

By: Representative Morris

To: Ways and Means

HOUSE BILL NO. 1467  
(As Passed the House)

1 AN ACT TO AMEND SECTION 57-80-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "ELIGIBLE SUPERVISORS DISTRICT"  
3 FOR PURPOSES OF THE GROWTH AND PROSPERITY ACT; TO AMEND SECTION  
4 57-80-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR THE PURPOSE  
5 OF USING CENSUS DATA TO DETERMINE CERTAIN CRITERIA UNDER THE  
6 GROWTH AND PROSPERITY ACT, THE MISSISSIPPI DEVELOPMENT AUTHORITY  
7 SHALL USE THE OFFICIAL DATA COMPILED BY THE UNITED STATES CENSUS  
8 BUREAU AS OF AUGUST 30, 2000, OR THE OFFICIAL 2000 CENSUS POVERTY  
9 RATE DATA, WHICHEVER IS THE MORE RECENT; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 57-80-5, Mississippi Code of 1972 is  
12 amended as follows:

13 57-80-5. As used in this chapter, the following words and  
14 phrases shall have the meanings ascribed herein unless the context  
15 clearly indicates otherwise:

16 (a) "Approved business enterprise" means any business  
17 enterprise seeking to locate or expand in a growth and prosperity  
18 county, which business enterprise is approved by the MDA.

19 (b) "Business enterprise" means any new or expanded (i)  
20 industry for the manufacturing, processing, assembling, storing,  
21 warehousing, servicing, distributing or selling of any products or  
22 goods, including products of agriculture; (ii) enterprises for  
23 research and development, including, but not limited to,  
24 scientific laboratories; or (iii) such other businesses or  
25 industry as will be in furtherance of the public purposes of this  
26 chapter as determined by the MDA and which creates a minimum of  
27 ten (10) jobs. "Business enterprise" does not include retail or  
28 gaming businesses or electrical generation facilities.

29           (c) "Eligible supervisors district" means a supervisors  
30 district as such district exists on January 1, 2001:

31           (i) In which thirty percent (30%) or more of such  
32 district's population as of June 30, 2000, is at or below the  
33 federal poverty level according to the official data compiled by  
34 the United States Census Bureau as of June 30, 2000, or the  
35 official 1990 census poverty rate data;

36           (ii) Which is contiguous to a county that meets  
37 the criteria of Section 37(1)(b); and

38           (iii) Which is located in a county which has been  
39 issued a certificate of public convenience and necessity under  
40 this chapter.

41           (d) "Growth and prosperity counties" means those  
42 counties which meet the requirements of this chapter and which  
43 have by resolution or order given its consent to participate in  
44 the Growth and Prosperity Program.

45           (e) "Local tax" means any county or municipal ad  
46 valorem tax imposed on the approved business enterprise pursuant  
47 to law, except the school portion of the tax and any portion of  
48 the tax imposed to pay the cost of providing fire and police  
49 protection.

50           (f) "Local taxing authority" means any county or  
51 municipality which by resolution or order has given its consent to  
52 participate in the Growth and Prosperity Program acting through  
53 its respective board of supervisors or the municipal governing  
54 board, council, commission or other legal authority.

55           (g) "MDA" means the Mississippi Development Authority.

56           (h) "State tax" means any sales and use tax imposed on  
57 the business enterprise pursuant to law related to the purchase of  
58 component building materials and equipment for initial  
59 construction of facilities or expansion of facilities in a growth  
60 and prosperity county or supervisors districts, as the case may  
61 be, all income tax imposed pursuant to law on income earned by the

62 business enterprise in a growth and prosperity county, or  
63 supervisors district, as the case may be, and franchise tax  
64 imposed pursuant to law on the value of capital used, invested or  
65 employed by the business enterprise in a growth and prosperity  
66 county, or supervisors district, as the case may be.

67 SECTION 2. Section 57-80-7, Mississippi Code of 1972, is  
68 amended as follows:

69 57-80-7. (1) From and after December 31, 2000, and until  
70 December 31, 2005, the following counties may apply to the MDA for  
71 the issuance of a certificate of public convenience and necessity:

72 (a) Any county of this state which has an annualized  
73 unemployment rate that is at least two hundred percent (200%) of  
74 the state's unemployment rate as of December 31 of any year from  
75 2000 through 2005, as determined by the Mississippi Employment  
76 Security Commission's most recently published data;

77 (b) Any county of this state in which thirty percent  
78 (30%) or more of the population of the county is at or below the  
79 federal poverty level according to the \* \* \* official data  
80 compiled by the United States Census Bureau as of August 30, 2000,  
81 or the official 2000 census poverty rate data, whichever is the  
82 more recent; or

83 (c) Any county of this state having an eligible  
84 supervisors district.

85 (2) The application, at a minimum, must contain (a) the  
86 Mississippi Employment Security Commission's most recently  
87 published figures that reflect the annualized unemployment rate of  
88 the applying county as of December 31 or the most recent official  
89 data by the United States Census Bureau required by subsection (1)  
90 of this section, as the case may be, and (b) an order or  
91 resolution of the county consenting to the designation of the  
92 county as a growth and prosperity county.

93 (3) Any municipality of a designated growth and prosperity  
94 county or within an eligible supervisors district and not more

95 than eight (8) miles from the boundary of the county that meets  
96 the criteria of subsection (1)(b) of this section may by order or  
97 resolution of the municipality consent to participation in the  
98 Growth and Prosperity Program.

99 (4) No incentive or tax exemption shall be given under this  
100 chapter without the consent of the affected county or  
101 municipality.

102 SECTION 3. This act shall take effect and be in force from  
103 and after its passage.