

Senate Amendments to House Bill No. 516

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

15 **SECTION 1.** Section 57-10-401, Mississippi Code of 1972, is
16 brought forward as follows:

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

21 57-10-401. As used in Sections 57-10-401 through 57-10-445,
22 the following terms shall have the meanings ascribed to them
23 herein unless the context clearly indicates otherwise:

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

27 (b) "Approved costs" means:

28 (i) Obligations incurred for equipment and labor
29 and to contractors, subcontractors, builders and materialmen in
30 connection with the acquisition, construction and installation of
31 an economic development project;

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

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

39 (iv) All costs of architectural and engineering
40 services, including test borings, surveys, estimates, plans and
41 specifications, preliminary investigations, and supervision of
42 construction, as well as for the performance of all the duties
43 required by or consequent upon the acquisition, construction and
44 installation of an economic development project;

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

48 (vi) All costs, expenses and fees incurred in
49 connection with the issuance of bonds pursuant to Sections
50 57-10-401 through 57-10-445;

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

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

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

58 (d) "Bonds" means the revenue bonds, notes or other
59 debt obligations of the corporation authorized to be issued by the
60 corporation on behalf of an eligible company or other state
61 agency.

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

65 (f) "Economic development project" means and includes
66 the acquisition of any equipment or real estate in a county and
67 the construction and installation thereon, and with respect
68 thereto, of improvements and facilities necessary or desirable for
69 improvement of the real estate, including surveys, site tests and
70 inspections, subsurface site work, excavation, removal of
71 structures, roadways, cemeteries and other surface obstructions,
72 filling, grading and provision of drainage, storm water detention,
73 installation of utilities such as water, sewer, sewage treatment,
74 gas, electricity, communications and similar facilities, off-site
75 construction of utility extensions to the boundaries of the real
76 estate, and the acquisition, construction and installation of
77 manufacturing, telecommunications, data processing, distribution
78 or warehouse facilities on the real estate, for lease or financial
79 arrangement by the corporation to an approved company for use and
80 occupancy by the approved company or its affiliates for
81 manufacturing, telecommunications, data processing, distribution
82 or warehouse purposes. Such term also includes, without
83 limitation, any project the financing of which has been approved

84 under the Mississippi Small Enterprise Development Finance Act.
85 From and after January 1, 2014, such term also includes the
86 economic development project of a related approved company that is
87 merged into or consolidated with another approved company where
88 the approved companies are engaged in a vertically integrated
89 manufacturing or warehouse operation.

90 (g) "Eligible company" means any corporation,
91 partnership, sole proprietorship, business trust, or other entity
92 which is:

93 (i) Engaged in manufacturing which meets the
94 standards promulgated by the corporation under Sections 57-10-401
95 through 57-10-445;

96 (ii) A private company approved by the corporation
97 for a loan under the Mississippi Small Enterprise Development
98 Finance Act;

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

103 (iv) A telecommunications or data processing
104 business.

105 (h) "Executive director" means the Executive Director
106 of the Mississippi Business Finance Corporation.

107 (i) "Financing agreement" means any financing documents
108 and agreements, indentures, loan agreements, lease agreements,
109 security agreements and the like, entered into by and among the

110 corporation, private lenders and an approved company with respect
111 to an economic development project.

112 (j) "Manufacturing" means any activity involving the
113 manufacturing, processing, assembling or production of any
114 property, including the processing resulting in a change in the
115 conditions of the property and any activity functionally related
116 thereto, together with the storage, warehousing, distribution and
117 related office facilities in respect thereof as determined by the
118 Mississippi Business Finance Corporation; however, in no event
119 shall "manufacturing" include mining, coal or mineral processing,
120 or extraction of Mississippi minerals.

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

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

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

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

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

133 57-10-401. As used in Sections 57-10-401 through 57-10-445,
134 the following terms shall have the meanings ascribed to them
135 herein unless the context clearly indicates otherwise:

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

139 (b) "Approved costs" means:

140 (i) Obligations incurred for equipment and labor
141 and to contractors, subcontractors, builders and materialmen in
142 connection with the acquisition, construction and installation of
143 an economic development project;

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

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

151 (iv) All costs of architectural and engineering
152 services, including test borings, surveys, estimates, plans and
153 specifications, preliminary investigations, and supervision of
154 construction, as well as for the performance of all the duties
155 required by or consequent upon the acquisition, construction and
156 installation of an economic development project;

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

160 (vi) All costs, expenses and fees incurred in
161 connection with the issuance of bonds pursuant to Sections
162 57-10-401 through 57-10-445;

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

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

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

170 (d) "Bonds" means the revenue bonds, notes or other
171 debt obligations of the corporation authorized to be issued by the
172 corporation on behalf of an eligible company or other state
173 agency.

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

177 (f) "Economic development project" means and includes
178 the acquisition of any equipment or real estate in a county and
179 the construction and installation thereon, and with respect
180 thereto, of improvements and facilities necessary or desirable for
181 improvement of the real estate, including surveys, site tests and
182 inspections, subsurface site work, excavation, removal of
183 structures, roadways, cemeteries and other surface obstructions,
184 filling, grading and provision of drainage, storm water detention,
185 installation of utilities such as water, sewer, sewage treatment,

186 gas, electricity, communications and similar facilities, off-site
187 construction of utility extensions to the boundaries of the real
188 estate, and the acquisition, construction and installation of
189 manufacturing, telecommunications, data processing, distribution
190 or warehouse facilities on the real estate, for lease or financial
191 arrangement by the corporation to an approved company for use and
192 occupancy by the approved company or its affiliates for
193 manufacturing, telecommunications, data processing, distribution
194 or warehouse purposes. Such term also includes, without
195 limitation, any project the financing of which has been approved
196 under the Mississippi Small Enterprise Development Finance Act.

197 If an eligible company closes a facility in this state and
198 becomes an approved company under the provisions of Sections
199 57-10-401 through 57-10-449, only that portion of the project for
200 which such company is attempting to obtain financing that is in
201 excess of the value of the closed facility shall be included
202 within the definition of the term "economic development project."
203 The Mississippi Business Finance Corporation shall promulgate
204 rules and regulations to govern the determination of the
205 difference between the value of the closed facility and the new
206 facility.

207 (g) "Eligible company" means any corporation,
208 partnership, sole proprietorship, business trust, or other entity
209 which:

210 (i) Engaged in manufacturing which meets the
211 standards promulgated by the corporation under Sections 57-10-401
212 through 57-10-445;

213 (ii) A private company approved by the corporation
214 for a loan under the Mississippi Small Enterprise Development
215 Finance Act;

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

220 (iv) A telecommunications or data/information
221 processing business meeting criteria established by the
222 Mississippi Business Finance Corporation;

223 (v) National or regional headquarters meeting
224 criteria established by the Mississippi Business Finance
225 Corporation;

226 (vi) Research and development facilities meeting
227 criteria established by the Mississippi Business Finance
228 Corporation; or

229 (vii) Technology intensive enterprises or
230 facilities meeting criteria established by the Mississippi
231 Business Finance Corporation.

232 (h) "Executive director" means the Executive Director
233 of the Mississippi Business Finance Corporation.

234 (i) "Financing agreement" means any financing documents
235 and agreements, indentures, loan agreements, lease agreements,

236 security agreements and the like, entered into by and among the
237 corporation, private lenders and an approved company with respect
238 to an economic development project.

239 (j) "Manufacturing" means any activity involving the
240 manufacturing, processing, assembling or production of any
241 property, including the processing resulting in a change in the
242 conditions of the property and any activity functionally related
243 thereto, together with the storage, warehousing, distribution and
244 related office facilities in respect thereof as determined by the
245 Mississippi Business Finance Corporation; however, in no event
246 shall "manufacturing" include mining, coal or mineral processing,
247 or extraction of Mississippi minerals.

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

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

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

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

256 **SECTION 2.** Section 57-10-403, Mississippi Code of 1972, is
257 brought forward as follows:

258 57-10-403. (1) The Legislature finds and declares that the
259 general welfare and material well-being of citizens of the state
260 depend in large measure upon the development and growth of
261 industry in the state.

262 (2) The Legislature finds and declares further that it is in
263 the best interest of the state to induce the location or expansion
264 of manufacturing facilities within this state in order to advance
265 the public purposes of relieving unemployment by creating new jobs
266 within this state that, but for the inducements to be offered by
267 the corporation to approved companies as herein provided, would
268 not exist, and of creating new sources of tax revenues for the
269 support of the public services provided by this state and country.

270 (3) The Legislature finds and declares further that the
271 authority granted by this article and the purposes to be
272 accomplished hereby are proper governmental and public purposes
273 for which public monies may be expended, and that the inducement
274 of the location or expansion of manufacturing facilities within
275 the state is of paramount importance, mandating that the
276 provisions of this article be liberally construed and applied in
277 order to advance the public purposes.

278 **SECTION 3.** Section 57-10-405, Mississippi Code of 1972, is
279 brought forward as follows:

280 57-10-405. In addition to its other powers and duties, the
281 corporation shall have all the powers necessary or convenient to
282 carry out and effectuate the purposes and provisions of Sections
283 57-10-401 through 57-10-445, including, but without limiting the
284 generality of the foregoing, the power:

285 (a) To provide and finance economic development
286 projects under the provisions of Sections 57-10-401 through
287 57-10-445, and cooperate with counties, municipalities and

288 eligible companies in order to promote, foster and support
289 economic development within the counties and municipalities;

290 (b) To conduct hearings and inquiries, in the manner
291 and by the methods as it deems desirable, including, without
292 limitation, appointment of special committees, for the purpose of
293 gathering information with respect to counties, municipalities,
294 eligible companies and economic development projects, for the
295 purpose of making any determinations necessary or desirable in the
296 furtherance of Sections 57-10-401 through 57-10-445;

297 (c) To negotiate the terms of, and enter into financing
298 agreements with, approved companies, and in connection therewith
299 to acquire, convey, sell, own, lease, mortgage, finance, foreclose
300 or otherwise dispose of any property, real or personal, in
301 connection with an economic development project, and to pay, or
302 cause to be paid, in accordance with the provisions of a financing
303 agreement, the approved costs of an economic development project
304 from any funds available therefor, including, without limitation,
305 funds available as the result of the issuance of bonds under the
306 Mississippi Small Enterprise Development Finance Act;

307 (d) To delegate to the executive director the rights
308 and powers of the corporation required for the proper and
309 desirable execution of the purposes of this article;

310 (e) To consent, if it deems it necessary or desirable
311 in the fulfillment of its purposes, to the modification of the
312 terms of any financing agreements of any kind to which the
313 corporation is a party;

314 (f) To include in any borrowing the amounts deemed
315 necessary by the corporation to pay financing charges, consultant,
316 advisory and legal fees, fees for bond insurance, letters of
317 credit or other forms of credit enhancement, investment advisory
318 fees, trustees' fees and other expenses necessary or incident to
319 the borrowing;

320 (g) To make and publish administrative regulations
321 respecting its programs and other administrative regulations
322 necessary or appropriate to effectuate the purposes of Sections
323 57-10-401 through 57-10-445, and necessary to administer the
324 procedures and program as provided for in Sections 57-10-401
325 through 57-10-445;

326 (h) To make, execute and effectuate any and all
327 agreements or other documents with any governmental agency or any
328 person, corporation, association, partnership, or other
329 organization or entity, necessary or appropriate to accomplish the
330 purposes of Sections 57-10-401 through 57-10-445, including any
331 financing agreements with state agencies or any political
332 subdivisions of the state under which funds may be pledged by or
333 to the corporation for the payment of its bonds;

334 (i) To accept gifts, devises, bequests, grants, loans,
335 appropriations, revenue sharing, other financing and assistance
336 and any other aid from any source and to agree to, and to comply
337 with, conditions attached thereto;

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

340 (k) To invest any funds held by the corporation or its
341 agents or trustees, under Sections 57-10-401 through 57-10-445,
342 including, but not limited to, the proceeds of bonds issued under
343 Sections 57-10-401 through 57-10-445, reserve or other funds, or
344 any monies not required for immediate disbursement, and the
345 investment income on any of the foregoing, in obligations
346 authorized by Sections 57-10-401 through 57-10-445.

347 **SECTION 4.** Section 57-10-407, Mississippi Code of 1972, is
348 brought forward as follows:

349 57-10-407. The corporation may accept and expend: (a)
350 monies which may be appropriated from time to time by the
351 Legislature; (b) monies which may be available under the
352 Mississippi Small Enterprise Development Finance Act; or (c)
353 monies which may be received from any source, including income
354 from the corporation's operations, under Sections 57-10-401
355 through 57-10-445, for effectuating the purposes of Sections
356 57-10-401 through 57-10-445, including, without limitation, the
357 payment of the expenses of administration and operation incurred
358 pursuant to Sections 57-10-401 through 57-10-445 and the
359 establishment and, if deemed desirable, maintenance of a reserve
360 or contingency fund for the administration of Sections 57-10-401
361 through 57-10-445.

362 **SECTION 5.** Section 57-10-409, Mississippi Code of 1972, is
363 brought forward as follows:

364 **[In cases involving an economic development project for which**
365 **the Mississippi Business Finance Corporation has issued bonds for**

366 **the purpose of financing the approved costs of such project prior**
367 **to July 1, 1994, this section shall read as follows:]**

368 57-10-409. The corporation may enter into, with any approved
369 company, a financing agreement with respect to its economic
370 development project. The terms and provisions of each financing
371 agreement shall be determined by negotiations between the
372 corporation and the approved company, except that each financing
373 agreement shall include the following provisions:

374 (a) If the corporation issues any bonds in connection
375 with an economic development project, the term of the financing
376 agreement shall not be less than the last maturity of the bonds
377 issued with respect to the economic development project, except
378 that the financing agreement may terminate upon the earlier
379 redemption of all of the bonds issued with respect to the economic
380 development project and may grant to the approved company an
381 option to purchase the economic development project from the
382 corporation upon the termination of the financing agreement for
383 such consideration and under such terms and conditions the
384 corporation may approve. Nothing in this paragraph shall limit
385 the extension of the term of a financing agreement if there is a
386 refunding of the correlative bonds or otherwise.

387 (b) If the corporation issues any bonds in connection
388 with an economic development project, the financing agreement
389 shall specify that the annual obligations of the approved company
390 under Sections 57-10-401 through 57-10-445 shall equal in each
391 year at least the annual debt service for that year on the bonds

392 issued with respect to the economic development project; and the
393 approved company shall pay such obligation of the financing
394 agreement to the trustee for bonds issued for the benefit of the
395 approved company, at such time and in such amounts sufficient to
396 amortize such bonds.

397 (c) If the corporation loans funds to an approved
398 company that is a private company under the Mississippi Small
399 Enterprise Development Finance Act, the financing agreement shall
400 include the terms and conditions of the loan required by Section
401 57-71-1 et seq.

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

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

408 2. The aggregate assessment withheld by the
409 approved company in each year.

410 (ii) The income tax credited to the approved
411 company referred to herein shall be credited in the fiscal year of
412 the financing agreement in which the tax return of the approved
413 company is filed. The approved company shall not be required to
414 pay estimated tax payments under Section 27-7-319, Mississippi
415 Code of 1972.

416 (e) (i) The financing agreement shall provide that the
417 assessments, when added to the credit for the state corporate

418 income tax herein granted, shall not exceed the total financing
419 agreement annual payment by the approved company in any year;
420 however, to the extent that financing agreement annual payments
421 exceed credits received and assessments collected in any year, the
422 excess payment may be recouped from excess credits or assessment
423 collections in succeeding years.

424 (ii) If during any fiscal year of the financing
425 agreement the total of the income tax credit granted to the
426 approved company plus the assessment collected from the wages of
427 the employees equals the annual payment pursuant to the financing
428 agreement, and if all excess payments pursuant to the financing
429 agreement accumulated in prior years have been recouped, the
430 assessment collected from the wages of the employees shall cease
431 for the remainder of the fiscal year of the financing agreement.

432 (f) The financing agreement shall provide that:

433 (i) It may be assigned by the approved company
434 only upon the prior written consent of the corporation following
435 the adoption of a resolution by the corporation to such effect;
436 and

437 (ii) Upon the default by the approved company in
438 the obligation to render its annual payment, the corporation shall
439 have the right, at its option, to declare the financing agreement
440 in default and to accelerate the total of all annual payments that
441 are to be made or to terminate the financing agreement and cause
442 to be sold the economic development project at public or private
443 sale, or to pursue any other remedies available under the Uniform

444 Commercial Code, as from time to time amended, or otherwise
445 available in law or equity.

446 **[In cases involving an economic development project for which**
447 **the Mississippi Business Finance Corporation has not issued bonds**
448 **for the purpose of financing the approved costs of such project**
449 **prior to July 1, 1994, but has issued bonds for such project prior**
450 **to July 1, 1997, or in cases involving an economic development**
451 **project which has been induced by a resolution of the Board of**
452 **Directors of the Mississippi Business Finance Corporation that has**
453 **been filed with the State Tax Commission prior to July 1, 1997,**
454 **this section shall read as follows:]**

455 57-10-409. The corporation may enter into, with any approved
456 company, a financing agreement with respect to its economic
457 development project. The terms and provisions of each financing
458 agreement shall be determined by negotiations between the
459 corporation and the approved company, except that each financing
460 agreement shall include the following provisions:

461 (a) If the corporation issues any bonds in connection
462 with an economic development project, the term of the financing
463 agreement shall not be less than the last maturity of the bonds
464 issued with respect to the economic development project, except
465 that the financing agreement may terminate upon the earlier
466 redemption of all of the bonds issued with respect to the economic
467 development project and may grant to the approved company an
468 option to purchase the economic development project from the
469 corporation upon the termination of the financing agreement for

470 such consideration and under such terms and conditions the
471 corporation may approve. Nothing in this paragraph shall limit
472 the extension of the term of a financing agreement if there is a
473 refunding of the correlative bonds or otherwise.

474 (b) If the corporation issues any bonds in connection
475 with an economic development project, the financing agreement
476 shall specify that the annual obligations of the approved company
477 under Sections 57-10-401 through 57-10-445 shall equal in each
478 year at least the annual debt service for that year on the bonds
479 issued with respect to the economic development project; and the
480 approved company shall pay such obligation of the financing
481 agreement to the trustee for bonds issued for the benefit of the
482 approved company, at such time and in such amounts sufficient to
483 amortize such bonds.

484 (c) If the corporation loans funds to an approved
485 company that is a private company under the Mississippi Small
486 Enterprise Development Finance Act, the financing agreement shall
487 include the terms and conditions of the loan required by Section
488 57-71-1 et seq.

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

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

495 2. The aggregate assessment withheld by the
496 approved company in each year.

497 (ii) The income tax credited to the approved
498 company referred to herein shall be credited in the fiscal year of
499 the financing agreement in which the tax return of the approved
500 company is filed. The approved company shall not be required to
501 pay estimated tax payments under Section 27-7-319, Mississippi
502 Code of 1972.

503 (e) (i) The financing agreement shall provide that the
504 assessments, when added to the credit for the state corporate
505 income tax herein granted, shall not exceed the total financing
506 agreement annual payment by the approved company in any year;
507 however, to the extent that financing agreement annual payments
508 exceed credits received and assessments collected in any year, the
509 excess payment may be recouped from excess credits or assessment
510 collections in succeeding years not to exceed three (3) years
511 following the termination of the period of time during which the
512 financing agreement is in effect.

513 (ii) If during any fiscal year of the financing
514 agreement the total of the income tax credit granted to the
515 approved company plus the assessment collected from the wages of
516 the employees equals the annual payment pursuant to the financing
517 agreement, and if all excess payments pursuant to the financing
518 agreement accumulated in prior years have been recouped, the
519 assessment collected from the wages of the employees shall cease
520 for the remainder of the fiscal year of the financing agreement.

521 (f) The financing agreement shall provide that:

522 (i) It may be assigned by the approved company
523 only upon the prior written consent of the corporation following
524 the adoption of a resolution by the corporation to such effect;
525 and

526 (ii) Upon the default by the approved company in
527 the obligation to render its annual payment, the corporation shall
528 have the right, at its option, to declare the financing agreement
529 in default and to accelerate the total of all annual payments that
530 are to be made or to terminate the financing agreement and cause
531 to be sold the economic development project at public or private
532 sale, or to pursue any other remedies available under the Uniform
533 Commercial Code, as from time to time amended, or otherwise
534 available in law or equity.

535 **[In cases involving an economic development project for which**
536 **the Mississippi Business Finance Corporation has not issued bonds**
537 **for the purpose of financing the approved costs of such project**
538 **prior to July 1, 1997, or in cases involving an economic**
539 **development project which has not been induced by a resolution of**
540 **the Board of Directors of the Mississippi Business Finance**
541 **Corporation that has been filed with the State Tax Commission**
542 **prior to July 1, 1997, this section shall read as follows:]**

543 57-10-409. The corporation may enter into, with any approved
544 company, a financing agreement with respect to its economic
545 development project. The terms and provisions of each financing
546 agreement shall be determined by negotiations between the

547 corporation and the approved company, except that each financing
548 agreement shall include the following provisions:

549 (a) If the corporation issues any bonds in connection
550 with an economic development project, the term of the financing
551 agreement shall not be less than the last maturity of the bonds
552 issued with respect to the economic development project, except
553 that the financing agreement may terminate upon the earlier
554 redemption of all of the bonds issued with respect to the economic
555 development project and may grant to the approved company an
556 option to purchase the economic development project from the
557 corporation upon the termination of the financing agreement for
558 such consideration and under such terms and conditions the
559 corporation may approve. Nothing in this paragraph shall limit
560 the extension of the term of a financing agreement if there is a
561 refunding of the correlative bonds or otherwise.

562 (b) If the corporation issues any bonds in connection
563 with an economic development project, the financing agreement
564 shall specify that the annual obligations of the approved company
565 under Sections 57-10-401 through 57-10-445 shall equal in each
566 year at least the annual debt service for that year on the bonds
567 issued with respect to the economic development project; and the
568 approved company shall pay such obligation of the financing
569 agreement to the trustee for bonds issued for the benefit of the
570 approved company, at such time and in such amounts sufficient to
571 amortize such bonds.

572 (c) If the corporation loans funds to an approved
573 company that is a private company under the Mississippi Small
574 Enterprise Development Finance Act, the financing agreement shall
575 include the terms and conditions of the loan required by Section
576 57-71-1 et seq.

577 (d) (i) In consideration for financing agreement
578 payment, the approved company may be permitted a tax credit on the
579 amount provided for in Section 27-7-22.3(2), Mississippi Code of
580 1972, during the period of time in which the financing agreement
581 is in effect, not to exceed twenty-five (25) years.

582 (ii) The income tax credited to the approved
583 company referred to herein shall be credited in the fiscal year of
584 the financing agreement in which the tax return of the approved
585 company is filed. The approved company shall not be required to
586 pay estimated tax payments under Section 27-7-319, Mississippi
587 Code of 1972.

588 (e) The financing agreement shall provide that:

589 (i) It may be assigned by the approved company
590 only upon the prior written consent of the corporation following
591 the adoption of a resolution by the corporation to such effect;
592 and

593 (ii) Upon the default by the approved company in
594 the obligation to render its annual payment, the corporation shall
595 have the right, at its option, to declare the financing agreement
596 in default and to accelerate the total of all annual payments that
597 are to be made or to terminate the financing agreement and cause

598 to be sold the economic development project at public or private
599 sale, or to pursue any other remedies available under the Uniform
600 Commercial Code, as from time to time amended, or otherwise
601 available in law or equity.

602 **SECTION 6.** Section 57-10-411, Mississippi Code of 1972, is
603 brought forward as follows:

604 57-10-411. Ninety (90) days after the filing of the tax
605 return of the approved company, the Department of Revenue shall
606 certify to the corporation the state income tax liability for the
607 preceding year of each approved company with respect to an
608 economic development project financed under Sections 57-10-401
609 through 57-10-445, and the amounts of any tax credits taken under
610 Sections 57-10-401 through 57-10-445.

611 **SECTION 7.** Section 57-10-413, Mississippi Code of 1972, is
612 brought forward as follows:

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

617 57-10-413. (1) The approved company may require that each
618 employee whose gross wages are equivalent to Five Dollars (\$5.00)
619 or more per hour, as a condition of employment, agrees to pay a
620 job development assessment fee not to exceed a certain percentage
621 of the gross wages of each such employee whose job was created as
622 a result of the economic development project, for the purpose of
623 retiring the bonds which fund the economic development project or

624 other indebtedness. The job development assessment fee shall not
625 exceed the following percentages of the gross wages of the
626 employee:

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

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

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

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

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

640 (4) Any approved company collecting an assessment as
641 provided in subsection (1) of this section shall make its payroll
642 books and records available to the corporation at such reasonable
643 times as the corporation shall request and shall file with the
644 corporation documentation respecting the assessment as the
645 corporation may require.

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

650 **[In cases involving an economic development project for which**
651 **the Mississippi Business Finance Corporation has not issued bonds**
652 **for the purpose of financing the approved costs of such project**
653 **prior to July 1, 1994, but has issued bonds for such project prior**
654 **to July 1, 1997, or in cases involving an economic development**
655 **project which has been induced by a resolution of the Board of**
656 **Directors of the Mississippi Business Finance Corporation that has**
657 **been filed with the State Tax Commission prior to July 1, 1997,**
658 **this section shall read as follows:]**

659 57-10-413. (1) Except as otherwise provided for in
660 subsection (6) of this section, the approved company may require
661 that each employee whose gross wages are equivalent to Five
662 Dollars (\$5.00) or more per hour, as a condition of employment,
663 agrees to pay a job development assessment fee not to exceed a
664 certain percentage of the gross wages of each such employee whose
665 job was created as a result of the economic development project,
666 for the purpose of retiring the bonds which fund the economic
667 development project or other indebtedness. The job development
668 assessment fee shall not exceed the following percentages of the
669 gross wages of the employee:

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

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

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

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

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

683 (4) Any approved company collecting an assessment as
684 provided in subsection (1) of this section shall make its payroll
685 books and records available to the corporation at such reasonable
686 times as the corporation shall request and shall file with the
687 corporation documentation respecting the assessment as the
688 corporation may require.

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

693 (6) If an eligible company closes a facility in this state
694 and becomes an approved company under the provisions of Sections
695 57-10-401 through 57-10-449, only those jobs created in excess of
696 those that existed at the closed facility at the time of the
697 closure shall be eligible for the imposition of the job
698 development assessment fee. The Mississippi Business Finance
699 Corporation shall promulgate rules and regulations to govern the
700 determination of the number of jobs upon which the job development
701 assessment fee may be imposed.

702 **SECTION 8.** Section 57-10-415, Mississippi Code of 1972, is
703 brought forward as follows:

704 57-10-415. Every issue of bonds under Sections 57-10-401
705 through 57-10-445 shall be payable solely out of any revenues of
706 the corporation as provided in Sections 57-10-401 through
707 57-10-445. The bonds additionally may be secured by a pledge of
708 any grant, contribution or guarantee from the federal government
709 or any person or a pledge by the corporation of any revenues from
710 any source.

711 **SECTION 9.** Section 57-10-417, Mississippi Code of 1972, is
712 brought forward as follows:

713 57-10-417. The bonds issued by the corporation under
714 Sections 57-10-401 through 57-10-445 shall be limited obligations
715 of the corporation and shall not constitute a debt, liability or
716 general obligation of the state or any political subdivision
717 thereof (other than the corporation), or a pledge of the faith and
718 credit of the state or any political subdivision thereof (other
719 than the corporation), but shall be payable solely as provided by
720 the corporation under Sections 57-10-401 through 57-10-445. No
721 member or officer of the board of directors of the corporation nor
722 any person executing the bonds shall be liable personally on the
723 bonds by reason of the issuance thereof. Each bond issued under
724 Sections 57-10-401 through 57-10-445 shall contain on the face
725 thereof a statement that neither the state, nor any other
726 political subdivision thereof, shall be obligated to pay the same
727 or the interest thereon or other costs incident thereto except

728 from the revenue or money pledged by the corporation and that
729 neither the faith and credit nor the taxing power of the state or
730 any political subdivision thereof is pledged to the payment of the
731 principal of, or the interest on, such bond.

732 **SECTION 10.** Section 57-10-419, Mississippi Code of 1972, is
733 brought forward as follows:

734 57-10-419. (1) The corporation may issue in its own name,
735 from time to time, for the purpose of financing the approved costs
736 of an economic development project, its bonds and may pledge for
737 the payment thereof funds derived in respect of any financing
738 agreement or other arrangement entered into by the corporation and
739 an approved company under Sections 57-10-401 through 57-10-445.

740 (2) In anticipation of the issuance of bonds, the
741 corporation may provide for the issuance, at one time or from time
742 to time, of bond anticipation notes. The principal of and the
743 interest on the notes shall be payable solely from the funds
744 herein provided for the payment. Any notes may be made payable
745 from the proceeds of bonds or renewal notes; or, if bond or
746 renewal note proceeds are not available, the notes may be paid
747 from any available revenues or assets of the corporation.

748 (3) The bonds issued under Sections 57-10-401 through
749 57-10-445 shall be authorized by a resolution of the corporation,
750 shall bear such date or dates, and shall mature at such time or
751 times as such resolution may provide, except that no bond shall
752 mature more than twenty-five (25) years from the date of issue.
753 Bonds which are not subject to taxation shall bear interest at

754 such rate or rates, be in such denominations, be in such form,
755 carry such registration privileges, be executed in such manner, be
756 payable in such medium of payment, at such place or places, and be
757 subject to such terms of redemption, including redemption before
758 maturity, as such resolution may provide. Except as expressly
759 provided otherwise in Sections 57-10-401 through 57-10-445, the
760 provisions of other laws of the state relating to the issuance of
761 revenue bonds shall not apply to bonds issued by the corporation.
762 As to bonds issued hereunder and designated as taxable bonds by
763 the corporation, any immunity to taxation by the United States
764 government of interest on such bonds or notes is hereby waived.
765 Bonds of the corporation may be sold by the corporation at public
766 or private sale, from time to time, and at such price or prices as
767 the corporation shall determine.

768 (4) The proceeds of any bonds shall be used solely for the
769 purposes for which issued and shall be disbursed in the manner and
770 under the restrictions, if any, that the corporation may provide
771 in the resolution authorizing the issuance of the bonds or in a
772 trust indenture securing the same.

773 (5) The principal and interest on the bonds issued by the
774 corporation shall be payable solely and only from proceeds derived
775 under a financing agreement and shall be secured solely by the
776 economic development project, the proceeds of the financing
777 agreement, and such other assets as may be available, but not
778 including revenues of the state.

779 (6) Before the preparation of definitive certificates
780 evidencing the bonds, the corporation may issue, under like
781 restrictions, interim receipts or temporary certificates, with or
782 without coupons, exchangeable for definitive certificates when the
783 certificates have been executed and are available for delivery.
784 The corporation may also provide for the replacement of any
785 certificates which become mutilated or are destroyed or lost.

786 **SECTION 11.** Section 57-10-421, Mississippi Code of 1972, is
787 brought forward as follows:

788 57-10-421. In addition to the requirements provided for in
789 Section 57-10-419, any resolution authorizing the issuance of
790 bonds under Sections 57-10-401 through 57-10-445 may contain
791 provisions as to:

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

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

797 (c) The procedure, if any, by which the terms of any of
798 the proceedings under which the bonds are being issued may be
799 amended or abrogated, the number or percentage of bondholders who
800 or which must consent thereto, and the manner in which the consent
801 may be given;

802 (d) The vesting in a trustee or trustees of such
803 property, rights, powers and duties in trust as the company may
804 determine, and limiting or abrogating the right of bondholders to

805 appoint a trustee or limiting the rights, powers and duties of the
806 trustee;

807 (e) Defining the act or omissions to act which shall
808 constitute a default and the obligations or duties of the
809 corporation to the holders of the bonds, and providing for the
810 rights and remedies of the holders of the bonds in the event of
811 default, which rights and remedies may include the general laws of
812 the state and other provisions of Sections 57-10-401 through
813 57-10-445; or

814 (f) Any other matter, of like or different character,
815 which in any way affects the security or protection of the holders
816 of the bonds.

817 **SECTION 12.** Section 57-10-423, Mississippi Code of 1972, is
818 brought forward as follows:

819 57-10-423. Any pledge made by the corporation shall be valid
820 and binding from the time when the pledge was made. The revenues
821 or properties so pledged and thereafter received by the
822 corporation shall immediately be subject to the lien of such
823 pledge without any physical delivery thereof or further act, and
824 the lien of any such pledge shall be valid and binding as against
825 all parties having claims of any kind in tort, contract or
826 otherwise against the corporation, irrespective of whether the
827 parties have notice thereof. Neither the resolution nor any other
828 instrument by which a pledge is created need be recorded.

829 **SECTION 13.** Section 57-10-425, Mississippi Code of 1972, is
830 brought forward as follows:

831 57-10-425. The corporation, subject to the provisions in
832 proceedings relating to outstanding bonds as may then exist, may
833 purchase bonds out of any funds available therefor, which shall
834 thereupon be canceled, at any reasonable price which, if the bonds
835 are then redeemable, shall not exceed the redemption price (and
836 premium, if any) then applicable plus accrued interest to the
837 redemption date thereof.

838 **SECTION 14.** Section 57-10-427, Mississippi Code of 1972, is
839 brought forward as follows:

840 57-10-427. The bonds may be secured by an indenture by and
841 between the corporation and a corporate trustee which may be any
842 bank or other corporation having the power of a trust company or
843 any trust company within or without this state. Such indenture
844 may contain such provisions for protecting and enforcing the
845 rights and remedies of the bondholders as may be reasonable and
846 proper and not in violation of law, including covenants setting
847 forth the duties of the corporation in relation to the exercise of
848 its powers and the custody, safekeeping and application of all
849 money. The corporation may provide by the indenture for the
850 payment of the proceeds of the bonds and revenues to the trustee
851 under the indenture or other depository, and for the method of
852 disbursement thereof, with such safeguards and restrictions as the
853 corporation may determine. If the bonds shall be secured by an
854 indenture, the bondholders shall have no authority to appoint a
855 separate trustee to represent them.

856 **SECTION 15.** Section 57-10-429, Mississippi Code of 1972, is
857 brought forward as follows:

858 57-10-429. In the event that any of the members or officers
859 of the board of directors of the corporation shall cease to be
860 members or officers of the board prior to the delivery of any
861 bonds signed by them, their signatures or facsimiles thereof shall
862 nevertheless be valid and sufficient for all purposes, the same as
863 if such members or officers had remained in office until such
864 delivery.

865 **SECTION 16.** Section 57-10-431, Mississippi Code of 1972, is
866 brought forward as follows:

867 57-10-431. The corporation may create and establish such
868 funds and accounts as may be necessary or desirable for its
869 purposes under Sections 57-10-401 through 57-10-445.

870 **SECTION 17.** Section 57-10-433, Mississippi Code of 1972, is
871 brought forward as follows:

872 57-10-433. The corporation shall have the power to contract
873 with the holders of any of its bonds issued under Sections
874 57-10-401 through 57-10-445 as to the custody, collection,
875 securing, investment and payment of any money of the corporation,
876 and of any money held in trust or otherwise for the payment of
877 bonds, and to carry out such contract. Money held in trust or
878 otherwise for the payment of bonds or in any way to secure bonds
879 and deposits of money may be secured in the same manner as money
880 of the corporation, and all banks and trust companies are
881 authorized to give security for the deposits.

882 **SECTION 18.** Section 57-10-435, Mississippi Code of 1972, is
883 brought forward as follows:

884 57-10-435. Amendments to Sections 57-10-401 through
885 57-10-445, enacted after July 1, 1993, shall not limit the rights
886 vested in the corporation with respect to any agreements made
887 with, or remedies available to, the holders of bonds issued under
888 this article or Section 27-7-22.3 prior to the enactment of the
889 amendments until the bonds, together with all interest thereon,
890 and all costs and expenses in connection with any proceeding by or
891 on behalf of the holders, are fully met and discharged.

892 **SECTION 19.** Section 57-10-437, Mississippi Code of 1972, is
893 brought forward as follows:

894 57-10-437. All expenses incurred by the corporation in
895 carrying out the provisions of Sections 57-10-401 through
896 57-10-445 shall be payable solely from funds provided under
897 Sections 57-10-401 through 57-10-445, or other funds of the
898 corporation. Nothing in Sections 57-10-401 through 57-10-445
899 shall be construed to authorize the corporation to incur
900 indebtedness or liability on behalf of or payable by the state or
901 any other political subdivision thereof.

902 **SECTION 20.** Section 57-10-439, Mississippi Code of 1972, is
903 brought forward as follows:

904 57-10-439. (1) The corporation is hereby declared to be
905 performing a public function and to be a public body corporate and
906 a political subdivision of the state. Accordingly, the income,
907 including any profit made on the sale thereof from all bonds

908 issued by the corporation, shall at all times be exempt from all
909 taxation by the state or any political subdivision thereof. If,
910 after all indebtedness and other obligations of the corporation
911 are discharged, the corporation is dissolved, its remaining assets
912 shall inure to the benefit of the state.

913 (2) With the approval of the appropriate local taxing
914 authority, all mortgages or deeds of trust executed as security
915 therefor, all lease or purchase agreements made pursuant to the
916 provisions hereof, and all purchases required to establish the
917 industrial enterprise and financed by proceeds from bonds issued
918 under Sections 57-10-401 through 57-10-445, shall likewise be
919 exempt from all taxation in the State of Mississippi except the
920 contractors' tax imposed by Section 27-65-21 and the tax levied by
921 Section 27-65-24(1) (b), and except ad valorem taxes levied for
922 school district purposes. All projects and the revenue derived
923 therefrom from any lease thereof shall be exempt from all taxation
924 in the State of Mississippi, except the tax levied by Sections
925 27-65-21 and 27-65-24(1) (b), except the tax levied under Chapter
926 7, Title 27, Mississippi Code of 1972, and except ad valorem taxes
927 levied for school district purposes.

928 **SECTION 21.** Section 57-10-441, Mississippi Code of 1972, is
929 brought forward as follows:

930 57-10-441. The bonds issued by and under the authority of
931 Sections 57-10-401 through 57-10-445 by the corporation are
932 declared to be legal investments in which all public officers or
933 public bodies of the state, its political subdivisions, all

934 municipalities and municipal subdivisions, all insurance companies
935 and associations, and other persons carrying on insurance
936 business, all banks, bankers, banking associations, trust
937 companies, savings associations, including savings and loan
938 associations, building and loan associations, investment
939 companies, and other persons carrying on a banking business, all
940 administrators, guardians, executors, trustees and other
941 fiduciaries, and all other persons who are now or may later be
942 authorized to invest in bonds or in other obligations of the
943 state, may invest funds, including capital, in their control or
944 belonging to them. Such bonds are also hereby made securities
945 which may be deposited with and received by all public officers
946 and bodies of the state or any agency or political subdivision of
947 the state and all municipalities and public corporations for any
948 purpose for which the deposit of bonds or other obligations of the
949 state is now or may be later authorized by law.

950 **SECTION 22.** Section 57-10-443, Mississippi Code of 1972, is
951 brought forward as follows:

952 57-10-443. The corporation, within one hundred twenty (120)
953 days of the close of each fiscal year, shall submit an annual
954 report of its activities in regard to Sections 57-10-401 through
955 57-10-445 for the preceding year to the Governor. The Clerk of
956 the House of Representatives and the Secretary of the Senate each
957 shall receive a copy of the report by making a request for it to
958 the corporation. Each report shall set forth a complete operating

959 and financial statement in regard to Sections 57-10-401 through
960 57-10-445 for the corporation during the fiscal year it covers.

961 **SECTION 23.** Section 57-10-445, Mississippi Code of 1972, is
962 brought forward as follows:

963 57-10-445. Nothing contained in Sections 57-10-401 through
964 57-10-445 is to be construed as a restriction or limitation upon
965 any powers which the corporation might otherwise have under any
966 other law of the state. Insofar as the provisions of Sections
967 57-10-401 through 57-10-445 are inconsistent with the provisions
968 of any other law, the provisions of Sections 57-10-401 through
969 57-10-445 shall be controlling, and the powers conferred by
970 Sections 57-10-401 through 57-10-445 shall be regarded as
971 supplemental and additional to powers conferred by any other laws.
972 No proceedings, notice or approval shall be required for the
973 issuance of any bonds or any instrument or the security therefor,
974 except as provided in Sections 57-10-401 through 57-10-445.

975 The provisions of Sections 57-10-401 through 57-10-445 shall
976 be liberally construed to accomplish the purposes of Sections
977 57-10-401 through 57-10-445.

978 The powers granted and the duties imposed in Sections
979 57-10-401 through 57-10-445 shall be construed to be independent
980 and severable. If any one or more sections, subsections,
981 sentences or parts of any of Sections 57-10-401 through 57-10-445
982 shall be adjudged unconstitutional or invalid, such adjudication
983 shall not affect, impair or invalidate the remaining provisions

984 thereof, but shall be confined in its operation to the specific
985 provisions so held unconstitutional or invalid.

986 **SECTION 24.** Section 57-10-447, Mississippi Code of 1972, is
987 brought forward as follows:

988 57-10-447. No elected or appointed official shall derive any
989 pecuniary benefit, directly or indirectly, as a result of such
990 elected or appointed official's duties under Sections 57-10-401
991 through 57-10-445. Any member of the Legislature, any elected or
992 appointed official, any member of the immediate family of a member
993 of the Legislature, or any partner or associate of such a member
994 of the Legislature or elected or appointed official, shall not
995 derive any income from the issuance of any bonds under Sections
996 57-10-401 through 57-10-445, contrary to the provisions of Section
997 109, Mississippi Constitution of 1890, or Article 3, Chapter 4,
998 Title 25, Mississippi Code of 1972. The provisions of this
999 section shall not apply to any person performing clerical or
1000 administrative functions, which are other than legal services
1001 provided by an attorney, that are associated with the issuance of
1002 any bonds under Sections 57-10-401 through 57-10-445, such as the
1003 printing of bonds or other materials. Any person convicted of a
1004 violation of this section shall be punished by imprisonment for
1005 not less than one (1) year and not more than five (5) years and a
1006 fine of not less than Two Thousand Five Hundred Dollars
1007 (\$2,500.00) and not more than Ten Thousand Dollars (\$10,000.00).

1008 **SECTION 25.** Section 27-7-22.3, Mississippi Code of 1972, is
1009 brought forward as follows:

1010 **[In cases involving an economic development project for which**
1011 **the Mississippi Business Finance Corporation has issued bonds for**
1012 **the purpose of financing the approved costs of such project prior**
1013 **to July 1, 1994, this section shall read as follows:]**

1014 27-7-22.3. (1) For taxpayers who are required to pay a job
1015 assessment fee as provided in Section 57-10-413, there shall be
1016 allowed as a credit against the taxes imposed by this chapter, an
1017 amount equal to the amount of the job assessment fee imposed upon
1018 such taxpayer pursuant to Section 57-10-413. If the amount
1019 allowable as a credit exceeds the tax imposed by this article and
1020 Section 27-7-22.3, the amount of such excess shall not be
1021 refundable or carried forward to any other taxable year.

1022 (2) 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. The tax credit allowed in this subsection
1029 shall not exceed the amount of taxes due the State of Mississippi.

1030 **[In cases involving an economic development project for which**
1031 **the Mississippi Business Finance Corporation has not issued bonds**
1032 **for the purpose of financing the approved costs of such project**
1033 **prior to July 1, 1994, but has issued bonds for such project prior**
1034 **to July 1, 1997, or in cases involving an economic development**
1035 **project which has been induced by a resolution of the Board of**

1036 **Directors of the Mississippi Business Finance Corporation that has**
1037 **been filed with the State Tax Commission prior to July 1, 1997,**
1038 **this section shall read as follows:]**

1039 27-7-22.3. (1) For taxpayers who are required to pay a job
1040 assessment fee as provided in Section 57-10-413, there shall be
1041 allowed as a credit against the taxes imposed by this chapter, an
1042 amount equal to the amount of the job assessment fee imposed upon
1043 such taxpayer pursuant to Section 57-10-413. If the amount
1044 allowable as a credit exceeds the tax imposed by this article and
1045 Section 27-7-22.3, the amount of such excess shall not be
1046 refundable or carried forward to any other taxable year.

1047 (2) For any approved company as defined in Section
1048 57-10-401, there shall be allowed against the taxes imposed by
1049 this chapter on the income of the approved company generated by or
1050 arising out of the economic development project (as defined in
1051 Section 57-10-401), a credit in an amount not to exceed the total
1052 debt service paid under a financing agreement entered into under
1053 Section 57-10-409. The tax credit allowed in this subsection
1054 shall not exceed the amount of taxes due the State of Mississippi.
1055 The amount of income of the approved company generated by or
1056 arising out of the economic development project shall be
1057 determined by a formula adopted by the Mississippi Business
1058 Finance Corporation.

1059 **[In cases involving an economic development project for which**
1060 **the Mississippi Business Finance Corporation has not issued bonds**
1061 **for the purpose of financing the approved costs of such project**

1062 **prior to July 1, 1997, or in cases involving an economic**
1063 **development project which has not been induced by a resolution of**
1064 **the Board of Directors of the Mississippi Business Finance**
1065 **Corporation that has been filed with the State Tax Commission**
1066 **prior to July 1, 1997, this section shall read as follows:]**

1067 27-7-22.3. For any approved company as defined in Section
1068 57-10-401, there shall be allowed against the taxes imposed by
1069 this chapter on the income of the approved company generated by or
1070 arising out of the economic development project (as defined in
1071 Section 57-10-401), a credit in an amount not to exceed the total
1072 debt service paid under a financing agreement entered into under
1073 Section 57-10-409; provided, however, that the tax credit allowed
1074 in this subsection shall not exceed eighty percent (80%) of the
1075 amount of taxes due the State of Mississippi prior to the
1076 application of the credit. To the extent that financing agreement
1077 annual payments exceed the amount of the credit authorized
1078 pursuant to this section in any taxable year, such excess payment
1079 may be recouped from excess credits in succeeding years not to
1080 exceed three (3) years following the date upon which the credit
1081 was earned. The amount of income of the approved company
1082 generated by or arising out of the economic development project
1083 shall be determined by a formula adopted by the Mississippi
1084 Business Finance Corporation.

1085 **SECTION 26.** Section 57-10-449, Mississippi Code of 1972, is
1086 amended as follows:

1087 57-10-449. Sections 57-10-401 through * * * 57-10-447 and
1088 27-7-22.3 shall be repealed from and after October 1, * * * 2026.

1089 **SECTION 27.** This act shall take effect and be in force from
1090 and after July 1, 2022.

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

1 AN ACT TO BRING FORWARD SECTIONS 57-10-401 THROUGH 57-10-445,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ISSUANCE OF BONDS
3 BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION TO FINANCE
4 ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE LOCATION OR
5 EXPANSION OF CERTAIN BUSINESSES WITHIN THIS STATE; TO BRING
6 FORWARD SECTION 27-7-22.3, MISSISSIPPI CODE OF 1972, WHICH
7 PROVIDES FOR A CREDIT AGAINST STATE INCOME TAXES FOR CERTAIN
8 COMPANIES FOR DEBT SERVICE PAID BY SUCH COMPANIES UNDER FINANCING
9 AGREEMENTS ENTERED INTO WITH THE MISSISSIPPI BUSINESS FINANCE
10 CORPORATION UNDER SECTION 57-10-409; TO AMEND SECTION 57-10-449,
11 MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL OCTOBER 1, 2026, THE
12 REPEAL DATE ON SECTIONS 57-10-401 THROUGH 57-10-445 AND SECTION
13 27-7-22.3; AND FOR RELATED PURPOSES.

SS08\HB516A.J

Eugene S. Clarke
Secretary of the Senate