

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.