

By: Representative Warren

To: Ways and Means

HOUSE BILL NO. 220

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 PROVIDE FOR  
3 SMALL BUSINESS ASSISTANCE; TO REENACT AND AMEND SECTION 57-10-449,  
4 MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THOSE  
5 SECTIONS; AND FOR RELATED PURPOSES.

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

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

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

13 57-10-401. As used in Sections 57-10-401 through 57-10-445  
14 the following terms shall have the meanings ascribed to them  
15 herein unless the context clearly indicates otherwise:

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

19 (b) "Approved costs" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 57-10-401. As used in Sections 57-10-401 through 57-10-445  
121 the following terms shall have the meanings ascribed to them  
122 herein unless the context clearly indicates otherwise:

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

126 (b) "Approved costs" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

235 57-10-403. (1) The Legislature finds and declares that the  
236 general welfare and material well-being of citizens of the state  
237 depend in large measure upon the development and growth of  
238 industry in the state.

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

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

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



257           57-10-405. In addition to its other powers and duties, the  
258 corporation shall have all the powers necessary or convenient to  
259 carry out and effectuate the purposes and provisions of Sections  
260 57-10-401 through 57-10-445, including, but without limiting the  
261 generality of the foregoing, the power:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326 57-10-407. The corporation may accept and expend: (a)  
327 monies which may be appropriated from time to time by the  
328 Legislature; (b) monies which may be available under the  
329 Mississippi Small Enterprise Development Finance Act; or (c)  
330 monies which may be received from any source, including income  
331 from the corporation's operations, under Sections 57-10-401  
332 through 57-10-445, for effectuating the purposes of Sections  
333 57-10-401 through 57-10-445, including, without limitation, the  
334 payment of the expenses of administration and operation incurred  
335 pursuant to Sections 57-10-401 through 57-10-445 and the  
336 establishment and, if deemed desirable, maintenance of a reserve  
337 or contingency fund for the administration of Sections 57-10-401  
338 through 57-10-445.

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

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

345 57-10-409. The corporation may enter into, with any approved  
346 company, a financing agreement with respect to its economic  
347 development project. The terms and provisions of each financing  
348 agreement shall be determined by negotiations between the  
349 corporation and the approved company, except that each financing  
350 agreement shall include the following provisions:

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

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

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

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

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

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

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

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

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

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

409                   (f) The financing agreement shall provide that:

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

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

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

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

432 57-10-409. The corporation may enter into, with any approved  
433 company, a financing agreement with respect to its economic  
434 development project. The terms and provisions of each financing  
435 agreement shall be determined by negotiations between the  
436 corporation and the approved company, except that each financing  
437 agreement shall include the following provisions:

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

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

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

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

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

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

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

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

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

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

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

498 (f) The financing agreement shall provide that:

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

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

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



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

520 57-10-409. The corporation may enter into, with any approved  
521 company, a financing agreement with respect to its economic  
522 development project. The terms and provisions of each financing  
523 agreement shall be determined by negotiations between the  
524 corporation and the approved company, except that each financing  
525 agreement shall include the following provisions:

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

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

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

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

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

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

565 (e) The financing agreement shall provide that:

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

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

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

581 57-10-411. Ninety (90) days after the filing of the tax  
582 return of the approved company, the State Tax Commission shall  
583 certify to the corporation the state income tax liability for the

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

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

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

594         57-10-413. (1) The approved company may require that each  
595 employee whose gross wages are equivalent to Five Dollars (\$5.00)  
596 or more per hour, as a condition of employment, agrees to pay a  
597 job development assessment fee not to exceed a certain percentage  
598 of the gross wages of each such employee whose job was created as  
599 a result of the economic development project, for the purpose of  
600 retiring the bonds which fund the economic development project or  
601 other indebtedness. The job development assessment fee shall not  
602 exceed the following percentages of the gross wages of the  
603 employee:

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

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

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

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

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

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

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

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

636 57-10-413. (1) Except as otherwise provided for in  
637 subsection (6) of this section, the approved company may require  
638 that each employee whose gross wages are equivalent to Five  
639 Dollars (\$5.00) or more per hour, as a condition of employment,  
640 agrees to pay a job development assessment fee not to exceed a  
641 certain percentage of the gross wages of each such employee whose  
642 job was created as a result of the economic development project,  
643 for the purpose of retiring the bonds which fund the economic  
644 development project or other indebtedness. The job development  
645 assessment fee shall not exceed the following percentages of the  
646 gross wages of the employee:

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

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

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

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

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

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

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

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

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

681 57-10-415. Every issue of bonds under Sections 57-10-401  
682 through 57-10-445 shall be payable solely out of any revenues of

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

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

690 57-10-417. The bonds issued by the corporation under  
691 Sections 57-10-401 through 57-10-445 shall be limited obligations  
692 of the corporation and shall not constitute a debt, liability or  
693 general obligation of the state or any political subdivision  
694 thereof (other than the corporation), or a pledge of the faith and  
695 credit of the state or any political subdivision thereof (other  
696 than the corporation), but shall be payable solely as provided by  
697 the corporation under Sections 57-10-401 through 57-10-445. No  
698 member or officer of the board of directors of the corporation nor  
699 any person executing the bonds shall be liable personally on the  
700 bonds by reason of the issuance thereof. Each bond issued under  
701 Sections 57-10-401 through 57-10-445 shall contain on the face  
702 thereof a statement that neither the state, nor any other  
703 political subdivision thereof, shall be obligated to pay the same  
704 or the interest thereon or other costs incident thereto except  
705 from the revenue or money pledged by the corporation and that  
706 neither the faith and credit nor the taxing power of the state or  
707 any political subdivision thereof is pledged to the payment of the  
708 principal of, or the interest on, such bond.

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

711 57-10-419. (1) The corporation may issue in its own name,  
712 from time to time, for the purpose of financing the approved costs  
713 of an economic development project, its bonds and may pledge for  
714 the payment thereof funds derived in respect of any financing

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

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

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

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

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

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

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

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

765 57-10-421. In addition to the requirements provided for in  
766 Section 57-10-419, any resolution authorizing the issuance of  
767 bonds under Sections 57-10-401 through 57-10-445 may contain  
768 provisions as to:

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

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

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

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



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

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

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

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

796 57-10-423. Any pledge made by the corporation shall be valid  
797 and binding from the time when the pledge was made. The revenues  
798 or properties so pledged and thereafter received by the  
799 corporation shall immediately be subject to the lien of such  
800 pledge without any physical delivery thereof or further act, and  
801 the lien of any such pledge shall be valid and binding as against  
802 all parties having claims of any kind in tort, contract or  
803 otherwise against the corporation, irrespective of whether the  
804 parties have notice thereof. Neither the resolution nor any other  
805 instrument by which a pledge is created need be recorded.

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

808 57-10-425. The corporation, subject to the provisions in  
809 proceedings relating to outstanding bonds as may then exist, may  
810 purchase bonds out of any funds available therefor, which shall  
811 thereupon be canceled, at any reasonable price which, if the bonds  
812 are then redeemable, shall not exceed the redemption price (and

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

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

817         57-10-427. The bonds may be secured by an indenture by and  
818 between the corporation and a corporate trustee which may be any  
819 bank or other corporation having the power of a trust company or  
820 any trust company within or without this state. Such indenture  
821 may contain such provisions for protecting and enforcing the  
822 rights and remedies of the bondholders as may be reasonable and  
823 proper and not in violation of law, including covenants setting  
824 forth the duties of the corporation in relation to the exercise of  
825 its powers and the custody, safekeeping and application of all  
826 money. The corporation may provide by the indenture for the  
827 payment of the proceeds of the bonds and revenues to the trustee  
828 under the indenture or other depository, and for the method of  
829 disbursement thereof, with such safeguards and restrictions as the  
830 corporation may determine. If the bonds shall be secured by an  
831 indenture, the bondholders shall have no authority to appoint a  
832 separate trustee to represent them.

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

835         57-10-429. In the event that any of the members or officers  
836 of the board of directors of the corporation shall cease to be  
837 members or officers of the board prior to the delivery of any  
838 bonds signed by them, their signatures or facsimiles thereof shall  
839 nevertheless be valid and sufficient for all purposes, the same as  
840 if such members or officers had remained in office until such  
841 delivery.

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

844           57-10-431. The corporation may create and establish such  
845 funds and accounts as may be necessary or desirable for its  
846 purposes under Sections 57-10-401 through 57-10-445.

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

849           57-10-433. The corporation shall have the power to contract  
850 with the holders of any of its bonds issued under Sections  
851 57-10-401 through 57-10-445 as to the custody, collection,  
852 securing, investment and payment of any money of the corporation,  
853 and of any money held in trust or otherwise for the payment of  
854 bonds, and to carry out such contract. Money held in trust or  
855 otherwise for the payment of bonds or in any way to secure bonds  
856 and deposits of money may be secured in the same manner as money  
857 of the corporation, and all banks and trust companies are  
858 authorized to give security for the deposits.

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

861           57-10-435. Amendments to Sections 57-10-401 through  
862 57-10-445, enacted after July 1, 1993, shall not limit the rights  
863 vested in the corporation with respect to any agreements made  
864 with, or remedies available to, the holders of bonds issued under  
865 this article or Section 27-7-22.3 prior to the enactment of the  
866 amendments until the bonds, together with all interest thereon,  
867 and all costs and expenses in connection with any proceeding by or  
868 on behalf of the holders, are fully met and discharged.

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

871           57-10-437. All expenses incurred by the corporation in  
872 carrying out the provisions of Sections 57-10-401 through  
873 57-10-445 shall be payable solely from funds provided under  
874 Sections 57-10-401 through 57-10-445, or other funds of the  
875 corporation. Nothing in Sections 57-10-401 through 57-10-445  
876 shall be construed to authorize the corporation to incur

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

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

881         57-10-439. (1) The corporation is hereby declared to be  
882 performing a public function and to be a public body corporate and  
883 a political subdivision of the state. Accordingly, the income,  
884 including any profit made on the sale thereof from all bonds  
885 issued by the corporation, shall at all times be exempt from all  
886 taxation by the state or any political subdivision thereof. If,  
887 after all indebtedness and other obligations of the corporation  
888 are discharged, the corporation is dissolved, its remaining assets  
889 shall inure to the benefit of the state.

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

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

906         57-10-441. The bonds issued by and under the authority of  
907 Sections 57-10-401 through 57-10-445 by the corporation are  
908 declared to be legal investments in which all public officers or  
909 public bodies of the state, its political subdivisions, all

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

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

928       57-10-443. The corporation, within one hundred twenty (120)  
929 days of the close of each fiscal year, shall submit an annual  
930 report of its activities in regard to Sections 57-10-401 through  
931 57-10-445 for the preceding year to the Governor. The Clerk of  
932 the House of Representatives and the Secretary of the Senate each  
933 shall receive a copy of the report by making a request for it to  
934 the corporation. Each report shall set forth a complete operating  
935 and financial statement in regard to Sections 57-10-401 through  
936 57-10-445 for the corporation during the fiscal year it covers.

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

939       57-10-445. Nothing contained in Sections 57-10-401 through  
940 57-10-445 is to be construed as a restriction or limitation upon  
941 any powers which the corporation might otherwise have under any  
942 other law of the state. Insofar as the provisions of Sections

943 57-10-401 through 57-10-445 are inconsistent with the provisions  
944 of any other law, the provisions of Sections 57-10-401 through  
945 57-10-445 shall be controlling, and the powers conferred by  
946 Sections 57-10-401 through 57-10-445 shall be regarded as  
947 supplemental and additional to powers conferred by any other laws.  
948 No proceedings, notice or approval shall be required for the  
949 issuance of any bonds or any instrument or the security therefor,  
950 except as provided in Sections 57-10-401 through 57-10-445.

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

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

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

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

968 27-7-22.3. (1) For taxpayers who are required to pay a job  
969 assessment fee as provided in Section 57-10-413, there shall be  
970 allowed as a credit against the taxes imposed by this chapter, an  
971 amount equal to the amount of the job assessment fee imposed upon  
972 such taxpayer pursuant to Section 57-10-413. If the amount  
973 allowable as a credit exceeds the tax imposed by this article and  
974 Section 27-7-22.3, the amount of such excess shall not be  
975 refundable or carried forward to any other taxable year.

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

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

993           27-7-22.3. (1) For taxpayers who are required to pay a job  
994 assessment fee as provided in Section 57-10-413, there shall be  
995 allowed as a credit against the taxes imposed by this chapter, an  
996 amount equal to the amount of the job assessment fee imposed upon  
997 such taxpayer pursuant to Section 57-10-413. If the amount  
998 allowable as a credit exceeds the tax imposed by this article and  
999 Section 27-7-22.3, the amount of such excess shall not be  
1000 refundable or carried forward to any other taxable year.

1001           (2) For any approved company as defined in Section  
1002 57-10-401, there shall be allowed against the taxes imposed by  
1003 this chapter on the income of the approved company generated by or  
1004 arising out of the economic development project (as defined in  
1005 Section 57-10-401), a credit in an amount not to exceed the total  
1006 debt service paid under a financing agreement entered into under  
1007 Section 57-10-409. The tax credit allowed in this subsection  
1008 shall not exceed the amount of taxes due the State of Mississippi.

1009 The amount of income of the approved company generated by or  
1010 arising out of the economic development project shall be  
1011 determined by a formula adopted by the Mississippi Business  
1012 Finance Corporation.

1013 **[In cases involving an economic development project for which**  
1014 **the Mississippi Business Finance Corporation has not issued bonds**  
1015 **for the purpose of financing the approved costs of such project**  
1016 **prior to July 1, 1997, or in cases involving an economic**  
1017 **development project which has not been induced by a resolution of**  
1018 **the Board of Directors of the Mississippi Business Finance**  
1019 **Corporation that has been filed with the State Tax Commission**  
1020 **prior to July 1, 1997, this section shall read as follows:]**

1021 27-7-22.3. For any approved company as defined in Section  
1022 57-10-401, there shall be allowed against the taxes imposed by  
1023 this chapter on the income of the approved company generated by or  
1024 arising out of the economic development project (as defined in  
1025 Section 57-10-401), a credit in an amount not to exceed the total  
1026 debt service paid under a financing agreement entered into under  
1027 Section 57-10-409; provided, however, that the tax credit allowed  
1028 in this subsection shall not exceed eighty percent (80%) of the  
1029 amount of taxes due the State of Mississippi prior to the  
1030 application of the credit. To the extent that financing agreement  
1031 annual payments exceed the amount of the credit authorized  
1032 pursuant to this section in any taxable year, such excess payment  
1033 may be recouped from excess credits in succeeding years not to  
1034 exceed three (3) years following the date upon which the credit  
1035 was earned. The amount of income of the approved company  
1036 generated by or arising out of the economic development project  
1037 shall be determined by a formula adopted by the Mississippi  
1038 Business Finance Corporation.

1039 **SECTION 25.** Section 57-10-449, Mississippi Code of 1972, is  
1040 reenacted and amended as follows:



1041           57-10-449. Sections 57-10-401 through 57-10-445 and  
1042 27-7-22.3 shall be repealed from and after October 1, 2007.

1043           **SECTION 26.** This act shall take effect and be in force from  
1044 and after October 1, 2005.