

By: Representative Ford

To: Ways and Means

HOUSE BILL NO. 514

1 AN ACT TO REENACT SECTIONS 57-10-401 THROUGH 57-10-445 AND  
2 SECTION 27-7-22.3, MISSISSIPPI CODE OF 1972, WHICH CREATE THE  
3 MISSISSIPPI BUSINESS FINANCE CORPORATION AND PRESCRIBE ITS POWERS  
4 AND DUTIES; TO AMEND SECTION 57-10-449, MISSISSIPPI CODE OF 1972,  
5 TO EXTEND THE DATE OF REPEAL FROM OCTOBER 1, 2001, TO OCTOBER 1,  
6 2002; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 57-10-401, Mississippi Code of 1972, is  
9 reenacted as follows:

10 **[In cases involving an economic development project for which**  
11 **the Mississippi Business Finance Corporation has issued bonds for**  
12 **the purpose of financing the approved costs of such project prior**  
13 **to July 1, 1994, this section shall read as follows:]**

14 57-10-401. As used in Sections 57-10-401 through 57-10-445  
15 the following terms shall have the meanings ascribed to them  
16 herein unless the context clearly indicates otherwise:

17 (a) "Approved company" means any eligible company  
18 seeking to locate an economic development project in a county,  
19 which eligible company is approved by the corporation.

20 (b) "Approved costs" means:

21 (i) Obligations incurred for equipment and labor  
22 and to contractors, subcontractors, builders and materialmen in  
23 connection with the acquisition, construction and installation of  
24 an economic development project;

25 (ii) The cost of acquiring land or rights in land  
26 and any cost incidental thereto, including recording fees;

27 (iii) The cost of contract bonds and of insurance  
28 of all kinds that may be required or necessary during the course  
29 of acquisition, construction and installation of an economic



30 development project which is not paid by the contractor or  
31 contractors or otherwise provided for;

32 (iv) All costs of architectural and engineering  
33 services, including test borings, surveys, estimates, plans and  
34 specifications, preliminary investigations, and supervision of  
35 construction, as well as for the performance of all the duties  
36 required by or consequent upon the acquisition, construction and  
37 installation of an economic development project;

38 (v) All costs which shall be required to be paid  
39 under the terms of any contract or contracts for the acquisition,  
40 construction and installation of an economic development project;

41 (vi) All costs, expenses and fees incurred in  
42 connection with the issuance of bonds pursuant to Sections  
43 57-10-401 through 57-10-445;

44 (vii) All costs funded by a loan made under the  
45 Mississippi Small Enterprise Development Finance Act; and

46 (viii) All costs of professionals permitted to be  
47 engaged under the Mississippi Small Enterprise Development Finance  
48 Act for a loan made under such act.

49 (c) "Assessment" means the job development assessment  
50 fee authorized in Section 57-10-413.

51 (d) "Bonds" means the revenue bonds, notes or other  
52 debt obligations of the corporation authorized to be issued by the  
53 corporation on behalf of an eligible company or other state  
54 agency.

55 (e) "Corporation" means the Mississippi Business  
56 Finance Corporation created under Section 57-10-167, Mississippi  
57 Code of 1972.

58 (f) "Economic development project" means and includes  
59 the acquisition of any equipment or real estate in a county and  
60 the construction and installation thereon, and with respect  
61 thereto, of improvements and facilities necessary or desirable for  
62 improvement of the real estate, including surveys, site tests and



63 inspections, subsurface site work, excavation, removal of  
64 structures, roadways, cemeteries and other surface obstructions,  
65 filling, grading and provision of drainage, storm water detention,  
66 installation of utilities such as water, sewer, sewage treatment,  
67 gas, electricity, communications and similar facilities, off-site  
68 construction of utility extensions to the boundaries of the real  
69 estate, and the acquisition, construction and installation of  
70 manufacturing, telecommunications, data processing, distribution  
71 or warehouse facilities on the real estate, for lease or financial  
72 arrangement by the corporation to an approved company for use and  
73 occupancy by the approved company or its affiliates for  
74 manufacturing, telecommunications, data processing, distribution  
75 or warehouse purposes. Such term also includes, without  
76 limitation, any project the financing of which has been approved  
77 under the Mississippi Small Enterprise Development Finance Act.

78 (g) "Eligible company" means any corporation,  
79 partnership, sole proprietorship, business trust, or other entity  
80 which is:

81 (i) Engaged in manufacturing which meets the  
82 standards promulgated by the corporation under Sections 57-10-401  
83 through 57-10-445;

84 (ii) A private company approved by the corporation  
85 for a loan under the Mississippi Small Enterprise Development  
86 Finance Act;

87 (iii) A distribution or warehouse facility  
88 employing a minimum of fifty (50) people or employing a minimum of  
89 twenty (20) people and having a capital investment in such  
90 facility of at least Five Million Dollars (\$5,000,000.00); or

91 (iv) A telecommunications or data processing  
92 business.

93 (h) "Executive director" means the Executive Director  
94 of the Mississippi Business Finance Corporation.



95 (i) "Financing agreement" means any financing documents  
96 and agreements, indentures, loan agreements, lease agreements,  
97 security agreements and the like, entered into by and among the  
98 corporation, private lenders and an approved company with respect  
99 to an economic development project.

100 (j) "Manufacturing" means any activity involving the  
101 manufacturing, processing, assembling or production of any  
102 property, including the processing resulting in a change in the  
103 conditions of the property and any activity functionally related  
104 thereto, together with the storage, warehousing, distribution and  
105 related office facilities in respect thereof as determined by the  
106 Mississippi Business Finance Corporation; however, in no event  
107 shall "manufacturing" include mining, coal or mineral processing,  
108 or extraction of Mississippi minerals.

109 (k) "State agency" means any state board, commission,  
110 committee, council, university, department or unit thereof created  
111 by the Constitution or laws of this state.

112 (l) "Revenues" shall not be considered state funds.

113 (m) "State" means the State of Mississippi.

114 (n) "Mississippi Small Enterprise Development Finance  
115 Act" means the provisions of law contained in Section 57-71-1 et  
116 seq.

117 **[In cases involving an economic development project for which**  
118 **the Mississippi Business Finance Corporation has not issued bonds**  
119 **for the purpose of financing the approved costs of such project**  
120 **prior to July 1, 1994, this section shall read as follows:]**

121 57-10-401. As used in Sections 57-10-401 through 57-10-445  
122 the following terms shall have the meanings ascribed to them  
123 herein unless the context clearly indicates otherwise:

124 (a) "Approved company" means any eligible company  
125 seeking to locate an economic development project in a county,  
126 which eligible company is approved by the corporation.

127 (b) "Approved costs" means:



128 (i) Obligations incurred for equipment and labor  
129 and to contractors, subcontractors, builders and materialmen in  
130 connection with the acquisition, construction and installation of  
131 an economic development project;

132 (ii) The cost of acquiring land or rights in land  
133 and any cost incidental thereto, including recording fees;

134 (iii) The cost of contract bonds and of insurance  
135 of all kinds that may be required or necessary during the course  
136 of acquisition, construction and installation of an economic  
137 development project which is not paid by the contractor or  
138 contractors or otherwise provided for;

139 (iv) All costs of architectural and engineering  
140 services, including test borings, surveys, estimates, plans and  
141 specifications, preliminary investigations, and supervision of  
142 construction, as well as for the performance of all the duties  
143 required by or consequent upon the acquisition, construction and  
144 installation of an economic development project;

145 (v) All costs which shall be required to be paid  
146 under the terms of any contract or contracts for the acquisition,  
147 construction and installation of an economic development project;

148 (vi) All costs, expenses and fees incurred in  
149 connection with the issuance of bonds pursuant to Sections  
150 57-10-401 through 57-10-445;

151 (vii) All costs funded by a loan made under the  
152 Mississippi Small Enterprise Development Finance Act; and

153 (viii) All costs of professionals permitted to be  
154 engaged under the Mississippi Small Enterprise Development Finance  
155 Act for a loan made under such act.

156 (c) "Assessment" means the job development assessment  
157 fee authorized in Section 57-10-413.

158 (d) "Bonds" means the revenue bonds, notes or other  
159 debt obligations of the corporation authorized to be issued by the



160 corporation on behalf of an eligible company or other state  
161 agency.

162 (e) "Corporation" means the Mississippi Business  
163 Finance Corporation created under Section 57-10-167, Mississippi  
164 Code of 1972.

165 (f) "Economic development project" means and includes  
166 the acquisition of any equipment or real estate in a county and  
167 the construction and installation thereon, and with respect  
168 thereto, of improvements and facilities necessary or desirable for  
169 improvement of the real estate, including surveys, site tests and  
170 inspections, subsurface site work, excavation, removal of  
171 structures, roadways, cemeteries and other surface obstructions,  
172 filling, grading and provision of drainage, storm water detention,  
173 installation of utilities such as water, sewer, sewage treatment,  
174 gas, electricity, communications and similar facilities, off-site  
175 construction of utility extensions to the boundaries of the real  
176 estate, and the acquisition, construction and installation of  
177 manufacturing, telecommunications, data processing, distribution  
178 or warehouse facilities on the real estate, for lease or financial  
179 arrangement by the corporation to an approved company for use and  
180 occupancy by the approved company or its affiliates for  
181 manufacturing, telecommunications, data processing, distribution  
182 or warehouse purposes. Such term also includes, without  
183 limitation, any project the financing of which has been approved  
184 under the Mississippi Small Enterprise Development Finance Act.

185 If an eligible company closes a facility in this state and  
186 becomes an approved company under the provisions of Sections  
187 57-10-401 through 57-10-449, only that portion of the project for  
188 which such company is attempting to obtain financing that is in  
189 excess of the value of the closed facility shall be included  
190 within the definition of the term "economic development project."  
191 The Mississippi Business Finance Corporation shall promulgate  
192 rules and regulations to govern the determination of the



193 difference between the value of the closed facility and the new  
194 facility.

195 (g) "Eligible company" means any corporation,  
196 partnership, sole proprietorship, business trust, or other entity  
197 which:

198 (i) Engaged in manufacturing which meets the  
199 standards promulgated by the corporation under Sections 57-10-401  
200 through 57-10-445;

201 (ii) A private company approved by the corporation  
202 for a loan under the Mississippi Small Enterprise Development  
203 Finance Act;

204 (iii) A distribution or warehouse facility  
205 employing a minimum of fifty (50) people or employing a minimum of  
206 twenty (20) people and having a capital investment in such  
207 facility of at least Five Million Dollars (\$5,000,000.00); or

208 (iv) A telecommunications or data processing  
209 business.

210 (h) "Executive director" means the Executive Director  
211 of the Mississippi Business Finance Corporation.

212 (i) "Financing agreement" means any financing documents  
213 and agreements, indentures, loan agreements, lease agreements,  
214 security agreements and the like, entered into by and among the  
215 corporation, private lenders and an approved company with respect  
216 to an economic development project.

217 (j) "Manufacturing" means any activity involving the  
218 manufacturing, processing, assembling or production of any  
219 property, including the processing resulting in a change in the  
220 conditions of the property and any activity functionally related  
221 thereto, together with the storage, warehousing, distribution and  
222 related office facilities in respect thereof as determined by the  
223 Mississippi Business Finance Corporation; however, in no event  
224 shall "manufacturing" include mining, coal or mineral processing,  
225 or extraction of Mississippi minerals.



226 (k) "State agency" means any state board, commission,  
227 committee, council, university, department or unit thereof created  
228 by the Constitution or laws of this state.

229 (l) "Revenues" shall not be considered state funds.

230 (m) "State" means the State of Mississippi.

231 (n) "Mississippi Small Enterprise Development Finance  
232 Act" means the provisions of law contained in Section 57-71-1 et  
233 seq.

234 SECTION 2. Section 57-10-403, Mississippi Code of 1972, is  
235 reenacted as follows:

236 57-10-403. (1) The Legislature finds and declares that the  
237 general welfare and material well-being of citizens of the state  
238 depend in large measure upon the development and growth of  
239 industry in the state.

240 (2) The Legislature finds and declares further that it is in  
241 the best interest of the state to induce the location or expansion  
242 of manufacturing facilities within this state in order to advance  
243 the public purposes of relieving unemployment by creating new jobs  
244 within this state that, but for the inducements to be offered by  
245 the corporation to approved companies as herein provided, would  
246 not exist, and of creating new sources of tax revenues for the  
247 support of the public services provided by this state and country.

248 (3) The Legislature finds and declares further that the  
249 authority granted by this article and the purposes to be  
250 accomplished hereby are proper governmental and public purposes  
251 for which public monies may be expended, and that the inducement  
252 of the location or expansion of manufacturing facilities within  
253 the state is of paramount importance, mandating that the  
254 provisions of this act be liberally construed and applied in order  
255 to advance the public purposes.

256 SECTION 3. Section 57-10-405, Mississippi Code of 1972, is  
257 reenacted as follows:





258           57-10-405. In addition to its other powers and duties, the  
259 corporation shall have all the powers necessary or convenient to  
260 carry out and effectuate the purposes and provisions of Sections  
261 57-10-401 through 57-10-445, including, but without limiting the  
262 generality of the foregoing, the power:

263           (a) To provide and finance economic development  
264 projects under the provisions of Sections 57-10-401 through  
265 57-10-445, and cooperate with counties, municipalities and  
266 eligible companies in order to promote, foster and support  
267 economic development within the counties and municipalities;

268           (b) To conduct hearings and inquiries, in the manner  
269 and by the methods as it deems desirable, including, without  
270 limitation, appointment of special committees, for the purpose of  
271 gathering information with respect to counties, municipalities,  
272 eligible companies and economic development projects, for the  
273 purpose of making any determinations necessary or desirable in the  
274 furtherance of Sections 57-10-401 through 57-10-445;

275           (c) To negotiate the terms of, and enter into financing  
276 agreements with, approved companies, and in connection therewith  
277 to acquire, convey, sell, own, lease, mortgage, finance, foreclose  
278 or otherwise dispose of any property, real or personal, in  
279 connection with an economic development project, and to pay, or  
280 cause to be paid, in accordance with the provisions of a financing  
281 agreement, the approved costs of an economic development project  
282 from any funds available therefor, including, without limitation,  
283 funds available as the result of the issuance of bonds under the  
284 Mississippi Small Enterprise Development Finance Act;

285           (d) To delegate to the executive director the rights  
286 and powers of the corporation required for the proper and  
287 desirable execution of the purposes of this article;

288           (e) To consent, if it deems it necessary or desirable  
289 in the fulfillment of its purposes, to the modification of the



290 terms of any financing agreements of any kind to which the  
291 corporation is a party;

292 (f) To include in any borrowing the amounts deemed  
293 necessary by the corporation to pay financing charges, consultant,  
294 advisory and legal fees, fees for bond insurance, letters of  
295 credit or other forms of credit enhancement, investment advisory  
296 fees, trustees' fees and other expenses necessary or incident to  
297 the borrowing;

298 (g) To make and publish administrative regulations  
299 respecting its programs and other administrative regulations  
300 necessary or appropriate to effectuate the purposes of Sections  
301 57-10-401 through 57-10-445, and necessary to administer the  
302 procedures and program as provided for in Sections 57-10-401  
303 through 57-10-445;

304 (h) To make, execute and effectuate any and all  
305 agreements or other documents with any governmental agency or any  
306 person, corporation, association, partnership, or other  
307 organization or entity, necessary or appropriate to accomplish the  
308 purposes of Sections 57-10-401 through 57-10-445, including any  
309 financing agreements with state agencies or any political  
310 subdivisions of the state under which funds may be pledged by or  
311 to the corporation for the payment of its bonds;

312 (i) To accept gifts, devises, bequests, grants, loans,  
313 appropriations, revenue sharing, other financing and assistance  
314 and any other aid from any source and to agree to, and to comply  
315 with, conditions attached thereto;

316 (j) To sue and be sued in its own name, plead and be  
317 impleaded; and

318 (k) To invest any funds held by the corporation or its  
319 agents or trustees, under Sections 57-10-401 through 57-10-445,  
320 including, but not limited to, the proceeds of bonds issued under  
321 Sections 57-10-401 through 57-10-445, reserve or other funds, or  
322 any monies not required for immediate disbursement, and the



323 investment income on any of the foregoing, in obligations  
324 authorized by Sections 57-10-401 through 57-10-445.

325 SECTION 4. Section 57-10-407, Mississippi Code of 1972, is  
326 reenacted as follows:

327 57-10-407. The corporation may accept and expend: (a)  
328 monies which may be appropriated from time to time by the  
329 Legislature; (b) monies which may be available under the  
330 Mississippi Small Enterprise Development Finance Act; or (c)  
331 monies which may be received from any source, including income  
332 from the corporation's operations, under Sections 57-10-401  
333 through 57-10-445, for effectuating the purposes of Sections  
334 57-10-401 through 57-10-445, including, without limitation, the  
335 payment of the expenses of administration and operation incurred  
336 pursuant to Sections 57-10-401 through 57-10-445 and the  
337 establishment and, if deemed desirable, maintenance of a reserve  
338 or contingency fund for the administration of Sections 57-10-401  
339 through 57-10-445.

340 SECTION 5. Section 57-10-409, Mississippi Code of 1972, is  
341 reenacted as follows:

342 **[In cases involving an economic development project for which**  
343 **the Mississippi Business Finance Corporation has issued bonds for**  
344 **the purpose of financing the approved costs of such project prior**  
345 **to July 1, 1994, this section shall read as follows:]**

346 57-10-409. The corporation may enter into, with any approved  
347 company, a financing agreement with respect to its economic  
348 development project. The terms and provisions of each financing  
349 agreement shall be determined by negotiations between the  
350 corporation and the approved company, except that each financing  
351 agreement shall include the following provisions:

352 (a) If the corporation issues any bonds in connection  
353 with an economic development project, the term of the financing  
354 agreement shall not be less than the last maturity of the bonds  
355 issued with respect to the economic development project, except



356 that the financing agreement may terminate upon the earlier  
357 redemption of all of the bonds issued with respect to the economic  
358 development project and may grant to the approved company an  
359 option to purchase the economic development project from the  
360 corporation upon the termination of the financing agreement for  
361 such consideration and under such terms and conditions the  
362 corporation may approve. Nothing in this paragraph shall limit  
363 the extension of the term of a financing agreement if there is a  
364 refunding of the correlative bonds or otherwise.

365 (b) If the corporation issues any bonds in connection  
366 with an economic development project, the financing agreement  
367 shall specify that the annual obligations of the approved company  
368 under Sections 57-10-401 through 57-10-445 shall equal in each  
369 year at least the annual debt service for that year on the bonds  
370 issued with respect to the economic development project; and the  
371 approved company shall pay such obligation of the financing  
372 agreement to the trustee for bonds issued for the benefit of the  
373 approved company, at such time and in such amounts sufficient to  
374 amortize such bonds.

375 (c) If the corporation loans funds to an approved  
376 company that is a private company under the Mississippi Small  
377 Enterprise Development Finance Act, the financing agreement shall  
378 include the terms and conditions of the loan required by Section  
379 57-71-1 et seq.

380 (d) (i) In consideration for financing agreement  
381 payment, the approved company may be permitted the following  
382 during the period of time in which the financing agreement is in  
383 effect, not to exceed twenty-five (25) years:

384 1. A tax credit on the amount provided for in  
385 Section 27-7-22.3(2), Mississippi Code of 1972; plus

386 2. The aggregate assessment withheld by the  
387 approved company in each year.



388                   (ii) The income tax credited to the approved  
389 company referred to herein shall be credited in the fiscal year of  
390 the financing agreement in which the tax return of the approved  
391 company is filed. The approved company shall not be required to  
392 pay estimated tax payments under Section 27-7-319, Mississippi  
393 Code of 1972.

394                   (e) (i) The financing agreement shall provide that the  
395 assessments, when added to the credit for the state corporate  
396 income tax herein granted, shall not exceed the total financing  
397 agreement annual payment by the approved company in any year;  
398 however, to the extent that financing agreement annual payments  
399 exceed credits received and assessments collected in any year, the  
400 excess payment may be recouped from excess credits or assessment  
401 collections in succeeding years.

402                   (ii) If during any fiscal year of the financing  
403 agreement the total of the income tax credit granted to the  
404 approved company plus the assessment collected from the wages of  
405 the employees equals the annual payment pursuant to the financing  
406 agreement, and if all excess payments pursuant to the financing  
407 agreement accumulated in prior years have been recouped, the  
408 assessment collected from the wages of the employees shall cease  
409 for the remainder of the fiscal year of the financing agreement.

410                   (f) The financing agreement shall provide that:

411                   (i) It may be assigned by the approved company  
412 only upon the prior written consent of the corporation following  
413 the adoption of a resolution by the corporation to such effect;  
414 and

415                   (ii) Upon the default by the approved company in  
416 the obligation to render its annual payment, the corporation shall  
417 have the right, at its option, to declare the financing agreement  
418 in default and to accelerate the total of all annual payments that  
419 are to be made or to terminate the financing agreement and cause  
420 to be sold the economic development project at public or private



421 sale, or to pursue any other remedies available under the Uniform  
422 Commercial Code, as from time to time amended, or otherwise  
423 available in law or equity.

424 **[In cases involving an economic development project for which**  
425 **the Mississippi Business Finance Corporation has not issued bonds**  
426 **for the purpose of financing the approved costs of such project**  
427 **prior to July 1, 1994, but has issued bonds for such project prior**  
428 **to July 1, 1997, or in cases involving an economic development**  
429 **project which has been induced by a resolution of the Board of**  
430 **Directors of the Mississippi Business Finance Corporation that has**  
431 **been filed with the State Tax Commission prior to July 1, 1997,**  
432 **this section shall read as follows:]**

433 57-10-409. The corporation may enter into, with any approved  
434 company, a financing agreement with respect to its economic  
435 development project. The terms and provisions of each financing  
436 agreement shall be determined by negotiations between the  
437 corporation and the approved company, except that each financing  
438 agreement shall include the following provisions:

439 (a) If the corporation issues any bonds in connection  
440 with an economic development project, the term of the financing  
441 agreement shall not be less than the last maturity of the bonds  
442 issued with respect to the economic development project, except  
443 that the financing agreement may terminate upon the earlier  
444 redemption of all of the bonds issued with respect to the economic  
445 development project and may grant to the approved company an  
446 option to purchase the economic development project from the  
447 corporation upon the termination of the financing agreement for  
448 such consideration and under such terms and conditions the  
449 corporation may approve. Nothing in this paragraph shall limit  
450 the extension of the term of a financing agreement if there is a  
451 refunding of the correlative bonds or otherwise.

452 (b) If the corporation issues any bonds in connection  
453 with an economic development project, the financing agreement



454 shall specify that the annual obligations of the approved company  
455 under Sections 57-10-401 through 57-10-445 shall equal in each  
456 year at least the annual debt service for that year on the bonds  
457 issued with respect to the economic development project; and the  
458 approved company shall pay such obligation of the financing  
459 agreement to the trustee for bonds issued for the benefit of the  
460 approved company, at such time and in such amounts sufficient to  
461 amortize such bonds.

462 (c) If the corporation loans funds to an approved  
463 company that is a private company under the Mississippi Small  
464 Enterprise Development Finance Act, the financing agreement shall  
465 include the terms and conditions of the loan required by Section  
466 57-71-1 et seq.

467 (d) (i) In consideration for financing agreement  
468 payment, the approved company may be permitted the following  
469 during the period of time in which the financing agreement is in  
470 effect, not to exceed twenty-five (25) years:

471 1. A tax credit on the amount provided for in  
472 Section 27-7-22.3(2), Mississippi Code of 1972; plus

473 2. The aggregate assessment withheld by the  
474 approved company in each year.

475 (ii) The income tax credited to the approved  
476 company referred to herein shall be credited in the fiscal year of  
477 the financing agreement in which the tax return of the approved  
478 company is filed. The approved company shall not be required to  
479 pay estimated tax payments under Section 27-7-319, Mississippi  
480 Code of 1972.

481 (e) (i) The financing agreement shall provide that the  
482 assessments, when added to the credit for the state corporate  
483 income tax herein granted, shall not exceed the total financing  
484 agreement annual payment by the approved company in any year;  
485 however, to the extent that financing agreement annual payments  
486 exceed credits received and assessments collected in any year, the



487 excess payment may be recouped from excess credits or assessment  
488 collections in succeeding years not to exceed three (3) years  
489 following the termination of the period of time during which the  
490 financing agreement is in effect.

491 (ii) If during any fiscal year of the financing  
492 agreement the total of the income tax credit granted to the  
493 approved company plus the assessment collected from the wages of  
494 the employees equals the annual payment pursuant to the financing  
495 agreement, and if all excess payments pursuant to the financing  
496 agreement accumulated in prior years have been recouped, the  
497 assessment collected from the wages of the employees shall cease  
498 for the remainder of the fiscal year of the financing agreement.

499 (f) The financing agreement shall provide that:

500 (i) It may be assigned by the approved company  
501 only upon the prior written consent of the corporation following  
502 the adoption of a resolution by the corporation to such effect;  
503 and

504 (ii) Upon the default by the approved company in  
505 the obligation to render its annual payment, the corporation shall  
506 have the right, at its option, to declare the financing agreement  
507 in default and to accelerate the total of all annual payments that  
508 are to be made or to terminate the financing agreement and cause  
509 to be sold the economic development project at public or private  
510 sale, or to pursue any other remedies available under the Uniform  
511 Commercial Code, as from time to time amended, or otherwise  
512 available in law or equity.

513 **[In cases involving an economic development project for which**  
514 **the Mississippi Business Finance Corporation has not issued bonds**  
515 **for the purpose of financing the approved costs of such project**  
516 **prior to July 1, 1997, or in cases involving an economic**  
517 **development project which has not been induced by a resolution of**  
518 **the Board of Directors of the Mississippi Business Finance**





519 **Corporation that has been filed with the State Tax Commission**  
520 **prior to July 1, 1997, this section shall read as follows:]**

521 57-10-409. The corporation may enter into, with any approved  
522 company, a financing agreement with respect to its economic  
523 development project. The terms and provisions of each financing  
524 agreement shall be determined by negotiations between the  
525 corporation and the approved company, except that each financing  
526 agreement shall include the following provisions:

527 (a) If the corporation issues any bonds in connection  
528 with an economic development project, the term of the financing  
529 agreement shall not be less than the last maturity of the bonds  
530 issued with respect to the economic development project, except  
531 that the financing agreement may terminate upon the earlier  
532 redemption of all of the bonds issued with respect to the economic  
533 development project and may grant to the approved company an  
534 option to purchase the economic development project from the  
535 corporation upon the termination of the financing agreement for  
536 such consideration and under such terms and conditions the  
537 corporation may approve. Nothing in this paragraph shall limit  
538 the extension of the term of a financing agreement if there is a  
539 refunding of the correlative bonds or otherwise.

540 (b) If the corporation issues any bonds in connection  
541 with an economic development project, the financing agreement  
542 shall specify that the annual obligations of the approved company  
543 under Sections 57-10-401 through 57-10-445 shall equal in each  
544 year at least the annual debt service for that year on the bonds  
545 issued with respect to the economic development project; and the  
546 approved company shall pay such obligation of the financing  
547 agreement to the trustee for bonds issued for the benefit of the  
548 approved company, at such time and in such amounts sufficient to  
549 amortize such bonds.

550 (c) If the corporation loans funds to an approved  
551 company that is a private company under the Mississippi Small



552 Enterprise Development Finance Act, the financing agreement shall  
553 include the terms and conditions of the loan required by Section  
554 57-71-1 et seq.

555 (d) (i) In consideration for financing agreement  
556 payment, the approved company may be permitted a tax credit on the  
557 amount provided for in Section 27-7-22.3(2), Mississippi Code of  
558 1972, during the period of time in which the financing agreement  
559 is in effect, not to exceed twenty-five (25) years.

560 (ii) The income tax credited to the approved  
561 company referred to herein shall be credited in the fiscal year of  
562 the financing agreement in which the tax return of the approved  
563 company is filed. The approved company shall not be required to  
564 pay estimated tax payments under Section 27-7-319, Mississippi  
565 Code of 1972.

566 (e) The financing agreement shall provide that:

567 (i) It may be assigned by the approved company  
568 only upon the prior written consent of the corporation following  
569 the adoption of a resolution by the corporation to such effect;  
570 and

571 (ii) Upon the default by the approved company in  
572 the obligation to render its annual payment, the corporation shall  
573 have the right, at its option, to declare the financing agreement  
574 in default and to accelerate the total of all annual payments that  
575 are to be made or to terminate the financing agreement and cause  
576 to be sold the economic development project at public or private  
577 sale, or to pursue any other remedies available under the Uniform  
578 Commercial Code, as from time to time amended, or otherwise  
579 available in law or equity.

580 SECTION 6. Section 57-10-411, Mississippi Code of 1972, is  
581 reenacted as follows:

582 57-10-411. Ninety (90) days after the filing of the tax  
583 return of the approved company, the State Tax Commission shall  
584 certify to the corporation the state income tax liability for the



585 preceding year of each approved company with respect to an  
586 economic development project financed under Sections 57-10-401  
587 through 57-10-445, and the amounts of any tax credits taken under  
588 Sections 57-10-401 through 57-10-445.

589 SECTION 7. Section 57-10-413, Mississippi Code of 1972, is  
590 reenacted as follows:

591 **[In cases involving an economic development project for which**  
592 **the Mississippi Business Finance Corporation has issued bonds for**  
593 **the purpose of financing the approved costs of such project prior**  
594 **to July 1, 1994, this section shall read as follows:]**

595 57-10-413. (1) The approved company may require that each  
596 employee whose gross wages are equivalent to Five Dollars (\$5.00)  
597 or more per hour, as a condition of employment, agrees to pay a  
598 job development assessment fee not to exceed a certain percentage  
599 of the gross wages of each such employee whose job was created as  
600 a result of the economic development project, for the purpose of  
601 retiring the bonds which fund the economic development project or  
602 other indebtedness. The job development assessment fee shall not  
603 exceed the following percentages of the gross wages of the  
604 employee:

605 (a) Two percent (2%), if the gross wages of the  
606 employee are equivalent to Five Dollars (\$5.00) or more per hour  
607 but less than Seven Dollars (\$7.00) per hour;

608 (b) Four percent (4%), if the gross wages of the  
609 employee are equivalent to Seven Dollars (\$7.00) or more per hour  
610 but less than Nine Dollars (\$9.00) per hour; and

611 (c) Six percent (6%), if the gross wages of the  
612 employee are equivalent to Nine Dollars (\$9.00) or more per hour.

613 (2) Each employee so assessed shall be entitled to credits  
614 against Mississippi income taxes as provided in Section 27-7-22.3.

615 (3) If an approved company shall elect to impose the  
616 assessment as a condition of employment, it shall deduct the  
617 assessment from each paycheck of each employee.



618 (4) Any approved company collecting an assessment as  
619 provided in subsection (1) of this section shall make its payroll  
620 books and records available to the corporation at such reasonable  
621 times as the corporation shall request and shall file with the  
622 corporation documentation respecting the assessment as the  
623 corporation may require.

624 (5) Any assessment of the wages of employees of an approved  
625 company in connection with their employment at an economic  
626 development project under subsection (1) of this section shall  
627 lapse on the date the bonds are retired.

628 **[In cases involving an economic development project for which**  
629 **the Mississippi Business Finance Corporation has not issued bonds**  
630 **for the purpose of financing the approved costs of such project**  
631 **prior to July 1, 1994, but has issued bonds for such project prior**  
632 **to July 1, 1997, or in cases involving an economic development**  
633 **project which has been induced by a resolution of the Board of**  
634 **Directors of the Mississippi Business Finance Corporation that has**  
635 **been filed with the State Tax Commission prior to July 1, 1997,**  
636 **this section shall read as follows:]**

637 57-10-413. (1) Except as otherwise provided for in  
638 subsection (6) of this section, the approved company may require  
639 that each employee whose gross wages are equivalent to Five  
640 Dollars (\$5.00) or more per hour, as a condition of employment,  
641 agrees to pay a job development assessment fee not to exceed a  
642 certain percentage of the gross wages of each such employee whose  
643 job was created as a result of the economic development project,  
644 for the purpose of retiring the bonds which fund the economic  
645 development project or other indebtedness. The job development  
646 assessment fee shall not exceed the following percentages of the  
647 gross wages of the employee:

648 (a) Two percent (2%), if the gross wages of the  
649 employee are equivalent to Five Dollars (\$5.00) or more per hour  
650 but less than Seven Dollars (\$7.00) per hour;



651 (b) Four percent (4%), if the gross wages of the  
652 employee are equivalent to Seven Dollars (\$7.00) or more per hour  
653 but less than Nine Dollars (\$9.00) per hour; and

654 (c) Six percent (6%), if the gross wages of the  
655 employee are equivalent to Nine Dollars (\$9.00) or more per hour.

656 (2) Each employee so assessed shall be entitled to credits  
657 against Mississippi income taxes as provided in Section 27-7-22.3.

658 (3) If an approved company shall elect to impose the  
659 assessment as a condition of employment, it shall deduct the  
660 assessment from each paycheck of each employee.

661 (4) Any approved company collecting an assessment as  
662 provided in subsection (1) of this section shall make its payroll  
663 books and records available to the corporation at such reasonable  
664 times as the corporation shall request and shall file with the  
665 corporation documentation respecting the assessment as the  
666 corporation may require.

667 (5) Any assessment of the wages of employees of an approved  
668 company in connection with their employment at an economic  
669 development project under subsection (1) of this section shall  
670 lapse on the date the bonds are retired.

671 (6) If an eligible company closes a facility in this state  
672 and becomes an approved company under the provisions of Sections  
673 57-10-401 through 57-10-449, only those jobs created in excess of  
674 those that existed at the closed facility at the time of the  
675 closure shall be eligible for the imposition of the job  
676 development assessment fee. The Mississippi Business Finance  
677 Corporation shall promulgate rules and regulations to govern the  
678 determination of the number of jobs upon which the job development  
679 assessment fee may be imposed.

680 SECTION 8. Section 57-10-415, Mississippi Code of 1972, is  
681 reenacted as follows:

682 57-10-415. Every issue of bonds under Sections 57-10-401  
683 through 57-10-445 shall be payable solely out of any revenues of



684 the corporation as provided in Sections 57-10-401 through  
685 57-10-445. The bonds additionally may be secured by a pledge of  
686 any grant, contribution or guarantee from the federal government  
687 or any person or a pledge by the corporation of any revenues from  
688 any source.

689 SECTION 9. Section 57-10-417, Mississippi Code of 1972, is  
690 reenacted as follows:

691 57-10-417. The bonds issued by the corporation under  
692 Sections 57-10-401 through 57-10-445 shall be limited obligations  
693 of the corporation and shall not constitute a debt, liability or  
694 general obligation of the state or any political subdivision  
695 thereof (other than the corporation), or a pledge of the faith and  
696 credit of the state or any political subdivision thereof (other  
697 than the corporation), but shall be payable solely as provided by  
698 the corporation under Sections 57-10-401 through 57-10-445. No  
699 member or officer of the board of directors of the corporation nor  
700 any person executing the bonds shall be liable personally on the  
701 bonds by reason of the issuance thereof. Each bond issued under  
702 Sections 57-10-401 through 57-10-445 shall contain on the face  
703 thereof a statement that neither the state, nor any other  
704 political subdivision thereof, shall be obligated to pay the same  
705 or the interest thereon or other costs incident thereto except  
706 from the revenue or money pledged by the corporation and that  
707 neither the faith and credit nor the taxing power of the state or  
708 any political subdivision thereof is pledged to the payment of the  
709 principal of, or the interest on, such bond.

710 SECTION 10. Section 57-10-419, Mississippi Code of 1972, is  
711 reenacted as follows:

712 57-10-419. (1) The corporation may issue in its own name,  
713 from time to time, for the purpose of financing the approved costs  
714 of an economic development project, its bonds and may pledge for  
715 the payment thereof funds derived in respect of any financing



716 agreement or other arrangement entered into by the corporation and  
717 an approved company under Sections 57-10-401 through 57-10-445.

718 (2) In anticipation of the issuance of bonds, the  
719 corporation may provide for the issuance, at one (1) time or from  
720 time to time, of bond anticipation notes. The principal of and  
721 the interest on the notes shall be payable solely from the funds  
722 herein provided for the payment. Any notes may be made payable  
723 from the proceeds of bonds or renewal notes; or, if bond or  
724 renewal note proceeds are not available, the notes may be paid  
725 from any available revenues or assets of the corporation.

726 (3) The bonds issued under Sections 57-10-401 through  
727 57-10-445 shall be authorized by a resolution of the corporation,  
728 shall bear such date or dates, and shall mature at such time or  
729 times as such resolution may provide, except that no bond shall  
730 mature more than twenty-five (25) years from the date of issue.  
731 Bonds which are not subject to taxation shall bear interest at  
732 such rate or rates, be in such denominations, be in such form,  
733 carry such registration privileges, be executed in such manner, be  
734 payable in such medium of payment, at such place or places, and be  
735 subject to such terms of redemption, including redemption before  
736 maturity, as such resolution may provide. Except as expressly  
737 provided otherwise in Sections 57-10-401 through 57-10-445, the  
738 provisions of other laws of the state relating to the issuance of  
739 revenue bonds shall not apply to bonds issued by the corporation.  
740 As to bonds issued hereunder and designated as taxable bonds by  
741 the corporation, any immunity to taxation by the United States  
742 Government of interest on such bonds or notes is hereby waived.  
743 Bonds of the corporation may be sold by the corporation at public  
744 or private sale, from time to time, and at such price or prices as  
745 the corporation shall determine.

746 (4) The proceeds of any bonds shall be used solely for the  
747 purposes for which issued and shall be disbursed in the manner and  
748 under the restrictions, if any, that the corporation may provide



749 in the resolution authorizing the issuance of the bonds or in a  
750 trust indenture securing the same.

751 (5) The principal and interest on the bonds issued by the  
752 corporation shall be payable solely and only from proceeds derived  
753 under a financing agreement and shall be secured solely by the  
754 economic development project, the proceeds of the financing  
755 agreement, and such other assets as may be available, but not  
756 including revenues of the state.

757 (6) Before the preparation of definitive certificates  
758 evidencing the bonds, the corporation may issue, under like  
759 restrictions, interim receipts or temporary certificates, with or  
760 without coupons, exchangeable for definitive certificates when the  
761 certificates have been executed and are available for delivery.  
762 The corporation may also provide for the replacement of any  
763 certificates which become mutilated or are destroyed or lost.

764 SECTION 11. Section 57-10-421, Mississippi Code of 1972, is  
765 reenacted as follows:

766 57-10-421. In addition to the requirements provided for in  
767 Section 57-10-419, any resolution authorizing the issuance of  
768 bonds under Sections 57-10-401 through 57-10-445 may contain  
769 provisions as to:

770 (a) The setting aside of reserves or sinking funds and  
771 the regulations and disposition thereof;

772 (b) Limitations on the issuance of additional bonds,  
773 the terms upon which additional bonds may be issued and secured,  
774 and the refunding of outstanding or other bonds;

775 (c) The procedure, if any, by which the terms of any of  
776 the proceedings under which the bonds are being issued may be  
777 amended or abrogated, the number or percentage of bondholders who  
778 or which must consent thereto, and the manner in which the consent  
779 may be given;

780 (d) The vesting in a trustee or trustees of such  
781 property, rights, powers and duties in trust as the company may





782 determine, and limiting or abrogating the right of bondholders to  
783 appoint a trustee or limiting the rights, powers and duties of the  
784 trustee;

785 (e) Defining the act or omissions to act which shall  
786 constitute a default and the obligations or duties of the  
787 corporation to the holders of the bonds, and providing for the  
788 rights and remedies of the holders of the bonds in the event of  
789 default, which rights and remedies may include the general laws of  
790 the state and other provisions of Sections 57-10-401 through  
791 57-10-445; or

792 (f) Any other matter, of like or different character,  
793 which in any way affects the security or protection of the holders  
794 of the bonds.

795 SECTION 12. Section 57-10-423, Mississippi Code of 1972, is  
796 reenacted as follows:

797 57-10-423. Any pledge made by the corporation shall be valid  
798 and binding from the time when the pledge was made. The revenues  
799 or properties so pledged and thereafter received by the  
800 corporation shall immediately be subject to the lien of such  
801 pledge without any physical delivery thereof or further act, and  
802 the lien of any such pledge shall be valid and binding as against  
803 all parties having claims of any kind in tort, contract or  
804 otherwise against the corporation, irrespective of whether the  
805 parties have notice thereof. Neither the resolution nor any other  
806 instrument by which a pledge is created need be recorded.

807 SECTION 13. Section 57-10-425, Mississippi Code of 1972, is  
808 reenacted as follows:

809 57-10-425. The corporation, subject to the provisions in  
810 proceedings relating to outstanding bonds as may then exist, may  
811 purchase bonds out of any funds available therefor, which shall  
812 thereupon be canceled, at any reasonable price which, if the bonds  
813 are then redeemable, shall not exceed the redemption price (and



814 premium, if any) then applicable plus accrued interest to the  
815 redemption date thereof.

816 SECTION 14. Section 57-10-427, Mississippi Code of 1972, is  
817 reenacted as follows:

818 57-10-427. The bonds may be secured by an indenture by and  
819 between the corporation and a corporate trustee which may be any  
820 bank or other corporation having the power of a trust company or  
821 any trust company within or without this state. Such indenture  
822 may contain such provisions for protecting and enforcing the  
823 rights and remedies of the bondholders as may be reasonable and  
824 proper and not in violation of law, including covenants setting  
825 forth the duties of the corporation in relation to the exercise of  
826 its powers and the custody, safekeeping and application of all  
827 money. The corporation may provide by the indenture for the  
828 payment of the proceeds of the bonds and revenues to the trustee  
829 under the indenture or other depository, and for the method of  
830 disbursement thereof, with such safeguards and restrictions as the  
831 corporation may determine. If the bonds shall be secured by an  
832 indenture, the bondholders shall have no authority to appoint a  
833 separate trustee to represent them.

834 SECTION 15. Section 57-10-429, Mississippi Code of 1972, is  
835 reenacted as follows:

836 57-10-429. In the event that any of the members or officers  
837 of the board of directors of the corporation shall cease to be  
838 members or officers of the board prior to the delivery of any  
839 bonds signed by them, their signatures or facsimiles thereof shall  
840 nevertheless be valid and sufficient for all purposes, the same as  
841 if such members or officers had remained in office until such  
842 delivery.

843 SECTION 16. Section 57-10-431, Mississippi Code of 1972, is  
844 reenacted as follows:



845           57-10-431. The corporation may create and establish such  
846 funds and accounts as may be necessary or desirable for its  
847 purposes under Sections 57-10-401 through 57-10-445.

848           SECTION 17. Section 57-10-433, Mississippi Code of 1972, is  
849 reenacted as follows:

850           57-10-433. The corporation shall have the power to contract  
851 with the holders of any of its bonds issued under Sections  
852 57-10-401 through 57-10-445 as to the custody, collection,  
853 securing, investment and payment of any money of the corporation,  
854 and of any money held in trust or otherwise for the payment of  
855 bonds, and to carry out such contract. Money held in trust or  
856 otherwise for the payment of bonds or in any way to secure bonds  
857 and deposits of money may be secured in the same manner as money  
858 of the corporation, and all banks and trust companies are  
859 authorized to give security for the deposits.

860           SECTION 18. Section 57-10-435, Mississippi Code of 1972, is  
861 reenacted as follows:

862           57-10-435. Amendments to Sections 57-10-401 through  
863 57-10-445, enacted after July 1, 1993, shall not limit the rights  
864 vested in the corporation with respect to any agreements made  
865 with, or remedies available to, the holders of bonds issued under  
866 this article or Section 27-7-22.3 prior to the enactment of the  
867 amendments until the bonds, together with all interest thereon,  
868 and all costs and expenses in connection with any proceeding by or  
869 on behalf of the holders, are fully met and discharged.

870           SECTION 19. Section 57-10-437, Mississippi Code of 1972, is  
871 reenacted as follows:

872           57-10-437. All expenses incurred by the corporation in  
873 carrying out the provisions of Sections 57-10-401 through  
874 57-10-445 shall be payable solely from funds provided under  
875 Sections 57-10-401 through 57-10-445, or other funds of the  
876 corporation. Nothing in Sections 57-10-401 through 57-10-445  
877 shall be construed to authorize the corporation to incur



878 indebtedness or liability on behalf of or payable by the state or  
879 any other political subdivision thereof.

880 SECTION 20. Section 57-10-439, Mississippi Code of 1972, is  
881 reenacted as follows:

882 57-10-439. (1) The corporation is hereby declared to be  
883 performing a public function and to be a public body corporate and  
884 a political subdivision of the state. Accordingly, the income,  
885 including any profit made on the sale thereof from all bonds  
886 issued by the corporation, shall at all times be exempt from all  
887 taxation by the state or any political subdivision thereof. If,  
888 after all indebtedness and other obligations of the corporation  
889 are discharged, the corporation is dissolved, its remaining assets  
890 shall inure to the benefit of the state.

891 (2) With the approval of the appropriate local taxing  
892 authority, all mortgages or deeds of trust executed as security  
893 therefor, all lease or purchase agreements made pursuant to the  
894 provisions hereof, and all purchases required to establish the  
895 industrial enterprise and financed by proceeds from bonds issued  
896 under Sections 57-10-401 through 57-10-445, shall likewise be  
897 exempt from all taxation in the State of Mississippi except the  
898 contractors' tax imposed by Section 27-65-21, and except ad  
899 valorem taxes levied for school district purposes. All projects  
900 and the revenue derived therefrom from any lease thereof shall be  
901 exempt from all taxation in the State of Mississippi, except the  
902 tax levied by Section 27-65-21, except the tax levied under  
903 Chapter 7, Title 27, Mississippi Code of 1972, and except ad  
904 valorem taxes levied for school district purposes.

905 SECTION 21. Section 57-10-441, Mississippi Code of 1972, is  
906 reenacted as follows:

907 57-10-441. The bonds issued by and under the authority of  
908 Sections 57-10-401 through 57-10-445 by the corporation are  
909 declared to be legal investments in which all public officers or  
910 public bodies of the state, its political subdivisions, all



911 municipalities and municipal subdivisions, all insurance companies  
912 and associations, and other persons carrying on insurance  
913 business, all banks, bankers, banking associations, trust  
914 companies, savings associations, including savings and loan  
915 associations, building and loan associations, investment  
916 companies, and other persons carrying on a banking business, all  
917 administrators, guardians, executors, trustees and other  
918 fiduciaries, and all other persons who are now or may later be  
919 authorized to invest in bonds or in other obligations of the  
920 state, may invest funds, including capital, in their control or  
921 belonging to them. Such bonds are also hereby made securities  
922 which may be deposited with and received by all public officers  
923 and bodies of the state or any agency or political subdivision of  
924 the state and all municipalities and public corporations for any  
925 purpose for which the deposit of bonds or other obligations of the  
926 state is now or may be later authorized by law.

927 SECTION 22. Section 57-10-443, Mississippi Code of 1972, is  
928 reenacted as follows:

929 57-10-443. The corporation, within one hundred twenty (120)  
930 days of the close of each fiscal year, shall submit an annual  
931 report of its activities in regard to Sections 57-10-401 through  
932 57-10-445 for the preceding year to the Governor. The Clerk of  
933 the House of Representatives and the Secretary of the Senate each  
934 shall receive a copy of the report by making a request for it to  
935 the corporation. Each report shall set forth a complete operating  
936 and financial statement in regard to Sections 57-10-401 through  
937 57-10-445 for the corporation during the fiscal year it covers.

938 SECTION 23. Section 57-10-445, Mississippi Code of 1972, is  
939 reenacted as follows:

940 57-10-445. Nothing contained in Sections 57-10-401 through  
941 57-10-445 is to be construed as a restriction or limitation upon  
942 any powers which the corporation might otherwise have under any  
943 other law of the state. Insofar as the provisions of Sections



944 57-10-401 through 57-10-445 are inconsistent with the provisions  
945 of any other law, the provisions of Sections 57-10-401 through  
946 57-10-445 shall be controlling, and the powers conferred by  
947 Sections 57-10-401 through 57-10-445 shall be regarded as  
948 supplemental and additional to powers conferred by any other laws.  
949 No proceedings, notice or approval shall be required for the  
950 issuance of any bonds or any instrument or the security therefor,  
951 except as provided in Sections 57-10-401 through 57-10-445.

952 The provisions of Sections 57-10-401 through 57-10-445 shall  
953 be liberally construed to accomplish the purposes of Sections  
954 57-10-401 through 57-10-445.

955 The powers granted and the duties imposed in Sections  
956 57-10-401 through 57-10-445 shall be construed to be independent  
957 and severable. If any one or more sections, subsections,  
958 sentences or parts of any of Sections 57-10-401 through 57-10-445  
959 shall be adjudged unconstitutional or invalid, such adjudication  
960 shall not affect, impair or invalidate the remaining provisions  
961 thereof, but shall be confined in its operation to the specific  
962 provisions so held unconstitutional or invalid.

963 SECTION 24. Section 27-7-22.3, Mississippi Code of 1972, is  
964 reenacted as follows:

965 **[In cases involving an economic development project for which**  
966 **the Mississippi Business Finance Corporation has issued bonds for**  
967 **the purpose of financing the approved costs of such project prior**  
968 **to July 1, 1994, this section shall read as follows:]**

969 27-7-22.3. (1) For taxpayers who are required to pay a job  
970 assessment fee as provided in Section 57-10-413, there shall be  
971 allowed as a credit against the taxes imposed by this chapter, an  
972 amount equal to the amount of the job assessment fee imposed upon  
973 such taxpayer pursuant to Section 57-10-413. If the amount  
974 allowable as a credit exceeds the tax imposed by this article and  
975 Section 27-7-22.3, the amount of such excess shall not be  
976 refundable or carried forward to any other taxable year.



977           (2) For any approved company as defined in Section  
978 57-10-401, there shall be allowed against the taxes imposed by  
979 this chapter on the income of the approved company generated by or  
980 arising out of the economic development project (as defined in  
981 Section 57-10-401), a credit in an amount not to exceed the total  
982 debt service paid under a financing agreement entered into under  
983 Section 57-10-409. The tax credit allowed in this subsection  
984 shall not exceed the amount of taxes due the State of Mississippi.

985           **[In cases involving an economic development project for which**  
986 **the Mississippi Business Finance Corporation has not issued bonds**  
987 **for the purpose of financing the approved costs of such project**  
988 **prior to July 1, 1994, but has issued bonds for such project prior**  
989 **to July 1, 1997, or in cases involving an economic development**  
990 **project which has been induced by a resolution of the Board of**  
991 **Directors of the Mississippi Business Finance Corporation that has**  
992 **been filed with the State Tax Commission prior to July 1, 1997,**  
993 **this section shall read as follows:]**

994           27-7-22.3. (1) For taxpayers who are required to pay a job  
995 assessment fee as provided in Section 57-10-413, there shall be  
996 allowed as a credit against the taxes imposed by this chapter, an  
997 amount equal to the amount of the job assessment fee imposed upon  
998 such taxpayer pursuant to Section 57-10-413. If the amount  
999 allowable as a credit exceeds the tax imposed by this article and  
1000 Section 27-7-22.3, the amount of such excess shall not be  
1001 refundable or carried forward to any other taxable year.

1002           (2) For any approved company as defined in Section  
1003 57-10-401, there shall be allowed against the taxes imposed by  
1004 this chapter on the income of the approved company generated by or  
1005 arising out of the economic development project (as defined in  
1006 Section 57-10-401), a credit in an amount not to exceed the total  
1007 debt service paid under a financing agreement entered into under  
1008 Section 57-10-409. The tax credit allowed in this subsection  
1009 shall not exceed the amount of taxes due the State of Mississippi.



1010 The amount of income of the approved company generated by or  
1011 arising out of the economic development project shall be  
1012 determined by a formula adopted by the Mississippi Business  
1013 Finance Corporation.

1014 **[In cases involving an economic development project for which**  
1015 **the Mississippi Business Finance Corporation has not issued bonds**  
1016 **for the purpose of financing the approved costs of such project**  
1017 **prior to July 1, 1997, or in cases involving an economic**  
1018 **development project which has not been induced by a resolution of**  
1019 **the Board of Directors of the Mississippi Business Finance**  
1020 **Corporation that has been filed with the State Tax Commission**  
1021 **prior to July 1, 1997, this section shall read as follows:]**

1022 27-7-22.3. For any approved company as defined in Section  
1023 57-10-401, there shall be allowed against the taxes imposed by  
1024 this chapter on the income of the approved company generated by or  
1025 arising out of the economic development project (as defined in  
1026 Section 57-10-401), a credit in an amount not to exceed the total  
1027 debt service paid under a financing agreement entered into under  
1028 Section 57-10-409; provided, however, that the tax credit allowed  
1029 in this subsection shall not exceed eighty percent (80%) of the  
1030 amount of taxes due the State of Mississippi prior to the  
1031 application of the credit. To the extent that financing agreement  
1032 annual payments exceed the amount of the credit authorized  
1033 pursuant to this section in any taxable year, such excess payment  
1034 may be recouped from excess credits in succeeding years not to  
1035 exceed three (3) years following the date upon which the credit  
1036 was earned. The amount of income of the approved company  
1037 generated by or arising out of the economic development project  
1038 shall be determined by a formula adopted by the Mississippi  
1039 Business Finance Corporation.

1040 SECTION 25. Section 57-10-449, Mississippi Code of 1972, is  
1041 amended as follows:





1042           57-10-449. Sections 57-10-401 through 57-10-445 and  
1043 27-7-22.3 shall be repealed from and after October 1, 2002.

1044           SECTION 26. This act shall take effect and be in force from  
1045 and after July 1, 2001.

