

By: Ford

To: Ways and Means

## HOUSE BILL NO. 546

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 THE  
3 ISSUANCE OF BONDS BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION  
4 TO FINANCE ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE  
5 LOCATION OR EXPANSION OF MANUFACTURING FACILITIES WITHIN THIS  
6 STATE, AND PROVIDE FOR A CREDIT AGAINST STATE INCOME TAXES FOR  
7 CERTAIN COMPANIES FOR DEBT SERVICE PAID BY SUCH COMPANIES UNDER  
8 FINANCING AGREEMENTS ENTERED INTO WITH THE MISSISSIPPI BUSINESS  
9 FINANCE CORPORATION, AND PROVIDE FOR A CREDIT AGAINST STATE INCOME  
10 TAXES FOR EMPLOYEES OF CERTAIN COMPANIES WHO PAY JOB DEVELOPMENT  
11 ASSESSMENT FEES IN THE AMOUNT OF SUCH FEES; TO AMEND SECTION  
12 57-10-449, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE  
13 REPEALER FROM OCTOBER 1, 2000, TO OCTOBER 1, 2001; AND FOR RELATED  
14 PURPOSES.

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

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

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

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

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

28 (b) "Approved costs" means:

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

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

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

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

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

49                   (vi) All costs, expenses and fees incurred in  
50 connection with the issuance of bonds pursuant to Sections  
51 57-10-401 through 57-10-445;

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

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

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

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

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

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

86           (g) "Eligible company" means any corporation,  
87 partnership, sole proprietorship, business trust, or other entity  
88 which is:

89                   (i) Engaged in manufacturing which meets the  
90 standards promulgated by the corporation under Sections 57-10-401  
91 through 57-10-445;

92                   (ii) A private company approved by the corporation  
93 for a loan under the Mississippi Small Enterprise Development  
94 Finance Act;

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

99 (iv) A telecommunications or data processing  
100 business.

101 (h) "Executive director" means the Executive Director  
102 of the Mississippi Business Finance Corporation.

103 (i) "Financing agreement" means any financing documents  
104 and agreements, indentures, loan agreements, lease agreements,  
105 security agreements and the like, entered into by and among the  
106 corporation, private lenders and an approved company with respect  
107 to an economic development project.

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

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

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

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

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

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

129 57-10-401. As used in Sections 57-10-401 through 57-10-445  
130 the following terms shall have the meanings ascribed to them  
131 herein unless the context clearly indicates otherwise:

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

135           (b) "Approved costs" means:

136                 (i) Obligations incurred for equipment and labor  
137 and to contractors, subcontractors, builders and materialmen in  
138 connection with the acquisition, construction and installation of  
139 an economic development project;

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

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

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

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

156                 (vi) All costs, expenses and fees incurred in  
157 connection with the issuance of bonds pursuant to Sections  
158 57-10-401 through 57-10-445;

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

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

164           (c) "Assessment" means the job development assessment

165 fee authorized in Section 57-10-413.

166 (d) "Bonds" means the revenue bonds, notes or other  
167 debt obligations of the corporation authorized to be issued by the  
168 corporation on behalf of an eligible company or other state  
169 agency.

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

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

193 If an eligible company closes a facility in this state and  
194 becomes an approved company under the provisions of Sections  
195 57-10-401 through 57-10-449, only that portion of the project for  
196 which such company is attempting to obtain financing that is in  
197 excess of the value of the closed facility shall be included

198 within the definition of the term "economic development project."

199 The Mississippi Business Finance Corporation shall promulgate  
200 rules and regulations to govern the determination of the  
201 difference between the value of the closed facility and the new  
202 facility.

203 (g) "Eligible company" means any corporation,  
204 partnership, sole proprietorship, business trust, or other entity  
205 which:

206 (i) Engaged in manufacturing which meets the  
207 standards promulgated by the corporation under Sections 57-10-401  
208 through 57-10-445;

209 (ii) A private company approved by the corporation  
210 for a loan under the Mississippi Small Enterprise Development  
211 Finance Act;

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

216 (iv) A telecommunications or data processing  
217 business.

218 (h) "Executive director" means the Executive Director  
219 of the Mississippi Business Finance Corporation.

220 (i) "Financing agreement" means any financing documents  
221 and agreements, indentures, loan agreements, lease agreements,  
222 security agreements and the like, entered into by and among the  
223 corporation, private lenders and an approved company with respect  
224 to an economic development project.

225 (j) "Manufacturing" means any activity involving the  
226 manufacturing, processing, assembling or production of any  
227 property, including the processing resulting in a change in the  
228 conditions of the property and any activity functionally related  
229 thereto, together with the storage, warehousing, distribution and  
230 related office facilities in respect thereof as determined by the

231 Mississippi Business Finance Corporation; however, in no event  
232 shall "manufacturing" include mining, coal or mineral processing,  
233 or extraction of Mississippi minerals.

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

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

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

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

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

244 57-10-403. (1) The Legislature finds and declares that the  
245 general welfare and material well-being of citizens of the state  
246 depend in large measure upon the development and growth of  
247 industry in the state.

248 (2) The Legislature finds and declares further that it is in  
249 the best interest of the state to induce the location or expansion  
250 of manufacturing facilities within this state in order to advance  
251 the public purposes of relieving unemployment by creating new jobs  
252 within this state that, but for the inducements to be offered by  
253 the corporation to approved companies as herein provided, would  
254 not exist, and of creating new sources of tax revenues for the  
255 support of the public services provided by this state and country.

256 (3) The Legislature finds and declares further that the  
257 authority granted by this article and the purposes to be  
258 accomplished hereby are proper governmental and public purposes  
259 for which public monies may be expended, and that the inducement  
260 of the location or expansion of manufacturing facilities within  
261 the state is of paramount importance, mandating that the  
262 provisions of this act be liberally construed and applied in order  
263 to advance the public purposes.



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

266 57-10-405. In addition to its other powers and duties, the  
267 corporation shall have all the powers necessary or convenient to  
268 carry out and effectuate the purposes and provisions of Sections  
269 57-10-401 through 57-10-445, including, but without limiting the  
270 generality of the foregoing, the power:

271 (a) To provide and finance economic development  
272 projects under the provisions of Sections 57-10-401 through  
273 57-10-445, and cooperate with counties, municipalities and  
274 eligible companies in order to promote, foster and support  
275 economic development within the counties and municipalities;

276 (b) To conduct hearings and inquiries, in the manner  
277 and by the methods as it deems desirable, including, without  
278 limitation, appointment of special committees, for the purpose of  
279 gathering information with respect to counties, municipalities,  
280 eligible companies and economic development projects, for the  
281 purpose of making any determinations necessary or desirable in the  
282 furtherance of Sections 57-10-401 through 57-10-445;

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

293 (d) To delegate to the executive director the rights  
294 and powers of the corporation required for the proper and  
295 desirable execution of the purposes of this article;

296 (e) To consent, if it deems it necessary or desirable

297 in the fulfillment of its purposes, to the modification of the  
298 terms of any financing agreements of any kind to which the  
299 corporation is a party;

300 (f) To include in any borrowing the amounts deemed  
301 necessary by the corporation to pay financing charges, consultant,  
302 advisory and legal fees, fees for bond insurance, letters of  
303 credit or other forms of credit enhancement, investment advisory  
304 fees, trustees' fees and other expenses necessary or incident to  
305 the borrowing;

306 (g) To make and publish administrative regulations  
307 respecting its programs and other administrative regulations  
308 necessary or appropriate to effectuate the purposes of Sections  
309 57-10-401 through 57-10-445, and necessary to administer the  
310 procedures and program as provided for in Sections 57-10-401  
311 through 57-10-445;

312 (h) To make, execute and effectuate any and all  
313 agreements or other documents with any governmental agency or any  
314 person, corporation, association, partnership, or other  
315 organization or entity, necessary or appropriate to accomplish the  
316 purposes of Sections 57-10-401 through 57-10-445, including any  
317 financing agreements with state agencies or any political  
318 subdivisions of the state under which funds may be pledged by or  
319 to the corporation for the payment of its bonds;

320 (i) To accept gifts, devises, bequests, grants, loans,  
321 appropriations, revenue sharing, other financing and assistance  
322 and any other aid from any source and to agree to, and to comply  
323 with, conditions attached thereto;

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

326 (k) To invest any funds held by the corporation or its  
327 agents or trustees, under Sections 57-10-401 through 57-10-445,  
328 including, but not limited to, the proceeds of bonds issued under  
329 Sections 57-10-401 through 57-10-445, reserve or other funds, or

330 any monies not required for immediate disbursement, and the  
331 investment income on any of the foregoing, in obligations  
332 authorized by Sections 57-10-401 through 57-10-445.

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

335 57-10-407. The corporation may accept and expend: (a)  
336 monies which may be appropriated from time to time by the  
337 Legislature; (b) monies which may be available under the  
338 Mississippi Small Enterprise Development Finance Act; or (c)  
339 monies which may be received from any source, including income  
340 from the corporation's operations, under Sections 57-10-401  
341 through 57-10-445, for effectuating the purposes of Sections  
342 57-10-401 through 57-10-445, including, without limitation, the  
343 payment of the expenses of administration and operation incurred  
344 pursuant to Sections 57-10-401 through 57-10-445 and the  
345 establishment and, if deemed desirable, maintenance of a reserve  
346 or contingency fund for the administration of Sections 57-10-401  
347 through 57-10-445.

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

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

354 57-10-409. The corporation may enter into, with any approved  
355 company, a financing agreement with respect to its economic  
356 development project. The terms and provisions of each financing  
357 agreement shall be determined by negotiations between the  
358 corporation and the approved company, except that each financing  
359 agreement shall include the following provisions:

360 (a) If the corporation issues any bonds in connection  
361 with an economic development project, the term of the financing  
362 agreement shall not be less than the last maturity of the bonds

363 issued with respect to the economic development project, except  
364 that the financing agreement may terminate upon the earlier  
365 redemption of all of the bonds issued with respect to the economic  
366 development project and may grant to the approved company an  
367 option to purchase the economic development project from the  
368 corporation upon the termination of the financing agreement for  
369 such consideration and under such terms and conditions the  
370 corporation may approve. Nothing in this paragraph shall limit  
371 the extension of the term of a financing agreement if there is a  
372 refunding of the correlative bonds or otherwise.

373           (b) If the corporation issues any bonds in connection  
374 with an economic development project, the financing agreement  
375 shall specify that the annual obligations of the approved company  
376 under Sections 57-10-401 through 57-10-445 shall equal in each  
377 year at least the annual debt service for that year on the bonds  
378 issued with respect to the economic development project; and the  
379 approved company shall pay such obligation of the financing  
380 agreement to the trustee for bonds issued for the benefit of the  
381 approved company, at such time and in such amounts sufficient to  
382 amortize such bonds.

383           (c) If the corporation loans funds to an approved  
384 company that is a private company under the Mississippi Small  
385 Enterprise Development Finance Act, the financing agreement shall  
386 include the terms and conditions of the loan required by Section  
387 57-71-1 et seq.

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

- 392                           1. A tax credit on the amount provided for in  
393 Section 27-7-22.3(2), Mississippi Code of 1972; plus
- 394                           2. The aggregate assessment withheld by the  
395 approved company in each year.

396                   (ii) The income tax credited to the approved  
397 company referred to herein shall be credited in the fiscal year of  
398 the financing agreement in which the tax return of the approved  
399 company is filed. The approved company shall not be required to  
400 pay estimated tax payments under Section 27-7-319, Mississippi  
401 Code of 1972.

402                   (e) (i) The financing agreement shall provide that the  
403 assessments, when added to the credit for the state corporate  
404 income tax herein granted, shall not exceed the total financing  
405 agreement annual payment by the approved company in any year;  
406 however, to the extent that financing agreement annual payments  
407 exceed credits received and assessments collected in any year, the  
408 excess payment may be recouped from excess credits or assessment  
409 collections in succeeding years.

410                   (ii) If during any fiscal year of the financing  
411 agreement the total of the income tax credit granted to the  
412 approved company plus the assessment collected from the wages of  
413 the employees equals the annual payment pursuant to the financing  
414 agreement, and if all excess payments pursuant to the financing  
415 agreement accumulated in prior years have been recouped, the  
416 assessment collected from the wages of the employees shall cease  
417 for the remainder of the fiscal year of the financing agreement.

418                   (f) The financing agreement shall provide that:

419                   (i) It may be assigned by the approved company  
420 only upon the prior written consent of the corporation following  
421 the adoption of a resolution by the corporation to such effect;  
422 and

423                   (ii) Upon the default by the approved company in  
424 the obligation to render its annual payment, the corporation shall  
425 have the right, at its option, to declare the financing agreement  
426 in default and to accelerate the total of all annual payments that  
427 are to be made or to terminate the financing agreement and cause  
428 to be sold the economic development project at public or private

429 sale, or to pursue any other remedies available under the Uniform  
430 Commercial Code, as from time to time amended, or otherwise  
431 available in law or equity.

432 **[In cases involving an economic development project for which**  
433 **the Mississippi Business Finance Corporation has not issued bonds**  
434 **for the purpose of financing the approved costs of such project**  
435 **prior to July 1, 1994, but has issued bonds for such project prior**  
436 **to July 1, 1997, or in cases involving an economic development**  
437 **project which has been induced by a resolution of the Board of**  
438 **Directors of the Mississippi Business Finance Corporation that has**  
439 **been filed with the State Tax Commission prior to July 1, 1997,**  
440 **this section shall read as follows:]**

441 57-10-409. The corporation may enter into, with any approved  
442 company, a financing agreement with respect to its economic  
443 development project. The terms and provisions of each financing  
444 agreement shall be determined by negotiations between the  
445 corporation and the approved company, except that each financing  
446 agreement shall include the following provisions:

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

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

462 shall specify that the annual obligations of the approved company  
463 under Sections 57-10-401 through 57-10-445 shall equal in each  
464 year at least the annual debt service for that year on the bonds  
465 issued with respect to the economic development project; and the  
466 approved company shall pay such obligation of the financing  
467 agreement to the trustee for bonds issued for the benefit of the  
468 approved company, at such time and in such amounts sufficient to  
469 amortize such bonds.

470 (c) If the corporation loans funds to an approved  
471 company that is a private company under the Mississippi Small  
472 Enterprise Development Finance Act, the financing agreement shall  
473 include the terms and conditions of the loan required by Section  
474 57-71-1 et seq.

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

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

481 2. The aggregate assessment withheld by the  
482 approved company in each year.

483 (ii) The income tax credited to the approved  
484 company referred to herein shall be credited in the fiscal year of  
485 the financing agreement in which the tax return of the approved  
486 company is filed. The approved company shall not be required to  
487 pay estimated tax payments under Section 27-7-319, Mississippi  
488 Code of 1972.

489 (e) (i) The financing agreement shall provide that the  
490 assessments, when added to the credit for the state corporate  
491 income tax herein granted, shall not exceed the total financing  
492 agreement annual payment by the approved company in any year;  
493 however, to the extent that financing agreement annual payments  
494 exceed credits received and assessments collected in any year, the

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

499 (ii) If during any fiscal year of the financing  
500 agreement the total of the income tax credit granted to the  
501 approved company plus the assessment collected from the wages of  
502 the employees equals the annual payment pursuant to the financing  
503 agreement, and if all excess payments pursuant to the financing  
504 agreement accumulated in prior years have been recouped, the  
505 assessment collected from the wages of the employees shall cease  
506 for the remainder of the fiscal year of the financing agreement.

507 (f) The financing agreement shall provide that:

508 (i) It may be assigned by the approved company  
509 only upon the prior written consent of the corporation following  
510 the adoption of a resolution by the corporation to such effect;  
511 and

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

521 **[In cases involving an economic development project for which**  
522 **the Mississippi Business Finance Corporation has not issued bonds**  
523 **for the purpose of financing the approved costs of such project**  
524 **prior to July 1, 1997, or in cases involving an economic**  
525 **development project which has not been induced by a resolution of**  
526 **the Board of Directors of the Mississippi Business Finance**  
527 **Corporation that has been filed with the State Tax Commission**



528 **prior to July 1, 1997, this section shall read as follows:]**

529           57-10-409. The corporation may enter into, with any approved  
530 company, a financing agreement with respect to its economic  
531 development project. The terms and provisions of each financing  
532 agreement shall be determined by negotiations between the  
533 corporation and the approved company, except that each financing  
534 agreement shall include the following provisions:

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

548           (b) If the corporation issues any bonds in connection  
549 with an economic development project, the financing agreement  
550 shall specify that the annual obligations of the approved company  
551 under Sections 57-10-401 through 57-10-445 shall equal in each  
552 year at least the annual debt service for that year on the bonds  
553 issued with respect to the economic development project; and the  
554 approved company shall pay such obligation of the financing  
555 agreement to the trustee for bonds issued for the benefit of the  
556 approved company, at such time and in such amounts sufficient to  
557 amortize such bonds.

558           (c) If the corporation loans funds to an approved  
559 company that is a private company under the Mississippi Small  
560 Enterprise Development Finance Act, the financing agreement shall

561 include the terms and conditions of the loan required by Section  
562 57-71-1 et seq.

563 (d) (i) In consideration for financing agreement  
564 payment, the approved company may be permitted a tax credit on the  
565 amount provided for in Section 27-7-22.3(2), Mississippi Code of  
566 1972, during the period of time in which the financing agreement  
567 is in effect, not to exceed twenty-five (25) years.

568 (ii) The income tax credited to the approved  
569 company referred to herein shall be credited in the fiscal year of  
570 the financing agreement in which the tax return of the approved  
571 company is filed. The approved company shall not be required to  
572 pay estimated tax payments under Section 27-7-319, Mississippi  
573 Code of 1972.

574 (e) The financing agreement shall provide that:

575 (i) It may be assigned by the approved company  
576 only upon the prior written consent of the corporation following  
577 the adoption of a resolution by the corporation to such effect;  
578 and

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

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

590 57-10-411. Ninety (90) days after the filing of the tax  
591 return of the approved company, the State Tax Commission shall  
592 certify to the corporation the state income tax liability for the  
593 preceding year of each approved company with respect to an

594 economic development project financed under Sections 57-10-401  
595 through 57-10-445, and the amounts of any tax credits taken under  
596 Sections 57-10-401 through 57-10-445.

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

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

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

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

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

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

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

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

626 (4) Any approved company collecting an assessment as

627 provided in subsection (1) of this section shall make its payroll  
628 books and records available to the corporation at such reasonable  
629 times as the corporation shall request and shall file with the  
630 corporation documentation respecting the assessment as the  
631 corporation may require.

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

636 **[In cases involving an economic development project for which**  
637 **the Mississippi Business Finance Corporation has not issued bonds**  
638 **for the purpose of financing the approved costs of such project**  
639 **prior to July 1, 1994, but has issued bonds for such project prior**  
640 **to July 1, 1997, or in cases involving an economic development**  
641 **project which has been induced by a resolution of the Board of**  
642 **Directors of the Mississippi Business Finance Corporation that has**  
643 **been filed with the State Tax Commission prior to July 1, 1997,**  
644 **this section shall read as follows:]**

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

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

659 (b) Four percent (4%), if the gross wages of the

660 employee are equivalent to Seven Dollars (\$7.00) or more per hour  
661 but less than Nine Dollars (\$9.00) per hour; and

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

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

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

669 (4) Any approved company collecting an assessment as  
670 provided in subsection (1) of this section shall make its payroll  
671 books and records available to the corporation at such reasonable  
672 times as the corporation shall request and shall file with the  
673 corporation documentation respecting the assessment as the  
674 corporation may require.

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

679 (6) If an eligible company closes a facility in this state  
680 and becomes an approved company under the provisions of Sections  
681 57-10-401 through 57-10-449, only those jobs created in excess of  
682 those that existed at the closed facility at the time of the  
683 closure shall be eligible for the imposition of the job  
684 development assessment fee. The Mississippi Business Finance  
685 Corporation shall promulgate rules and regulations to govern the  
686 determination of the number of jobs upon which the job development  
687 assessment fee may be imposed.

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

690 57-10-415. Every issue of bonds under Sections 57-10-401  
691 through 57-10-445 shall be payable solely out of any revenues of  
692 the corporation as provided in Sections 57-10-401 through

693 57-10-445. The bonds additionally may be secured by a pledge of  
694 any grant, contribution or guarantee from the federal government  
695 or any person or a pledge by the corporation of any revenues from  
696 any source.

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

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

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

720 57-10-419. (1) The corporation may issue in its own name,  
721 from time to time, for the purpose of financing the approved costs  
722 of an economic development project, its bonds and may pledge for  
723 the payment thereof funds derived in respect of any financing  
724 agreement or other arrangement entered into by the corporation and  
725 an approved company under Sections 57-10-401 through 57-10-445.

726           (2) In anticipation of the issuance of bonds, the  
727 corporation may provide for the issuance, at one (1) time or from  
728 time to time, of bond anticipation notes. The principal of and  
729 the interest on the notes shall be payable solely from the funds  
730 herein provided for the payment. Any notes may be made payable  
731 from the proceeds of bonds or renewal notes; or, if bond or  
732 renewal note proceeds are not available, the notes may be paid  
733 from any available revenues or assets of the corporation.

734           (3) The bonds issued under Sections 57-10-401 through  
735 57-10-445 shall be authorized by a resolution of the corporation,  
736 shall bear such date or dates, and shall mature at such time or  
737 times as such resolution may provide, except that no bond shall  
738 mature more than twenty-five (25) years from the date of issue.  
739 Bonds which are not subject to taxation shall bear interest at  
740 such rate or rates, be in such denominations, be in such form,  
741 carry such registration privileges, be executed in such manner, be  
742 payable in such medium of payment, at such place or places, and be  
743 subject to such terms of redemption, including redemption before  
744 maturity, as such resolution may provide. Except as expressly  
745 provided otherwise in Sections 57-10-401 through 57-10-445, the  
746 provisions of other laws of the state relating to the issuance of  
747 revenue bonds shall not apply to bonds issued by the corporation.

748 As to bonds issued hereunder and designated as taxable bonds by  
749 the corporation, any immunity to taxation by the United States  
750 Government of interest on such bonds or notes is hereby waived.  
751 Bonds of the corporation may be sold by the corporation at public  
752 or private sale, from time to time, and at such price or prices as  
753 the corporation shall determine.

754           (4) The proceeds of any bonds shall be used solely for the  
755 purposes for which issued and shall be disbursed in the manner and  
756 under the restrictions, if any, that the corporation may provide  
757 in the resolution authorizing the issuance of the bonds or in a  
758 trust indenture securing the same.

759           (5) The principal and interest on the bonds issued by the  
760 corporation shall be payable solely and only from proceeds derived  
761 under a financing agreement and shall be secured solely by the  
762 economic development project, the proceeds of the financing  
763 agreement, and such other assets as may be available, but not  
764 including revenues of the state.

765           (6) Before the preparation of definitive certificates  
766 evidencing the bonds, the corporation may issue, under like  
767 restrictions, interim receipts or temporary certificates, with or  
768 without coupons, exchangeable for definitive certificates when the  
769 certificates have been executed and are available for delivery.  
770 The corporation may also provide for the replacement of any  
771 certificates which become mutilated or are destroyed or lost.

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

774           57-10-421. In addition to the requirements provided for in  
775 Section 57-10-419, any resolution authorizing the issuance of  
776 bonds under Sections 57-10-401 through 57-10-445 may contain  
777 provisions as to:

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

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

783           (c) The procedure, if any, by which the terms of any of  
784 the proceedings under which the bonds are being issued may be  
785 amended or abrogated, the number or percentage of bondholders who  
786 or which must consent thereto, and the manner in which the consent  
787 may be given;

788           (d) The vesting in a trustee or trustees of such  
789 property, rights, powers and duties in trust as the company may  
790 determine, and limiting or abrogating the right of bondholders to  
791 appoint a trustee or limiting the rights, powers and duties of the



792 trustee;

793           (e) Defining the act or omissions to act which shall  
794 constitute a default and the obligations or duties of the  
795 corporation to the holders of the bonds, and providing for the  
796 rights and remedies of the holders of the bonds in the event of  
797 default, which rights and remedies may include the general laws of  
798 the state and other provisions of Sections 57-10-401 through  
799 57-10-445; or

800           (f) Any other matter, of like or different character,  
801 which in any way affects the security or protection of the holders  
802 of the bonds.

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

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

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

817           57-10-425. The corporation, subject to the provisions in  
818 proceedings relating to outstanding bonds as may then exist, may  
819 purchase bonds out of any funds available therefor, which shall  
820 thereupon be canceled, at any reasonable price which, if the bonds  
821 are then redeemable, shall not exceed the redemption price (and  
822 premium, if any) then applicable plus accrued interest to the  
823 redemption date thereof.

824           SECTION 14. Section 57-10-427, Mississippi Code of 1972, is

825 reenacted as follows:

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

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

844           57-10-429. In the event that any of the members or officers  
845 of the board of directors of the corporation shall cease to be  
846 members or officers of the board prior to the delivery of any  
847 bonds signed by them, their signatures or facsimiles thereof shall  
848 nevertheless be valid and sufficient for all purposes, the same as  
849 if such members or officers had remained in office until such  
850 delivery.

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

853           57-10-431. The corporation may create and establish such  
854 funds and accounts as may be necessary or desirable for its  
855 purposes under Sections 57-10-401 through 57-10-445.

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

858           57-10-433. The corporation shall have the power to contract  
859 with the holders of any of its bonds issued under Sections  
860 57-10-401 through 57-10-445 as to the custody, collection,  
861 securing, investment and payment of any money of the corporation,  
862 and of any money held in trust or otherwise for the payment of  
863 bonds, and to carry out such contract. Money held in trust or  
864 otherwise for the payment of bonds or in any way to secure bonds  
865 and deposits of money may be secured in the same manner as money  
866 of the corporation, and all banks and trust companies are  
867 authorized to give security for the deposits.

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

870           57-10-435. Amendments to Sections 57-10-401 through  
871 57-10-445, enacted after July 1, 1993, shall not limit the rights  
872 vested in the corporation with respect to any agreements made  
873 with, or remedies available to, the holders of bonds issued under  
874 this article or Section 27-7-22.3 prior to the enactment of the  
875 amendments until the bonds, together with all interest thereon,  
876 and all costs and expenses in connection with any proceeding by or  
877 on behalf of the holders, are fully met and discharged.

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

880           57-10-437. All expenses incurred by the corporation in  
881 carrying out the provisions of Sections 57-10-401 through  
882 57-10-445 shall be payable solely from funds provided under  
883 Sections 57-10-401 through 57-10-445, or other funds of the  
884 corporation. Nothing in Sections 57-10-401 through 57-10-445  
885 shall be construed to authorize the corporation to incur  
886 indebtedness or liability on behalf of or payable by the state or  
887 any other political subdivision thereof.

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

890           57-10-439. (1) The corporation is hereby declared to be

891 performing a public function and to be a public body corporate and  
892 a political subdivision of the state. Accordingly, the income,  
893 including any profit made on the sale thereof from all bonds  
894 issued by the corporation, shall at all times be exempt from all  
895 taxation by the state or any political subdivision thereof. If,  
896 after all indebtedness and other obligations of the corporation  
897 are discharged, the corporation is dissolved, its remaining assets  
898 shall inure to the benefit of the state.

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

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

915 57-10-441. The bonds issued by and under the authority of  
916 Sections 57-10-401 through 57-10-445 by the corporation are  
917 declared to be legal investments in which all public officers or  
918 public bodies of the state, its political subdivisions, all  
919 municipalities and municipal subdivisions, all insurance companies  
920 and associations, and other persons carrying on insurance  
921 business, all banks, bankers, banking associations, trust  
922 companies, savings associations, including savings and loan  
923 associations, building and loan associations, investment

924 companies, and other persons carrying on a banking business, all  
925 administrators, guardians, executors, trustees and other  
926 fiduciaries, and all other persons who are now or may later be  
927 authorized to invest in bonds or in other obligations of the  
928 state, may invest funds, including capital, in their control or  
929 belonging to them. Such bonds are also hereby made securities  
930 which may be deposited with and received by all public officers  
931 and bodies of the state or any agency or political subdivision of  
932 the state and all municipalities and public corporations for any  
933 purpose for which the deposit of bonds or other obligations of the  
934 state is now or may be later authorized by law.

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

937 57-10-443. The corporation, within one hundred twenty (120)  
938 days of the close of each fiscal year, shall submit an annual  
939 report of its activities in regard to Sections 57-10-401 through  
940 57-10-445 for the preceding year to the Governor. The Clerk of  
941 the House of Representatives and the Secretary of the Senate each  
942 shall receive a copy of the report by making a request for it to  
943 the corporation. Each report shall set forth a complete operating  
944 and financial statement in regard to Sections 57-10-401 through  
945 57-10-445 for the corporation during the fiscal year it covers.

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

948 57-10-445. Nothing contained in Sections 57-10-401 through  
949 57-10-445 is to be construed as a restriction or limitation upon  
950 any powers which the corporation might otherwise have under any  
951 other law of the state. Insofar as the provisions of Sections  
952 57-10-401 through 57-10-445 are inconsistent with the provisions  
953 of any other law, the provisions of Sections 57-10-401 through  
954 57-10-445 shall be controlling, and the powers conferred by  
955 Sections 57-10-401 through 57-10-445 shall be regarded as  
956 supplemental and additional to powers conferred by any other laws.

957 No proceedings, notice or approval shall be required for the  
958 issuance of any bonds or any instrument or the security therefor,  
959 except as provided in Sections 57-10-401 through 57-10-445.

960 The provisions of Sections 57-10-401 through 57-10-445 shall  
961 be liberally construed to accomplish the purposes of Sections  
962 57-10-401 through 57-10-445.

963 The powers granted and the duties imposed in Sections  
964 57-10-401 through 57-10-445 shall be construed to be independent  
965 and severable. If any one or more sections, subsections,  
966 sentences or parts of any of Sections 57-10-401 through 57-10-445  
967 shall be adjudged unconstitutional or invalid, such adjudication  
968 shall not affect, impair or invalidate the remaining provisions  
969 thereof, but shall be confined in its operation to the specific  
970 provisions so held unconstitutional or invalid.

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

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

977 27-7-22.3. (1) For taxpayers who are required to pay a job  
978 assessment fee as provided in Section 57-10-413, there shall be  
979 allowed as a credit against the taxes imposed by this chapter, an  
980 amount equal to the amount of the job assessment fee imposed upon  
981 such taxpayer pursuant to Section 57-10-413. If the amount  
982 allowable as a credit exceeds the tax imposed by this article and  
983 Section 27-7-22.3, the amount of such excess shall not be  
984 refundable or carried forward to any other taxable year.

985 (2) For any approved company as defined in Section  
986 57-10-401, there shall be allowed against the taxes imposed by  
987 this chapter on the income of the approved company generated by or  
988 arising out of the economic development project (as defined in  
989 Section 57-10-401), a credit in an amount not to exceed the total

990 debt service paid under a financing agreement entered into under  
991 Section 57-10-409. The tax credit allowed in this subsection  
992 shall not exceed the amount of taxes due the State of Mississippi.

993 **[In cases involving an economic development project for which**  
994 **the Mississippi Business Finance Corporation has not issued bonds**  
995 **for the purpose of financing the approved costs of such project**  
996 **prior to July 1, 1994, but has issued bonds for such project prior**  
997 **to July 1, 1997, or in cases involving an economic development**  
998 **project which has been induced by a resolution of the Board of**  
999 **Directors of the Mississippi Business Finance Corporation that has**  
1000 **been filed with the State Tax Commission prior to July 1, 1997,**  
1001 **this section shall read as follows:]**

1002 27-7-22.3. (1) For taxpayers who are required to pay a job  
1003 assessment fee as provided in Section 57-10-413, there shall be  
1004 allowed as a credit against the taxes imposed by this chapter, an  
1005 amount equal to the amount of the job assessment fee imposed upon  
1006 such taxpayer pursuant to Section 57-10-413. If the amount  
1007 allowable as a credit exceeds the tax imposed by this article and  
1008 Section 27-7-22.3, the amount of such excess shall not be  
1009 refundable or carried forward to any other taxable year.

1010 (2) For any approved company as defined in Section  
1011 57-10-401, there shall be allowed against the taxes imposed by  
1012 this chapter on the income of the approved company generated by or  
1013 arising out of the economic development project (as defined in  
1014 Section 57-10-401), a credit in an amount not to exceed the total  
1015 debt service paid under a financing agreement entered into under  
1016 Section 57-10-409. The tax credit allowed in this subsection  
1017 shall not exceed the amount of taxes due the State of Mississippi.  
1018 The amount of income of the approved company generated by or  
1019 arising out of the economic development project shall be  
1020 determined by a formula adopted by the Mississippi Business  
1021 Finance Corporation.

1022 **[In cases involving an economic development project for which**

1023 the Mississippi Business Finance Corporation has not issued bonds  
1024 for the purpose of financing the approved costs of such project  
1025 prior to July 1, 1997, or in cases involving an economic  
1026 development project which has not been induced by a resolution of  
1027 the Board of Directors of the Mississippi Business Finance  
1028 Corporation that has been filed with the State Tax Commission  
1029 prior to July 1, 1997, this section shall read as follows:]

1030       27-7-22.3. For any approved company as defined in Section  
1031 57-10-401, there shall be allowed against the taxes imposed by  
1032 this chapter on the income of the approved company generated by or  
1033 arising out of the economic development project (as defined in  
1034 Section 57-10-401), a credit in an amount not to exceed the total  
1035 debt service paid under a financing agreement entered into under  
1036 Section 57-10-409; provided, however, that the tax credit allowed  
1037 in this subsection shall not exceed eighty percent (80%) of the  
1038 amount of taxes due the State of Mississippi prior to the  
1039 application of the credit. To the extent that financing agreement  
1040 annual payments exceed the amount of the credit authorized  
1041 pursuant to this section in any taxable year, such excess payment  
1042 may be recouped from excess credits in succeeding years not to  
1043 exceed three (3) years following the date upon which the credit  
1044 was earned. The amount of income of the approved company  
1045 generated by or arising out of the economic development project  
1046 shall be determined by a formula adopted by the Mississippi  
1047 Business Finance Corporation.

1048       SECTION 25. Section 57-10-449, Mississippi Code of 1972, is  
1049 amended as follows:

1050       57-10-449. Sections 57-10-401 through 57-10-445 and  
1051 27-7-22.3 shall be repealed from and after October 1, 2001.

1052       SECTION 26. This act shall take effect and be in force from  
1053 and after July 1, 2000.