

By: Representative Morris

To: Ways and Means

HOUSE BILL NO. 1467  
(As Sent to Governor)

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, FOR COUNTIES THAT APPLY UNDER SUCH  
9 ACT BEFORE DECEMBER 31, 2002, OR THE MOST RECENT OFFICIAL DATA  
10 COMPILED BY THE UNITED STATES CENSUS BUREAU FOR COUNTIES THAT  
11 APPLY UNDER SUCH ACT FROM AND AFTER DECEMBER 31, 2002; AND FOR  
12 RELATED PURPOSES.

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

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

16 57-80-5. As used in this chapter, the following words and  
17 phrases shall have the meanings ascribed herein unless the context  
18 clearly indicates otherwise:

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

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

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

34 (i) In which thirty percent (30%) or more of such  
35 district's population as of June 30, 2000, is at or below the  
36 federal poverty level according to the official data compiled by  
37 the United States Census Bureau as of June 30, 2000, or the  
38 official 1990 census poverty rate data (The official 1990 census  
39 poverty rate data shall not be used to make any such determination  
40 after December 31, 2002.);

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

43 (iii) Which is located in a county which has been  
44 issued a certificate of public convenience and necessity under  
45 this chapter.

46 (d) "Growth and prosperity counties" means those  
47 counties which meet the requirements of this chapter and which  
48 have by resolution or order given its consent to participate in  
49 the Growth and Prosperity Program.

50 (e) "Local tax" means any county or municipal ad  
51 valorem tax imposed on the approved business enterprise pursuant  
52 to law, except the school portion of the tax and any portion of  
53 the tax imposed to pay the cost of providing fire and police  
54 protection.

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

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

61 (h) "State tax" means any sales and use tax imposed on  
62 the business enterprise pursuant to law related to the purchase of  
63 component building materials and equipment for initial  
64 construction of facilities or expansion of facilities in a growth

65 and prosperity county or supervisors districts, as the case may  
66 be, all income tax imposed pursuant to law on income earned by the  
67 business enterprise in a growth and prosperity county, or  
68 supervisors district, as the case may be, and franchise tax  
69 imposed pursuant to law on the value of capital used, invested or  
70 employed by the business enterprise in a growth and prosperity  
71 county, or supervisors district, as the case may be.

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

74 57-80-7. (1) From and after December 31, 2000, and until  
75 December 31, 2005, the following counties may apply to the MDA for  
76 the issuance of a certificate of public convenience and necessity:

77 (a) Any county of this state which has an annualized  
78 unemployment rate that is at least two hundred percent (200%) of  
79 the state's unemployment rate as of December 31 of any year from  
80 2000 through 2005, as determined by the Mississippi Employment  
81 Security Commission's most recently published data;

82 (b) Any county of this state in which thirty percent  
83 (30%) or more of the population of the county is at or below the  
84 federal poverty level according to the \* \* \* official data  
85 compiled by the United States Census Bureau as of August 30, 2000,  
86 for counties that apply before December 31, 2002, or the most  
87 recent official data compiled by the United States Census Bureau  
88 for counties that apply from and after December 31, 2002; or

89 (c) Any county of this state having an eligible  
90 supervisors district.

91 (2) The application, at a minimum, must contain (a) the  
92 Mississippi Employment Security Commission's most recently  
93 published figures that reflect the annualized unemployment rate of  
94 the applying county as of December 31 or the most recent official  
95 data by the United States Census Bureau required by subsection (1)  
96 of this section, as the case may be, and (b) an order or

97 resolution of the county consenting to the designation of the  
98 county as a growth and prosperity county.

99 (3) Any municipality of a designated growth and prosperity  
100 county or within an eligible supervisors district and not more  
101 than eight (8) miles from the boundary of the county that meets  
102 the criteria of subsection (1)(b) of this section may by order or  
103 resolution of the municipality consent to participation in the  
104 Growth and Prosperity Program.

105 (4) No incentive or tax exemption shall be given under this  
106 chapter without the consent of the affected county or  
107 municipality.

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