20290 gaming businesses or electrical generation facilities.

20291           (c) "Eligible supervisors district" means:

20292           (i) A supervisors district:



20293                   1. As such district exists on January 1,  
20294 2001, in which thirty percent (30%) or more of such district's  
20295 population as of June 30, 2000, is at or below the federal poverty  
20296 level according to the official data compiled by the United States  
20297 Census Bureau as of June 30, 2000, or the official 1990 census  
20298 poverty rate data (the official 1990 census poverty rate data  
20299 shall not be used to make any such determination after December  
20300 31, 2002); or

20301                   2. In which thirty percent (30%) or more of  
20302 such district's population is at or below the federal poverty  
20303 level according to the latest official data compiled by the United  
20304 States Census Bureau;

20305                   (ii) Which is contiguous to a county that meets  
20306 the criteria of Section 57-80-7(1)(b); and

20307                   (iii) Which is located in a county which has been  
20308 issued a certificate of public convenience and necessity under  
20309 this chapter.

20310                   (d) "Growth and prosperity counties" means those  
20311 counties which meet the requirements of this chapter and which  
20312 have by resolution or order given its consent to participate in  
20313 the Growth and Prosperity Program.

20314                   (e) "Local tax" means any county or municipal ad  
20315 valorem tax imposed on the approved business enterprise pursuant  
20316 to law, except the school portion of the tax and any portion of



20317 the tax imposed to pay the cost of providing fire and police  
20318 protection.

20319 (f) "Local taxing authority" means any county or  
20320 municipality which by resolution or order has given its consent to  
20321 participate in the Growth and Prosperity Program acting through  
20322 its respective board of supervisors or the municipal governing  
20323 board, council, commission or other legal authority.

20324 (g) "MDA" means the Mississippi Development Authority.

20325 (h) "State tax" means:

20326 (i) Any sales and use tax imposed on the business  
20327 enterprise pursuant to law related to the purchase of component  
20328 building materials and equipment for initial construction of  
20329 facilities or expansion of facilities in a growth and prosperity  
20330 county or supervisors districts, as the case may be;

20331 (ii) All income tax imposed pursuant to law on  
20332 income earned by the business enterprise in a growth and  
20333 prosperity county, or supervisors district, as the case may be;

20334 (iii) Franchise tax imposed pursuant to law on the  
20335 value of capital used, invested or employed by the business  
20336 enterprise in a growth and prosperity county, or supervisors  
20337 district, as the case may be; and

20338 (iv) Any sales and use tax imposed on the lease of  
20339 machinery and equipment acquired in the initial construction to  
20340 establish the facility or for an expansion, including, but not  
20341 limited to, leases in existence prior to January 1, 2001, as



20342 certified by the MDA, in a growth and prosperity county, or  
20343 supervisors district, as the case may be.

20344 **SECTION 538.** Section 57-80-7, Mississippi Code of 1972, is  
20345 brought forward as follows:

20346 57-80-7. (1) From and after December 31, 2000, the  
20347 following counties may apply to the MDA for the issuance of a  
20348 certificate of public convenience and necessity:

20349 (a) Any county of this state which has an annualized  
20350 unemployment rate that is at least two hundred percent (200%) of  
20351 the state's unemployment rate as of December 31 of any year after  
20352 December 31, 2000, as determined by the Mississippi Department of  
20353 Employment Security's most recently published data;

20354 (b) Any county of this state in which thirty percent  
20355 (30%) or more of the population of the county is at or below the  
20356 federal poverty level according to the official data compiled by  
20357 the United States Census Bureau as of August 30, 2000, for  
20358 counties that apply before December 31, 2002, or the most recent  
20359 official data compiled by the United States Census Bureau for  
20360 counties that apply from and after December 31, 2002; or

20361 (c) Any county of this state having an eligible  
20362 supervisors district.

20363 (2) The application, at a minimum, must contain (a) the  
20364 Mississippi Department of Employment Security's most recently  
20365 published figures that reflect the annualized unemployment rate of  
20366 the applying county as of December 31 or the most recent official



20367 data by the United States Census Bureau required by subsection (1)  
20368 of this section, as the case may be, and (b) an order or  
20369 resolution of the county consenting to the designation of the  
20370 county as a growth and prosperity county.

20371 (3) Any municipality of a designated growth and prosperity  
20372 county or within an eligible supervisors district and not more  
20373 than eight (8) miles from the boundary of the county that meets  
20374 the criteria of subsection (1)(b) of this section may by order or  
20375 resolution of the municipality consent to participation in the  
20376 Growth and Prosperity Program.

20377 (4) No incentive or tax exemption shall be given under this  
20378 chapter without the consent of the affected county or  
20379 municipality.

20380 **SECTION 539.** Section 57-80-9, Mississippi Code of 1972, is  
20381 brought forward as follows:

20382 57-80-9. (1) Upon the issuance by the MDA of its  
20383 certificate of public convenience and necessity, designating  
20384 certain counties as growth and prosperity counties, any approved  
20385 business enterprise in any such a growth and prosperity county or  
20386 any approved business enterprise located within an eligible  
20387 supervisors district within eight (8) miles of the boundary of the  
20388 county that meets the criteria of Section 57-80-7(1)(b) shall be  
20389 exempt from all local taxes levied by the county and all state  
20390 taxes for a period of ten (10) years or until December 31, 2029,  
20391 whichever occurs first, and upon consent of any municipality





20392 within such county or within such supervisors district and not  
20393 more than eight (8) miles from the boundary of the county that  
20394 meets the criteria of Section 57-80-7(1)(b), shall be exempt from  
20395 all local taxes levied by such municipality for a period of ten  
20396 (10) years or until December 31, 2033, whichever occurs first;  
20397 however, if the business enterprise is located in an area that has  
20398 been declared by the Governor to be a disaster area and as a  
20399 direct result of the disaster the business enterprise is unable to  
20400 utilize the exemption from state taxes, the MDA may extend the  
20401 duration of the exemption from state taxes for not more than two  
20402 (2) years or until December 31, 2033, whichever occurs first. Any  
20403 business enterprise that has property or equipment purchased  
20404 utilizing the state tax exemption that is damaged or destroyed as  
20405 a result of the disaster may purchase replacement equipment and  
20406 component building materials exempt from sales and use tax.

20407 (2) The following conditions, along with any other  
20408 conditions the MDA shall promulgate from time to time by rule or  
20409 regulation, shall apply to such exemptions: (a) any exemption  
20410 provided under this chapter is nontransferable and cannot be  
20411 applied, used or assigned to any other person or business or tax  
20412 account; (b) no approved business enterprise may claim or use the  
20413 exemption granted under this chapter unless that enterprise is in  
20414 full compliance with all state and local tax laws, and related  
20415 ordinances and resolutions; and (c) the approved business  
20416 enterprise must enter into an agreement with the MDA which sets



20417 out, at a minimum the performance requirements of the approved  
20418 business enterprise during the term of the exemption and  
20419 provisions for the recapture of all or a portion of the taxes  
20420 exempted if the performance requirements of the approved business  
20421 enterprise are not met.

20422 (3) Upon entering into such an agreement, the MDA shall  
20423 forward such agreement to the Department of Revenue and the  
20424 affected local taxing authorities so that the exemption can be  
20425 implemented. The Department of Revenue shall promulgate rules and  
20426 regulations, in accordance with the Mississippi Administrative  
20427 Procedures Law, for the implementation of both local and state  
20428 exemptions granted under this chapter.

20429 (4) Any business enterprise that relocates its present  
20430 operation and jobs to a growth and prosperity county or an  
20431 eligible supervisors district and not more than eight (8) miles  
20432 from the boundary of the county that meets the criteria of Section  
20433 57-80-7(1)(b) from another county in the state shall not receive  
20434 any of the exemptions granted in this chapter.

20435 (5) If the annualized unemployment rate in a growth and  
20436 prosperity county falls below one hundred fifty percent (150%) of  
20437 the state's annualized unemployment rate for three (3) consecutive  
20438 calendar years and less than thirty percent (30%) of the  
20439 population of the county is at or below the federal poverty level  
20440 according to the most recent official data compiled by the United  
20441 States Census Bureau as of December 31 of the third of such



20442 consecutive calendar years, the tax exemptions authorized under  
20443 this chapter may not be granted to additional business  
20444 enterprises.

20445           **SECTION 540.** Section 57-80-11, Mississippi Code of 1972, is  
20446 brought forward as follows:

20447           57-80-11. The MDA shall promulgate rules and regulations, in  
20448 accordance with the Mississippi Administrative Procedures Law, for  
20449 the implementation and administration of this chapter.

20450           **SECTION 541.** Section 57-85-1, Mississippi Code of 1972, is  
20451 brought forward as follows:

20452           57-85-1. This chapter shall be known and may be cited as the  
20453 "Mississippi Rural Impact Act."

20454           **SECTION 542.** Section 57-85-3, Mississippi Code of 1972, is  
20455 brought forward as follows:

20456           57-85-3. The Legislature finds and determines that:

20457           (a) There exists in the State of Mississippi a  
20458 continuing need for gainful employment for the citizens of the  
20459 rural areas of the state.

20460           (b) To help provide employment opportunities and to  
20461 impact the quality of life in these rural areas, a division within  
20462 the Mississippi Development Authority should be created with power  
20463 to promote business and economic development through job producing  
20464 programs and by providing financial assistance to communities and  
20465 businesses.



20466 (c) In accomplishing this purpose, such division will  
20467 be acting in all respects for the benefit of the people of the  
20468 state in the performance of essential public functions and serving  
20469 a valid purpose in improving or otherwise promoting their health,  
20470 welfare and prosperity, and the enactment of the provisions  
20471 hereinafter set forth is for a valid public purpose.

20472 (d) The borrowing of money and the issuance of bonds  
20473 for the purposes hereinafter set forth serves valid public  
20474 purposes that will contribute to the employment base of the state.

20475 **SECTION 543.** Section 57-85-5, Mississippi Code of 1972, is  
20476 brought forward as follows:

20477 57-85-5. (1) For the purposes of this section, the  
20478 following words and phrases shall have the meanings ascribed in  
20479 this section unless the context clearly indicates otherwise:

20480 (a) "MDA" means the Mississippi Development Authority.

20481 (b) "Project" means construction, rehabilitation or  
20482 repair of buildings; sewer systems and transportation directly  
20483 affecting the site of the proposed rural business; sewer  
20484 facilities, acquisition of real property, development of real  
20485 property, improvements to real property, and any other project  
20486 approved by the Mississippi Development Authority.

20487 (c) "Rural business" means a new or existing business  
20488 located or to be located in a rural community or a business or  
20489 industry located or to be located within five (5) miles of a rural



20490 community. "Rural business" does not include gaming businesses or  
20491 utility businesses.

20492 (d) "Rural community" means a county in the State of  
20493 Mississippi that meets the population criteria for the term  
20494 "limited population county" as provided in Section 57-1-18.  
20495 "Rural community" also means a municipality in the State of  
20496 Mississippi that meets the population criteria for the term "small  
20497 municipality" as provided in Section 57-1-18.

20498 (2) (a) There is created in the State Treasury a special  
20499 fund to be designated as the "Mississippi Rural Impact Fund,"  
20500 which shall consist of funds appropriated or otherwise made  
20501 available by the Legislature in any manner and funds from any  
20502 other source designated for deposit into such fund. Unexpended  
20503 amounts remaining in the fund at the end of a fiscal year shall  
20504 not lapse into the State General Fund, and any investment earnings  
20505 or interest earned on amounts in the fund shall be deposited to  
20506 the credit of the fund. Monies in the fund shall be used to make  
20507 grants and loans to rural communities and loan guaranties on  
20508 behalf of rural businesses to assist in completing projects under  
20509 this section.

20510 (b) Monies in the fund which are derived from proceeds  
20511 of bonds issued after April 15, 2003, may be used to reimburse  
20512 reasonable actual and necessary costs incurred by the MDA for the  
20513 administration of the various grant, loan and financial incentive  
20514 programs administered by the MDA. An accounting of actual costs



20515 incurred for which reimbursement is sought shall be maintained by  
20516 the MDA. Reimbursement of reasonable actual and necessary costs  
20517 shall not exceed three percent (3%) of the proceeds of bonds  
20518 issued. Reimbursements under this paragraph (b) shall satisfy any  
20519 applicable federal tax law requirements.

20520 (c) The MDA may use monies in the fund to pay for the  
20521 services of architects, engineers, attorneys and such other  
20522 advisors, consultants and agents that the MDA determines are  
20523 necessary to review loan and grant applications and to implement  
20524 and administer the program established under this section.

20525 (d) The State Auditor may conduct performance and  
20526 compliance audits under this chapter according to Section  
20527 7-7-211(o) and may bill the oversight agency.

20528 (3) The MDA shall establish a program to make grants and  
20529 loans to rural communities and loan guaranties on behalf of rural  
20530 businesses from the Mississippi Rural Impact Fund. A rural  
20531 community may apply to the MDA for a grant or loan under this  
20532 section in the manner provided for in this section. A rural  
20533 business may apply to the MDA for a loan guaranty under this  
20534 section in the manner provided in this section.

20535 (4) A rural community desiring assistance under this section  
20536 must submit an application to the MDA. The application must  
20537 include a description of the project for which assistance is  
20538 requested, the cost of the project for which assistance is  
20539 requested and any other information required by the MDA. A rural



20540 business desiring assistance under this section must submit an  
20541 application to the MDA. The application must include a  
20542 description of the purpose for which assistance is requested and  
20543 any other information required by the MDA. The MDA may waive any  
20544 requirements of the program established under this section in  
20545 order to expedite funding for unique projects.

20546 (5) The MDA shall have all powers necessary to implement and  
20547 administer the program established under this section, and the MDA  
20548 shall promulgate rules and regulations, in accordance with the  
20549 Mississippi Administrative Procedures Law, necessary for the  
20550 implementation of this section.

20551 **SECTION 544.** Section 57-89-1, Mississippi Code of 1972, is  
20552 brought forward as follows:

20553 57-89-1. The provisions of this chapter shall be known and  
20554 may be cited as the "Mississippi Motion Picture Incentive Act."

20555 **SECTION 545.** Section 57-89-3, Mississippi Code of 1972, is  
20556 brought forward as follows:

20557 57-89-3. As used in this chapter, the following terms shall  
20558 have the meanings ascribed in this section unless the context  
20559 clearly indicates otherwise:

20560 (a) "Base investment" means the actual investment made  
20561 and expended in Mississippi by a motion picture production company  
20562 in connection with the production of a state-certified production  
20563 in the state. The term "base investment" includes amounts  
20564 expended in Mississippi by a motion picture production company as



20565 per diem and housing allowances in connection with the production  
20566 of a state-certified production in the state. The term "base  
20567 investment" shall not include payroll. However, in the case of a  
20568 motion picture production company, or its owner, principal,  
20569 member, production partner, independent contractor director or  
20570 producer, or subsidiary company that (i) is designated and  
20571 pre-qualified by the Mississippi Development Authority as  
20572 Mississippi-based or a Mississippi resident; (ii) has filed income  
20573 taxes in the State of Mississippi during each of the previous  
20574 three (3) years; and (iii) has engaged in activities related to  
20575 the production of at least two (2) motion pictures in Mississippi  
20576 during the past ten (10) years, base investment may include  
20577 payroll and fringes paid for any employee who is not a resident  
20578 and whose wages are subject to the Mississippi Income Tax  
20579 Withholding Law of 1968, if so requested by the motion picture  
20580 production company. A motion picture production company must  
20581 submit such a request to the Mississippi Development Authority at  
20582 the time the company submits an application for approval as a  
20583 state-certified production. In addition, if base investment  
20584 includes payroll and fringes, and the payroll and fringes paid for  
20585 an employee exceeds Five Million Dollars (\$5,000,000.00), then  
20586 only the first Five Million Dollars (\$5,000,000.00) of such  
20587 payroll and fringes may be included in base investment.





20588 (b) "Employee" means an individual directly involved in  
20589 the physical production and/or post-production of a motion picture  
20590 produced in the state and who is employed by a:

20591 (i) Motion picture production company that is  
20592 directly involved in the physical production and/or  
20593 post-production of a motion picture in the state;

20594 (ii) Personal service corporation retained by a  
20595 motion picture production company to provide persons used directly  
20596 in the physical production and/or post-production of a motion  
20597 picture in the state; or

20598 (iii) Payroll service or loan-out company that is  
20599 retained by a motion picture production company to provide  
20600 employees who work directly in the physical production and/or  
20601 post-production of a motion picture in the state.

20602 (c) "Fringes" means costs paid by a motion picture  
20603 production company on or after September 1, 2013, for employee  
20604 benefits that are not subject to state income tax. Fringes may  
20605 include, but are not limited to, payments by an employer for  
20606 unemployment insurance, Federal Insurance Contribution Act (FICA),  
20607 workers' compensation insurance, pension and welfare benefits and  
20608 health insurance premiums.

20609 (d) "Motion picture" means a nationally distributed  
20610 feature-length film, video, DVD, television program or series,  
20611 commercial, or computer or video game made in Mississippi, in  
20612 whole or in part, for theatrical or DVD release or television



20613 viewing or as a television pilot or viewing through streaming  
20614 video or internet delivery, or for playing on a video game  
20615 console, personal computer or handheld device. The term "motion  
20616 picture" shall not include the production of television coverage  
20617 of news and athletic events, or a film, video, DVD, television  
20618 program, series, or commercial that contains any material or  
20619 performance defined in Section 97-29-103.

20620 (e) "Motion picture production company" means a company  
20621 engaged in the business of producing nationally distributed motion  
20622 pictures, videos, DVDs, television programs or series,  
20623 commercials, or computer or video games intended for a theatrical  
20624 release, for television viewing or for playing on a video game  
20625 console, personal computer or handheld device. The term "motion  
20626 picture production company" includes a company engaged in the  
20627 business of making such productions through the use of animation,  
20628 interactive media, preproduction and post-production 3D  
20629 applications, video game cinematics, virtual production, visual  
20630 effects, and motion capture within the fields of feature film,  
20631 television, commercials and games. The term "motion picture  
20632 production company" shall not mean or include any company owned,  
20633 affiliated, or controlled, in whole or in part, by any company or  
20634 person which is in default on a loan made by the state or a loan  
20635 guaranteed by the state, or any company or person who has ever  
20636 declared bankruptcy under which an obligation of the company or



20637 person to pay or repay public funds or monies was discharged as a  
20638 part of such bankruptcy.

20639 (f) "Payroll" means salary, wages or other compensation  
20640 including related benefits paid to employees upon which  
20641 Mississippi income tax is due and has been withheld.

20642 (g) "Resident" or "resident of Mississippi" means a  
20643 natural person, and for the purpose of determining eligibility for  
20644 the rebate provided by Section 57-89-7, any person domiciled in  
20645 the State of Mississippi and any other person who maintains a  
20646 permanent place of abode within the state and spends in the  
20647 aggregate more than six (6) months of each year within the state.

20648 (h) "State" means the State of Mississippi.

20649 (i) "State-certified production" means a motion picture  
20650 approved by the Mississippi Development Authority produced by a  
20651 motion picture production company in the state. An application  
20652 for approval as a state-certified production must be submitted to  
20653 the Mississippi Development Authority before production of the  
20654 project begins.

20655 **SECTION 546.** Section 57-89-7, Mississippi Code of 1972, is  
20656 brought forward as follows:

20657 57-89-7. (1) (a) A motion picture production company that  
20658 expends at least Fifty Thousand Dollars (\$50,000.00) in base  
20659 investment, payroll and/or fringes, in the state shall be entitled  
20660 to a rebate of a portion of the base investment made by the motion  
20661 picture production company. Subject to the provisions of this



20662 section, the amount of the rebate shall be equal to twenty-five  
20663 percent (25%) of the base investment made by the motion picture  
20664 production company.

20665 (b) In addition to the rebates authorized under  
20666 paragraphs (a), (c) and (d) of this subsection, a motion picture  
20667 production company may receive a rebate equal to twenty-five  
20668 percent (25%) of payroll and fringes paid for any employee who is  
20669 not a resident and whose wages are subject to the Mississippi  
20670 Income Tax Withholding Law of 1968. However, if the payroll and  
20671 fringes paid for an employee exceeds Five Million Dollars  
20672 (\$5,000,000.00), then the rebate is authorized only for the first  
20673 Five Million Dollars (\$5,000,000.00) of such payroll and fringes.

20674 (c) In addition to the rebates authorized under  
20675 paragraphs (a), (b) and (d) of this subsection, a motion picture  
20676 production company may receive a rebate equal to thirty percent  
20677 (30%) of payroll and fringes paid for any employee who is a  
20678 resident and whose wages are subject to the Mississippi Income Tax  
20679 Withholding Law of 1968. However, if the payroll and fringes paid  
20680 for an employee exceeds Five Million Dollars (\$5,000,000.00), then  
20681 the rebate is authorized only for the first Five Million Dollars  
20682 (\$5,000,000.00) of such payroll and fringes.

20683 (d) In addition to the rebates authorized in paragraphs  
20684 (a), (b) and (c) of this subsection, a motion picture production  
20685 company may receive an additional rebate equal to five percent  
20686 (5%) of the payroll and fringes paid for any employee who is an



20687 honorably discharged veteran of the United States Armed Forces and  
20688 whose wages are subject to the Mississippi Income Tax Withholding  
20689 Law of 1968.

20690 (e) If a motion picture has physical production  
20691 activities and/or post-production activities both inside and  
20692 outside the state, then the motion picture production company  
20693 shall be required to provide an itemized accounting for each  
20694 employee regarding such activities inside and outside the state  
20695 for the purposes of proration of eligible payroll based on the  
20696 percentage of activities performed in the state.

20697 (f) The total amount of rebates authorized for a motion  
20698 picture project shall not exceed Ten Million Dollars  
20699 (\$10,000,000.00) in the aggregate.

20700 (g) The total amount of rebates authorized in any  
20701 fiscal year shall not exceed Twenty Million Dollars  
20702 (\$20,000,000.00) in the aggregate.

20703 (2) A motion picture production company desiring a rebate  
20704 under this section must submit a rebate request to the Department  
20705 of Revenue upon completion of the project. The request must  
20706 include a detailed accounting of the base investment made by the  
20707 motion picture production company and any other information  
20708 required by the Department of Revenue. Rebates made by the  
20709 Department of Revenue under this section shall be made from  
20710 current income tax collections. The Department of Revenue shall



20711 not approve any application for a rebate under subsection (1) (b)  
20712 of this section after July 1, 2017.

20713 (3) The Department of Revenue shall have all powers  
20714 necessary to implement and administer the provisions of this  
20715 section, and the Department of Revenue shall promulgate rules and  
20716 regulations, in accordance with the Mississippi Administrative  
20717 Procedures Law, necessary for the implementation of this section.

20718 (4) The State Auditor may conduct performance and compliance  
20719 audits under this chapter according to Section 7-7-211(o) and may  
20720 bill the oversight agency.

20721 **SECTION 547.** Section 57-91-1, Mississippi Code of 1972, is  
20722 brought forward as follows:

20723 57-91-1. This chapter shall be known and may be cited as the  
20724 "Economic Redevelopment Act."

20725 **SECTION 548.** Section 57-91-3, Mississippi Code of 1972, is  
20726 brought forward as follows:

20727 57-91-3. The Legislature finds and determines that there  
20728 exists in this state a continuing need for programs to assist  
20729 certain counties and municipalities in encouraging economic  
20730 development, the consequent job creation and retention, additional  
20731 private investment and increased local and state revenue which  
20732 together insures the further development of a balanced economy.  
20733 The Legislature further finds that this need is particularly great  
20734 in counties and municipalities where there are located certain  
20735 environmentally contaminated sites that are not currently



20736 conducive to such economic development. To achieve the combined  
20737 purposes of encouraging economic development on and around  
20738 environmentally contaminated sites, it is necessary to assist and  
20739 encourage such economic development by providing temporary tax  
20740 incentives within certain counties and municipalities to certain  
20741 business enterprises.

20742 Further, the Legislature finds and determines that the  
20743 authority granted under this chapter and the purposes to be  
20744 accomplished hereby are proper governmental and public purposes  
20745 and that the resulting economic benefits to the state are of  
20746 paramount importance, mandating that the provisions of this  
20747 chapter be liberally construed and applied in order to advance the  
20748 public purposes.

20749 **SECTION 549.** Section 57-91-5, Mississippi Code of 1972, is  
20750 brought forward as follows:

20751 57-91-5. As used in this chapter, the following words and  
20752 phrases shall have the meanings ascribed herein unless the context  
20753 clearly indicates otherwise:

20754 (a) "Business enterprise" means any permanent business  
20755 enterprise locating or relocating within a redevelopment project  
20756 area, including, without limitation:

20757 (i) Industry for the manufacturing, processing,  
20758 assembling, storing, warehousing, servicing, distributing or  
20759 selling of any products or goods, including products of  
20760 agriculture;



20761 (ii) Enterprises for research and development,  
20762 including, but not limited to, scientific laboratories;  
20763 (iii) Industry for the retail sale of goods and  
20764 services;  
20765 (iv) The industry for recreation and hospitality,  
20766 including, but not limited to, restaurants, hotels and sports  
20767 facilities; and  
20768 (v) Such other businesses or industry as will be  
20769 in furtherance of the public purposes of this chapter as  
20770 determined by the MDA.

20771 The term "business enterprise" shall not include gaming  
20772 businesses.

20773 (b) "Contaminated site" means real property that is  
20774 either (i) subject to a bankruptcy court order in which the  
20775 property has been abandoned from the bankruptcy estate, or (ii)  
20776 Brownfield property that is subject to a Brownfield agreement  
20777 under Section 49-35-11, and the expansion, redevelopment or reuse  
20778 of which is complicated by the presence or potential presence of a  
20779 hazardous substance, pollutant or contaminant.

20780 (c) "County" means any county of this state.

20781 (d) "Developer" means any person who assumes certain  
20782 environmental liability at a contaminated site and enters into an  
20783 agreement with a redevelopment county or municipality whereby the  
20784 developer agrees to undertake a redevelopment project. "Developer  
20785 agreement" means said agreement.





20786 (e) "Governing body" means the board of supervisors of  
20787 any county or the governing board of a municipality.

20788 (f) "Law" means any act or statute, general, special or  
20789 local, of this state.

20790 (g) "MDA" means the Mississippi Development Authority.

20791 (h) "MDEQ" means the Mississippi Department of  
20792 Environmental Quality.

20793 (i) "Municipality" means any incorporated municipality  
20794 in the state.

20795 (j) "Person" means a natural person, partnership,  
20796 association, corporation, business trust or other business entity.

20797 (k) "Redevelopment counties and municipalities" means  
20798 those counties or municipalities which meet the requirements of  
20799 this chapter and which have by resolution or order designated a  
20800 redevelopment project area and given its consent to participate in  
20801 the program established under this chapter.

20802 (l) "Redevelopment project" means a project that  
20803 combines remediation of a contaminated site with the planned  
20804 development of such site and surrounding land in a manner  
20805 conducive to use by the public or business enterprises including  
20806 the construction of recreational facilities.

20807 (m) "Redevelopment project area" means the geographic  
20808 area defined by resolution of the county or municipality within  
20809 which the remediation and planned development will take place  
20810 containing the contaminated site and additional surrounding and



20811 adjacent land and waterfront, not exceeding six hundred fifty  
20812 (650) acres, suitable for development.

20813 (n) "Resolution" means an order, resolution, ordinance,  
20814 act, record of minutes or other appropriate enactment of a  
20815 governing body.

20816 (o) "State taxes and fees" means any sales tax imposed  
20817 on the sales or certain purchases by a business enterprise  
20818 pursuant to law within a redevelopment project area, all income  
20819 tax imposed pursuant to law on income earned by the approved  
20820 business enterprise within a redevelopment project area and all  
20821 franchise tax imposed pursuant to law on the value of capital  
20822 used, invested or employed by the approved business enterprise in  
20823 a redevelopment project area.

20824 **SECTION 550.** Section 57-91-7, Mississippi Code of 1972, is  
20825 brought forward as follows:

20826 57-91-7. (1) From and after January 1, 2005, any counties  
20827 or municipalities meeting the following conditions may apply to  
20828 the MDA for the issuance of a certificate of public convenience  
20829 and necessity:

20830 (a) There is located within such county or municipality  
20831 a contaminated site;

20832 (b) There has been established by resolution of the  
20833 county or municipality a redevelopment project area;

20834 (c) There is submitted to the MDA application for  
20835 designation as a redevelopment county or municipality which, at



20836 minimum, contains (i) MDEQ concurrence of the existence of a  
20837 contaminated site and concurrence and involvement in the  
20838 assessment and remediation plan, (ii) a resolution of the county  
20839 or municipality setting forth the boundaries of the redevelopment  
20840 project area and consenting to the designation of the county or  
20841 municipality as a redevelopment county or municipality, and (iii)  
20842 a developer agreement.

20843         (2) If a proposed redevelopment project area falls wholly  
20844 within the municipality, only the municipality must apply to the  
20845 MDA for designation as a redevelopment municipality. If a  
20846 proposed redevelopment project area falls wholly within the county  
20847 and outside the boundaries of a municipality, only the county may  
20848 apply to the MDA for designation as a redevelopment county. If a  
20849 proposed redevelopment project area falls partly within and partly  
20850 without a municipality, then both the county and municipality must  
20851 apply for designation as a redevelopment county and municipality;  
20852 however, the county and municipality may submit a single  
20853 application to the MDA, but the governing bodies of both the  
20854 county and the municipality must pass resolutions meeting the  
20855 requirements of paragraph (c)(ii) of subsection (1) of this  
20856 section.

20857         **SECTION 551.** Section 57-91-9, Mississippi Code of 1972, is  
20858 brought forward as follows:

20859         57-91-9. (1) There is created in the State Treasury a  
20860 special fund to be known as the "Redevelopment Project Incentive



20861 Fund," into which shall be deposited certain state taxes and fees  
20862 collected from business enterprises located within the  
20863 redevelopment project area.

20864 The monies in the fund shall be used for the purpose of  
20865 making the incentive payments authorized in this section. The  
20866 fund shall be administered by the MDA. Any interest earned on or  
20867 investment earnings on the amounts in the fund shall be deposited  
20868 to the credit of the fund. Unexpended amounts remaining in the  
20869 fund at the end of a fiscal year that are not necessary for  
20870 incentive payments shall lapse into the General Fund. The MDA may  
20871 use not more than one percent (1%) of interest earned or  
20872 investment earnings, or both, on amounts in the fund for  
20873 administration and management of the incentive program. The MDEQ  
20874 may use not more than one percent (1%) of interest earned or  
20875 investment earnings, or both, on amounts in the fund for oversight  
20876 costs of the assessment and remediation of the contaminated site.

20877 (2) (a) Incentive payments may be made by the MDA to a  
20878 developer in connection with a redevelopment project. Subject to  
20879 the provisions of this subsection, the payments to a developer  
20880 shall be for the amount of state taxes and fees collected from  
20881 business enterprises located and operating within a redevelopment  
20882 project area and deposited into the Redevelopment Project  
20883 Incentive Fund. In the case of sales taxes, the amounts deposited  
20884 in the Redevelopment Project Incentive Fund shall be reduced by  
20885 the diversions required in Section 27-65-75. The MDA shall make



20886 payments to an approved participant on a semiannual basis with  
20887 payments being made in the months of January and July. The MDA  
20888 shall make the calculations necessary to make the payments  
20889 provided for in this section. The MDA shall cease making  
20890 incentive payments to a developer fifteen (15) years from the date  
20891 that is two (2) years after the date on which the redevelopment  
20892 project is approved by the MDA.

20893 (b) Except as otherwise provided in this subsection,  
20894 payments made to a developer under this section shall be in the  
20895 following amounts:

20896 (i) For the first six (6) years in which such  
20897 payments are made, the developer shall receive one hundred percent  
20898 (100%) of the funds deposited into the Redevelopment Project  
20899 Incentive Fund;

20900 (ii) For the seventh year in which such payments  
20901 are made, the developer shall receive eighty percent (80%) of the  
20902 funds deposited into the Redevelopment Project Incentive Fund;

20903 (iii) For the eighth year in which such payments  
20904 are made, the developer shall receive seventy percent (70%) of the  
20905 funds deposited into the Redevelopment Project Incentive Fund;

20906 (iv) For the ninth year in which such payments are  
20907 made, the developer shall receive sixty percent (60%) of the funds  
20908 deposited into the Redevelopment Project Incentive Fund; and

20909 (v) For the tenth year and any subsequent year in  
20910 which such payments are made, the developer shall receive fifty



20911 percent (50%) of the funds deposited into the Redevelopment  
20912 Project Incentive Fund.

20913 (c) In no event shall the total aggregate amount of  
20914 incentive payments that may be made to a developer under this  
20915 section exceed two and one-half (2-1/2) times the amount of the  
20916 allowable cost of remediation of the contaminated site. The  
20917 allowable cost of remediation of the contaminated site shall be  
20918 jointly determined by the MDEQ and the MDA.

20919 (d) Any monies in the Redevelopment Project Incentive  
20920 Fund which are not used for the purpose of making incentive  
20921 payments to a developer shall be deposited into the State General  
20922 Fund. The developer shall not distribute the proceeds of any  
20923 incentive payment to a business enterprise.

20924 (3) At such time as payments are no longer required to be  
20925 made to a developer, the MDA shall notify the Department of  
20926 Revenue and the state taxes and fees collected from business  
20927 enterprises located within the redevelopment project area shall no  
20928 longer be deposited into the Redevelopment Project Incentive Fund.

20929 **SECTION 552.** Section 57-91-11, Mississippi Code of 1972, is  
20930 brought forward as follows:

20931 57-91-11. The MDA shall promulgate rules and regulations, in  
20932 accordance with the Mississippi Administrative Procedures Law, for  
20933 the implementation and administration of this chapter.

20934 **SECTION 553.** Section 57-93-1, Mississippi Code of 1972, is  
20935 brought forward as follows:



20936           57-93-1. (1) As used in this section:

20937                   (a) "Existing industry" means a manufacturing

20938 enterprise that has been operating in this state for not less than

20939 two (2) consecutive years that meets minimum criteria established

20940 by the Mississippi Development Authority.

20941                   (b) "Long-term fixed assets" means assets that:

20942                           (i) Through new technology will improve an

20943 enterprise's productivity and competitiveness; and

20944                           (ii) Meet criteria established by the Mississippi

20945 Development Authority.

20946                   (c) "MDA" means the Mississippi Development Authority.

20947           (2) (a) There is established the Mississippi Existing

20948 Industry Productivity Loan Program to be administered by the MDA

20949 for the purpose of providing loans to:

20950                           (i) Existing industries to deploy long-term fixed

20951 assets that through new technology will improve productivity and

20952 competitiveness;

20953                           (ii) Existing industries for the purchase or

20954 refinancing of land, buildings or equipment; and

20955                           (iii) Counties or incorporated municipalities to

20956 assist existing industries in deploying long-term fixed assets

20957 that through new technology will improve productivity and

20958 competitiveness and to assist existing industries through the

20959 purchase of land, buildings and equipment.



20960 (b) (i) An existing industry that accepts a loan under  
20961 this program shall not reduce employment by more than twenty  
20962 percent (20%) through the use of the long-term fixed assets for  
20963 which the loan is granted.

20964 (ii) An existing industry that accepts assistance  
20965 from a county or incorporated municipality through a loan made  
20966 under this program shall not reduce employment by more than twenty  
20967 percent (20%) through the use of the long-term fixed assets for  
20968 which the assistance is granted.

20969 (c) An existing industry desiring a loan under this  
20970 section must submit an application to the MDA. The application  
20971 shall include:

20972 (i) A description of the purpose for which the  
20973 loan is requested;

20974 (ii) The amount of the loan requested;

20975 (iii) The estimated total cost of the project;

20976 (iv) A two-year business plan for the project;

20977 (v) Financial statements or tax returns for the  
20978 existing industry for the two (2) years immediately prior to the  
20979 application;

20980 (vi) Credit reports on all persons or entities  
20981 with a twenty percent (20%) or greater interest in the enterprise;  
20982 and

20983 (vii) Any other information required by the MDA.





20984 (d) A county or incorporated municipality desiring a  
20985 loan under this section must submit an application to the MDA.  
20986 The application shall include:  
20987 (i) A description of the purpose for which the  
20988 loan is requested;  
20989 (ii) The amount of the loan requested;  
20990 (iii) The estimated total cost of the project;  
20991 (iv) A statement showing the sources of funding  
20992 for the project;  
20993 (v) A two-year business plan for the project;  
20994 (vi) Financial statements or tax returns for the  
20995 existing industry for the two (2) years immediately prior to the  
20996 application;  
20997 (vii) Credit reports on all persons or entities  
20998 with a twenty percent (20%) or greater interest in the existing  
20999 industry;  
21000 (viii) Any commitment by the existing industry to  
21001 pay rental on, or to make loan repayments related to, the  
21002 assistance; and  
21003 (ix) Any other information required by the MDA.  
21004 (e) The MDA shall require that binding commitments be  
21005 entered into requiring that:  
21006 (i) The minimum requirements of this section and  
21007 such other requirements as the MDA considers proper shall be met;  
21008 and



21009 (ii) If such requirements are not met, all or a  
21010 portion of the funds provided by this section as determined by the  
21011 MDA shall be repaid.

21012 (f) The rate of interest on loans under this section  
21013 shall be set by the MDA.

21014 (g) The MDA shall have all powers necessary to  
21015 implement and administer the program established under this  
21016 section, and the MDA shall promulgate rules and regulations, in  
21017 accordance with the Mississippi Administrative Procedures Law,  
21018 necessary for the implementation of this section. However, in  
21019 making loans under this section, the MDA shall attempt to provide  
21020 for an equitable distribution of such loans among each of the  
21021 congressional districts of this state in order to promote economic  
21022 development across the entire state.

21023 (3) (a) There is created in the State Treasury a special  
21024 fund to be designated as the "Mississippi Existing Industry  
21025 Productivity Loan Fund," which shall consist of funds appropriated  
21026 or otherwise made available by the Legislature in any manner and  
21027 funds from any other source designated for deposit into such fund.  
21028 Unexpended amounts remaining in the fund at the end of a fiscal  
21029 year shall not lapse into the State General Fund, and any  
21030 investment earnings or interest earned on amounts in the fund  
21031 shall be deposited to the credit of the fund. Monies in the fund  
21032 shall be used by the MDA for the purposes described in this  
21033 section.



21034 (b) Monies in the fund which are derived from the  
21035 proceeds of general obligation bonds may be used to reimburse  
21036 reasonable actual and necessary costs incurred by the MDA for the  
21037 administration of the various grant, loan and financial incentive  
21038 programs administered by the MDA. An accounting of actual costs  
21039 incurred for which reimbursement is sought shall be maintained by  
21040 the MDA. Reimbursement of reasonable actual and necessary costs  
21041 shall not exceed three percent (3%) of the proceeds of bonds that  
21042 are deposited into the fund. Reimbursements made under this  
21043 subsection shall satisfy any applicable federal tax law  
21044 requirements.

21045 (c) (i) There is hereby created the Mississippi  
21046 Existing Industry Productivity Loan Program Bond Sinking Fund from  
21047 which the principal and interest on bonds whose proceeds are  
21048 deposited into the Mississippi Existing Industry Productivity Loan  
21049 Fund and utilized to provide loans authorized under this section,  
21050 shall be repaid. Unexpended amounts remaining in the bond sinking  
21051 fund at the end of a fiscal year shall not lapse into the State  
21052 General Fund, and any interest earned or investment earnings on  
21053 amounts in the bond sinking fund shall be deposited into the bond  
21054 sinking fund. At any time when the funds required to pay the  
21055 principal and interest on bonds whose proceeds are deposited into  
21056 the Mississippi Existing Industry Productivity Loan Fund and are  
21057 utilized to provide loans under this section are more than the  
21058 amount available in the bond sinking fund, the Legislature shall



21059 appropriate the balance of the funds necessary to pay the  
21060 principal and interest on such bonds.

21061 (ii) Money repaid on loans authorized under this  
21062 section that are derived from the proceeds of bonds deposited into  
21063 the Mississippi Existing Industry Productivity Loan Fund shall be  
21064 deposited into the Mississippi Existing Industry Productivity Loan  
21065 Program Bond Sinking Fund.

21066 (4) (a) A county that receives a loan under this section  
21067 shall pledge for repayment of the loan any part of the homestead  
21068 exemption annual tax loss reimbursement to which it may be  
21069 entitled under Section 27-33-77. An incorporated municipality  
21070 that receives a loan under this section shall pledge for repayment  
21071 of the loan any part of the sales tax revenue distribution to  
21072 which it may be entitled under Section 27-65-75. Each loan  
21073 agreement shall provide for monthly payments, semiannual payments  
21074 or other periodic payments, the annual total of which shall not  
21075 exceed the annual total for any other year of the loan by more  
21076 than fifteen percent (15%). The loan agreement shall provide for  
21077 the repayment of all funds received within not more than twenty  
21078 (20) years from the date of project completion.

21079 (b) The State Auditor, upon request of the MDA, shall  
21080 audit the receipts and expenditures of a county or an incorporated  
21081 municipality whose loan payments appear to be in arrears, and if  
21082 he finds that the county or municipality is in arrears in such  
21083 payments, he shall immediately notify the Executive Director of



21084 the Department of Finance and Administration who shall withhold  
21085 all future payments to the county of homestead exemption  
21086 reimbursements under Section 27-33-77 and all sums allocated to  
21087 the county or the municipality under Section 27-65-75 until such  
21088 time as the county or the municipality is again current in its  
21089 loan payments as certified by the MDA. In addition, the State  
21090 Auditor may conduct performance and compliance audits under this  
21091 chapter according to Section 7-7-211(o) and may bill the oversight  
21092 agency.

21093 (c) Evidences of indebtedness which are issued pursuant  
21094 to this chapter shall not be deemed indebtedness within the  
21095 meaning specified in Section 21-33-303 with regard to cities or  
21096 incorporated towns, and in Section 19-9-5 with regard to counties.

21097 **SECTION 554.** Section 57-95-1, Mississippi Code of 1972, is  
21098 brought forward as follows:

21099 57-95-1. (1) As used in this section:

21100 (a) "At-risk industry" means any enterprise that has  
21101 been operating in this state for not less than three (3)  
21102 consecutive years that has lost jobs or is at risk to lose jobs  
21103 because such jobs have been outsourced.

21104 (b) "MDA" means the Mississippi Development Authority.

21105 (c) "Outsource" means to send out work or jobs of a  
21106 certain provider or manufacturer of the State of Mississippi to an  
21107 overseas provider or manufacturer or a provider or manufacturer



21108 located outside the boundaries of the United States or any  
21109 territory of the United States.

21110 (2) (a) There is established the Mississippi Job Protection  
21111 Act to be administered by the MDA for the purpose of providing  
21112 grants and loans to:

21113 (i) At-risk industries to be used for job  
21114 retention and to improve productivity and competitiveness; and

21115 (ii) Counties and incorporated municipalities to  
21116 provide assistance to at-risk industries to be used for job  
21117 retention and to improve productivity and competitiveness.

21118 (b) (i) An at-risk industry that accepts a grant or  
21119 loan under this program shall not reduce employment by more than  
21120 twenty percent (20%).

21121 (ii) An at-risk industry that accepts assistance  
21122 from a county or incorporated municipality through a loan or grant  
21123 made under this section shall not reduce employment by more than  
21124 twenty percent (20%).

21125 (c) An at-risk industry desiring a grant or loan under  
21126 this section must submit an application to the MDA. The  
21127 application shall include:

21128 (i) A description of the purpose for which the  
21129 grant or loan is requested;

21130 (ii) The amount of the grant or loan requested;

21131 (iii) The estimated total cost of the project;

21132 (iv) A two-year business plan for the project;



21133 (v) Financial statements or tax returns for the  
21134 at-risk industry for the two (2) years immediately prior to the  
21135 application;

21136 (vi) Credit reports on all persons or entities  
21137 with a twenty percent (20%) or greater interest in the at-risk  
21138 industry; and

21139 (vii) Any other information required by the MDA.

21140 (d) A county or incorporated municipality desiring a  
21141 grant or loan under this section must submit an application to the  
21142 MDA. The application shall include:

21143 (i) A description of the purpose for which the  
21144 loan is requested;

21145 (ii) The amount of the grant or loan requested;

21146 (iii) The estimated total cost of the project;

21147 (iv) A statement showing the sources of funding  
21148 for the project;

21149 (v) A two-year business plan for the project;

21150 (vi) Financial statements or tax returns for the  
21151 at-risk industry for the two (2) years immediately prior to the  
21152 application;

21153 (vii) Credit reports on all persons or entities  
21154 with a twenty percent (20%) or greater interest in the at-risk  
21155 industry;



21156 (viii) Any commitment by the at-risk industry to  
21157 pay rental on, or to make loan repayments related to, the  
21158 assistance; and

21159 (ix) Any other information required by the MDA.

21160 (e) The MDA shall require that binding commitments be  
21161 entered into requiring that:

21162 (i) The minimum requirements of this section and  
21163 such other requirements as the MDA considers proper shall be met;  
21164 and

21165 (ii) If such requirements are not met, all or a  
21166 portion of the funds provided by this section as determined by the  
21167 MDA shall be repaid.

21168 (f) The amount of a grant or loan under this section  
21169 shall not exceed fifty percent (50%) of the total cost of the  
21170 project.

21171 (g) The MDA shall have all powers necessary to  
21172 implement and administer the program established under this  
21173 section, and the MDA shall promulgate rules and regulations, in  
21174 accordance with the Mississippi Administrative Procedures Law,  
21175 necessary for the implementation of this section.

21176 (3) Grants under this section shall not exceed Two Hundred  
21177 Thousand Dollars (\$200,000.00).

21178 (4) (a) There is created in the State Treasury a special  
21179 fund to be designated as the "Mississippi Job Protection Act  
21180 Fund," which shall consist of funds appropriated or otherwise made





21181 available by the Legislature in any manner and funds from any  
21182 other source designated for deposit into such fund. Unexpended  
21183 amounts remaining in the fund at the end of a fiscal year shall  
21184 not lapse into the State General Fund, and any investment earnings  
21185 or interest earned on amounts in the fund shall be deposited to  
21186 the credit of the fund. Monies in the fund shall be used by the  
21187 MDA for the purposes described in this section.

21188           (b) Monies in the fund which are derived from the  
21189 proceeds of general obligation bonds may be used to reimburse  
21190 reasonable actual and necessary costs incurred by the MDA for the  
21191 administration of the various grant, loan and financial incentive  
21192 programs administered by the MDA. An accounting of actual costs  
21193 incurred for which reimbursement is sought shall be maintained by  
21194 the MDA. Reimbursement of reasonable actual and necessary costs  
21195 shall not exceed three percent (3%) of the proceeds of bonds  
21196 issued under Sections 40 through 55 of Chapter 1, Laws of Third  
21197 Extraordinary Session of 2005. Reimbursements made under this  
21198 subsection shall satisfy any applicable federal tax law  
21199 requirements.

21200           (c) (i) There is hereby created the Mississippi Job  
21201 Protection Act Bond Sinking Fund from which the principal and  
21202 interest on bonds whose proceeds are deposited into the  
21203 Mississippi Job Protection Act Fund and utilized to provide loans  
21204 authorized under this section, shall be repaid. Unexpended  
21205 amounts remaining in the bond sinking fund at the end of a fiscal



21206 year shall not lapse into the State General Fund, and any interest  
21207 earned or investment earnings on amounts in the bond sinking fund  
21208 shall be deposited into the bond sinking fund. At any time when  
21209 the funds required to pay the principal and interest on bonds  
21210 whose proceeds are deposited into the Mississippi Job Protection  
21211 Act Fund and are utilized to provide loans under this section are  
21212 more than the amount available in the bond sinking fund, the  
21213 Legislature shall appropriate the balance of the funds necessary  
21214 to pay the principal and interest on such bonds.

21215 (ii) Money repaid on loans authorized under this  
21216 section that are derived from the proceeds of bonds deposited into  
21217 the Mississippi Job Protection Act Fund shall be deposited into  
21218 the Mississippi Job Protection Act Bond Sinking Fund.

21219 (5) (a) A county that receives a loan under this section  
21220 shall pledge for repayment of the loan any part of the homestead  
21221 exemption annual tax loss reimbursement to which it may be  
21222 entitled under Section 27-33-77. An incorporated municipality  
21223 that receives a loan under this section shall pledge for repayment  
21224 of the loan any part of the sales tax revenue distribution to  
21225 which it may be entitled under Section 27-65-75. Each loan  
21226 agreement shall provide for monthly payments, semiannual payments  
21227 or other periodic payments, the annual total of which shall not  
21228 exceed the annual total for any other year of the loan by more  
21229 than fifteen percent (15%). The loan agreement shall provide for



21230 the repayment of all funds received within not more than twenty  
21231 (20) years from the date of project completion.

21232 (b) The State Auditor, upon request of the MDA, shall  
21233 audit the receipts and expenditures of a county or an incorporated  
21234 municipality whose loan payments appear to be in arrears, and if  
21235 he finds that the county or municipality is in arrears in such  
21236 payments, he shall immediately notify the Executive Director of  
21237 the Department of Finance and Administration who shall withhold  
21238 all future payments to the county of homestead exemption  
21239 reimbursements under Section 27-33-77 and all sums allocated to  
21240 the county or the municipality under Section 27-65-75 until such  
21241 time as the county or the municipality is again current in its  
21242 loan payments as certified by the MDA. The State Auditor may  
21243 conduct performance and compliance audits under this chapter  
21244 according to Section 7-7-211(o) and may bill the oversight agency.

21245 (c) Evidences of indebtedness which are issued pursuant  
21246 to this section shall not be deemed indebtedness within the  
21247 meaning specified in Section 21-33-303 with regard to cities or  
21248 incorporated towns, and in Section 19-9-5 with regard to counties.

21249 **SECTION 555.** Section 57-99-1, Mississippi Code of 1972, is  
21250 brought forward as follows:

21251 57-99-1. As used in Sections 57-99-1 through 57-99-9, the  
21252 following words and phrases shall have the meanings ascribed in  
21253 this section unless the context clearly indicates otherwise:



21254 (a) "Qualified business or industry" means any company  
21255 and affiliates thereof, pursuant to rules and regulations of the  
21256 MDA, which is:

21257 (i) A project that has been certified by the MMEIA  
21258 as a project defined in Section 57-75-5(f)(xxi) and creates at  
21259 least one thousand five hundred (1,500) jobs within sixty (60)  
21260 months of the beginning of the project;

21261 (ii) A project that has been certified by the  
21262 MMEIA as a project defined in Section 57-75-5(f)(xxii) and creates  
21263 at least five hundred (500) jobs within seventy-two (72) months of  
21264 the beginning of the project;

21265 (iii) A project:

21266 1. That has been certified by the MMEIA as a  
21267 project defined in Section 57-75-5(f)(xxviii);

21268 2. Creates at least twenty-five (25) jobs  
21269 within sixty (60) months of the beginning of the project; and

21270 3. In which the average annual wages and  
21271 taxable benefits of the jobs created by such project are at least  
21272 one hundred ten percent (110%) of the most recently published  
21273 average annual wage of the state or the most recently published  
21274 average annual wage of the county in which the project is located,  
21275 as determined by the Mississippi Department of Employment  
21276 Security, whichever is the lesser; or

21277 (iv) A project:



21278 1. That has been certified by the MMEIA as a  
21279 project defined in Section 57-75-5(f) (xxix);

21280 2. That creates at least twenty-five (25)  
21281 jobs within sixty (60) months following the date required by the  
21282 MMEIA and prescribed by written agreement between the MMEIA and  
21283 the enterprise establishing the project described in item 1 of  
21284 this subparagraph (iv); and

21285 3. In which the average annual wages of the  
21286 jobs created by such project are at least one hundred ten percent  
21287 (110%) of the most recently published average annual wage of the  
21288 state, as determined by the Mississippi Department of Employment  
21289 Security.

21290 (b) "Qualified job" means full-time employment in this  
21291 state within the project site of a qualified business or industry  
21292 that has qualified to receive an incentive payment pursuant to  
21293 Sections 57-99-1 through 57-99-9, which employment did not exist  
21294 in this state before the date of approval by the MDA of the  
21295 application of the qualified business or industry pursuant to the  
21296 provisions of Sections 57-99-1 through 57-99-9. "Qualified job"  
21297 also shall include full-time employment in this state of employees  
21298 who are employed by an entity other than the establishment that  
21299 has qualified to receive an incentive payment such as employees  
21300 who are leased to and managed by the qualified business or  
21301 industry, if such employment did not exist in this state before  
21302 the date of approval by the MDA of the application of the



21303 establishment; provided, however, that in order for a qualified  
21304 business or industry to receive incentive payments for such  
21305 employees, the actual employer of the employees must agree to such  
21306 payments being made to the qualified business or industry.

21307 (c) "Full-time employment" means a job of at least  
21308 thirty-five (35) hours per week.

21309 (d) "Rebate amount" means the amount of Mississippi  
21310 income taxes withheld from employees in qualified jobs that is  
21311 available for rebate to the qualified business or industry,  
21312 provided that:

21313 (i) Except as otherwise provided in this paragraph  
21314 (d), the rebate amount shall be three and one-half percent  
21315 (3-1/2%) of the wages and taxable benefits for qualified jobs; and

21316 (ii) In no event shall incentive payments exceed  
21317 the actual Mississippi income taxes withheld from employees in  
21318 qualified jobs that are available for rebate to the qualified  
21319 business or industry.

21320 (e) "MDA" means the Mississippi Development Authority.

21321 (f) "MMEIA" means the Mississippi Major Economic Impact  
21322 Authority.

21323 **SECTION 556.** Section 57-99-3, Mississippi Code of 1972, is  
21324 brought forward as follows:

21325 57-99-3. (1) Except as otherwise provided in this section,  
21326 a qualified business or industry that meets the qualifications  
21327 specified in Sections 57-99-1 through 57-99-9 may receive



21328 quarterly incentive payments for a period not to exceed  
21329 twenty-five (25) years from the Department of Revenue pursuant to  
21330 the provisions of Sections 57-99-1 through 57-99-9 in an amount  
21331 which shall be equal to the lesser of three and one-half percent  
21332 (3-1/2%) of the wages and taxable benefits for qualified jobs or  
21333 the actual amount of Mississippi income tax withheld by the  
21334 employer for the qualified jobs. A qualified business or industry  
21335 may elect the date upon which the incentive rebate period will  
21336 begin. Such date may not be later than sixty (60) months after  
21337 the date the business or industry applied for incentive payments;  
21338 however, in the case of a qualified business or industry described  
21339 in Section 57-99-1(a)(ii), such date may not be later than  
21340 seventy-two (72) months after the date the business or industry  
21341 applied for incentive payments, or for a qualified business or  
21342 industry described in Section 57-99-1(a)(iv), such date may not be  
21343 later than the date that is sixty (60) months after the earlier  
21344 of:

21345 (a) The date the qualified business or industry applied  
21346 for incentive payments; or

21347 (b) The start of commercial production as defined in a  
21348 definitive agreement between such qualified business or industry  
21349 and the MDA.

21350 (2) In order to receive incentive payments, an establishment  
21351 shall apply to the MDA. The application shall be on a form



21352 prescribed by the MDA and shall contain such information as may be  
21353 required by the MDA to determine if the applicant is qualified.

21354 (3) In order to qualify to receive such payments, the  
21355 establishment applying shall be required to:

21356 (a) Be engaged in a qualified business or industry; and

21357 (b) The business or industry must create and maintain  
21358 the minimum number of qualified jobs as set forth in Section  
21359 57-99-1. Establishments that are approved as a qualified business  
21360 or industry under Sections 57-99-1 through 57-99-9 may not receive  
21361 incentive payments under Section 57-62-1 et seq.

21362 (4) Upon approval of such an application, the MDA shall  
21363 notify the Department of Revenue and shall provide it with a copy  
21364 of the approved application. The Department of Revenue may  
21365 require the qualified business or industry to submit such  
21366 additional information as may be necessary to administer the  
21367 provisions of Sections 57-99-1 through 57-99-9. The qualified  
21368 business or industry shall report to the Department of Revenue  
21369 periodically to show its continued eligibility for incentive  
21370 payments. The qualified business or industry may be audited by  
21371 the Department of Revenue to verify such eligibility.

21372 **SECTION 557.** Section 57-99-5, Mississippi Code of 1972, is  
21373 brought forward as follows:

21374 57-99-5. (1) There is created in the State Treasury a  
21375 special fund to be known as the "MMEIA Withholding Rebate Fund,"  
21376 into which shall be deposited withholding tax revenue required to





21377 be deposited into such fund pursuant to Section 27-7-312. The  
21378 money in the fund shall be used for the purpose of making the  
21379 incentive payments authorized under Sections 57-99-1 through  
21380 57-99-9.

21381 (2) The liability of the State of Mississippi to make the  
21382 incentive payments authorized under Sections 57-99-1 through  
21383 57-99-9 shall be limited to the balance contained in the fund.

21384 **SECTION 558.** Section 57-99-7, Mississippi Code of 1972, is  
21385 brought forward as follows:

21386 57-99-7. (1) As soon as practicable after the end of a  
21387 calendar quarter for which a qualified business or industry has  
21388 qualified to receive an incentive payment, the qualified business  
21389 or industry shall file a claim for the payment with the State Tax  
21390 Commission and shall specify the actual number of qualified jobs  
21391 created and maintained by the business or industry for the  
21392 calendar quarter and the wages and taxable benefits thereof. The  
21393 State Tax Commission shall verify the actual number of qualified  
21394 jobs created and maintained by the business or industry. If the  
21395 State Tax Commission is not able to provide such verification  
21396 utilizing all available resources, the State Tax Commission may  
21397 request such additional information from the business or industry  
21398 as may be necessary.

21399 (2) (a) The business or industry must meet the job  
21400 requirements of Sections 57-99-1 through 57-99-9 for four (4)  
21401 consecutive calendar quarters prior to payment of the first



21402 incentive payment. If the business or industry does not maintain  
21403 the job requirements of Sections 57-99-1 through 57-99-9 at any  
21404 other time during the twenty-five-year period after the date the  
21405 first payment was made, the incentive payments shall not be made  
21406 and shall not be resumed until such time as the actual verified  
21407 number of qualified jobs created and maintained by the business or  
21408 industry equals or exceeds the requirements of Sections 57-99-1  
21409 through 57-99-9 for one (1) calendar quarter.

21410 (3) An establishment that has qualified pursuant to Sections  
21411 57-99-1 through 57-99-9 may receive payments only in accordance  
21412 with the provision under which it initially applied and was  
21413 approved. If an establishment that is receiving incentive  
21414 payments expands, it may apply for additional incentive payments  
21415 based on the wages and taxable benefits for qualified jobs  
21416 anticipated from the expansion only, pursuant to Sections 57-99-1  
21417 through 57-99-9.

21418 (4) As soon as practicable after verification of the  
21419 qualified business or industry meeting the requirements of  
21420 Sections 57-99-1 through 57-99-9 and all rules and regulations,  
21421 the Department of Finance and Administration, upon requisition of  
21422 the State Tax Commission, shall issue a warrant drawn on the MMEIA  
21423 Withholding Rebate Fund to the establishment in the amount of the  
21424 rebate as determined pursuant to subsection (1) of this section  
21425 for the calendar quarter.



21426           **SECTION 559.** Section 57-99-9, Mississippi Code of 1972, is  
21427 brought forward as follows:

21428           57-99-9. The MDA and the State Tax Commission shall  
21429 promulgate rules and regulations, in accordance with the  
21430 Mississippi Administrative Procedures Law, and all application  
21431 forms and other forms necessary to implement their respective  
21432 duties and responsibilities under the provisions of Sections  
21433 57-99-1 through 57-99-9.

21434           **SECTION 560.** Section 57-99-21, Mississippi Code of 1972, is  
21435 brought forward as follows:

21436           57-99-21. As used in Sections 57-99-21 through 57-99-29, the  
21437 following words and phrases shall have the meanings ascribed in  
21438 this section unless the context clearly indicates otherwise:

21439           (a) "Qualified business or industry" means any  
21440 enterprise which is a project that has been certified by the  
21441 Mississippi Major Economic Impact Authority (MMEIA) as a project  
21442 defined in Section 57-75-5(f) (xxiv).

21443           (b) "Qualified job" means full-time employment at the  
21444 location of the manufacturing plant in this state of a qualified  
21445 business or industry that has qualified to receive an incentive  
21446 payment pursuant to Sections 57-99-21 through 57-99-29, which  
21447 employment existed in this state at the location of the  
21448 manufacturing plant on July 1, 2009.

21449           (c) "Full-time employment" means a job of at least  
21450 thirty-five (35) hours per week.



21451 (d) "Rebate amount" means the amount of Mississippi  
21452 income taxes withheld from employees in qualified jobs that is  
21453 available for rebate to the qualified business or industry,  
21454 provided that:

21455 (i) Except as otherwise provided in this paragraph  
21456 (d), the rebate amount shall be one percent (1%) of the wages and  
21457 taxable benefits for qualified jobs;

21458 (ii) In no event shall incentive payments exceed  
21459 the actual Mississippi income taxes withheld from employees in  
21460 qualified jobs that are available for rebate to the qualified  
21461 business or industry; and

21462 (iii) In no event shall the aggregate amount of  
21463 incentive payments authorized under Sections 57-99-21 through  
21464 57-99-29 exceed Six Million Dollars (\$6,000,000.00).

21465 (e) "MDA" means the Mississippi Development Authority.

21466 **SECTION 561.** Section 57-99-23, Mississippi Code of 1972, is  
21467 brought forward as follows:

21468 57-99-23. (1) Except as otherwise provided in this section,  
21469 a qualified business or industry that meets the qualifications  
21470 specified in Sections 57-99-21 through 57-99-29 may receive  
21471 quarterly incentive payments for a period not to exceed ten (10)  
21472 years from the State Tax Commission pursuant to the provisions of  
21473 Sections 57-99-21 through 57-99-29 in an amount which shall be  
21474 equal to the lesser of one percent (1%) of the wages and taxable



21475 benefits for qualified jobs or the actual amount of Mississippi  
21476 income tax withheld by the employer for the qualified jobs.

21477 (2) In order to receive incentive payments, an establishment  
21478 shall apply to the MDA by not later than July 1, 2010. The  
21479 application shall be on a form prescribed by the MDA and shall  
21480 contain such information as may be required by the MDA to  
21481 determine if the applicant is qualified.

21482 (3) In order to qualify to receive such payments, the  
21483 establishment applying shall be required to:

21484 (a) Be engaged in a qualified business or industry; and

21485 (b) The business or industry must maintain a minimum of  
21486 one thousand two hundred (1,200) qualified jobs.

21487 (4) Upon approval of such an application, the MDA shall  
21488 notify the State Tax Commission and shall provide it with a copy  
21489 of the approved application. The State Tax Commission may require  
21490 the qualified business or industry to submit such additional  
21491 information as may be necessary to administer the provisions of  
21492 Sections 57-99-21 through 57-99-29. The qualified business or  
21493 industry shall report to the State Tax Commission periodically to  
21494 show its continued eligibility for incentive payments. The  
21495 qualified business or industry may be audited by the State Tax  
21496 Commission to verify such eligibility.

21497 **SECTION 562.** Section 57-99-25, Mississippi Code of 1972, is  
21498 brought forward as follows:



21499           57-99-25. (1) There is created in the State Treasury a  
21500 special fund to be known as the "MMEIA Rebate Fund" into which  
21501 shall be deposited withholding tax revenue required to be  
21502 deposited into such fund pursuant to Section 27-7-312. The money  
21503 in the fund shall be used for the purpose of making the incentive  
21504 payments authorized under Sections 57-99-21 through 57-99-29.

21505           (2) The liability of the State of Mississippi to make the  
21506 incentive payments authorized under Sections 57-99-21 through  
21507 57-99-29 shall be limited to the balance contained in the fund.

21508           **SECTION 563.** Section 57-99-27, Mississippi Code of 1972, is  
21509 brought forward as follows:

21510           57-99-27. (1) As soon as practicable after the end of a  
21511 calendar quarter for which a qualified business or industry has  
21512 qualified to receive an incentive payment, the qualified business  
21513 or industry shall file a claim for the payment with the State Tax  
21514 Commission and shall specify the actual number of qualified jobs  
21515 created and maintained by the business or industry for the  
21516 calendar quarter and the wages and taxable benefits thereof. The  
21517 State Tax Commission shall verify the actual number of qualified  
21518 jobs maintained by the business or industry. If the State Tax  
21519 Commission is not able to provide such verification utilizing all  
21520 available resources, the State Tax Commission may request such  
21521 additional information from the business or industry as may be  
21522 necessary.



21523           (2) If the business or industry does not maintain the job  
21524 requirements of Sections 57-99-21 through 57-99-29 at any other  
21525 time during the ten-year period after the date the first payment  
21526 was made, the incentive payments shall not be made and shall not  
21527 be resumed until such time as the actual verified number of  
21528 qualified jobs created and maintained by the business or industry  
21529 equals or exceeds the requirements of Sections 57-99-21 through  
21530 57-99-29 for one (1) calendar quarter.

21531           (3) An establishment that has qualified pursuant to Sections  
21532 57-99-21 through 57-99-29 may receive payments only in accordance  
21533 with the provision under which it initially applied and was  
21534 approved.

21535           (4) As soon as practicable after verification of the  
21536 qualified business or industry meeting the requirements of  
21537 Sections 57-99-21 through 57-99-29 and all rules and regulations,  
21538 the Department of Finance and Administration, upon requisition of  
21539 the State Tax Commission, shall issue a warrant drawn on the MMEIA  
21540 Withholding Rebate Fund to the establishment in the amount of the  
21541 rebate as determined pursuant to subsection (1) of this section  
21542 for the calendar quarter.

21543           **SECTION 564.** Section 57-99-29, Mississippi Code of 1972, is  
21544 brought forward as follows:

21545           57-99-29. The MDA and the State Tax Commission shall  
21546 promulgate rules and regulations, in accordance with the  
21547 Mississippi Administrative Procedures Law, and all application



21548 forms and other forms necessary to implement their respective  
21549 duties and responsibilities under the provisions of Sections  
21550 57-99-21 through 57-99-29.

21551           **SECTION 565.** Section 57-100-1, Mississippi Code of 1972, is  
21552 brought forward as follows:

21553           57-100-1. As used in this chapter, the following words and  
21554 phrases shall have the meanings ascribed in this section unless  
21555 the context clearly indicates otherwise:

21556           (a) "Qualified business or industry" means a  
21557 manufacturing enterprise that has been operating in this state for  
21558 not less than two (2) consecutive years that meets minimum  
21559 criteria established by the Mississippi Development Authority.

21560           (b) "Qualified job" means a full-time job in this  
21561 state:

21562           (i) At the location of a qualified business or  
21563 industry that has qualified to receive an incentive payment  
21564 pursuant to this chapter;

21565           (ii) Which did not exist in this state before the  
21566 date of approval by the MDA of the application of the qualified  
21567 business or industry pursuant to the provisions of this chapter;  
21568 and

21569           (iii) The average annual salary of which is at  
21570 least one hundred percent (100%) of the state or county average  
21571 annual wage, whichever is the lesser.





21572 (c) "Full-time employment" means a job of at least  
21573 thirty-five (35) hours per week.

21574 (d) "Rebate amount" means the amount of Mississippi  
21575 income taxes withheld from employees in qualified jobs that is  
21576 available for rebate to the qualified business or industry,  
21577 provided that:

21578 (i) Except as otherwise provided in this paragraph  
21579 (d), the rebate amount shall be three and one-half percent  
21580 (3-1/2%) of the wages and taxable benefits for qualified jobs; and

21581 (ii) In no event shall incentive payments exceed  
21582 the actual Mississippi income taxes withheld from employees in  
21583 qualified jobs that are available for rebate to the qualified  
21584 business or industry.

21585 (e) "MDA" means the Mississippi Development Authority.

21586 **SECTION 566.** Section 57-100-3, Mississippi Code of 1972, is  
21587 brought forward as follows:

21588 57-100-3. (1) Except as otherwise provided in this section,  
21589 a qualified business or industry that meets the qualifications  
21590 specified in this chapter may receive quarterly incentive payments  
21591 for a period not to exceed two (2) years from the State Tax  
21592 Commission pursuant to the provisions of this chapter in an amount  
21593 which shall be equal to the lesser of three and one-half percent  
21594 (3-1/2%) of the wages and taxable benefits for qualified jobs or  
21595 the actual amount of Mississippi income tax withheld by the  
21596 employer for the qualified jobs. The two-year period shall begin



21597 the quarter after the State Tax Commission verifies that the  
21598 required number of jobs have been created.

21599 (2) In order to receive incentive payments, an establishment  
21600 shall apply to the MDA. The application shall be on a form  
21601 prescribed by the MDA and shall contain such information as may be  
21602 required by the MDA to determine if the applicant is qualified.

21603 (3) In order to qualify to receive such payments, the  
21604 establishment applying shall be required to:

21605 (a) Be engaged in a qualified business or industry; and

21606 (b) The business or industry must create a minimum of  
21607 ten (10) qualified jobs within six (6) months after the date of  
21608 the application and maintain at least ten (10) qualified jobs.

21609 (4) Upon approval of such an application, the MDA shall  
21610 notify the State Tax Commission and shall provide it with a copy  
21611 of the approved application. The State Tax Commission may require  
21612 the qualified business or industry to submit such additional  
21613 information as may be necessary to administer the provisions of  
21614 this chapter. The State Tax Commission shall verify that at least  
21615 ten (10) qualified jobs have been created within six (6) months  
21616 after the date of the application before incentive payments may  
21617 begin. The qualified business or industry shall report to the  
21618 State Tax Commission periodically to show its continued  
21619 eligibility for incentive payments. The qualified business or  
21620 industry may be audited by the State Tax Commission to verify such  
21621 eligibility.



21622 (5) No applications shall be accepted by MDA from and after  
21623 July 1, 2011.

21624 **SECTION 567.** Section 57-100-5, Mississippi Code of 1972, is  
21625 brought forward as follows:

21626 57-100-5. (1) There is created in the State Treasury a  
21627 special fund to be known as the "Existing Industry Withholding  
21628 Rebate Fund," into which shall be deposited withholding tax  
21629 revenue required to be deposited into such fund pursuant to  
21630 Section 27-7-312. The money in the fund shall be used for the  
21631 purpose of making the incentive payments authorized under this  
21632 chapter.

21633 (2) The liability of the State of Mississippi to make the  
21634 incentive payments authorized under this chapter shall be limited  
21635 to the balance contained in the fund.

21636 **SECTION 568.** Section 57-100-7, Mississippi Code of 1972, is  
21637 brought forward as follows:

21638 57-100-7. (1) As soon as practicable after the end of a  
21639 calendar quarter for which a qualified business or industry has  
21640 qualified to receive an incentive payment, the qualified business  
21641 or industry shall file a claim for the payment with the State Tax  
21642 Commission and shall specify the actual number of qualified jobs  
21643 created and maintained by the business or industry for the  
21644 calendar quarter and the wages and taxable benefits thereof. The  
21645 State Tax Commission shall verify the actual number of qualified  
21646 jobs created and maintained by the business or industry. If the



21647 State Tax Commission is not able to provide such verification  
21648 utilizing all available resources, the State Tax Commission may  
21649 request such additional information from the business or industry  
21650 as may be necessary.

21651 (2) If the business or industry does not maintain the job  
21652 requirements of this chapter at any other time during the two-year  
21653 period after the date the first payment was made, the incentive  
21654 payments shall not be made and shall not be resumed until such  
21655 time as the actual verified number of qualified jobs created and  
21656 maintained by the business or industry equals or exceeds the  
21657 requirements of this chapter for one (1) calendar quarter.

21658 (3) A qualified business or industry that has qualified  
21659 pursuant to this chapter may receive payments only in accordance  
21660 with the provision under which it initially applied and was  
21661 approved. If an establishment that is receiving incentive  
21662 payments expands, it may apply for additional incentive payments  
21663 based on the wages and taxable benefits for qualified jobs  
21664 anticipated from the expansion only, pursuant to this chapter.

21665 (4) As soon as practicable after verification of the  
21666 qualified business or industry meeting the requirements of this  
21667 chapter and all rules and regulations, the Department of Finance  
21668 and Administration, upon requisition of the State Tax Commission,  
21669 shall issue a warrant drawn on the Existing Industry Withholding  
21670 Rebate Fund to the establishment in the amount of the rebate as



21671 determined pursuant to subsection (1) of this section for the  
21672 calendar quarter.

21673           **SECTION 569.** Section 57-100-9, Mississippi Code of 1972, is  
21674 brought forward as follows:

21675           57-100-9. The MDA and the State Tax Commission shall  
21676 promulgate rules and regulations, in accordance with the  
21677 Mississippi Administrative Procedures Law, and all application  
21678 forms and other forms necessary to implement their respective  
21679 duties and responsibilities under the provisions of this chapter.

21680           **SECTION 570.** Section 57-105-1, Mississippi Code of 1972, is  
21681 brought forward as follows:

21682           57-105-1. (1) As used in this section:

21683                   (a) "Adjusted purchase price" means the investment in  
21684 the qualified community development entity for the qualified  
21685 equity investment, substantially all of the proceeds of which are  
21686 used to make qualified low-income community investments in  
21687 Mississippi.

21688           For the purposes of calculating the amount of qualified  
21689 low-income community investments held by a qualified community  
21690 development entity, an investment will be considered held by a  
21691 qualified community development entity even if the investment has  
21692 been sold or repaid; provided that the qualified community  
21693 development entity reinvests an amount equal to the capital  
21694 returned to or recovered by the qualified community development  
21695 entity from the original investment, exclusive of any profits



21696 realized, in another qualified low-income community investment in  
21697 Mississippi, including any federal Indian reservation located  
21698 within the geographical boundary of Mississippi within twelve (12)  
21699 months of the receipt of such capital. A qualified community  
21700 development entity will not be required to reinvest capital  
21701 returned from the qualified low-income community investments after  
21702 the sixth anniversary of the issuance of the qualified equity  
21703 investment, the proceeds of which were used to make the qualified  
21704 low-income community investment, and the qualified low-income  
21705 community investment will be considered held by the qualified  
21706 community development entity through the seventh anniversary of  
21707 the qualified equity investment's issuance.

21708 (b) "Applicable percentage" means:

21709 (i) For any equity investment issued prior to July  
21710 1, 2008, four percent (4%) for each of the second through seventh  
21711 credit allowance dates for purposes of the taxes imposed by  
21712 Section 27-7-5 and one and one-third percent (1-1/3%) for each of  
21713 the second through seventh credit allowance dates for purposes of  
21714 the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

21715 (ii) For any equity investment issued from and  
21716 after July 1, 2008, eight percent (8%) for each of the first  
21717 through third credit allowance dates for purposes of the taxes  
21718 imposed by Section 27-7-5 or the taxes imposed by Sections  
21719 27-15-103, 27-15-109 and 27-15-123.



21720 (c) "Credit allowance date" means, with respect to any  
21721 qualified equity investment:

21722 (i) The later of:

21723 1. The date upon which the qualified equity  
21724 investment is initially made; or

21725 2. The date upon which the Mississippi  
21726 Development Authority issues a certificate under subsection (4) of  
21727 this section; and

21728 (ii) 1. For equity investments issued prior to  
21729 July 1, 2008, each of the subsequent six (6) anniversary dates of  
21730 the date upon which the investment is initially made; or

21731 2. For equity investments issued from and  
21732 after July 1, 2008, each of the subsequent two (2) anniversary  
21733 dates of the date determined as provided for in subparagraph (i)  
21734 of this paragraph.

21735 (d) "Qualified community development entity" shall have  
21736 the meaning ascribed to such term in Section 45D of the Internal  
21737 Revenue Code of 1986, as amended, if the entity has entered into  
21738 an Allocation Agreement with the Community Development Financial  
21739 Institutions Fund of the United States Department of the Treasury  
21740 with respect to credits authorized by Section 45D of the Internal  
21741 Revenue Code of 1986, as amended.

21742 (e) "Qualified active low-income community business"  
21743 shall have the meaning ascribed to such term in Section 45D of the  
21744 Internal Revenue Code of 1986, as amended.



21745 (f) "Qualified equity investment" shall have the  
21746 meaning ascribed to such term in Section 45D of the Internal  
21747 Revenue Code of 1986, as amended. The investment does not have to  
21748 be designated as a qualified equity investment by the Community  
21749 Development Financial Institutions Fund of the United States  
21750 Treasury to be considered a qualified equity investment under this  
21751 section but otherwise must meet the definition under the Internal  
21752 Revenue Code. In addition to meeting the definition in Section  
21753 45D of the Internal Revenue Code such investment must also:

21754 (i) Have been acquired after January 1, 2007, at  
21755 its original issuance solely in exchange for cash; and

21756 (ii) Have been allocated by the Mississippi  
21757 Development Authority.

21758 For the purposes of this section, such investment shall be  
21759 deemed a qualified equity investment on the later of the date such  
21760 qualified equity investment is made or the date on which the  
21761 Mississippi Development Authority issues a certificate under  
21762 subsection (4) of this section allocating credits based on such  
21763 investment.

21764 (g) "Qualified low-income community investment" shall  
21765 have the meaning ascribed to such term in Section 45D of the  
21766 Internal Revenue Code of 1986, as amended; provided, however, that  
21767 the maximum amount of qualified low-income community investments  
21768 issued for a single qualified active low-income community  
21769 business, on an aggregate basis with all of its affiliates, that





21770 may be included for purposes of allocating any credits under this  
21771 section shall not exceed Ten Million Dollars (\$10,000,000.00), in  
21772 the aggregate, whether issued by one (1) or several qualified  
21773 community development entities.

21774 (2) A taxpayer that holds a qualified equity investment on  
21775 the credit allowance date shall be entitled to a credit applicable  
21776 against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109  
21777 and 27-15-123 during the taxable year that includes the credit  
21778 allowance date. The amount of the credit shall be equal to the  
21779 applicable percentage of the adjusted purchase price paid to the  
21780 qualified community development entity for the qualified equity  
21781 investment. The amount of the credit that may be utilized in any  
21782 one (1) tax year shall be limited to an amount not greater than  
21783 the total tax liability of the taxpayer for the taxes imposed by  
21784 the above-referenced sections. The credit shall not be refundable  
21785 or transferable. Any unused portion of the credit may be carried  
21786 forward for seven (7) taxable years beyond the credit allowance  
21787 date on which the credit was earned. The maximum aggregate amount  
21788 of qualified equity investments that may be allocated by the  
21789 Mississippi Development Authority may not exceed an amount that  
21790 would result in taxpayers claiming in any one (1) state fiscal  
21791 year credits in excess of Fifteen Million Dollars  
21792 (\$15,000,000.00), exclusive of credits that might be carried  
21793 forward from previous taxable years; however, a maximum of  
21794 one-third (1/3) of this amount may be allocated as credits for



21795 taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any  
21796 taxpayer claiming a credit under this section against the taxes  
21797 imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123  
21798 shall not be required to pay any additional tax under Section  
21799 27-15-123 as a result of claiming such credit. The Mississippi  
21800 Development Authority shall allocate credits within this limit as  
21801 provided for in subsection (4) of this section.

21802 (3) Tax credits authorized by this section that are earned  
21803 by a partnership, limited liability company, S corporation or  
21804 other similar pass-through entity, shall be allocated among all  
21805 partners, members or shareholders, respectively, either in  
21806 proportion to their ownership interest in such entity or as the  
21807 partners, members or shareholders mutually agree as provided in an  
21808 executed document. Such allocation shall be made each taxable  
21809 year of such pass-through entity which contains a credit allowance  
21810 date.

21811 (4) The qualified community development entity shall apply  
21812 for credits with the Mississippi Development Authority on forms  
21813 prescribed by the Mississippi Development Authority. The  
21814 qualified community development entity must pay an application fee  
21815 of One Thousand Dollars (\$1,000.00) to the Mississippi Development  
21816 Authority at the time the application is submitted. In the  
21817 application the qualified community development entity shall  
21818 certify to the Mississippi Development Authority the dollar amount  
21819 of the qualified equity investments made or to be made in this



21820 state, including in any federal Indian reservation located within  
21821 the state's geographical boundary, during the first twelve-month  
21822 period following the initial credit allowance date. The  
21823 Mississippi Development Authority shall allocate credits based on  
21824 the dollar amount of qualified equity investments as certified in  
21825 the application. Once the Mississippi Development Authority has  
21826 allocated credits to a qualified community development entity, if  
21827 the corresponding qualified equity investment has not been issued  
21828 as of the date of such allocation, then the corresponding  
21829 qualified equity investment must be issued not later than one  
21830 hundred twenty (120) days from the date of such allocation. If  
21831 the qualified equity investment is not issued within such time  
21832 period, the allocation shall be cancelled and returned to the  
21833 Mississippi Development Authority for reallocation. Upon final  
21834 documentation of the qualified low-income community investments,  
21835 if the actual dollar amount of the investments is lower than the  
21836 amount estimated, the Mississippi Development Authority shall  
21837 adjust the tax credit allowed under this section. The Department  
21838 of Revenue may recapture all of the credit allowed under this  
21839 section if:

21840 (a) Any amount of federal tax credits available with  
21841 respect to a qualified equity investment that is eligible for a  
21842 tax credit under this section is recaptured under Section 45D of  
21843 the Internal Revenue Code of 1986, as amended; or



21844 (b) The qualified community development entity redeems  
21845 or makes any principal repayment with respect to a qualified  
21846 equity investment prior to the seventh anniversary of the issuance  
21847 of the qualified equity investment; or

21848 (c) The qualified community development entity fails to  
21849 maintain at least eighty-five percent (85%) of the proceeds of the  
21850 qualified equity investment in qualified low-income community  
21851 investments in Mississippi at any time prior to the seventh  
21852 anniversary of the issuance of the qualified equity investment.

21853 Any credits that are subject to recapture under this  
21854 subsection shall be recaptured from the taxpayer that actually  
21855 claimed the credit.

21856 The Mississippi Development Authority shall not allocate any  
21857 credits under this section after July 1, 2021.

21858 (5) Each qualified community development entity that  
21859 receives qualified equity investments to make qualified low-income  
21860 community investments in Mississippi must annually report to the  
21861 Mississippi Development Authority the North American Industry  
21862 Classification System Code, the county, the dollars invested, the  
21863 number of jobs assisted and the number of jobs assisted with wages  
21864 over one hundred percent (100%) of the federal poverty level for a  
21865 family of four (4) of each qualified low-income community  
21866 investment.

21867 (6) The Mississippi Development Authority shall file an  
21868 annual report on all qualified low-income community investments



21869 with the Governor, the Clerk of the House of Representatives, the  
21870 Secretary of the Senate and the Secretary of State describing the  
21871 North American Industry Classification System Code, the county,  
21872 the dollars invested, the number of jobs assisted and the number  
21873 of jobs assisted with wages over one hundred percent (100%) of the  
21874 federal poverty level for a family of four (4) of each qualified  
21875 low-income community investment. The annual report will be posted  
21876 on the Mississippi Development Authority's internet website.

21877 (7) (a) The purpose of this subsection is to authorize the  
21878 creation and establishment of public benefit corporations for  
21879 financing arrangements regarding public property and facilities.

21880 (b) As used in this subsection:

21881 (i) "New Markets Tax Credit transaction" means any  
21882 financing transaction which utilizes either this section or  
21883 Section 45D of the Internal Revenue Code of 1986, as amended.

21884 (ii) "Public benefit corporation" means a  
21885 nonprofit corporation formed or designated by a public entity to  
21886 carry out the purposes of this subsection.

21887 (iii) "Public entity or public entities" includes  
21888 utility districts, regional solid waste authorities, regional  
21889 utility authorities, community hospitals, regional airport  
21890 authorities, municipal airport authorities, community and junior  
21891 colleges, educational building corporations established by or on  
21892 behalf of the state institutions of higher learning, school  
21893 districts, planning and development districts, county economic



21894 development districts, urban renewal agencies, any other regional  
21895 or local economic development authority, agency or governmental  
21896 entity, and any other regional or local industrial development  
21897 authority, agency or governmental entity.

21898 (iv) "Public property or facilities" means any  
21899 property or facilities owned or leased by a public entity or  
21900 public benefit corporation.

21901 (c) Notwithstanding any other provision of law to the  
21902 contrary, public entities are authorized pursuant to this  
21903 subsection to create one or more public benefit corporations or  
21904 designate an existing corporation as a public benefit corporation  
21905 for the purpose of entering into financing agreements and engaging  
21906 in New Markets Tax Credit transactions, which shall include,  
21907 without limitation, arrangements to plan, acquire, renovate,  
21908 construct, lease, sublease, manage, operate and/or improve new or  
21909 existing public property or facilities located within the  
21910 boundaries or service area of the public entity. Any financing  
21911 arrangement authorized under this subsection shall further any  
21912 purpose of the public entity and may include a term of up to fifty  
21913 (50) years.

21914 (d) Notwithstanding any other provision of law to the  
21915 contrary and in order to facilitate the acquisition, renovation,  
21916 construction, leasing, subleasing, management, operating and/or  
21917 improvement of new or existing public property or facilities to  
21918 further any purpose of a public entity, public entities are



21919 authorized to enter into financing arrangements in order to  
21920 transfer public property or facilities to and/or from public  
21921 benefit corporations, including, without limitation, sales,  
21922 sale-leasebacks, leases and lease-leasebacks, provided such  
21923 transfer is related to any New Markets Tax Credit transaction  
21924 furthering any purpose of the public entity. Any such transfer  
21925 under this paragraph (d) and the public property or facilities  
21926 transferred in connection therewith shall be exempted from any  
21927 limitation or requirements with respect to leasing, acquiring,  
21928 and/or constructing public property or facilities.

21929 (e) With respect to a New Markets Tax Credit  
21930 transaction, public entities and public benefit corporations are  
21931 authorized to enter into financing arrangements with any  
21932 governmental, nonprofit or for-profit entity in order to leverage  
21933 funds not otherwise available to public entities for the  
21934 acquisition, construction and/or renovation of properties  
21935 transferred to such public benefit corporations. The use of any  
21936 funds loaned by or contributed by a public benefit corporation or  
21937 borrowed by or otherwise made available to a public benefit  
21938 corporation in such financing arrangement shall be dedicated  
21939 solely to (i) the development of new properties or facilities  
21940 and/or the renovation of existing properties or facilities or  
21941 operation of properties or facilities, and/or (ii) the payment of  
21942 costs and expenditures related to any such financing arrangements,  
21943 including, but not limited to, funding any reserves required in



21944 connection therewith, the repayment of any indebtedness incurred  
21945 in connection therewith, and the payment of fees and expenses  
21946 incurred in connection with the closing, administration,  
21947 accounting and/or compliance with respect to the New Markets Tax  
21948 Credit transaction.

21949 (f) A public benefit corporation created pursuant to  
21950 this subsection shall not be a political subdivision of the state  
21951 but shall be a nonprofit corporation organized and governed under  
21952 the provisions of the laws of this state and shall be a special  
21953 purpose corporation established to facilitate New Markets Tax  
21954 Credit transactions consistent with the requirements of this  
21955 section.

21956 (g) Neither this subsection nor anything herein  
21957 contained is or shall be construed as a restriction or limitation  
21958 upon any powers which the public entity or public benefit  
21959 corporation might otherwise have under any laws of this state, and  
21960 this subsection is cumulative to any such powers. This subsection  
21961 does and shall be construed to provide a complete additional and  
21962 alternative method for the doing of the things authorized thereby  
21963 and shall be regarded as supplemental and additional to powers  
21964 conferred by other laws.

21965 (8) The Mississippi Development Authority shall promulgate  
21966 rules and regulations to implement the provisions of this section.

21967 **SECTION 571.** Section 57-111-1, Mississippi Code of 1972, is  
21968 brought forward as follows:





21969           57-111-1. (1) As used in this section:

21970                   (a) "MDA" means the Mississippi Development Authority.

21971                   (b) "Program" means the Mississippi Small Business and

21972 Existing Forestry Industry Enterprise Participating Loan Program

21973 established in this section.

21974                   (c) "Small business" means any commercial enterprise

21975 with less than one hundred (100) full-time employees, less than

21976 Seven Million Dollars (\$7,000,000.00) in gross revenues or less

21977 than Seven Hundred Fifty Thousand Dollars (\$750,000.00) in net

21978 annual profit after taxes.

21979                   (d) "Existing forestry industry enterprise" means a

21980 manufacturing enterprise that:

21981                           (i) Has its principal place of business in this

21982 state;

21983                           (ii) Has been operating in this state for not less

21984 than three (3) consecutive years preceding the date of submitting

21985 an application for assistance under this section;

21986                           (iii) Performs the initial processing of pine logs

21987 and/or hardwood logs in the production of lumber products or is

21988 engaged in the production of poles and/or timbers; and

21989                           (iv) Has employed an average of not less than

21990 fifteen (15) employees based on the most recent thirty-six-month

21991 period preceding the date that the enterprise submits an

21992 application for assistance under this section.



21993 The term "existing forestry industry enterprise" does not include  
21994 any (a) enterprise with the primary business of producing chips or  
21995 (b) pulp manufacturer and/or paper manufacturer.

21996 (2) The MDA shall establish a program of loans to be made to  
21997 small businesses and existing forestry industry enterprises for  
21998 the purpose of encouraging the extension of conventional financing  
21999 and the issuance of letters of credit to small businesses and  
22000 existing forestry industry enterprises by private institutions.  
22001 Money to make the loans under the program shall be drawn by the  
22002 MDA from the Small Business Participating Loan Program Revolving  
22003 Fund. The amount of a loan to any single small business or  
22004 existing forestry industry enterprise under the program shall not  
22005 exceed fifty percent (50%) of the total cost of the project for  
22006 which financing is sought. Interest shall be charged on the loans  
22007 at a rate equal to one percent (1%) above the current published  
22008 prime rate. The term of any loan made under this section shall  
22009 not exceed five (5) years. Repayments of loans made by the MDA  
22010 under the program shall be deposited to the credit of the Small  
22011 Business and Existing Forestry Industry Enterprise Participating  
22012 Loan Program Revolving Fund. Small businesses may utilize loan  
22013 proceeds for buildings, equipment and working capital. An  
22014 existing forestry industry enterprise that receives a loan under  
22015 this section may use the loan proceeds for the purpose of  
22016 providing working capital, acquiring machinery and equipment,  
22017 making upgrades and improvements to machinery and equipment,



22018 acquiring raw materials and any other purposes approved by the  
22019 MDA.

22020 (3) There is created a special fund in the State Treasury to  
22021 be known as the Small Business and Existing Forestry Industry  
22022 Enterprise Participating Loan Program Revolving Fund which shall  
22023 consist of money from any source designated for deposit into the  
22024 fund. Unexpended amounts remaining in the fund at the end of a  
22025 fiscal year shall not lapse into the State General Fund, and any  
22026 investment earnings or interest earned on amounts in the fund  
22027 shall be deposited to the credit of the fund. Money in the fund  
22028 shall be disbursed by the Mississippi Development Authority for  
22029 the purposes authorized in subsection (2) of this section.

22030 (4) Money in the fund that is derived from the proceeds of  
22031 general obligation bonds may be used to reimburse reasonable  
22032 actual and necessary costs incurred by the MDA for the  
22033 administration of the various grant, loan and financial incentive  
22034 programs administered by the MDA. An accounting of actual costs  
22035 incurred for which reimbursement is sought shall be maintained by  
22036 the MDA. Reimbursement of reasonable actual and necessary costs  
22037 shall not exceed three percent (3%) of the proceeds of bonds  
22038 issued. Reimbursements made under this subsection shall satisfy  
22039 any applicable federal tax law requirements.

22040 **SECTION 572.** Section 57-113-1, Mississippi Code of 1972, is  
22041 brought forward as follows:

22042 57-113-1. As used in this article:



22043 (a) "Business enterprise" means:

22044 (i) Any enterprise owning or operating a facility  
22045 for the manufacture or assembly of systems or components used in  
22046 the generation of clean energy that locates or expands in this  
22047 state which will have a minimum capital investment in this state  
22048 of Fifty Million Dollars (\$50,000,000.00) and will create a  
22049 minimum of two hundred fifty (250) new, full-time jobs.

22050 (ii) Any enterprise owning or operating a facility  
22051 that manufactures, assembles or processes products, components or  
22052 systems for the aerospace industry or provides research and  
22053 development or training services in the aerospace industry that  
22054 locates or expands in this state, which will have a minimum  
22055 capital investment in this state of Twenty-five Million Dollars  
22056 (\$25,000,000.00) in land, building and equipment and will create a  
22057 minimum of twenty-five (25) new, full-time jobs which provide an  
22058 average annual salary, excluding benefits which are not subject to  
22059 Mississippi income taxes, of at least one hundred ten percent  
22060 (110%) of the most recently published state average annual wage or  
22061 the most recently published average annual wage of the county in  
22062 which the qualified business or industry is located as determined  
22063 by the Mississippi Department of Employment Security, whichever is  
22064 less.

22065 (b) "Aerospace industry" means the industry that  
22066 researches, designs, manufactures, repairs, operates and/or



22067 maintains products, components and systems which enable vehicles  
22068 to move through the air and space.

22069 (c) "Biomass" means and includes any of the following:

22070 (i) Forest-related mill residues, pulping  
22071 by-product and other by-products of wood processing, thinnings,  
22072 slash, limbs, bark, brush and other cellulosic plant material or  
22073 nonmerchantable forest-related products;

22074 (ii) Solid wood waste materials, including  
22075 dunnage, manufacturing and construction wood wastes, demolition  
22076 and storm debris and landscape or right-of-way trimmings;

22077 (iii) Agriculture wastes, including orchard tree  
22078 crops, vineyard, grain, legumes, sugar and other crop by-products  
22079 or residues and livestock waste nutrients;

22080 (iv) All plant and grass material that is grown  
22081 exclusively as a fuel for the production of electricity;

22082 (v) Refuse derived fuels consisting of organic  
22083 components and fibers of waste water treatment solids; or

22084 (vi) Whole trees.

22085 (d) "Clean energy" means energy that is generated from  
22086 either:

22087 (i) A renewable energy source such as wind, water,  
22088 biomass or solar; or

22089 (ii) An alternative energy source such as nuclear.

22090 (e) "MDA" means the Mississippi Development Authority.

22091 (f) "State tax" means:



22092 (i) Any sales or use tax imposed on the business  
22093 enterprise pursuant to law related to the purchase of component  
22094 building materials and equipment for initial construction of  
22095 facilities or expansion of facilities that are certified by the  
22096 Mississippi Development Authority;

22097 (ii) All income tax imposed pursuant to law on  
22098 income earned by the business enterprise certified by the  
22099 Mississippi Development Authority;

22100 (iii) Franchise tax imposed pursuant to law on the  
22101 value of capital used, invested or employed by the business  
22102 enterprise certified by the Mississippi Development Authority; and

22103 (iv) Any sales or use tax imposed on the lease of  
22104 machinery and equipment acquired in the initial construction to  
22105 establish the facility or for an expansion certified by the  
22106 Mississippi Development Authority.

22107 **SECTION 573.** Section 57-113-3, Mississippi Code of 1972, is  
22108 brought forward as follows:

22109 57-113-3. Business enterprises wishing to apply for the tax  
22110 exemptions authorized by this article shall make application to  
22111 the MDA prior to construction or acquisition of the buildings for  
22112 the location or expansion of the business enterprise in this  
22113 state. The application shall, at a minimum, contain:

22114 (a) An overview of the project that includes the  
22115 selected site, the number of jobs proposed, the length of time



22116 necessary for the company to meet its investment and employment  
22117 requirements;

22118 (b) A two-year business plan, which shall include pro  
22119 forma financial statements for the project;

22120 (c) Data supporting the expertise of the project's  
22121 principals;

22122 (d) An acknowledgment that the business entity will be  
22123 required to provide annual documentation to demonstrate that the  
22124 minimum job requirement is being maintained; and

22125 (e) Such information as may be requested by the MDA.

22126 **SECTION 574.** Section 57-113-5, Mississippi Code of 1972, is  
22127 brought forward as follows:

22128 57-113-5. (1) Upon approval of the application, the MDA  
22129 shall issue certification designating the business enterprise as  
22130 eligible for the tax exemptions authorized by this article. This  
22131 certification shall document the date by which all commitments  
22132 must be met.

22133 (2) Upon the issuance of the certification, the business  
22134 enterprise shall be exempt from state taxes for a period of ten  
22135 (10) years subject to the performance requirements set out in the  
22136 agreement required by subsection (3)(c) of this section. If the  
22137 business enterprise is located in an area that has been declared  
22138 by the Governor to be a disaster area and as a direct result of  
22139 the disaster the business enterprise is unable to utilize the  
22140 exemption from state taxes, the MDA may extend the period of time



22141 by which the minimum requirements must be met and duration of the  
22142 exemption from state taxes for not more than two (2) years. Any  
22143 business enterprise that has property or equipment purchased  
22144 utilizing the state tax exemption that is damaged or destroyed as  
22145 a result of the disaster may purchase replacement equipment and  
22146 component building materials exempt from sales and use tax.

22147 (3) The following conditions, along with any other  
22148 conditions the MDA shall promulgate from time to time by rule or  
22149 regulation, shall apply to such exemptions:

22150 (a) Any exemption provided under this article is  
22151 nontransferable and cannot be applied, used or assigned to any  
22152 other person or business or tax account without prior approval by  
22153 the MDA;

22154 (b) No approved business enterprise may claim or use  
22155 the exemption granted under this article unless that enterprise is  
22156 in full compliance with all state and local tax laws, and related  
22157 ordinances and resolutions; and

22158 (c) The business enterprise must enter into an  
22159 agreement with the MDA which sets out, at a minimum, the  
22160 performance requirements of the approved business enterprise  
22161 during the term of the exemption and provisions for the recapture  
22162 of all or a portion of the taxes exempted if the performance  
22163 requirements of the business enterprise are not met.

22164 (4) Upon certifying a business enterprise as eligible for  
22165 the exemptions under this article, the MDA shall forward the





22166 certification along with any other necessary information to the  
22167 Department of Revenue so that the exemptions can be implemented.  
22168 The Department of Revenue shall promulgate rules and regulations,  
22169 in accordance with the Mississippi Administrative Procedures Law,  
22170 for the implementation of the state tax exemptions granted under  
22171 this article.

22172         **SECTION 575.** Section 57-113-7, Mississippi Code of 1972, is  
22173 brought forward as follows:

22174             57-113-7. The MDA shall promulgate rules and regulations, in  
22175 accordance with the Mississippi Administrative Procedures Law, for  
22176 the implementation and administration of this article.

22177         **SECTION 576.** Section 57-113-21, Mississippi Code of 1972, is  
22178 brought forward as follows:

22179             57-113-21. As used in this article:

22180             (a) "Business enterprise" means any business enterprise  
22181 owning or operating a data center with a minimum capital  
22182 investment in this state of Twenty Million Dollars  
22183 (\$20,000,000.00) which will create a minimum of twenty (20) new,  
22184 full-time jobs with a minimum average annual salary of not less  
22185 than one hundred twenty-five percent (125%) of the average annual  
22186 state wage.

22187             (b) "Data center" means a business enterprise that  
22188 utilizes hardware, software, technology, infrastructure and/or  
22189 workforce, to store, manage or manipulate digital data.

22190             (c) "MDA" means the Mississippi Development Authority.



22191 (d) "State tax" means:

22192 (i) Any sales and use tax imposed on the business  
22193 enterprise pursuant to law related to the purchase or lease of  
22194 component building materials and equipment for initial  
22195 construction of facilities or expansion of facilities that are  
22196 certified by the Mississippi Development Authority;

22197 (ii) Any sales and use tax imposed by law on the  
22198 business enterprise pursuant to law related to the purchase of  
22199 replacement hardware, software or other necessary technology to  
22200 operate a data center;

22201 (iii) All income tax imposed pursuant to law on  
22202 income earned by the business enterprise certified by the  
22203 Mississippi Development Authority; and

22204 (iv) Franchise tax imposed pursuant to law on the  
22205 value of capital used, invested or employed by the business  
22206 enterprise certified by the Mississippi Development Authority.

22207 **SECTION 577.** Section 57-113-23, Mississippi Code of 1972, is  
22208 brought forward as follows:

22209 57-113-23. Business enterprises wishing to apply for the tax  
22210 exemptions authorized by this article shall make application to  
22211 the MDA prior to construction or acquisition of the buildings for  
22212 the location or expansion of the business enterprise in this  
22213 state. The application, at a minimum, shall contain:

22214 (a) An overview of the project that includes the  
22215 selected site, the number of jobs proposed, the length of time



22216 necessary for the company to meet its investment and employment  
22217 requirements;

22218 (b) A two-year business plan, which shall include pro  
22219 forma financial statements for the project and any service  
22220 contracts to be performed at the Mississippi facility;

22221 (c) Data supporting the expertise of the project's  
22222 principals;

22223 (d) An acknowledgment that the business entity will be  
22224 required to provide annual documentation to demonstrate that the  
22225 minimum job requirement is being maintained; and

22226 (e) Such information as may be requested by the MDA.

22227 **SECTION 578.** Section 57-113-25, Mississippi Code of 1972, is  
22228 brought forward as follows:

22229 57-113-25. (1) Upon approval of the application, the MDA  
22230 shall issue a certification designating the business enterprise as  
22231 eligible for the tax exemptions authorized by this article. This  
22232 certification shall document the date by which all commitments  
22233 must be met.

22234 (2) Upon the issuance of the certification, the business  
22235 enterprise shall be exempt from state taxes for a period of ten  
22236 (10) years subject to the performance requirements set out in the  
22237 agreement required by subsection (3)(c) of this section.

22238 (3) The following conditions, along with any other  
22239 conditions the MDA shall promulgate from time to time by rule or  
22240 regulation, shall apply to such exemptions:



22241 (a) Any exemption provided under this article is  
22242 nontransferable and cannot be applied, used or assigned to any  
22243 other person or business or tax account without prior approval by  
22244 the MDA;

22245 (b) No approved business enterprise may claim or use  
22246 the exemption granted under this article unless that enterprise is  
22247 in full compliance with all state and local tax laws, and related  
22248 ordinances and resolutions; and

22249 (c) The business enterprise must enter into an  
22250 agreement with the MDA which sets out, at a minimum, the  
22251 performance requirements of the approved business enterprise  
22252 during the term of the exemption and provisions for the recapture  
22253 of all or a portion of the taxes exempted if the performance  
22254 requirements of the business enterprise are not met.

22255 (4) Upon certifying a business enterprise as eligible for  
22256 the exemptions under this article, the MDA shall forward the  
22257 certification along with any other necessary information to the  
22258 Department of Revenue so that the exemptions can be implemented.  
22259 The Department of Revenue shall promulgate rules and regulations,  
22260 in accordance with the Mississippi Administrative Procedures Law,  
22261 for the implementation of the state tax exemptions granted under  
22262 this article.

22263 **SECTION 579.** Section 57-113-27, Mississippi Code of 1972, is  
22264 brought forward as follows:



22265 57-113-27. The MDA shall promulgate rules and regulations,  
22266 in accordance with the Mississippi Administrative Procedures Law,  
22267 for the implementation and administration of this article.

22268 **SECTION 580.** Section 57-115-1, Mississippi Code of 1972, is  
22269 brought forward as follows:

22270 57-115-1. This chapter shall be known and may be cited as  
22271 the Mississippi Small Business Investment Company Act.

22272 **SECTION 581.** Section 57-115-3, Mississippi Code of 1972, is  
22273 brought forward as follows:

22274 57-115-3. As used in this chapter, the following terms and  
22275 phrases shall have the meanings ascribed in this section unless  
22276 the context clearly indicates otherwise:

22277 (a) "Affiliate" means:

22278 (i) Any person who, directly or indirectly,  
22279 beneficially owns, controls, or holds power to vote fifteen  
22280 percent (15%) or more of the outstanding voting securities or  
22281 other voting ownership interest of a Mississippi small business  
22282 investment company or insurance company; and

22283 (ii) Any person, fifteen percent (15%) or more of  
22284 whose outstanding voting securities or other voting ownership  
22285 interests are directly or indirectly beneficially owned,  
22286 controlled, or held, with power to vote by a Mississippi small  
22287 business investment company or insurance company. Notwithstanding  
22288 this paragraph (a), an investment by a participating investor in a  
22289 Mississippi small business investment company pursuant to an



22290 allocation of tax credits under this chapter does not cause that  
22291 Mississippi small business investment company to become an  
22292 affiliate of that participating investor.

22293 (b) "Allocation date" means the date on which credits  
22294 are allocated to the participating investors of a Mississippi  
22295 small business investment company under this chapter.

22296 (c) "MDA" means the Mississippi Development Authority.

22297 (d) "Department" means the Mississippi Department of  
22298 Banking and Consumer Finance.

22299 (e) "Designated capital" means an amount of money that:

22300 (i) Is invested by a participating investor in a  
22301 Mississippi small business investment company; and

22302 (ii) Fully funds the purchase price of a  
22303 participating investor's equity interest in a Mississippi small  
22304 business investment company or a qualified debt instrument issued  
22305 by a Mississippi small business investment company, or both.

22306 (f) "Mississippi small business investment company"  
22307 means a partnership, corporation, trust, or limited liability  
22308 company, organized on a for-profit basis, that:

22309 (i) Has its principal office located in  
22310 Mississippi or is headquartered in Mississippi;

22311 (ii) Has as its primary business activity the  
22312 investment of cash in qualified businesses; and



22313 (iii) Is certified by the MDA as meeting the  
22314 criteria described in this section to qualify as either a primary  
22315 or secondary Mississippi small business investment company.

22316 (g) "Participating investor" means any insurer that  
22317 contributes designated capital pursuant to this chapter.

22318 (h) "Person" means any natural person or entity,  
22319 including, but not limited to, a corporation, general or limited  
22320 partnership, trust, or limited liability company.

22321 (i) "Qualified business" means a business that is  
22322 independently owned and operated and meets all of the following  
22323 requirements:

22324 (i) It is headquartered in Mississippi, its  
22325 principal business operations are located in Mississippi and at  
22326 least eighty percent (80%) of its employees are located in  
22327 Mississippi;

22328 (ii) It has not more than one hundred (100)  
22329 employees at the time of the first qualified investment in the  
22330 business;

22331 (iii) It is not more than ten percent (10%)  
22332 engaged in:

- 22333 1. Professional services provided by  
22334 accountants, doctors, or lawyers;  
22335 2. Banking or lending;  
22336 3. Real estate development;  
22337 4. Retail;



22338 5. Insurance; or  
22339 6. Making loans to or investments in a  
22340 Mississippi small business investment company or an affiliate; and  
22341 (iv) It is not a franchise of and has no financial  
22342 relationship with a Mississippi small business investment company  
22343 or any affiliate of a Mississippi small business investment  
22344 company prior to a Mississippi small business investment company's  
22345 first qualified investment in the business.

22346 A business classified as a qualified business at the time of  
22347 the first qualified investment in the business will remain  
22348 classified as a qualified business and may receive continuing  
22349 qualified investments from any Mississippi small business  
22350 investment company. Continuing investments will constitute  
22351 qualified investments even though the business may not meet the  
22352 definition of a qualified business at the time of such continuing  
22353 investments; however, the business cannot fail to satisfy  
22354 subparagraph (iii) and (iv) of this paragraph (i).

22355 (j) "Qualified debt instrument" means a debt instrument  
22356 issued by a Mississippi small business investment company that  
22357 meets all of the following criteria:

22358 (i) It is issued at par value or a premium;  
22359 (ii) It has an original maturity date of at least  
22360 four (4) years from the date of issuance and a repayment schedule  
22361 that is not faster than a level principal amortization over four  
22362 (4) years; and





22363 (iii) Has no interest or payment features that  
22364 allow for the prepayment of interest or are tied to the  
22365 profitability of the Mississippi small business investment company  
22366 or the success of its investments.

22367 (k) "Qualified distribution" means any distribution or  
22368 payment by a Mississippi small business investment company in  
22369 connection with the following:

22370 (i) Reasonable costs and expenses of forming,  
22371 syndicating and organizing the Mississippi small business  
22372 investment company, including fees paid for professional services  
22373 and the costs of financing and insuring the obligations of a  
22374 Mississippi small business investment company, provided no such  
22375 payment is made to more than one (1) participating investor or an  
22376 affiliate or related party of a participating investor;

22377 (ii) An annual management fee not to exceed two  
22378 percent (2%) of designated capital on an annual basis to offset  
22379 the costs and expenses of managing and operating a Mississippi  
22380 small business investment company;

22381 (iii) Any projected increase in federal or state  
22382 taxes, including penalties and interest related to state and  
22383 federal income taxes, or to the equity owners of the company  
22384 resulting from the earnings or other tax liability of the company  
22385 to the extent that the increase is related to the ownership,  
22386 management, or operation of the company;



22387 (iv) Reasonable and necessary fees in accordance  
22388 with industry custom for ongoing professional services, including,  
22389 but not limited to, legal and accounting services related to the  
22390 operation of a Mississippi small business investment company, not  
22391 including lobbying or governmental relations; and

22392 (v) Payments of principal and interest to holders  
22393 of qualified debt instruments issued by a Mississippi small  
22394 business investment company which may be made without restriction.

22395 (1) "Qualified investment" means the investment of  
22396 money by a Mississippi small business investment company in a  
22397 qualified business for the purchase of any debt, debt  
22398 participation, equity, or hybrid security of any nature and  
22399 description, including a debt instrument or security that has the  
22400 characteristics of debt but which provides for conversion into  
22401 equity or equity participation instruments such as options or  
22402 warrants; provided that any debt, debt participation or other debt  
22403 instrument or security shall have a maturity of at least three (3)  
22404 years. Any repayment of a qualified investment prior to one (1)  
22405 year from the date of issuance shall result in the amount of the  
22406 qualified investment being reduced by fifty percent (50%) for  
22407 purposes of the cumulative investment requirement set forth in  
22408 Section 57-115-9(1)(c).

22409 (m) "State premium tax liability" means any liability  
22410 incurred by an insurance company under the provisions of Section  
22411 27-15-103, 27-15-109 or 27-15-123 or in the case of a repeal or a



22412 reduction by the state of the liability imposed by Section  
22413 27-15-103, 27-15-109 or 27-15-123.

22414           **SECTION 582.** Section 57-115-5, Mississippi Code of 1972, is  
22415 brought forward as follows:

22416           57-115-5. (1) (a) The MDA must provide a standardized  
22417 format for applying for the Mississippi small business investment  
22418 credit authorized under this chapter, and for certification as a  
22419 Mississippi small business investment company.

22420                   (b) An applicant for certification as a primary  
22421 Mississippi small business investment company must:

22422                           (i) File an application with the MDA which shall  
22423 include a business plan detailing:

22424                                   1. The approximate percentage of designated  
22425 capital the applicant will invest in qualified businesses by the  
22426 second, fourth and sixth anniversaries of its allocation date;

22427                                   2. The industry segments listed by the North  
22428 American Industrial Classification System code and percentage of  
22429 designated capital in which the applicant will invest; and

22430                                   3. The number of jobs that will be created or  
22431 retained as a result of the applicant's investments once all  
22432 designated capital has been invested. A job shall be considered  
22433 created or retained if the job pays one hundred twenty-five  
22434 percent (125%) of the state average annual wage and is maintained  
22435 for at least three (3) years. The application shall project, at a  
22436 minimum, that one (1) job shall be created or maintained for each



22437 One Hundred Fifty Thousand Dollars (\$150,000.00) in credits  
22438 awarded to the participating investors of the Mississippi small  
22439 business investment company;

22440 (ii) Pay a nonrefundable application fee of Seven  
22441 Thousand Five Hundred Dollars (\$7,500.00) at the time of filing  
22442 the application;

22443 (iii) Submit as part of its application an audited  
22444 balance sheet that contains an unqualified opinion of an  
22445 independent certified public accountant issued not more than  
22446 thirty-five (35) days before the application date that states that  
22447 the applicant has an equity capitalization of Five Hundred  
22448 Thousand Dollars (\$500,000.00) or more in the form of unencumbered  
22449 cash, marketable securities or other liquid assets; and

22450 (iv) Have at least two (2) principals or persons,  
22451 at least one (1) of which is primarily located in Mississippi,  
22452 employed or engaged to manage the funds who each have a minimum of  
22453 five (5) years of money management experience in the venture  
22454 capital or private equity or lending industry.

22455 (c) An applicant for certification as a secondary  
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 crested 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 Three  
22476 Thousand Seven Hundred Fifty Dollars (\$3,750.00) at the time of  
22477 filing 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 One Hundred Fifty  
22483 Thousand Dollars (\$150,000.00) or more in the form of unencumbered  
22484 cash, marketable securities or other liquid assets;

22485                   (iv) Demonstrate that fifty percent (50%) of all  
22486 secondary investment company investments have been in Mississippi,



22487 and all of the applicant's employees have lived in Mississippi for  
22488 at least two (2) years prior to the application being filed, and  
22489 that those who are employed or engaged to manage the funds have a  
22490 minimum of three (3) years of money management experience in the  
22491 venture capital or private equity or lending industry;

22492 (v) Submit as part of its application a signed and  
22493 notarized partnership agreement letter with a certified primary  
22494 Mississippi small business investment company; and

22495 (vi) Any participating partner or individual in a  
22496 certified secondary small business investment company that  
22497 successfully participated in the initial authorization and  
22498 allocation of credits in 2012, and which is a partner in a  
22499 submitted application for credits allocated in subsection (4)(b)  
22500 of this section, while partnered with the same primary small  
22501 business investment company from the previous 2012 allocation,  
22502 shall have the requirements in subparagraphs (iii) and (iv) of  
22503 this paragraph (c) waived as having been completed through the  
22504 previous allocation.

22505 (d) The MDA may certify partnerships, corporations,  
22506 trusts, or limited liability companies, organized on a for-profit  
22507 basis, which submit an application to be designated as a  
22508 Mississippi small business investment company if the applicant is  
22509 located, headquartered, and licensed or registered to conduct  
22510 business in Mississippi, has as its primary business activity the



22511 investment of cash in qualified businesses, and meets all of the  
22512 criteria of this section.

22513 (e) The MDA must:

22514 (i) Review the organizational documents of each  
22515 applicant for certification and the business history of each  
22516 applicant;

22517 (ii) Determine whether the applicant has satisfied  
22518 all of the requirements of this section; and

22519 (iii) Determine whether the officers and the board  
22520 of directors, general partners, trustees, managers or members are  
22521 trustworthy and are thoroughly acquainted with the requirements of  
22522 this chapter.

22523 (f) Within forty-five (45) days after the receipt of an  
22524 application, the MDA may issue the certification or refuse the  
22525 certification and may communicate in detail to the applicant the  
22526 grounds for refusal, including suggestions for the removal of the  
22527 grounds.

22528 (g) The MDA must begin accepting applications to become  
22529 a Mississippi small business investment company not later than  
22530 August 1, 2012, for credits allocated in subsection (4)(a) of this  
22531 section, and not later than August 1, 2018, for credits allocated  
22532 in subsection (4)(b) of this section.

22533 (h) Certification by the MDA and operation of a primary  
22534 Mississippi small business investment company is not subject to  
22535 completion of any relationship or agreement with a secondary



22536 Mississippi small business investment company, and it is not the  
22537 intent of this chapter to compel any such agreement.

22538 (2) (a) An insurance company or affiliate of an insurance  
22539 company must not, directly or indirectly:

22540 (i) Beneficially own, whether through rights,  
22541 options, convertible interest, or otherwise, fifteen percent (15%)  
22542 or more of the voting securities or other voting ownership  
22543 interest of a Mississippi small business investment company;

22544 (ii) Manage a Mississippi small business  
22545 investment company; or

22546 (iii) Control the direction of investments for a  
22547 Mississippi small business investment company.

22548 (b) A Mississippi small business investment company may  
22549 obtain one or more guaranties, indemnities, bonds, insurance  
22550 policies, or other payment undertakings for the benefit of its  
22551 participating investors from any entity, except that in no case  
22552 can more than one (1) participating investor of a Mississippi  
22553 small business investment company on an aggregate basis with all  
22554 affiliates of the participating investor, be entitled to provide  
22555 guaranties, indemnities, bonds, insurance policies, or other  
22556 payment undertakings in favor of the participating investors of a  
22557 Mississippi small business investment company and its affiliates  
22558 in this state.

22559 (c) This subsection (2) does not preclude a  
22560 participating investor, insurance company or other party from





22561 exercising its legal rights and remedies, including, without  
22562 limitation, interim management of a Mississippi small business  
22563 investment company, in the event that a Mississippi small business  
22564 investment company is in default of its statutory obligations or  
22565 its contractual obligations to a participating investor, insurance  
22566 company, or other party, or from monitoring a Mississippi small  
22567 business investment company to ensure its compliance with this  
22568 chapter or disallowing any investments that have not been approved  
22569 by the MDA.

22570 (d) The MDA may contract with an independent third  
22571 party to review, investigate, and certify that the applications  
22572 comply with the provisions of this chapter.

22573 (3) (a) At the time of its investment of designated capital  
22574 a participating investor shall earn a vested credit against the  
22575 participating investor's state premium tax liability in an amount  
22576 equal to one hundred percent (100%) of the participating  
22577 investor's investment of designated capital in a Mississippi small  
22578 business investment company, subject to the limits imposed by this  
22579 section.

22580 (b) From and after January 1, 2015, a participating  
22581 investor may claim the credit allocated in subsection (4)(a) of  
22582 this section as follows:

22583 (i) For the 2015 taxable year, an amount equal to  
22584 twenty percent (20%) of the participating investor's investment of  
22585 designated capital;



22586 (ii) For the 2016 taxable year, an amount equal to  
22587 twenty percent (20%) of the participating investor's investment of  
22588 designated capital;

22589 (iii) For the 2017 taxable year, an amount equal  
22590 to twenty percent (20%) of the participating investor's investment  
22591 of designated capital;

22592 (iv) For the 2018 taxable year, an amount equal to  
22593 twenty percent (20%) of the participating investor's investment of  
22594 designated capital; and

22595 (v) For the 2019 taxable year, an amount equal to  
22596 twenty percent (20%) of the participating investor's investment of  
22597 designated capital.

22598 (c) From and after January 1, 2021, a participating  
22599 investor may claim the credit allocated in subsection (4)(b) of  
22600 this section as follows:

22601 (i) For the 2021 taxable year, an amount equal to  
22602 sixteen and sixty-six one-hundredths percent (16.66%) of the  
22603 participating investor's investment of designated capital;

22604 (ii) For the 2022 taxable year, an amount equal to  
22605 sixteen and sixty-six one-hundredths percent (16.66%) of the  
22606 participating investor's investment of designated capital;

22607 (iii) For the 2023 taxable year, an amount equal  
22608 to sixteen and sixty-six one-hundredths percent (16.66%) of the  
22609 participating investor's investment of designated capital;



22610 (iv) For the 2024 taxable year, an amount equal to  
22611 sixteen and sixty-six one-hundredths percent (16.66%) of the  
22612 participating investor's investment of designated capital;

22613 (v) For the 2025 taxable year, an amount equal to  
22614 sixteen and sixty-six one-hundredths percent (16.66%) of the  
22615 participating investor's investment of designated capital; and

22616 (vi) For the 2026 taxable year, an amount equal to  
22617 sixteen and seven-tenths percent (16.7%) of the participating  
22618 investor's investment of designated capital.

22619 (d) The credit for any taxable year cannot exceed the  
22620 state premium tax liability of the participating investor for the  
22621 taxable year. If the amount of the credit exceeds the state  
22622 premium tax liability of the participating investor for the  
22623 taxable year, the excess is an investment tax credit carryover for  
22624 five (5) years from the date the credit is first able to be  
22625 utilized in accordance with paragraph (a) of this subsection (3).

22626 (e) Notwithstanding any provision of this chapter to  
22627 the contrary, the granting of any credits against the insurance  
22628 premium tax shall not affect the insurance premium tax receipts  
22629 distributed pursuant to Sections 83-1-37, 83-1-39, 83-34-39,  
22630 45-11-5 and 21-29-233, which shall take priority over all other  
22631 distributions of premium tax receipts and shall be calculated  
22632 based upon gross insurance premium tax liability before the  
22633 application of the tax credits.



22634 (f) A participating investor claiming a credit under  
22635 this chapter is not required to pay any additional retaliatory tax  
22636 under Section 27-15-123 levied as a result of claiming the credit.

22637 (g) A participating investor is not required to reduce  
22638 the amount of tax pursuant to the state premium tax liability  
22639 included by the participating investor in connection with  
22640 ratemaking for any insurance contract written in this state  
22641 because of a reduction in the participating investor's tax  
22642 liability based on the tax credit allowed under this chapter.

22643 (h) If the taxes paid by a participating investor with  
22644 respect to its state premium tax liability constitute a credit  
22645 against any other tax that is imposed by this state, the  
22646 participating investor's credit against the other tax shall not be  
22647 reduced by virtue of the reduction in the participating investor's  
22648 tax liability based on the tax credit allowed under this chapter.

22649 (i) Final decertification of a Mississippi small  
22650 business investment company under this chapter prior to such  
22651 Mississippi small business investment company meeting the  
22652 requirements of Section 57-115-7(1)(a)(ii), shall result in the  
22653 disallowance and the recapture of all of the credits allocated to  
22654 its participating investors under this chapter. Once a  
22655 Mississippi small business investment company has satisfied the  
22656 requirements of Section 57-115-7(1)(a)(ii), any subsequent  
22657 decertification shall not cause the disallowance or recapture of



22658 any credits allocated to its participating investors under this  
22659 chapter.

22660 (j) The credits allowed under this chapter are not  
22661 transferable; however, a participating investor may transfer  
22662 credits to an affiliated insurance company provided it gives prior  
22663 written notice of such transfer to the MDA and the Department of  
22664 Revenue.

22665 (4) (a) (i) Through January 1, 2018, the aggregate amount  
22666 of investment tax credits that may be allocated to all  
22667 participating investors of Mississippi small business investment  
22668 companies under this section shall not exceed Fifty Million  
22669 Dollars (\$50,000,000.00), and no Mississippi small business  
22670 investment company, on an aggregate basis with its affiliates, may  
22671 file credit allocation claims that exceed Fifty Million Dollars  
22672 (\$50,000,000.00).

22673 (ii) The Fifty Million Dollars (\$50,000,000.00)  
22674 aggregate amount of investment tax credits allocated in this  
22675 paragraph (a) shall be divided into a primary tax credit pool  
22676 which may be applied for by certified primary Mississippi small  
22677 business investment companies and a secondary tax credit pool  
22678 which may be applied for by certified secondary Mississippi small  
22679 business investment companies. The secondary tax credit pool  
22680 shall be Three Million Five Hundred Thousand Dollars  
22681 (\$3,500,000.00) of the total Fifty Million Dollars  
22682 (\$50,000,000.00) aggregate amount of investment tax credits.



22683 Secondary Mississippi small business investment companies may not  
22684 apply for more than One Million Seven Hundred Fifty Thousand  
22685 Dollars (\$1,750,000.00) worth of credits on a single application.  
22686 A certified secondary Mississippi small business investment  
22687 company may apply for additional tax credit allocation from the  
22688 secondary tax credit pool, if the credits are available, after  
22689 fifty percent (50%) of its previously allocated credits are used  
22690 in qualified investments.

22691 (iii) If there are any tax credits remaining  
22692 available for allocation in the secondary tax credit pool on  
22693 August 1, 2013, those available tax credits shall revert to the  
22694 primary tax credit pool and be made available to primary  
22695 Mississippi small business investment companies according to rules  
22696 and regulations promulgated by the MDA. Prior to August 1, 2013,  
22697 primary Mississippi small business investment companies, including  
22698 any wholly owned subsidiary company, shall be prohibited from  
22699 making application to the MDA to be additionally certified as a  
22700 secondary Mississippi small business investment company for  
22701 purposes of the tax credits allocated in this paragraph (a) and  
22702 prohibited from applying for any tax credit allocation from the  
22703 secondary tax credit pool. A certified primary Mississippi small  
22704 business investment company may have ownership equity in a  
22705 certified secondary Mississippi small business investment company,  
22706 but the equity interest owned by the certified primary Mississippi



22707 small business investment company shall not exceed forty percent  
22708 (40%).

22709 (b) (i) From and after July 1, 2018, an additional  
22710 aggregate amount of investment tax credits may be allocated to all  
22711 participating investors of Mississippi small business investment  
22712 companies under this section. The amount so allocated shall not  
22713 exceed Forty-five Million Dollars (\$45,000,000.00), and no  
22714 Mississippi small business investment company, on an aggregate  
22715 basis with its affiliates, may file credit allocation claims on  
22716 the additional aggregate amount of tax credits that exceed  
22717 Forty-five Million Dollars (\$45,000,000.00).

22718 (ii) The Forty-five Million Dollars  
22719 (\$45,000,000.00) aggregate amount of investment tax credits  
22720 allocated in this paragraph (b) shall be divided into a primary  
22721 tax credit pool which may be applied for by certified primary  
22722 Mississippi small business investment companies and a secondary  
22723 tax credit pool which may be applied for by certified secondary  
22724 Mississippi small business investment companies. The secondary  
22725 tax credit pool shall be Three Million Five Hundred Thousand  
22726 Dollars (\$3,500,000.00) of the total Forty-five Million Dollars  
22727 (\$45,000,000.00) aggregate amount of investment tax credits.  
22728 Secondary Mississippi small business investment companies may not  
22729 apply for more than One Million Seven Hundred Fifty Thousand  
22730 Dollars (\$1,750,000.00) worth of credits on a single application.  
22731 A certified secondary Mississippi small business investment



22732 company may apply for additional tax credit allocation from the  
22733 secondary tax credit pool, if the credits are available, after  
22734 fifty percent (50%) of its previously allocated credits are used  
22735 in qualified investments.

22736 (iii) If there are any tax credits remaining  
22737 available for allocation in the secondary tax credit pool on  
22738 August 1, 2019, those available tax credits shall revert to the  
22739 primary tax credit pool and be made available to primary  
22740 Mississippi small business investment companies according to rules  
22741 and regulations promulgated by the MDA. Prior to August 1, 2022,  
22742 primary Mississippi small business investment companies, including  
22743 any wholly owned subsidiary company, shall be prohibited from  
22744 making application to the MDA to be additionally certified as a  
22745 secondary Mississippi small business investment company for  
22746 purposes of the tax credits allocated in this paragraph (b) and  
22747 prohibited from applying for any tax credit allocation from the  
22748 secondary tax credit pool. A certified primary Mississippi small  
22749 business investment company may have ownership equity in a  
22750 certified secondary Mississippi small business investment company,  
22751 but the equity interest owned by the certified primary Mississippi  
22752 small business investment company shall not exceed forty percent  
22753 (40%).

22754 (c) Credits must be allocated to investors in the order  
22755 that the credit allocation claims are filed with the MDA.





22756 (d) Any credit allocation claims filed with the MDA  
22757 before the initial credit allocation claim filing date will be  
22758 deemed to have been filed on the initial credit allocation claim  
22759 filing date. The MDA will set the initial credit allocation claim  
22760 filing date to be not less than one hundred twenty (120) days and  
22761 not more than one hundred fifty (150) days after the date the MDA  
22762 begins accepting applications for certification. Credit  
22763 allocation claims filed on the same day with the MDA must be  
22764 treated as having been filed contemporaneously.

22765 (e) If two (2) or more Mississippi small business  
22766 investment companies file credit allocation claims with the MDA on  
22767 behalf of their respective participating investors on the same day  
22768 and the aggregate amount of credit allocation claims exceeds the  
22769 aggregate limit of credits authorized under this subsection (4) or  
22770 the lesser amount of credits that remain unallocated on that day,  
22771 then the credits shall be allocated among the participating  
22772 investors who filed on that day on a pro rata basis with respect  
22773 to the amounts claimed. The pro rata allocation for any one (1)  
22774 participating investor is the product obtained by multiplying a  
22775 fraction, the numerator of which is the amount of the credit  
22776 allocation claim filed on behalf of a participating investor and  
22777 the denominator of which is the total of all credit allocation  
22778 claims filed on behalf of all participating investors on that day,  
22779 by the aggregate limit of credits authorized under this subsection



22780 (4) or the lesser amount of credits that remain unallocated on  
22781 that day.

22782 (f) Within ten (10) business days after the MDA  
22783 receives a credit allocation claim filed by a Mississippi small  
22784 business investment company on behalf of one or more of its  
22785 participating investors, the MDA may notify the Mississippi small  
22786 business investment company of the amount of credits allocated to  
22787 each of the participating investors of that Mississippi small  
22788 business investment company. In the event a Mississippi small  
22789 business investment company does not receive an investment of  
22790 designated capital from each participating investor required to  
22791 earn the amount of credits allocated to the participating investor  
22792 within ten (10) business days of the Mississippi small business  
22793 investment company's receipt of notice of allocation, then it  
22794 shall notify the MDA on or before the next business day, and the  
22795 credits allocated to the participating investor of the Mississippi  
22796 small business investment company will be forfeited. The MDA may  
22797 then reallocate those forfeited credits among the participating  
22798 investors of the other Mississippi small business investment  
22799 companies on a pro rata basis with respect to the credit  
22800 allocation claims filed on behalf of the participating investors.  
22801 The MDA may levy a fine of not more than Fifty Thousand Dollars  
22802 (\$50,000.00) on any participating investor that does not invest  
22803 the full amount of designated capital required to fund the credits



22804 allocated to it by the MDA in accordance with the credit  
22805 allocation claim filed on its behalf.

22806 (g) No participating investor, on an aggregate basis  
22807 with its affiliates, may file an allocation claim for more than  
22808 twenty-five percent (25%) of the maximum amount of investment tax  
22809 credits authorized under this subsection (4), regardless of  
22810 whether the claim is made in connection with one or more  
22811 Mississippi small business investment companies.

22812 **SECTION 583.** Section 57-115-7, Mississippi Code of 1972, is  
22813 brought forward as follows:

22814 57-115-7. (1) (a) To maintain its certification, a  
22815 Mississippi small business investment company must make qualified  
22816 investments as follows:

22817 (i) Within two (2) years after the allocation  
22818 date, a Mississippi small business investment company must invest  
22819 an amount equal to at least thirty-five percent (35%) of its  
22820 designated capital in qualified investments; and

22821 (ii) Within four (4) years after the allocation  
22822 date, a Mississippi small business investment company must invest  
22823 an amount equal to at least fifty percent (50%) of its designated  
22824 capital in qualified investments.

22825 (b) Before making a proposed qualified investment in a  
22826 specific business, a Mississippi small business investment company  
22827 must request from the MDA a written determination that the  
22828 proposed investment will qualify as a qualified investment in a



22829 qualified business and comply with the Mississippi small business  
22830 investment company's business plan previously approved by the MDA.  
22831 The MDA must notify a Mississippi small business investment  
22832 company within ten (10) business days from the receipt of a  
22833 request of its determination and an explanation thereof. If the  
22834 MDA determines that the proposed investment does not meet the  
22835 definition of a qualified investment, qualified business or comply  
22836 with the Mississippi small business investment company's business  
22837 plan, the MDA may nevertheless consider the proposed investment a  
22838 qualified investment or a qualified business if the MDA determines  
22839 that the proposed investment will further economic development. A  
22840 Mississippi small business investment company may at any time  
22841 apply to the MDA to amend its business plan, which the MDA may  
22842 approve if it determines that the proposed amendment will further  
22843 economic development in the state.

22844 (c) All designated capital not invested in qualified  
22845 investments by a Mississippi small business investment company  
22846 shall be held or invested in the manner the Mississippi small  
22847 business investment company deems appropriate within the limits of  
22848 this chapter. Designated capital and proceeds of designated  
22849 capital returned to a Mississippi small business investment  
22850 company after being originally invested in qualified investments  
22851 may be invested in additional qualified investments and the  
22852 investment shall count toward the requirements of paragraph (a) of  
22853 this subsection (1) and of Section 57-115-9(1)(c) with respect to



22854 making investments of designated capital in qualified investments,  
22855 provided that the qualified business returning the initial  
22856 qualified investment of the designated capital:

22857 (i) Returns the capital pursuant to regularly  
22858 scheduled amortization payments;

22859 (ii) Returns the capital after a change in control  
22860 or sale of the company or substantially all of its assets;

22861 (iii) Returns the capital to the Mississippi small  
22862 business investment company after defaulting on the terms of the  
22863 qualified investment; or

22864 (iv) Has attracted follow-on investment equal to  
22865 the amount returned to the Mississippi small business investment  
22866 company from a source other than a Mississippi small business  
22867 investment company.

22868 (d) (i) If, within five (5) years after its allocation  
22869 date, a Mississippi small business investment company has not  
22870 invested at least eighty-five percent (85%) of its designated  
22871 capital in qualified investments, the Mississippi small business  
22872 investment company shall not be permitted to pay management fees  
22873 until it has invested such amount of designated capital in  
22874 qualified investments.

22875 (ii) If within seven (7) years after its  
22876 allocation date, a Mississippi small business investment company  
22877 has no longer invested at least one hundred percent (100%) of its  
22878 designated capital in qualified investments, the Mississippi small



22879 business investment company shall not be permitted to pay  
22880 management fees.

22881 (2) (a) Each Mississippi small business investment company  
22882 must report the following to the MDA and the Department of  
22883 Revenue:

22884 (i) As soon as practicable after the receipt of  
22885 designated capital:

22886 1. The name of each participating investor  
22887 from which the designated capital was received, and each  
22888 participating investor's affiliates that may claim credits,  
22889 including the insurance tax identification number of the  
22890 participating investor and its affiliates, if any;

22891 2. The amount of each participating  
22892 investor's investment of designated capital; and

22893 3. The date on which the designated capital  
22894 was received;

22895 (ii) On an annual basis, on or before January 31  
22896 of each year:

22897 1. The amount of the Mississippi small  
22898 business investment company's designated capital that remains to  
22899 be invested in qualified investments at the end of the immediately  
22900 preceding taxable year;

22901 2. Whether or not the Mississippi small  
22902 business investment company has invested more than fifteen percent



22903 (15%) of its total designated capital in any one (1) qualified  
22904 business;

22905 3. All qualified investments that the  
22906 Mississippi small business investment company has made in the  
22907 previous taxable year, including the number of employees of each  
22908 qualified business in which it has made investments at the time of  
22909 the investment and as of December 1 of the preceding taxable year;

22910 4. For any qualified business where the  
22911 Mississippi small business investment company no longer has an  
22912 investment, the Mississippi small business investment company must  
22913 provide employment figures for that business as of the last day  
22914 before the investment was terminated;

22915 (iii) Other information that the MDA and/or the  
22916 Department of Revenue may reasonably request that will help the  
22917 MDA ascertain the impact of the Mississippi small business  
22918 investment company program both directly and indirectly on the  
22919 economy of the State of Mississippi including, but not limited to,  
22920 the number of jobs created by qualified businesses that have  
22921 received qualified investments; and

22922 (iv) Within ninety (90) days after the close of  
22923 its fiscal year, annual audited financial statements of the  
22924 Mississippi small business investment company, which must include  
22925 the opinion of an independent certified public accountant.

22926 (b) A Mississippi small business investment company  
22927 must pay to the MDA an annual, nonrefundable certification fee of



22928 Two Thousand Five Hundred Dollars (\$2,500.00) on or before April  
22929 1, or Five Thousand Dollars (\$5,000.00) if later. However, no  
22930 annual certification fee is required if the payment date for the  
22931 fee is within six (6) months of the date a Mississippi small  
22932 business investment company is first certified by the MDA.

22933 (c) Upon satisfying the requirements of subsection  
22934 (1) (a) (ii) of this section, a Mississippi small business  
22935 investment company shall provide notice of the satisfaction to the  
22936 MDA, and the MDA shall, within sixty (60) days of receipt of the  
22937 notice, either confirm that the Mississippi small business  
22938 investment company has satisfied the requirements of subsection  
22939 (1) (a) (ii) of this section as of that date or provide notice of  
22940 noncompliance and an explanation of any existing deficiencies.

22941 (3) (a) A Mississippi small business investment company may  
22942 make qualified distributions at any time. In order for a  
22943 Mississippi small business investment company to make a  
22944 distribution other than a qualified distribution to its equity  
22945 holders:

22946 (i) The qualified investments of the Mississippi  
22947 small business investment company must equal or exceed one hundred  
22948 percent (100%) of its designated capital; and

22949 (ii) The Mississippi small business investment  
22950 company must attract follow-on investment from sources other than  
22951 itself or another Mississippi small business investment company in





22952 the qualified businesses in which it made qualified investments  
22953 equal to one hundred percent (100%) of its designated capital.

22954 (b) For all distributions other than qualified  
22955 distributions, if the Mississippi small business investment  
22956 company has not met or exceeded the jobs creation and retention  
22957 goal agreed to by the MDA and the Mississippi small business  
22958 investment company in its application and the MDA has not waived  
22959 this requirement as a result of project location and business  
22960 sector, the Mississippi small business investment company shall  
22961 pay all such distributions to the state as a fee until the  
22962 Mississippi small business investment company has paid to the  
22963 state an amount equal to the penalty amount. For purposes of this  
22964 section, the penalty amount shall equal one percent (1%) of the  
22965 cumulative management fees previously paid by the Mississippi  
22966 small business investment company for every one percent (1%) by  
22967 which a Mississippi small business investment company fails to  
22968 meet the jobs creation goal agreed to by the MDA and the  
22969 Mississippi small business investment company in its application.

22970 **SECTION 584.** Section 57-115-9, Mississippi Code of 1972, is  
22971 brought forward as follows:

22972 57-115-9. (1) (a) The MDA, or at its discretion the  
22973 department, shall conduct an annual review of each Mississippi  
22974 small business investment company to determine if a Mississippi  
22975 small business investment company is abiding by the requirements  
22976 of certification and to ensure that no investment has been made in



22977 violation this chapter. The cost of the annual review must be  
22978 paid by each Mississippi small business investment company  
22979 according to a reasonable fee schedule adopted by the MDA and/or  
22980 the department. In the event the department conducts the annual  
22981 review, the department shall provide copies of the review to the  
22982 MDA. The MDA shall provide copies of each Mississippi small  
22983 business investment company's annual review to the Mississippi  
22984 small business investment company reviewed.

22985 (b) Any material violation of this chapter, including  
22986 any material misrepresentation made to the MDA in connection with  
22987 the application process, may be grounds for decertification of a  
22988 Mississippi small business investment company and the disallowance  
22989 of credits under this chapter, provided that in all instances the  
22990 MDA shall provide notice to the Mississippi small business  
22991 investment company of the grounds of the proposed decertification.  
22992 The Mississippi small business investment company shall have at  
22993 least one hundred twenty (120) days from receipt of notice from  
22994 the MDA to remedy any violation before the decertification becomes  
22995 effective.

22996 (c) After a Mississippi small business investment  
22997 company has invested an amount cumulatively equal to one hundred  
22998 percent (100%) of its designated capital in qualified investments,  
22999 provided that the Mississippi small business investment company  
23000 has met all other requirements under this chapter as of that date,  
23001 the Mississippi small business investment company shall no longer



23002 be subject to regulation by the MDA or the department or the  
23003 reporting requirements under Section 57-115-7(2). Upon receiving  
23004 certification by a Mississippi small business investment company  
23005 that it has invested an amount equal to one hundred percent (100%)  
23006 of its designated capital, the MDA must notify a Mississippi small  
23007 business investment company within sixty (60) days that it has or  
23008 has not met the requirements, with a reason for the determination  
23009 if it has not met the requirements.

23010 (d) The MDA must send written notice of any  
23011 decertification proceedings to the Department of Revenue, the  
23012 department, and to the address of each participating investor  
23013 whose tax credit may be subject to recapture or forfeiture, using  
23014 the address shown on the last filing submitted to the MDA.

23015 (2) All investments by participating investors for which tax  
23016 credits are awarded under this chapter must be registered or  
23017 specifically exempt from registration.

23018 (3) After January 1, 2015, the MDA must make an annual  
23019 report to the Governor, the Chairman of the House Ways and Means  
23020 Committee and Chairman of the Senate Finance Committee. The  
23021 report must include:

23022 (a) The number of Mississippi small business investment  
23023 companies holding designated capital;

23024 (b) The amount of designated capital invested in each  
23025 Mississippi small business investment company;



23026 (c) The cumulative amount that each Mississippi small  
23027 business investment company has invested as of January 1, 2015,  
23028 and the cumulative total each year thereafter;

23029 (d) The cumulative amount of follow-on capital that the  
23030 investments of each Mississippi small business investment company  
23031 have created in terms of capital invested in qualified businesses  
23032 at the same time or subsequent to investments made by a  
23033 Mississippi small business investment company in the businesses by  
23034 sources other than a Mississippi small business investment  
23035 company;

23036 (e) The total amount of investment tax credits applied  
23037 for and allocated under this chapter for each year;

23038 (f) The performance of each Mississippi small business  
23039 investment company with regard to the requirements for continued  
23040 certification;

23041 (g) The classification of the companies in which each  
23042 Mississippi small business investment company has invested  
23043 according to industrial sector and size of company;

23044 (h) The gross number of jobs created by investments  
23045 made by each Mississippi small business investment company and the  
23046 number of jobs retained;

23047 (i) The location of the companies in which each  
23048 Mississippi small business investment company has invested;



23049 (j) Those Mississippi small business investment  
23050 companies that have been decertified, including the reasons for  
23051 decertification; and

23052 (k) Other related information necessary to evaluate the  
23053 effect of this chapter on economic development.

23054 **SECTION 585.** Section 57-115-11, Mississippi Code of 1972, is  
23055 brought forward as follows:

23056 57-115-11. The MDA and the department each may promulgate  
23057 rules and regulations, in accordance with the Mississippi  
23058 Administrative Procedures Law, for the implementation and  
23059 administration of this chapter.

23060 **SECTION 586.** Section 57-117-1, Mississippi Code of 1972, is  
23061 brought forward as follows:

23062 57-117-1. This chapter shall be known and may be cited as  
23063 the "Mississippi Health Care Industry Zone Act."

23064 **SECTION 587.** Section 57-117-3, Mississippi Code of 1972, is  
23065 amended as follows:

23066 57-117-3. In this chapter:

23067 (a) "Health care industry facility" means:

23068 (i) A business engaged in the research and  
23069 development of pharmaceuticals, biologics, biotechnology,  
23070 diagnostic imaging, medical supplies, medical equipment or  
23071 medicine and related manufacturing or processing, medical service  
23072 providers, medical product distribution, or laboratory testing  
23073 that creates a minimum of twenty-five (25) new full-time jobs



23074 and/or Ten Million Dollars (\$10,000,000.00) of capital investment  
23075 after July 1, 2012; or

23076 (ii) A business that \* \* \* 1. is located on land  
23077 owned by or leased from an academic health science center with a  
23078 medical school accredited by the Liaison Committee on Medical  
23079 Education and a hospital accredited by the Joint Committee on  
23080 Accreditation of Healthcare Organizations and \* \* \* 2. creates a  
23081 minimum of twenty-five (25) new jobs and/or Twenty Million Dollars  
23082 (\$20,000,000.00) of capital investment after July 1, 2012.

23083 (b) "MDA" means the Mississippi Development Authority.

23084 (c) "Health care industry zone" means a geographical  
23085 area certified by the MDA as provided for in Section 57-117-5.

23086 (d) "Local government unit" means any county or  
23087 incorporated city, town or village in the State of Mississippi.

23088 (e) "Person" means a natural person, partnership,  
23089 limited liability company, association, corporation, business  
23090 trust or other business entity.

23091 (f) "Qualified business" means a business or health  
23092 care industry facility that meets the requirements of Section  
23093 57-117-7 and any other requirements of this chapter.

23094 **SECTION 588.** Section 57-117-5, Mississippi Code of 1972, is  
23095 brought forward as follows:

23096 57-117-5. (1) The MDA may certify an area as a health care  
23097 industry zone if the following requirements are met:

23098 (a) The area is located within:



23099 (i) Three (3) contiguous counties which have  
23100 certificates of need of more than three hundred seventy-five (375)  
23101 acute care hospital beds; and/or

23102 (ii) A county which has a hospital with a minimum  
23103 capital investment of Two Hundred Fifty Million Dollars  
23104 (\$250,000,000.00) and for which construction is completed before  
23105 July 1, 2017;

23106 (b) The health care industry facility is located within  
23107 a five-mile radius of:

23108 (i) A facility with a certificate of need for  
23109 hospital beds; and/or

23110 (ii) A university or college that is:

23111 1. Accredited by the Southern Association of  
23112 Colleges and Schools and awards degrees and/or trains workers for  
23113 jobs in health care or pharmaceutical fields of study and/or work,  
23114 and

23115 2. Located along or near Mississippi Highway  
23116 67 within a master planned community as defined in Section  
23117 19-5-10; and

23118 (c) The zoning of the local government unit, if  
23119 applicable, allows the construction or operation in the proposed  
23120 health care industry zone of the health care industry facility.

23121 (2) A health care industry facility that engages in an  
23122 activity for which a certificate of need is required must comply



23123 with the provisions of Section 41-7-191 in order to be certified  
23124 as a qualified business.

23125 (3) The MDA may adopt and promulgate such rules and  
23126 regulations, in compliance with the Mississippi Administrative  
23127 Procedures Law, as are necessary for the efficient and effective  
23128 administration of this section in keeping with the purposes for  
23129 which it is enacted.

23130 **SECTION 589.** Section 57-117-7, Mississippi Code of 1972, is  
23131 brought forward as follows:

23132 57-117-7. (1) Businesses and health care industry  
23133 facilities shall apply to the MDA for certification as a qualified  
23134 business. If the health care industry facility or business is  
23135 located in a health care industry zone and meets the requirements  
23136 of this chapter, the MDA shall certify it as a qualified business.

23137 (2) A health care industry facility or business certified by  
23138 the MDA as a qualified business within a health care industry zone  
23139 that constructs or renovates a health care industry facility  
23140 within a health care industry zone shall qualify for the  
23141 following:

23142 (a) An accelerated state income tax depreciation  
23143 deduction. The accelerated depreciation deduction shall be  
23144 computed by accelerating depreciation period required by  
23145 Mississippi Administrative Code, to a ten-year depreciation  
23146 period.





23147 (b) A sales tax exemption as authorized in Section  
23148 27-65-101(pp).

23149 (c) A fee-in-lieu of taxes as authorized in Section  
23150 27-31-104.

23151 (d) An ad valorem tax exemption as authorized in  
23152 Section 27-31-101.

23153 **SECTION 590.** Section 57-117-9, Mississippi Code of 1972, is  
23154 brought forward as follows:

23155 57-117-9. If the qualified business has not created the  
23156 requisite number of jobs required by this chapter, the health care  
23157 industry zone certification may be revoked by MDA after five (5)  
23158 years have elapsed from the effective date of certification. A  
23159 revocation under this section shall not act retroactively to  
23160 remove any incentives granted by this chapter.

23161 **SECTION 591.** Section 57-117-11, Mississippi Code of 1972, is  
23162 brought forward as follows:

23163 57-117-11. Sections 57-117-1 through 57-117-11 of this act  
23164 shall be repealed from and after July 1, 2022.

23165 **SECTION 592.** Section 57-119-1, Mississippi Code of 1972, is  
23166 brought forward as follows:

23167 57-119-1. (1) There is created in the State Treasury a  
23168 special fund to be designated as the "Gulf Coast Restoration Fund"  
23169 (GCRF). The GCRF shall consist of funds required to be deposited  
23170 into the GCRF by Section 27-103-302, funds appropriated or  
23171 otherwise made available by the Legislature in any manner, and



23172 funds from any other source designated for deposit into the GCRF.  
23173 Unexpended amounts remaining in the GCRF at the end of a fiscal  
23174 year shall not lapse into the State General Fund, and any  
23175 investment earnings or interest earned on amounts in the GCRF  
23176 shall be deposited to the credit of the GCRF.

23177 (2) Monies in the GCRF shall be administered by the  
23178 Mississippi Development Authority (MDA), and shall be used, upon  
23179 appropriation by the Legislature, to provide assistance to  
23180 applicants through programs or projects authorized by this  
23181 chapter. Monies in the GCRF shall be used only for programs or  
23182 projects that are located in the Gulf Coast region as defined in  
23183 the federal RESTORE Act, or twenty-five (25) miles from the  
23184 northern boundaries of the three (3) coastal counties of Harrison,  
23185 Hancock and Jackson, but not to expand beyond the boundaries of  
23186 Hancock, Harrison, Jackson, Pearl River, Stone, and George  
23187 Counties. If a county is included in the coastal zone, then the  
23188 county seat and the land lying to the east, west and south within  
23189 that county would be considered a part of the coastal zone.

23190 **SECTION 593.** Section 57-119-3, Mississippi Code of 1972, is  
23191 brought forward as follows:

23192 57-119-3. (1) Monies in the Gulf Coast Restoration Fund  
23193 shall be used only for the purposes specified in this chapter, and  
23194 no other expenditure, appropriation or transfer of monies in the  
23195 GCRF shall be made except by an act of the Legislature making  
23196 specific reference to the GCRF as the source of those monies.



23197 (2) If any monies in the GCRF are obligated or pledged as  
23198 security for any debt incurred by MDA, and the monies in the GCRF  
23199 that have been obligated or pledged are later expended,  
23200 appropriated, transferred, obligated or pledged for any other  
23201 purpose, the debt for which the monies were originally obligated  
23202 or pledged shall be the obligation and indebtedness of the State  
23203 of Mississippi secured by the full faith and credit of the state.

23204 **SECTION 594.** Section 57-119-5, Mississippi Code of 1972, is  
23205 brought forward as follows:

23206 57-119-5. (1) There is created the Gulf Coast Restoration  
23207 Fund Advisory Board for the purpose of providing guidance and  
23208 expertise to MDA when reviewing applications for assistance under  
23209 this chapter. The advisory board shall consist of the following  
23210 seven (7) members:

23211 (a) Three (3) appointments from the Governor;

23212 (b) Two (2) appointments from the Lieutenant Governor;

23213 and

23214 (c) Two (2) appointments from the Speaker of the House  
23215 of Representatives.

23216 (2) The Governor shall appoint the chairman of the board and  
23217 the board shall elect such other officers as it considers  
23218 necessary from among its members.

23219 (3) A majority of the members of the board shall constitute  
23220 a quorum for the conduct of meetings and all actions of the board  
23221 shall be by a majority vote.



23222 (4) The Mississippi Development Authority shall provide any  
23223 necessary administrative support to the board. No person  
23224 nominated for, appointed to or serving as a member of the board  
23225 may be an elected official.

23226 (5) Members of the board shall serve without compensation,  
23227 per diem or mileage expense.

23228 (6) All expenses of the MDA in carrying out its duties and  
23229 responsibilities under this section shall be paid from funds in  
23230 the Gulf Coast Restoration Fund.

23231 **SECTION 595.** Section 57-119-7, Mississippi Code of 1972, is  
23232 brought forward as follows:

23233 57-119-7. (1) MDA shall be the administrator of the Gulf  
23234 Coast Restoration Fund. MDA is authorized to carry out any powers  
23235 and duties authorized in this chapter and shall handle all of the  
23236 day-to-day matters relating to the GCRF.

23237 (2) The annual administration expenses of MDA in carrying  
23238 out its duties under this chapter shall not exceed one percent  
23239 (1%) of the amount of the funds deposited into the GCRF under  
23240 Section 27-103-302 for that year. MDA may recover from applicants  
23241 and recipients of funds under this chapter a portion of the costs  
23242 associated with administering assistance provided under this  
23243 chapter, which shall not be subject to the one percent (1%)  
23244 limitation under this subsection.

23245 **SECTION 596.** Section 57-119-9, Mississippi Code of 1972, is  
23246 brought forward as follows:



23247           57-119-9. (1) Applicants who are eligible for assistance  
23248 under this section include, but are not limited to, local units of  
23249 government, nongovernmental organizations, institutions of higher  
23250 learning, community colleges, ports, airports, public-private  
23251 partnerships, private for-profit entities, private nonprofit  
23252 entities and local economic development entities. Projects that  
23253 are eligible for assistance under this section are projects that  
23254 have the potential to generate increased economic activity in the  
23255 region, as described in Section 57-119-11(3).

23256           (2) MDA shall establish criteria, rules, and procedures for  
23257 accepting and reviewing applications for assistance under this  
23258 section. MDA, with advice from the Gulf Coast Restoration Fund  
23259 Advisory Board, shall review, compile and score all timely  
23260 received applications, and shall present the applications and its  
23261 recommendations for assistance to individual projects under this  
23262 section to the Legislature no later than December 1 of the year.  
23263 The Legislature shall determine individual projects that will be  
23264 funded under this section by separate line items in an  
23265 appropriation bill.

23266           (3) Applications for assistance under this section will be  
23267 received through web portals set up by MDA. MDA shall set  
23268 criteria for the web portal which may include protection of the  
23269 confidentiality of any or all of the application.

23270           **SECTION 597.** Section 57-119-11, Mississippi Code of 1972, is  
23271 brought forward as follows:



23272           57-119-11. (1) MDA is further authorized, on such terms and  
23273 conditions consistent with the criteria set forth in this section  
23274 as it may determine, to establish programs for making loans, loan  
23275 guarantees, grants and any other financial assistance from the  
23276 GCRF to applicants whose projects are approved for assistance  
23277 under this section. MDA shall establish criteria, rules and  
23278 procedures for accepting, reviewing, granting or denying  
23279 applications, and for terms and conditions of financial assistance  
23280 under this section in accordance with state law. The Legislature  
23281 shall appropriate monies from the GCRF to the MDA to fund the  
23282 programs established under this section in an amount requested  
23283 annually by MDA for such purpose.

23284           (2) Applicants who are eligible for assistance under this  
23285 section include, but are not limited to, local units of  
23286 government, nongovernmental organizations, institutions of higher  
23287 learning, community colleges, ports, airports, public-private  
23288 partnerships, private for-profit entities, private nonprofit  
23289 entities, and local economic development entities.

23290           (3) MDA shall establish programs and an application process  
23291 to provide assistance to applicants under this section that  
23292 prioritize:

23293           (a) Projects that will impact the long-term  
23294 competitiveness of the region and may result in a significant  
23295 positive impact on tax base, private sector job creation and  
23296 private sector investment in the region;



23297 (b) Projects that demonstrate the maximum long-term  
23298 economic benefits and long-term growth potential of the region  
23299 based on a financial analysis such as a cost-benefit analysis or a  
23300 return-on-investment analysis;

23301 (c) Projects that demonstrate long-term financial  
23302 sustainability, including clear performance metrics, over the  
23303 duration of the project;

23304 (d) Projects that leverage or encourage leveraging of  
23305 other private sector, local, state and federal funding sources  
23306 with preference to projects that can demonstrate contributions  
23307 from other sources than funds from the BP settlement;

23308 (e) Projects that are supported by multiple government  
23309 or private sector entities;

23310 (f) Projects that can move quickly and efficiently to  
23311 the design, engineering, and permitting phase;

23312 (g) Projects that enhance the quality of life/place and  
23313 business environment of the region, including tourism and  
23314 recreational opportunities;

23315 (h) Projects that expand the region's ability to  
23316 attract high-growth industries or establish new high-growth  
23317 industries in the region;

23318 (i) Projects that leverage or further enhance key  
23319 regional assets, including educational institutions, research  
23320 facilities, ports, airports, rails and military bases;



23321 (j) Projects that are transformational for the future  
23322 of the region but create a wider regional impact;

23323 (k) Projects that enhance the marketability of existing  
23324 industrial properties;

23325 (l) Projects that enhance a targeted industry cluster  
23326 or create a Center of Excellence unique to the region;

23327 (m) Infrastructure projects for business retention and  
23328 development;

23329 (n) Projects that enhance research and innovative  
23330 technologies in the region; and

23331 (o) Projects that provide outcome and return on  
23332 investment measures, to be judged by clear performance metrics,  
23333 over the duration of the project or program.

23334 **SECTION 598.** Section 57-119-13, Mississippi Code of 1972, is  
23335 brought forward as follows:

23336 57-119-13. (1) Assistance provided under this chapter may  
23337 not be used to finance one hundred percent (100%) of the cost of  
23338 any project.

23339 (2) Contracts executed by MDA with recipients of assistance  
23340 under this chapter must include provisions requiring a performance  
23341 report on the contracted activities, must account for the proper  
23342 use of funds provided under the contract, and must include  
23343 provisions for recovery of assistance if the assistance was based  
23344 upon fraudulent information or the recipient of the assistance is  
23345 not meeting the performance requirements established by MDA of the





23346 assistance. Recipients of assistance under this chapter must  
23347 regularly report to MDA the status of the project on a schedule  
23348 determined by MDA.

23349         **SECTION 599.** Section 57-119-15, Mississippi Code of 1972, is  
23350 brought forward as follows:

23351             57-119-15. (1) The scope of a financial audit of recipients  
23352 of assistance under this chapter shall include funds related to  
23353 any year in which the recipient receives assistance under this  
23354 chapter. The scope of review for these funds shall include, but  
23355 is not limited to, compliance with state and federal laws related  
23356 to the receipt and expenditure of those funds and the criteria  
23357 established by MDA.

23358             (2) The State Auditor shall conduct performance audits of  
23359 MDA's administration of the GCRF under this chapter. The scope of  
23360 review shall include, but is not limited to, evaluating internal  
23361 controls, internal audit functions, reporting and performance  
23362 requirements required for use of the assistance, and compliance  
23363 with state and federal law. The audit shall include any funds  
23364 disbursed under this chapter and matching funds provided in the  
23365 contract with MDA.

23366             (3) In addition to the rules of the State Auditor, the State  
23367 Auditor shall adopt rules for the form and conduct all financial  
23368 audits performed by independent certified public accountants and  
23369 for audits of recipients of assistance under this chapter.



23370 (4) The State Auditor may report findings to the Secretary  
23371 of the Treasury of the United States in addition to the reporting  
23372 requirements under state law.

23373 (5) The costs of the audits performed as provided in this  
23374 section may be paid from the GCRF.

23375 **SECTION 600.** Section 57-119-17, Mississippi Code of 1972, is  
23376 brought forward as follows:

23377 57-119-17. MDA shall file an annual report with the Speaker  
23378 of the House, the Lieutenant Governor, the Chairs of the  
23379 Appropriations Committees of the House and the Senate, and the  
23380 Legislative Budget Office not later than December 1 of each year,  
23381 including detailed information regarding at least the following  
23382 specific areas:

23383 (a) Receipts and expenditures of the funds received and  
23384 provided as assistance under this chapter;

23385 (b) Expenditures for all administration expenses of MDA  
23386 in carrying out its duties under this chapter;

23387 (c) Overview of applications reviewed and a detailed  
23388 description of applications approved for assistance for the  
23389 current year; and

23390 (d) Schedule of all applications for which assistance  
23391 was provided under this chapter detailing status of progress,  
23392 start date, anticipated completion date, benchmark achievements,  
23393 and any modifications to the original application after receipt of  
23394 assistance.



23395           **SECTION 601.** Section 25-3-39, Mississippi Code of 1972, is  
23396 brought forward as follows:

23397           25-3-39. (1) (a) Except as otherwise provided in this  
23398 section, no public officer, public employee, administrator, or  
23399 executive head of any arm or agency of the state, in the executive  
23400 branch of government, shall be paid a salary or compensation,  
23401 directly or indirectly, greater than one hundred fifty percent  
23402 (150%) of the salary fixed in Section 25-3-31 for the Governor,  
23403 nor shall the salary of any public officer, public employee,  
23404 administrator, or executive head of any arm or agency of the  
23405 state, in the executive branch of government, be supplemented with  
23406 any funds from any source, including federal or private funds.  
23407 Such salaries shall be completely paid by the state. All academic  
23408 officials, members of the teaching staffs and employees of the  
23409 state institutions of higher learning, the Mississippi Community  
23410 College Board, and community and junior colleges, and licensed  
23411 physicians who are public employees, shall be exempt from this  
23412 subsection. All professional employees who hold a bachelor's  
23413 degree or more advanced degree from an accredited four-year  
23414 college or university or a certificate or license issued by a  
23415 state licensing board, commission or agency and who are employed  
23416 by the Department of Mental Health shall be exempt from this  
23417 subsection if the State Personnel Board approves the exemption.  
23418 The Commissioner of Child Protection Services is exempt from this  
23419 subsection. From and after July 1, 2018, the Executive Director



23420 of the Public Employees' Retirement System and the Chief  
23421 Investment Officer of the Public Employees' Retirement System  
23422 shall be exempt from this subsection.

23423 (b) The Governor shall fix the annual salary of the  
23424 Executive Director of the Mississippi Development Authority, the  
23425 annual salary of the Commissioner of Child Protection Services,  
23426 and the annual salary of the Chief of Staff of the Governor's  
23427 Office. The salary of the Governor's Chief of Staff shall not be  
23428 greater than one hundred fifty percent (150%) of the salary of the  
23429 Governor and shall be completely paid by the state without  
23430 supplementation from another source. The salary of the Executive  
23431 Director of the Mississippi Development Authority may be greater  
23432 than one hundred fifty percent (150%) of the salary of the  
23433 Governor and may be supplemented with funds from any source,  
23434 including federal or private funds; however, any state funds used  
23435 to pay the salary of the Executive Director of the Mississippi  
23436 Development Authority shall not exceed one hundred fifty percent  
23437 (150%) of the salary of the Governor. If the executive director's  
23438 salary is supplemented with private funds, the Mississippi  
23439 Development Authority shall publish on its website the amount of  
23440 the supplement and the name of the donor of the private funds.

23441 (2) No public officer, employee or administrator shall be  
23442 paid a salary or compensation, directly or indirectly, in excess  
23443 of the salary authorized to be paid the executive head of the  
23444 state agency or department in which he is employed. The State



23445 Personnel Board, based upon its findings of fact, may exempt  
23446 physicians and actuaries from this subsection when the acquisition  
23447 of such professional services is precluded based on the prevailing  
23448 wage in the relevant labor market.

23449 (3) The executive head of any state agency or department  
23450 appointed by the Governor, in such executive head's discretion,  
23451 may waive all or any portion of the salary or compensation  
23452 lawfully established for the position.

23453 **SECTION 602.** This act shall take effect and be in force from  
23454 and after July 1, 2021.

