

By: Representatives Morris, Smith (39th),  
McCoy

To: Ways and Means

HOUSE BILL NO. 790

1 AN ACT TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITION OF THE TERM "NEW DIRECT JOB" FOR PURPOSES OF  
3 THE MISSISSIPPI ADVANTAGE JOBS ACT TO REVISE THE TYPES OF JOBS  
4 THAT MAY BE CONSIDERED IN DETERMINING WHETHER A BUSINESS OR  
5 INDUSTRY IS QUALIFIED TO RECEIVE INCENTIVE PAYMENTS UNDER SUCH  
6 ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 57-62-5, Mississippi Code of 1972, is  
9 amended as follows:

10 57-62-5. As used in this chapter, the following words and  
11 phrases shall have the meanings ascribed in this section unless  
12 the context clearly indicates otherwise:

13 (a) "Qualified business or industry" means any  
14 corporation, limited liability company, partnership, sole  
15 proprietorship, business trust or other legal entity and subunits  
16 or affiliates thereof, pursuant to rules and regulations of the  
17 MDA, which provides an average annual salary, excluding benefits  
18 which are not subject to Mississippi income taxes, of at least one  
19 hundred twenty-five percent (125%) of the most recently published  
20 state average annual wage or the most recently published average  
21 annual wage of the county in which the qualified business or  
22 industry is located as determined by the Mississippi Employment  
23 Security Commission, whichever is the lesser. An establishment  
24 shall not be considered to be a qualified business or industry  
25 unless it offers, or will offer within one hundred eighty (180)  
26 days of the date it receives the first incentive payment pursuant  
27 to the provisions of this chapter, a basic health benefits plan to  
28 the individuals it employs in new direct jobs in this state which



29 is approved by the MDA. Qualified business or industry does not  
30 include retail business or gaming business;

31 (b) "New direct job" means full-time employment in this  
32 state in a qualified business or industry that has qualified to  
33 receive an incentive payment pursuant to this chapter, which  
34 employment did not exist in this state before the date of approval  
35 by the MDA of the application of the qualified business or  
36 industry pursuant to the provisions of this chapter. "New direct  
37 job" shall include full-time employment in this state of employees  
38 who are employed by an entity other than the establishment that  
39 has qualified to receive an incentive payment and who are  
40 leased \* \* \* to the qualified business or industry, if such  
41 employment did not exist in this state before the date of approval  
42 by the MDA of the application of the establishment;

43 (c) "Full-time job" means a job of at least thirty-five  
44 (35) hours per week;

45 (d) "Estimated direct state benefits" means the tax  
46 revenues projected by the MDA to accrue to the state as a result  
47 of the qualified business or industry;

48 (e) "Estimated direct state costs" means the costs  
49 projected by the MDA to accrue to the state as a result of the  
50 qualified business or industry;

51 (f) "Estimated net direct state benefits" means the  
52 estimated direct state benefits less the estimated direct state  
53 costs;

54 (g) "Net benefit rate" means the estimated net direct  
55 state benefits computed as a percentage of gross payroll, provided  
56 that:

57 (i) Except as otherwise provided in this paragraph  
58 (g), the net benefit rate may be variable and shall not exceed  
59 four percent (4%) of the gross payroll; and shall be set in the  
60 sole discretion of the MDA;



61 (ii) In no event shall incentive payments,  
62 cumulatively, exceed the estimated net direct state benefits;

63 (h) "Gross payroll" means wages for new direct jobs of  
64 the qualified business or industry; and

65 (i) "MDA" means the Mississippi Development Authority.

66 **SECTION 2.** This act shall take effect and be in force from  
67 and after its passage.

