MISSISSIPPI LEGISLATURE

HOUSE BILL NO. 790

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

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

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

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

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

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

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

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

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

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

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

(i) Except as otherwise provided in this paragraph
(g), the net benefit rate may be variable and shall not exceed
four percent (4%) of the gross payroll; and shall be set in the
sole discretion of the MDA;
(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits;

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

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

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