HOUSE BILL NO. 1467
(As Sent to Governor)

AN ACT TO AMEND SECTION 57-80-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "ELIGIBLE SUPERVISORS DISTRICT" FOR PURPOSES OF THE GROWTH AND PROSPERITY ACT; TO AMEND SECTION 57-80-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOR THE PURPOSE OF USING CENSUS DATA TO DETERMINE CERTAIN CRITERIA UNDER THE GROWTH AND PROSPERITY ACT, THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL USE THE OFFICIAL DATA COMPiled BY THE UNITED STATES CENSUS BUREAU AS OF AUGUST 30, 2000, FOR COUNTIES THAT APPLY UNDER SUCH ACT BEFORE DECEMBER 31, 2002, OR THE MOST RECENT OFFICIAL DATA COMPiled BY THE UNITED STATES CENSUS BUREAU FOR COUNTIES THAT APPLY UNDER SUCH ACT FROM AND AFTER DECEMBER 31, 2002; AND FOR RELATED PURPOSES.

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

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

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

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

(b) "Business enterprise" means any new or expanded (i) industry for the manufacturing, processing, assembling, storing, warehousing, servicing, distributing or selling of any products or goods, including products of agriculture; (ii) enterprises for research and development, including, but not limited to, scientific laboratories; or (iii) such other businesses or industry as will be in furtherance of the public purposes of this chapter as determined by the MDA and which creates a minimum of ten (10) jobs. "Business enterprise" does not include retail or gaming businesses or electrical generation facilities.
(c) "Eligible supervisors district" means a supervisors district as such district exists on January 1, 2001:

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

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

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

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

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

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

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

(h) "State tax" means any sales and use tax imposed on the business enterprise pursuant to law related to the purchase of component building materials and equipment for initial construction of facilities or expansion of facilities in a growth
and prosperity county or supervisors districts, as the case may be, all income tax imposed pursuant to law on income earned by the business enterprise in a growth and prosperity county, or supervisors district, as the case may be, and franchise tax imposed pursuant to law on the value of capital used, invested or employed by the business enterprise in a growth and prosperity county, or supervisors district, as the case may be.

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

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

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

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

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

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

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

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

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