

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 3068

1 AN ACT TO AMEND SECTION 57-80-9, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE PERIOD FOR THE TAX EXEMPTIONS GRANTED UNDER THE GROWTH  
3 AND PROSPERITY ACT TO BUSINESS ENTERPRISES THAT LOCATE IN GROWTH  
4 AND PROSPERITY COUNTIES; TO AMEND SECTION 57-80-7, MISSISSIPPI  
5 CODE OF 1972, TO EXTEND THE PERIOD WITHIN WHICH CERTAIN COUNTIES  
6 MAY APPLY TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR  
7 CERTIFICATION AS GROWTH AND PROSPERITY COUNTIES; AND FOR RELATED  
8 PURPOSES.

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

10 **SECTION 1.** Section 57-80-9, Mississippi Code of 1972, is  
11 amended as follows:

12 57-80-9. (1) Upon the issuance by the MDA of its  
13 certificate of public convenience and necessity, designating  
14 certain counties as growth and prosperity counties, any approved  
15 business enterprise in any such a growth and prosperity county or  
16 any approved business enterprise located within an eligible  
17 supervisors district within eight (8) miles of the boundary of the  
18 county that meets the criteria of Section 57-80-7(1)(b) of this  
19 act shall be exempt from all local taxes levied by the county and  
20 all state taxes for a period of ten (10) years or until December  
21 31, 2020, whichever occurs first, and upon consent of any  
22 municipality within such county or within such supervisors  
23 district and not more than eight (8) miles from the boundary of  
24 the county that meets the criteria of Section 57-80-7(1)(b), shall  
25 be exempt from all local taxes levied by such municipality for a  
26 period of ten (10) years or until December 31, 2020, whichever  
27 occurs first.

28 (2) The following conditions, along with any other  
29 conditions the MDA shall promulgate from time to time by rule or  
30 regulation, shall apply to such exemptions: (a) any exemption

31 provided under this chapter is nontransferable and cannot be  
32 applied, used or assigned to any other person or business or tax  
33 account; (b) no approved business enterprise may claim or use the  
34 exemption granted under this chapter unless that enterprise is in  
35 full compliance with all state and local tax laws, and related  
36 ordinances and resolutions; and (c) the approved business  
37 enterprise must enter into an agreement with the MDA which sets  
38 out, at a minimum the performance requirements of the approved  
39 business enterprise during the term of the exemption and  
40 provisions for the recapture of all or a portion of the taxes  
41 exempted if the performance requirements of the approved business  
42 enterprise are not met.

43 (3) Upon entering into such an agreement, the MDA shall  
44 forward such agreement to the State Tax Commission and the  
45 affected local taxing authorities so that the exemption can be  
46 implemented. The State Tax Commission shall promulgate rules and  
47 regulations, in accordance with the Mississippi Administrative  
48 Procedures Law, for the implementation of both local and state  
49 exemptions granted under this chapter.

50 (4) Any business enterprise that relocates its present  
51 operation and jobs to a growth and prosperity county or an  
52 eligible supervisors district and not more than eight (8) miles  
53 from the boundary of the county that meets the criteria of Section  
54 57-80-7(1)(b) from another county in the state shall not receive  
55 any of the exemptions granted in this chapter.

56 (5) If the annualized unemployment rate in a growth and  
57 prosperity county falls below one hundred fifty percent (150%) of  
58 the state's annualized unemployment rate for three (3) consecutive  
59 calendar years, the tax exemptions authorized under Sections  
60 57-62-5 through 57-62-15 may not be granted to additional business  
61 enterprises.

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

64           57-80-7. (1) From and after December 31, 2000, and until  
65 December 31, 2010, the following counties may apply to the MDA for  
66 the issuance of a certificate of public convenience and necessity:

67           (a) Any county of this state which has an annualized  
68 unemployment rate that is at least two hundred percent (200%) of  
69 the state's unemployment rate as of December 31 of any year from  
70 2000 through 2010, as determined by the Mississippi Department of  
71 Employment Security's most recently published data;

72           (b) Any county of this state in which thirty percent  
73 (30%) or more of the population of the county is at or below the  
74 federal poverty level according to the official data compiled by  
75 the United States Census Bureau as of August 30, 2000, for  
76 counties that apply before December 31, 2002, or the most recent  
77 official data compiled by the United States Census Bureau for  
78 counties that apply from and after December 31, 2002; or

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

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

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

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

98           **SECTION 3.** This act shall take effect and be in force from  
99 and after January 1, 2006.