

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2525

1 AN ACT TO REENACT SECTIONS 57-10-401 THROUGH 57-10-445,  
 2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ISSUANCE OF BONDS  
 3 BY THE MISSISSIPPI BUSINESS FINANCE CORPORATION TO FINANCE  
 4 ECONOMIC DEVELOPMENT PROJECTS IN ORDER TO INDUCE THE LOCATION OR  
 5 EXPANSION OF CERTAIN BUSINESSES WITHIN THIS STATE; TO REENACT  
 6 SECTION 27-7-22.3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A  
 7 CREDIT AGAINST STATE INCOME TAXES FOR CERTAIN COMPANIES FOR DEBT  
 8 SERVICE PAID BY SUCH COMPANIES UNDER FINANCING AGREEMENTS ENTERED  
 9 INTO WITH THE MISSISSIPPI BUSINESS FINANCE CORPORATION UNDER  
 10 SECTION 57-10-409, MISSISSIPPI CODE OF 1972; TO AMEND SECTION  
 11 57-10-401, MISSISSIPPI CODE OF 1972, TO INCLUDE CERTAIN  
 12 INFORMATION PROCESSING BUSINESSES, NATIONAL OR REGIONAL  
 13 HEADQUARTERS, RESEARCH AND DEVELOPMENT FACILITIES AND TECHNOLOGY  
 14 INTENSIVE ENTERPRISES OR FACILITIES WITHIN THE DEFINITION OF THE  
 15 TERM "ELIGIBLE COMPANY"; TO AMEND SECTION 57-10-449, MISSISSIPPI  
 16 CODE OF 1972, TO EXTEND UNTIL OCTOBER 1, 2006, THE REPEAL DATE ON  
 17 SECTIONS 57-10-401 THROUGH 57-10-445 AND 27-7-22.3, MISSISSIPPI  
 18 CODE OF 1972; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 57-10-401, Mississippi Code of 1972, is  
 21 reenacted and amended as follows:

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

26 57-10-401. As used in Sections 57-10-401 through 57-10-445  
 27 the following terms shall have the meanings ascribed to them  
 28 herein unless the context clearly indicates otherwise:

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

32 (b) "Approved costs" means:

33 (i) Obligations incurred for equipment and labor  
 34 and to contractors, subcontractors, builders and materialmen in

35 connection with the acquisition, construction and installation of  
36 an economic development project;

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

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

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

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

53 (vi) All costs, expenses and fees incurred in  
54 connection with the issuance of bonds pursuant to Sections  
55 57-10-401 through 57-10-445;

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

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

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

63 (d) "Bonds" means the revenue bonds, notes or other  
64 debt obligations of the corporation authorized to be issued by the  
65 corporation on behalf of an eligible company or other state  
66 agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

129 **[In cases involving an economic development project for which**  
130 **the Mississippi Business Finance Corporation has not issued bonds**

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

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

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

139 (b) "Approved costs" means:

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

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

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

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

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

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

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

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

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

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

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

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

195 limitation, any project the financing of which has been approved  
196 under the Mississippi Small Enterprise Development Finance Act.

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

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

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

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

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

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

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

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

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

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

234                   (i) "Financing agreement" means any financing documents  
235 and agreements, indentures, loan agreements, lease agreements,  
236 security agreements and the like, entered into by and among the  
237 corporation, private lenders and an approved company with respect  
238 to an economic development project.

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

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

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

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

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

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



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

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

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

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

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

285           (a) To provide and finance economic development  
286 projects under the provisions of Sections 57-10-401 through  
287 57-10-445, and cooperate with counties, municipalities and  
288 eligible companies in order to promote, foster and support  
289 economic development within the counties and municipalities;

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

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

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

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

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

320           (g) To make and publish administrative regulations  
321 respecting its programs and other administrative regulations  
322 necessary or appropriate to effectuate the purposes of Sections

323 57-10-401 through 57-10-445, and necessary to administer the  
324 procedures and program as provided for in Sections 57-10-401  
325 through 57-10-445;

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

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

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

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

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

349 57-10-407. The corporation may accept and expend: (a)  
350 monies which may be appropriated from time to time by the  
351 Legislature; (b) monies which may be available under the  
352 Mississippi Small Enterprise Development Finance Act; or (c)  
353 monies which may be received from any source, including income  
354 from the corporation's operations, under Sections 57-10-401  
355 through 57-10-445, for effectuating the purposes of Sections

356 57-10-401 through 57-10-445, including, without limitation, the  
357 payment of the expenses of administration and operation incurred  
358 pursuant to Sections 57-10-401 through 57-10-445 and the  
359 establishment and, if deemed desirable, maintenance of a reserve  
360 or contingency fund for the administration of Sections 57-10-401  
361 through 57-10-445.

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

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

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

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

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

389 shall specify that the annual obligations of the approved company  
390 under Sections 57-10-401 through 57-10-445 shall equal in each  
391 year at least the annual debt service for that year on the bonds  
392 issued with respect to the economic development project; and the  
393 approved company shall pay such obligation of the financing  
394 agreement to the trustee for bonds issued for the benefit of the  
395 approved company, at such time and in such amounts sufficient to  
396 amortize such bonds.

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

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

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

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

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

416 (e) (i) The financing agreement shall provide that the  
417 assessments, when added to the credit for the state corporate  
418 income tax herein granted, shall not exceed the total financing  
419 agreement annual payment by the approved company in any year;  
420 however, to the extent that financing agreement annual payments  
421 exceed credits received and assessments collected in any year, the

422 excess payment may be recouped from excess credits or assessment  
423 collections in succeeding years.

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

432 (f) The financing agreement shall provide that:

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

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

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

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

461           (a) If the corporation issues any bonds in connection  
462 with an economic development project, the term of the financing  
463 agreement shall not be less than the last maturity of the bonds  
464 issued with respect to the economic development project, except  
465 that the financing agreement may terminate upon the earlier  
466 redemption of all of the bonds issued with respect to the economic  
467 development project and may grant to the approved company an  
468 option to purchase the economic development project from the  
469 corporation upon the termination of the financing agreement for  
470 such consideration and under such terms and conditions the  
471 corporation may approve. Nothing in this paragraph shall limit  
472 the extension of the term of a financing agreement if there is a  
473 refunding of the correlative bonds or otherwise.

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

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

487 include the terms and conditions of the loan required by Section  
488 57-71-1 et seq.

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

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

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

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

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

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



519 assessment collected from the wages of the employees shall cease  
520 for the remainder of the fiscal year of the financing agreement.

521 (f) The financing agreement shall provide that:

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

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

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

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

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

552 issued with respect to the economic development project, except  
553 that the financing agreement may terminate upon the earlier  
554 redemption of all of the bonds issued with respect to the economic  
555 development project and may grant to the approved company an  
556 option to purchase the economic development project from the  
557 corporation upon the termination of the financing agreement for  
558 such consideration and under such terms and conditions the  
559 corporation may approve. Nothing in this paragraph shall limit  
560 the extension of the term of a financing agreement if there is a  
561 refunding of the correlative bonds or otherwise.

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

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

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

582 (ii) The income tax credited to the approved  
583 company referred to herein shall be credited in the fiscal year of  
584 the financing agreement in which the tax return of the approved

585 company is filed. The approved company shall not be required to  
586 pay estimated tax payments under Section 27-7-319, Mississippi  
587 Code of 1972.

588 (e) The financing agreement shall provide that:

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

593 (ii) Upon the default by the approved company in  
594 the obligation to render its annual payment, the corporation shall  
595 have the right, at its option, to declare the financing agreement  
596 in default and to accelerate the total of all annual payments that  
597 are to be made or to terminate the financing agreement and cause  
598 to be sold the economic development project at public or private  
599 sale, or to pursue any other remedies available under the Uniform  
600 Commercial Code, as from time to time amended, or otherwise  
601 available in law or equity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

713 57-10-417. The bonds issued by the corporation under  
714 Sections 57-10-401 through 57-10-445 shall be limited obligations  
715 of the corporation and shall not constitute a debt, liability or

716 general obligation of the state or any political subdivision  
717 thereof (other than the corporation), or a pledge of the faith and  
718 credit of the state or any political subdivision thereof (other  
719 than the corporation), but shall be payable solely as provided by  
720 the corporation under Sections 57-10-401 through 57-10-445. No  
721 member or officer of the board of directors of the corporation nor  
722 any person executing the bonds shall be liable personally on the  
723 bonds by reason of the issuance thereof. Each bond issued under  
724 Sections 57-10-401 through 57-10-445 shall contain on the face  
725 thereof a statement that neither the state, nor any other  
726 political subdivision thereof, shall be obligated to pay the same  
727 or the interest thereon or other costs incident thereto except  
728 from the revenue or money pledged by the corporation and that  
729 neither the faith and credit nor the taxing power of the state or  
730 any political subdivision thereof is pledged to the payment of the  
731 principal of, or the interest on, such bond.

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

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

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

748           (3) The bonds issued under Sections 57-10-401 through  
749 57-10-445 shall be authorized by a resolution of the corporation,  
750 shall bear such date or dates, and shall mature at such time or  
751 times as such resolution may provide, except that no bond shall  
752 mature more than twenty-five (25) years from the date of issue.  
753 Bonds which are not subject to taxation shall bear interest at  
754 such rate or rates, be in such denominations, be in such form,  
755 carry such registration privileges, be executed in such manner, be  
756 payable in such medium of payment, at such place or places, and be  
757 subject to such terms of redemption, including redemption before  
758 maturity, as such resolution may provide. Except as expressly  
759 provided otherwise in Sections 57-10-401 through 57-10-445, the  
760 provisions of other laws of the state relating to the issuance of  
761 revenue bonds shall not apply to bonds issued by the corporation.  
762 As to bonds issued hereunder and designated as taxable bonds by  
763 the corporation, any immunity to taxation by the United States  
764 government of interest on such bonds or notes is hereby waived.  
765 Bonds of the corporation may be sold by the corporation at public  
766 or private sale, from time to time, and at such price or prices as  
767 the corporation shall determine.

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

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

779           (6) Before the preparation of definitive certificates  
780 evidencing the bonds, the corporation may issue, under like



781 restrictions, interim receipts or temporary certificates, with or  
782 without coupons, exchangeable for definitive certificates when the  
783 certificates have been executed and are available for delivery.  
784 The corporation may also provide for the replacement of any  
785 certificates which become mutilated or are destroyed or lost.

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

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

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

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

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

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

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

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

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

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

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

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

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

840 57-10-427. The bonds may be secured by an indenture by and  
841 between the corporation and a corporate trustee which may be any  
842 bank or other corporation having the power of a trust company or  
843 any trust company within or without this state. Such indenture  
844 may contain such provisions for protecting and enforcing the  
845 rights and remedies of the bondholders as may be reasonable and  
846 proper and not in violation of law, including covenants setting

847 forth the duties of the corporation in relation to the exercise of  
848 its powers and the custody, safekeeping and application of all  
849 money. The corporation may provide by the indenture for the  
850 payment of the proceeds of the bonds and revenues to the trustee  
851 under the indenture or other depository, and for the method of  
852 disbursement thereof, with such safeguards and restrictions as the  
853 corporation may determine. If the bonds shall be secured by an  
854 indenture, the bondholders shall have no authority to appoint a  
855 separate trustee to represent them.

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

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

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

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

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

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

880 of the corporation, and all banks and trust companies are  
881 authorized to give security for the deposits.

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

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

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

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

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

904         57-10-439. (1) The corporation is hereby declared to be  
905 performing a public function and to be a public body corporate and  
906 a political subdivision of the state. Accordingly, the income,  
907 including any profit made on the sale thereof from all bonds  
908 issued by the corporation, shall at all times be exempt from all  
909 taxation by the state or any political subdivision thereof. If,  
910 after all indebtedness and other obligations of the corporation  
911 are discharged, the corporation is dissolved, its remaining assets  
912 shall inure to the benefit of the state.

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

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

929           57-10-441. The bonds issued by and under the authority of  
930 Sections 57-10-401 through 57-10-445 by the corporation are  
931 declared to be legal investments in which all public officers or  
932 public bodies of the state, its political subdivisions, all  
933 municipalities and municipal subdivisions, all insurance companies  
934 and associations, and other persons carrying on insurance  
935 business, all banks, bankers, banking associations, trust  
936 companies, savings associations, including savings and loan  
937 associations, building and loan associations, investment  
938 companies, and other persons carrying on a banking business, all  
939 administrators, guardians, executors, trustees and other  
940 fiduciaries, and all other persons who are now or may later be  
941 authorized to invest in bonds or in other obligations of the  
942 state, may invest funds, including capital, in their control or  
943 belonging to them. Such bonds are also hereby made securities  
944 which may be deposited with and received by all public officers  
945 and bodies of the state or any agency or political subdivision of

946 the state and all municipalities and public corporations for any  
947 purpose for which the deposit of bonds or other obligations of the  
948 state is now or may be later authorized by law.

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

951 57-10-443. The corporation, within one hundred twenty (120)  
952 days of the close of each fiscal year, shall submit an annual  
953 report of its activities in regard to Sections 57-10-401 through  
954 57-10-445 for the preceding year to the Governor. The Clerk of  
955 the House of Representatives and the Secretary of the Senate each  
956 shall receive a copy of the report by making a request for it to  
957 the corporation. Each report shall set forth a complete operating  
958 and financial statement in regard to Sections 57-10-401 through  
959 57-10-445 for the corporation during the fiscal year it covers.

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

962 57-10-445. Nothing contained in Sections 57-10-401 through  
963 57-10-445 is to be construed as a restriction or limitation upon  
964 any powers which the corporation might otherwise have under any  
965 other law of the state. Insofar as the provisions of Sections  
966 57-10-401 through 57-10-445 are inconsistent with the provisions  
967 of any other law, the provisions of Sections 57-10-401 through  
968 57-10-445 shall be controlling, and the powers conferred by  
969 Sections 57-10-401 through 57-10-445 shall be regarded as  
970 supplemental and additional to powers conferred by any other laws.  
971 No proceedings, notice or approval shall be required for the  
972 issuance of any bonds or any instrument or the security therefor,  
973 except as provided in Sections 57-10-401 through 57-10-445.

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

977 The powers granted and the duties imposed in Sections  
978 57-10-401 through 57-10-445 shall be construed to be independent

979 and severable. If any one or more sections, subsections,  
980 sentences or parts of any of Sections 57-10-401 through 57-10-445  
981 shall be adjudged unconstitutional or invalid, such adjudication  
982 shall not affect, impair or invalidate the remaining provisions  
983 thereof, but shall be confined in its operation to the specific  
984 provisions so held unconstitutional or invalid.

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

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

991 27-7-22.3. (1) For taxpayers who are required to pay a job  
992 assessment fee as provided in Section 57-10-413, there shall be  
993 allowed as a credit against the taxes imposed by this chapter, an  
994 amount equal to the amount of the job assessment fee imposed upon  
995 such taxpayer pursuant to Section 57-10-413. If the amount  
996 allowable as a credit exceeds the tax imposed by this article and  
997 Section 27-7-22.3, the amount of such excess shall not be  
998 refundable or carried forward to any other taxable year.

999 (2) For any approved company as defined in Section  
1000 57-10-401, there shall be allowed against the taxes imposed by  
1001 this chapter on the income of the approved company generated by or  
1002 arising out of the economic development project (as defined in  
1003 Section 57-10-401), a credit in an amount not to exceed the total  
1004 debt service paid under a financing agreement entered into under  
1005 Section 57-10-409. The tax credit allowed in this subsection  
1006 shall not exceed the amount of taxes due the State of Mississippi.

1007 **[In cases involving an economic development project for which**  
1008 **the Mississippi Business Finance Corporation has not issued bonds**  
1009 **for the purpose of financing the approved costs of such project**  
1010 **prior to July 1, 1994, but has issued bonds for such project prior**  
1011 **to July 1, 1997, or in cases involving an economic development**

1012 **project which has been induced by a resolution of the Board of**  
1013 **Directors of the Mississippi Business Finance Corporation that has**  
1014 **been filed with the State Tax Commission prior to July 1, 1997,**  
1015 **this section shall read as follows:]**

1016       27-7-22.3. (1) For taxpayers who are required to pay a job  
1017 assessment fee as provided in Section 57-10-413, there shall be  
1018 allowed as a credit against the taxes imposed by this chapter, an  
1019 amount equal to the amount of the job assessment fee imposed upon  
1020 such taxpayer pursuant to Section 57-10-413. If the amount  
1021 allowable as a credit exceeds the tax imposed by this article and  
1022 Section 27-7-22.3, the amount of such excess shall not be  
1023 refundable or carried forward to any other taxable year.

1024       (2) For any approved company as defined in Section  
1025 57-10-401, there shall be allowed against the taxes imposed by  
1026 this chapter on the income of the approved company generated by or  
1027 arising out of the economic development project (as defined in  
1028 Section 57-10-401), a credit in an amount not to exceed the total  
1029 debt service paid under a financing agreement entered into under  
1030 Section 57-10-409. The tax credit allowed in this subsection  
1031 shall not exceed the amount of taxes due the State of Mississippi.  
1032 The amount of income of the approved company generated by or  
1033 arising out of the economic development project shall be  
1034 determined by a formula adopted by the Mississippi Business  
1035 Finance Corporation.

1036       **[In cases involving an economic development project for which**  
1037 **the Mississippi Business Finance Corporation has not issued bonds**  
1038 **for the purpose of financing the approved costs of such project**  
1039 **prior to July 1, 1997, or in cases involving an economic**  
1040 **development project which has not been induced by a resolution of**  
1041 **the Board of Directors of the Mississippi Business Finance**  
1042 **Corporation that has been filed with the State Tax Commission**  
1043 **prior to July 1, 1997, this section shall read as follows:]**



1044           27-7-22.3. For any approved company as defined in Section  
1045 57-10-401, there shall be allowed against the taxes imposed by  
1046 this chapter on the income of the approved company generated by or  
1047 arising out of the economic development project (as defined in  
1048 Section 57-10-401), a credit in an amount not to exceed the total  
1049 debt service paid under a financing agreement entered into under  
1050 Section 57-10-409; provided, however, that the tax credit allowed  
1051 in this subsection shall not exceed eighty percent (80%) of the  
1052 amount of taxes due the State of Mississippi prior to the  
1053 application of the credit. To the extent that financing agreement  
1054 annual payments exceed the amount of the credit authorized  
1055 pursuant to this section in any taxable year, such excess payment  
1056 may be recouped from excess credits in succeeding years not to  
1057 exceed three (3) years following the date upon which the credit  
1058 was earned. The amount of income of the approved company  
1059 generated by or arising out of the economic development project  
1060 shall be determined by a formula adopted by the Mississippi  
1061 Business Finance Corporation.

1062           **SECTION 25.** Section 57-10-449, Mississippi Code of 1972, is  
1063 amended as follows:

1064           57-10-449. Sections 57-10-401 through 57-10-445 and  
1065 27-7-22.3 shall be repealed from and after October 1, 2006.

1066           **SECTION 26.** This act shall take effect and be in force from  
1067 and after July 1, 2005.