

By: Senator(s) Harkins

To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2681

1 AN ACT TO REENACT SECTIONS 57-62-5 AND 57-62-9, MISSISSIPPI
2 CODE OF 1972, WHICH RELATE TO THE MISSISSIPPI ADVANTAGE JOBS ACT;
3 TO AMEND REENACTED SECTION 57-62-9, MISSISSIPPI CODE OF 1972, TO
4 CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION AND
5 SECTION 57-62-5; TO REENACT SECTION 57-75-5, MISSISSIPPI CODE OF
6 1972, WHICH DEFINES CERTAIN TERMS USED UNDER THE MISSISSIPPI MAJOR
7 ECONOMIC IMPACT ACT; TO AMEND REENACTED SECTION 57-75-5,
8 MISSISSIPPI CODE OF 1972, TO CODIFY AND EXTEND THE DATE OF THE
9 REPEALER ON THAT SECTION; TO REENACT SECTION 57-80-7, MISSISSIPPI
10 CODE OF 1972, WHICH RELATES TO THE GROWTH AND PROSPERITY ACT; TO
11 AMEND REENACTED SECTION 57-80-7, MISSISSIPPI CODE OF 1972, TO
12 CODIFY AND EXTEND THE DATE OF THE REPEALER ON THAT SECTION; TO
13 AMEND SECTION 57-80-9, MISSISSIPPI CODE OF 1972, TO SPECIFY THAT
14 IF THE ANNUALIZED UNEMPLOYMENT RATE IN A GROWTH AND PROSPERITY
15 COUNTY FALLS BELOW 150% OF THE STATE'S ANNUALIZED UNEMPLOYMENT
16 RATE FOR THREE CONSECUTIVE CALENDAR YEARS AND LESS THAN 30% OF THE
17 POPULATION OF THE COUNTY IS AT OR BELOW THE FEDERAL POVERTY LEVEL
18 FOR THREE CONSECUTIVE YEARS ACCORDING TO THE MOST RECENT OFFICIAL
19 DATA COMPILED BY THE UNITED STATES CENSUS BUREAU, THE TAX
20 EXEMPTIONS AUTHORIZED UNDER THE GROWTH AND PROSPERITY ACT MAY NOT
21 BE GRANTED TO ADDITIONAL BUSINESS ENTERPRISES; TO AMEND SECTION
22 60, CHAPTER 572, LAWS OF 2004, AS LAST AMENDED BY SECTION 7,
23 CHAPTER 476, LAWS OF 2020, WHICH PROVIDES FOR THE REPEAL OF THOSE
24 STATUTES WHOSE REPEALER IS CODIFIED BY THIS ACT, TO REMOVE SUCH
25 STATUTES FROM THE REPEALER IN THE CHAPTER LAW; AND FOR RELATED
26 PURPOSES.

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

28 **SECTION 1.** Section 57-62-5, Mississippi Code of 1972, is
29 reenacted as follows:



30 **[For businesses or industries that received or applied for**
31 **incentive payments prior to July 1, 2005, this section shall read**
32 **as follows:]**

33 57-62-5. As used in this chapter, the following words and
34 phrases shall have the meanings ascribed in this section unless
35 the context clearly indicates otherwise:

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



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

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

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

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

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



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

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

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

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

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

89 **[For businesses or industries that received or applied for**
90 **incentive payments from and after July 1, 2005, but prior to July**
91 **1, 2010, this section shall read as follows:]**

92 57-62-5. As used in this chapter, the following words and
93 phrases shall have the meanings ascribed in this section unless
94 the context clearly indicates otherwise:

95 (a) "Qualified business or industry" means any
96 corporation, limited liability company, partnership, sole
97 proprietorship, business trust or other legal entity and subunits
98 or affiliates thereof, pursuant to rules and regulations of the
99 MDA, which:

100 (i) Is a data/information processing enterprise
101 meeting minimum criteria established by the MDA that provides an



102 average annual salary, excluding benefits which are not subject to
103 Mississippi income taxes, of at least one hundred percent (100%)
104 of the most recently published state average annual wage or the
105 most recently published average annual wage of the county in which
106 the qualified business or industry is located as determined by the
107 Mississippi Department of Employment Security, whichever is the
108 lesser, and creates not less than two hundred (200) new direct
109 jobs if the enterprise is located in a Tier One or Tier Two area
110 (as such areas are designated in accordance with Section
111 57-73-21), or which creates not less than one hundred (100) new
112 jobs if the enterprise is located in a Tier Three area (as such
113 areas are designated in accordance with Section 57-73-21);

114 (ii) Is a manufacturing or distribution enterprise
115 meeting minimum criteria established by the MDA that provides an
116 average annual salary, excluding benefits which are not subject to
117 Mississippi income taxes, of at least one hundred ten percent
118 (110%) of the most recently published state average annual wage or
119 the most recently published average annual wage of the county in
120 which the qualified business or industry is located as determined
121 by the Mississippi Department of Employment Security, whichever is
122 the lesser, invests not less than Twenty Million Dollars
123 (\$20,000,000.00) in land, buildings and equipment, and creates not
124 less than fifty (50) new direct jobs if the enterprise is located
125 in a Tier One or Tier Two area (as such areas are designated in
126 accordance with Section 57-73-21), or which creates not less than



127 twenty (20) new jobs if the enterprise is located in a Tier Three
128 area (as such areas are designated in accordance with Section
129 57-73-21);

130 (iii) Is a corporation, limited liability company,
131 partnership, sole proprietorship, business trust or other legal
132 entity and subunits or affiliates thereof, pursuant to rules and
133 regulations of the MDA, which provides an average annual salary,
134 excluding benefits which are not subject to Mississippi income
135 taxes, of at least one hundred twenty-five percent (125%) of the
136 most recently published state average annual wage or the most
137 recently published average annual wage of the county in which the
138 qualified business or industry is located as determined by the
139 Mississippi Department of Employment Security, whichever is the
140 lesser, and creates not less than twenty-five (25) new direct jobs
141 if the enterprise is located in a Tier One or Tier Two area (as
142 such areas are designated in accordance with Section 57-73-21), or
143 which creates not less than ten (10) new jobs if the enterprise is
144 located in a Tier Three area (as such areas are designated in
145 accordance with Section 57-73-21). An establishment shall not be
146 considered to be a qualified business or industry unless it
147 offers, or will offer within one hundred eighty (180) days of the
148 date it receives the first incentive payment pursuant to the
149 provisions of this chapter, a basic health benefits plan to the
150 individuals it employs in new direct jobs in this state which is



151 approved by the MDA. Qualified business or industry does not
152 include retail business or gaming business; or

153 (iv) Is a research and development or a technology
154 intensive enterprise meeting minimum criteria established by the
155 MDA that provides an average annual salary, excluding benefits
156 which are not subject to Mississippi income taxes, of at least one
157 hundred fifty percent (150%) of the most recently published state
158 average annual wage or the most recently published average annual
159 wage of the county in which the qualified business or industry is
160 located as determined by the Mississippi Department of Employment
161 Security, whichever is the lesser, and creates not less than ten
162 (10) new direct jobs.

163 An establishment shall not be considered to be a qualified
164 business or industry unless it offers, or will offer within one
165 hundred eighty (180) days of the date it receives the first
166 incentive payment pursuant to the provisions of this chapter, a
167 basic health benefits plan to the individuals it employs in new
168 direct jobs in this state which is approved by the MDA. Qualified
169 business or industry does not include retail business or gaming
170 business.

171 (b) "New direct job" means full-time employment in this
172 state in a qualified business or industry that has qualified to
173 receive an incentive payment pursuant to this chapter, which
174 employment did not exist in this state before the date of approval
175 by the MDA of the application of the qualified business or



176 industry pursuant to the provisions of this chapter. "New direct
177 job" shall include full-time employment in this state of employees
178 who are employed by an entity other than the establishment that
179 has qualified to receive an incentive payment and who are leased
180 to the qualified business or industry, if such employment did not
181 exist in this state before the date of approval by the MDA of the
182 application of the establishment.

183 (c) "Full-time job" or "full-time employment" means a
184 job of at least thirty-five (35) hours per week.

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

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

191 (f) "Estimated net direct state benefits" means the
192 estimated direct state benefits less the estimated direct state
193 costs.

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

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



201 (ii) In no event shall incentive payments,
202 cumulatively, exceed the estimated net direct state benefits.

203 (h) "Gross payroll" means wages for new direct jobs of
204 the qualified business or industry.

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

206 **[For businesses or industries that apply for incentive**
207 **payments from and after July 1, 2010, this section shall read as**
208 **follows:]**

209 57-62-5. As used in this chapter, the following words and
210 phrases shall have the meanings ascribed in this section unless
211 the context clearly indicates otherwise:

212 (a) "Qualified business or industry" means any
213 corporation, limited liability company, partnership, sole
214 proprietorship, business trust or other legal entity and subunits
215 or affiliates thereof, pursuant to rules and regulations of the
216 MDA, which:

217 (i) Is a data/information processing enterprise
218 meeting minimum criteria established by the MDA that provides an
219 average annual salary, excluding benefits which are not subject to
220 Mississippi income taxes, of at least one hundred percent (100%)
221 of the most recently published state average annual wage or the
222 most recently published average annual wage of the county in which
223 the qualified business or industry is located as determined by the
224 Mississippi Department of Employment Security, whichever is the



225 lesser, and creates not less than two hundred (200) new direct
226 jobs;

227 (ii) Is a corporation, limited liability company,
228 partnership, sole proprietorship, business trust or other legal
229 entity and subunits or affiliates thereof, pursuant to rules and
230 regulations of the MDA, which provides an average annual salary,
231 excluding benefits which are not subject to Mississippi income
232 taxes, of at least one hundred ten percent (110%) of the most
233 recently published state average annual wage or the most recently
234 published average annual wage of the county in which the qualified
235 business or industry is located as determined by the Mississippi
236 Department of Employment Security, whichever is the lesser, and
237 creates not less than twenty-five (25) new direct jobs; or

238 (iii) Is a corporation, limited liability company,
239 partnership, sole proprietorship, business trust or other legal
240 entity and subunits or affiliates thereof, pursuant to rules and
241 regulations of the MDA, which is a manufacturer that:

242 1. Provides an average annual salary,
243 excluding benefits which are not subject to Mississippi income
244 taxes, of at least one hundred ten percent (110%) of the most
245 recently published state average annual wage or the most recently
246 published average annual wage of the county in which the qualified
247 business or industry is located as determined by the Mississippi
248 Department of Employment Security, whichever is the lesser;



249 2. Has a minimum of five thousand (5,000)
250 existing employees as of the last day of the previous calendar
251 year; and

252 3. MDA determines will create not less than
253 three thousand (3,000) new direct jobs within forty-eight (48)
254 months of the date the MDA determines that the applicant is
255 qualified to receive incentive payments.

256 An establishment shall not be considered to be a qualified
257 business or industry unless it offers, or will offer within one
258 hundred eighty (180) days of the date it receives the first
259 incentive payment pursuant to the provisions of this chapter, a
260 basic health benefits plan to the individuals it employs in new
261 direct jobs in this state which is approved by the MDA. Qualified
262 business or industry does not include retail business or gaming
263 business, or any medical cannabis establishment as defined in the
264 Mississippi Medical Cannabis Act.

265 (b) "New direct job" means full-time employment in this
266 state in a qualified business or industry that has qualified to
267 receive an incentive payment pursuant to this chapter, which
268 employment did not exist in this state:

269 (i) Before the date of approval by the MDA of the
270 application of the qualified business or industry pursuant to the
271 provisions of this chapter; or

272 (ii) Solely with respect to any farm equipment
273 manufacturer that locates its North American headquarters to



274 Mississippi between January 1, 2018, and December 31, 2020, before
275 a specific date determined by the MDA that falls on or after the
276 date that the MDA first issues to such farm equipment manufacturer
277 one or more written commitments or offers of any incentives in
278 connection with the new headquarters project and related
279 facilities expected to result in the creation of such new job.

280 "New direct job" shall include full-time employment in this
281 state of employees who are employed by an entity other than the
282 establishment that has qualified to receive an incentive payment
283 and who are leased to the qualified business or industry, if such
284 employment did not exist in this state before the date of approval
285 by the MDA of the application of the establishment.

286 (c) "Full-time job" or "full-time employment" means a
287 job of at least thirty-five (35) hours per week.

288 (d) "Gross payroll" means wages for new direct jobs of
289 the qualified business or industry.

290 (e) "MDA" means the Mississippi Development Authority.

291 **SECTION 2.** Section 57-62-9, Mississippi Code of 1972, is
292 reenacted and amended as follows:

293 **[For businesses or industries that received or applied for**
294 **incentive payments prior to July 1, 2005, this section shall read**
295 **as follows:]**

296 57-62-9. (1) Except as otherwise provided in this section,
297 a qualified business or industry that meets the qualifications
298 specified in this chapter may receive quarterly incentive payments



299 for a period not to exceed ten (10) years from the Department of
300 Revenue pursuant to the provisions of this chapter in an amount
301 which shall be equal to the net benefit rate multiplied by the
302 actual gross payroll of new direct jobs for a calendar quarter as
303 verified by the Mississippi Department of Employment Security, but
304 not to exceed the amount of money previously paid into the fund by
305 the employer. A qualified business or industry that is a project
306 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
307 which the ten-year period will begin. Such date may not be later
308 than sixty (60) months after the date the business or industry
309 applied for incentive payments.

310 (2) (a) A qualified business or industry that is a project
311 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
312 receive incentive payments for an additional period not to exceed
313 five (5) years beyond the expiration date of the initial ten-year
314 period if:

315 (i) The qualified business or industry creates at
316 least three thousand (3,000) new direct jobs within five (5) years
317 after the date the business or industry commences commercial
318 production;

319 (ii) Within five (5) years after the date the
320 business or industry commences commercial production, the average
321 annual wage of the jobs is at least one hundred fifty percent
322 (150%) of the most recently published state average annual wage or
323 the most recently published average annual wage of the county in



324 which the qualified business or industry is located as determined
325 by the Mississippi Department of Employment Security, whichever is
326 the lesser. The criteria for the average annual wage requirement
327 shall be based upon the state average annual wage or the average
328 annual wage of the county whichever is appropriate, at the time of
329 creation of the minimum number of jobs, and the threshold
330 established at that time will remain constant for the duration of
331 the additional period; and

332 (iii) The qualified business or industry meets and
333 maintains the job and wage requirements of subparagraphs (i) and
334 (ii) of this paragraph (a) for four (4) consecutive calendar
335 quarters.

336 (b) A qualified business or industry that is a project
337 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
338 incentive payments for the additional period provided in paragraph
339 (a) of this subsection (2) may apply to the MDA to receive
340 incentive payments for an additional period not to exceed ten (10)
341 years beyond the expiration date of the additional period provided
342 in paragraph (a) of this subsection (2) if:

343 (i) The qualified business or industry creates at
344 least four thousand (4,000) new direct jobs after qualifying for
345 the additional incentive period provided in paragraph (a) of this
346 subsection (2) but before the expiration of the additional period.
347 For purposes of determining whether the business or industry meets
348 the minimum jobs requirement of this subparagraph (i), the number



349 of jobs the business or industry created in order to meet the
350 minimum jobs requirement of paragraph (a) of this subsection (2)
351 shall be subtracted from the minimum jobs requirement of this
352 subparagraph (i);

353 (ii) The average annual wage of the jobs is at
354 least one hundred fifty percent (150%) of the most recently
355 published state average annual wage or the most recently published
356 average annual wage of the county in which the qualified business
357 or industry is located as determined by the Mississippi Department
358 of Employment Security, whichever is the lesser. The criteria for
359 the average annual wage requirement shall be based upon the state
360 average annual wage or the average annual wage of the county
361 whichever is appropriate, at the time of creation of the minimum
362 number of jobs, and the threshold established at that time will
363 remain constant for the duration of the additional period; and

364 (iii) The qualified business or industry meets and
365 maintains the job and wage requirements of subparagraphs (i) and
366 (ii) of this paragraph (b) for four (4) consecutive calendar
367 quarters.

368 (3) In order to receive incentive payments, an establishment
369 shall apply to the MDA. The application shall be on a form
370 prescribed by the MDA and shall contain such information as may be
371 required by the MDA to determine if the applicant is qualified.

372 (4) In order to qualify to receive such payments, the
373 establishment applying shall be required to:



374 (a) Be engaged in a qualified business or industry;

375 (b) Provide an average salary, excluding benefits which
376 are not subject to Mississippi income taxes, of at least one
377 hundred twenty-five percent (125%) of the most recently published
378 state average annual wage or the most recently published average
379 annual wage of the county in which the qualified business or
380 industry is located as determined by the Mississippi Department of
381 Employment Security, whichever is the lesser. The criteria for
382 this requirement shall be based upon the state average annual wage
383 or the average annual wage of the county whichever is appropriate,
384 at the time of application, and the threshold established upon
385 application will remain constant for the duration of the project;

386 (c) The business or industry must create and maintain a
387 minimum of ten (10) full-time jobs in counties that have an
388 average unemployment rate over the previous twelve-month period
389 which is at least one hundred fifty percent (150%) of the most
390 recently published state unemployment rate, as determined by the
391 Mississippi Department of Employment Security or in Tier Three
392 counties as determined under Section 57-73-21. In all other
393 counties, the business or industry must create and maintain a
394 minimum of twenty-five (25) full-time jobs. The criteria for this
395 requirement shall be based on the designation of the county at the
396 time of the application. The threshold established upon the
397 application will remain constant for the duration of the project.
398 The business or industry must meet its job creation commitment



399 within twenty-four (24) months of the application approval.
400 However, if the qualified business or industry is applying for
401 incentive payments for an additional period under subsection (2)
402 of this section, the business or industry must comply with the
403 applicable job and wage requirements of subsection (2) of this
404 section.

405 (5) The MDA shall determine if the applicant is qualified to
406 receive incentive payments. If the applicant is determined to be
407 qualified by the MDA, the MDA shall conduct a cost/benefit
408 analysis to determine the estimated net direct state benefits and
409 the net benefit rate applicable for a period not to exceed ten
410 (10) years and to estimate the amount of gross payroll for the
411 period. If the applicant is determined to be qualified to receive
412 incentive payments for an additional period under subsection (2)
413 of this section, the MDA shall conduct a cost/benefit analysis to
414 determine the estimated net direct state benefits and the net
415 benefit rate applicable for the appropriate additional period and
416 to estimate the amount of gross payroll for the additional period.
417 In conducting such cost/benefit analysis, the MDA shall consider
418 quantitative factors, such as the anticipated level of new tax
419 revenues to the state along with the cost to the state of the
420 qualified business or industry, and such other criteria as deemed
421 appropriate by the MDA, including the adequacy of retirement
422 benefits that the business or industry provides to individuals it
423 employs in new direct jobs in this state. In no event shall



424 incentive payments, cumulatively, exceed the estimated net direct
425 state benefits. Once the qualified business or industry is
426 approved by the MDA, an agreement shall be deemed to exist between
427 the qualified business or industry and the State of Mississippi,
428 requiring the continued incentive payment, together with any
429 amount due pursuant to subsection (8) of this section, if
430 applicable, to be made as long as the qualified business or
431 industry retains its eligibility.

432 (6) Upon approval of such an application, the MDA shall
433 notify the Department of Revenue and shall provide it with a copy
434 of the approved application and the estimated net direct state
435 benefits. The Department of Revenue may require the qualified
436 business or industry to submit such additional information as may
437 be necessary to administer the provisions of this chapter. The
438 qualified business or industry shall report to the Department of
439 Revenue periodically to show its continued eligibility for
440 incentive payments. The qualified business or industry may be
441 audited by the Department of Revenue to verify such eligibility.
442 In addition, the State Auditor may conduct performance and
443 compliance audits under this chapter according to Section
444 7-7-211(o) and may bill the oversight agency.

445 (7) If the qualified business or industry is located in an
446 area that has been declared by the Governor to be a disaster area
447 and as a result of the disaster the business or industry is unable
448 to create or maintain the full-time jobs required by this section:



449 (a) The Commissioner of Revenue may extend the period
450 of time that the business or industry may receive incentive
451 payments for a period of time not to exceed two (2) years;

452 (b) The Commissioner of Revenue may waive the
453 requirement that a certain number of jobs be maintained for a
454 period of time not to exceed twenty-four (24) months; and

455 (c) The MDA may extend the period of time within which
456 the jobs must be created for a period of time not to exceed
457 twenty-four (24) months.

458 (8) Notwithstanding any other provision of this section to
459 the contrary, from and after January 1, 2023, if the amount of the
460 incentive payment that a qualified business or industry is
461 eligible to receive under this chapter is less than the amount
462 that the incentive payment would have been if the payment had been
463 calculated using any applicable income tax rates in Section 27-7-5
464 that were in effect before January 1, 2023, then the qualified
465 business or industry also shall receive a grant equal to the
466 difference between such two (2) amounts. Further, the term
467 "incentive payment," as such term is used in this chapter, shall
468 be deemed to not refer to or otherwise include any grant payment
469 payable to a qualified business or industry pursuant to this
470 subsection.

471 (9) This section and Section 57-62-5 shall stand repealed on
472 July 1, 2027.



473 **[For businesses or industries that received or applied for**
474 **incentive payments from and after July 1, 2005, but prior to July**
475 **1, 2010, this section shall read as follows:]**

476 57-62-9. (1) (a) Except as otherwise provided in this
477 section, a qualified business or industry that meets the
478 qualifications specified in this chapter may receive quarterly
479 incentive payments for a period not to exceed ten (10) years from
480 the Department of Revenue pursuant to the provisions of this
481 chapter in an amount which shall be equal to the net benefit rate
482 multiplied by the actual gross payroll of new direct jobs for a
483 calendar quarter as verified by the Mississippi Department of
484 Employment Security, but not to exceed:

485 (i) Ninety percent (90%) of the amount of money
486 previously paid into the fund by the employer if the employer
487 provides an average annual salary, excluding benefits which are
488 not subject to Mississippi income taxes, of at least one hundred
489 seventy-five percent (175%) of the most recently published state
490 average annual wage or the most recently published average annual
491 wage of the county in which the qualified business or industry is
492 located as determined by the Mississippi Department of Employment
493 Security, whichever is the lesser;

494 (ii) Eighty percent (80%) of the amount of money
495 previously paid into the fund by the employer if the employer
496 provides an average annual salary, excluding benefits which are
497 not subject to Mississippi income taxes, of at least one hundred



498 twenty-five percent (125%) but less than one hundred seventy-five
499 percent (175%) of the most recently published state average annual
500 wage or the most recently published average annual wage of the
501 county in which the qualified business or industry is located as
502 determined by the Mississippi Department of Employment Security,
503 whichever is the lesser; or

504 (iii) Seventy percent (70%) of the amount of money
505 previously paid into the fund by the employer if the employer
506 provides an average annual salary, excluding benefits which are
507 not subject to Mississippi income taxes, of less than one hundred
508 twenty-five percent (125%) of the most recently published state
509 average annual wage or the most recently published average annual
510 wage of the county in which the qualified business or industry is
511 located as determined by the Mississippi Department of Employment
512 Security, whichever is the lesser.

513 (b) A qualified business or industry that is a project
514 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
515 which the ten-year period will begin. Such date may not be later
516 than sixty (60) months after the date the business or industry
517 applied for incentive payments.

518 (2) (a) A qualified business or industry that is a project
519 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to
520 receive incentive payments for an additional period not to exceed
521 five (5) years beyond the expiration date of the initial ten-year
522 period if:



523 (i) The qualified business or industry creates at
524 least three thousand (3,000) new direct jobs within five (5) years
525 after the date the business or industry commences commercial
526 production;

527 (ii) Within five (5) years after the date the
528 business or industry commences commercial production, the average
529 annual wage of the jobs is at least one hundred fifty percent
530 (150%) of the most recently published state average annual wage or
531 the most recently published average annual wage of the county in
532 which the qualified business or industry is located as determined
533 by the Mississippi Department of Employment Security, whichever is
534 the lesser. The criteria for the average annual wage requirement
535 shall be based upon the state average annual wage or the average
536 annual wage of the county whichever is appropriate, at the time of
537 creation of the minimum number of jobs, and the threshold
538 established at that time will remain constant for the duration of
539 the additional period; and

540 (iii) The qualified business or industry meets and
541 maintains the job and wage requirements of subparagraphs (i) and
542 (ii) of this paragraph (a) for four (4) consecutive calendar
543 quarters.

544 (b) A qualified business or industry that is a project
545 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
546 incentive payments for the additional period provided in paragraph
547 (a) of this subsection (2) may apply to the MDA to receive



548 incentive payments for an additional period not to exceed ten (10)
549 years beyond the expiration date of the additional period provided
550 in paragraph (a) of this subsection (2) if:

551 (i) The qualified business or industry creates at
552 least four thousand (4,000) new direct jobs after qualifying for
553 the additional incentive period provided in paragraph (a) of this
554 subsection (2) but before the expiration of the additional period.
555 For purposes of determining whether the business or industry meets
556 the minimum jobs requirement of this subparagraph (i), the number
557 of jobs the business or industry created in order to meet the
558 minimum jobs requirement of paragraph (a) of this subsection (2)
559 shall be subtracted from the minimum jobs requirement of this
560 subparagraph (i);

561 (ii) The average annual wage of the jobs is at
562 least one hundred fifty percent (150%) of the most recently
563 published state average annual wage or the most recently published
564 average annual wage of the county in which the qualified business
565 or industry is located as determined by the Mississippi Department
566 of Employment Security, whichever is the lesser. The criteria for
567 the average annual wage requirement shall be based upon the state
568 average annual wage or the average annual wage of the county
569 whichever is appropriate, at the time of creation of the minimum
570 number of jobs, and the threshold established at that time will
571 remain constant for the duration of the additional period; and



572 (iii) The qualified business or industry meets and
573 maintains the job and wage requirements of subparagraphs (i) and
574 (ii) of this paragraph (b) for four (4) consecutive calendar
575 quarters.

576 (3) In order to receive incentive payments, an establishment
577 shall apply to the MDA. The application shall be on a form
578 prescribed by the MDA and shall contain such information as may be
579 required by the MDA to determine if the applicant is qualified.

580 (4) (a) In order to qualify to receive such payments, the
581 establishment applying shall be required to meet the definition of
582 the term "qualified business or industry";

583 (b) The criteria for the average annual salary
584 requirement shall be based upon the state average annual wage or
585 the average annual wage of the county whichever is appropriate, at
586 the time of application, and the threshold established upon
587 application will remain constant for the duration of the project;

588 (c) The business or industry must meet its job creation
589 commitment within twenty-four (24) months of the application
590 approval. However, if the qualified business or industry is
591 applying for incentive payments for an additional period under
592 subsection (2) of this section, the business or industry must
593 comply with the applicable job and wage requirements of subsection
594 (2) of this section.

595 (5) (a) The MDA shall determine if the applicant is
596 qualified to receive incentive payments.



597 (b) If the applicant is determined to be qualified to
598 receive incentive payments for an additional period under
599 subsection (2) of this section, the MDA shall conduct a
600 cost/benefit analysis to determine the estimated net direct state
601 benefits and the net benefit rate applicable for the appropriate
602 additional period and to estimate the amount of gross payroll for
603 the additional period. In conducting such cost/benefit analysis,
604 the MDA shall consider quantitative factors, such as the
605 anticipated level of new tax revenues to the state along with the
606 cost to the state of the qualified business or industry, and such
607 other criteria as deemed appropriate by the MDA, including the
608 adequacy of retirement benefits that the business or industry
609 provides to individuals it employs in new direct jobs in this
610 state. In no event shall incentive payments, cumulatively, exceed
611 the estimated net direct state benefits. Once the qualified
612 business or industry is approved by the MDA, an agreement shall be
613 deemed to exist between the qualified business or industry and the
614 State of Mississippi, requiring the continued incentive payment,
615 together with any amount due pursuant to subsection (8) of this
616 section, if applicable, to be made as long as the qualified
617 business or industry retains its eligibility.

618 (6) Upon approval of such an application, the MDA shall
619 notify the Department of Revenue and shall provide it with a copy
620 of the approved application and the estimated net direct state
621 benefits. The Department of Revenue may require the qualified



622 business or industry to submit such additional information as may
623 be necessary to administer the provisions of this chapter. The
624 qualified business or industry shall report to the Department of
625 Revenue periodically to show its continued eligibility for
626 incentive payments. The qualified business or industry may be
627 audited by the Department of Revenue to verify such eligibility.
628 In addition, the State Auditor may conduct performance and
629 compliance audits under this chapter according to Section
630 7-7-211(o) and may bill the oversight agency.

631 (7) If the qualified business or industry is located in an
632 area that has been declared by the Governor to be a disaster area
633 and as a result of the disaster the business or industry is unable
634 to create or maintain the full-time jobs required by this section:

635 (a) The Commissioner of Revenue may extend the period
636 of time that the business or industry may receive incentive
637 payments for a period of time not to exceed two (2) years;

638 (b) The Commissioner of Revenue may waive the
639 requirement that a certain number of jobs be maintained for a
640 period of time not to exceed twenty-four (24) months; and

641 (c) The MDA may extend the period of time within which
642 the jobs must be created for a period of time not to exceed
643 twenty-four (24) months.

644 (8) Notwithstanding any other provision of this section to
645 the contrary, from and after January 1, 2023, if the amount of the
646 incentive payment that a qualified business or industry is



647 eligible to receive under this chapter is less than the amount
648 that the incentive payment would have been if the payment had been
649 calculated using any applicable income tax rates in Section 27-7-5
650 that were in effect before January 1, 2023, then the qualified
651 business or industry also shall receive a grant equal to the
652 difference between such two (2) amounts. Further, the term
653 "incentive payment," as such term is used in this chapter, shall
654 be deemed to not refer to or otherwise include any grant payment
655 payable to a qualified business or industry pursuant to this
656 subsection.

657 (9) This section and Section 57-62-5 shall stand repealed on
658 July 1, 2027.

659 **[For businesses or industries that apply for incentive**
660 **payments from and after July 1, 2010, this section shall read as**
661 **follows:]**

662 57-62-9. (1) (a) Except as otherwise provided in this
663 section, a qualified business or industry that meets the
664 qualifications specified in this chapter may receive quarterly
665 incentive payments for a period not to exceed ten (10) years from
666 the Department of Revenue pursuant to the provisions of this
667 chapter in an amount which shall be equal to ninety percent (90%)
668 of the amount of actual income tax withheld for employees with new
669 direct jobs, but in no event more than four percent (4%) of the
670 total annual salary paid for new direct jobs during such period,



671 excluding benefits which are not subject to Mississippi income
672 taxes.

673 (b) A qualified business or industry that is a project
674 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
675 which the ten-year period will begin. Such date may not be later
676 than sixty (60) months after the date the business or industry
677 applied for incentive payments.

678 (c) A qualified business or industry as defined in
679 Section 57-62-5(a)(iii) may elect the date upon which the ten-year
680 period will begin and may elect to begin receiving incentive
681 payments as early as the second quarter after that date.
682 Incentive payments will be calculated on all jobs above the
683 existing number of jobs as of the date the MDA determines that the
684 applicant is qualified to receive incentive payments. In the
685 event that the qualified business or industry falls below the
686 number of existing jobs at the time of determination that the
687 applicant is qualified to receive the incentive payment, the
688 incentive payment shall cease until the qualified business or
689 industry once again exceeds that number. If after forty-eight
690 (48) months, the qualified business or industry has failed to
691 create at least three thousand (3,000) new direct jobs, incentive
692 payments shall cease and the qualified business or industry shall
693 not be qualified to receive further incentive payments.

694 (2) (a) A qualified business or industry that is a project
695 as defined in Section 57-75-5(f)(iv)1 may apply to the MDA to



696 receive incentive payments for an additional period not to exceed
697 five (5) years beyond the expiration date of the initial ten-year
698 period if:

699 (i) The qualified business or industry creates at
700 least three thousand (3,000) new direct jobs within five (5) years
701 after the date the business or industry commences commercial
702 production;

703 (ii) Within five (5) years after the date the
704 business or industry commences commercial production, the average
705 annual wage of the jobs is at least one hundred fifty percent
706 (150%) of the most recently published state average annual wage or
707 the most recently published average annual wage of the county in
708 which the qualified business or industry is located as determined
709 by the Mississippi Department of Employment Security, whichever is
710 the lesser. The criteria for the average annual wage requirement
711 shall be based upon the state average annual wage or the average
712 annual wage of the county whichever is appropriate, at the time of
713 creation of the minimum number of jobs, and the threshold
714 established at that time will remain constant for the duration of
715 the additional period; and

716 (iii) The qualified business or industry meets and
717 maintains the job and wage requirements of subparagraphs (i) and
718 (ii) of this paragraph (a) for four (4) consecutive calendar
719 quarters.



720 (b) A qualified business or industry that is a project
721 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
722 incentive payments for the additional period provided in paragraph
723 (a) of this subsection (2) may apply to the MDA to receive
724 incentive payments for an additional period not to exceed ten (10)
725 years beyond the expiration date of the additional period provided
726 in paragraph (a) of this subsection (2) if:

727 (i) The qualified business or industry creates at
728 least four thousand (4,000) new direct jobs after qualifying for
729 the additional incentive period provided in paragraph (a) of this
730 subsection (2) but before the expiration of the additional period.
731 For purposes of determining whether the business or industry meets
732 the minimum jobs requirement of this subparagraph (i), the number
733 of jobs the business or industry created in order to meet the
734 minimum jobs requirement of paragraph (a) of this subsection (2)
735 shall be subtracted from the minimum jobs requirement of this
736 subparagraph (i);

737 (ii) The average annual wage of the jobs is at
738 least one hundred fifty percent (150%) of the most recently
739 published state average annual wage or the most recently published
740 average annual wage of the county in which the qualified business
741 or industry is located as determined by the Mississippi Department
742 of Employment Security, whichever is the lesser. The criteria for
743 the average annual wage requirement shall be based upon the state
744 average annual wage or the average annual wage of the county



745 whichever is appropriate, at the time of creation of the minimum
746 number of jobs, and the threshold established at that time will
747 remain constant for the duration of the additional period; and

748 (iii) The qualified business or industry meets and
749 maintains the job and wage requirements of subparagraphs (i) and
750 (ii) of this paragraph (b) for four (4) consecutive calendar
751 quarters.

752 (3) In order to receive incentive payments, an establishment
753 shall apply to the MDA. The application shall be on a form
754 prescribed by the MDA and shall contain such information as may be
755 required by the MDA to determine if the applicant is qualified.

756 (4) (a) In order to qualify to receive such payments, the
757 establishment applying shall be required to meet the definition of
758 the term "qualified business or industry";

759 (b) The criteria for the average annual salary
760 requirement shall be based upon the state average annual wage or
761 the average annual wage of the county whichever is appropriate, at
762 the time of application, and the threshold established upon
763 application will remain constant for the duration of the project;

764 (c) Except as otherwise provided for a qualified
765 business or industry as defined in Section 57-62-5(a)(iii), the
766 business or industry must meet its job creation commitment within
767 twenty-four (24) months of the application approval. However, if
768 the qualified business or industry is applying for incentive
769 payments for an additional period under subsection (2) of this



770 section, the business or industry must comply with the applicable
771 job and wage requirements of subsection (2) of this section.

772 (5) (a) The MDA shall determine if the applicant is
773 qualified to receive incentive payments.

774 (b) If the applicant is determined to be qualified to
775 receive incentive payments for an additional period under
776 subsection (2) of this section, the MDA shall conduct an analysis
777 to estimate the amount of gross payroll for the appropriate
778 additional period. Incentive payments, cumulatively, shall not
779 exceed ninety percent (90%) of the amount of actual income tax
780 withheld for employees with new direct jobs, but in no event more
781 than four percent (4%) of the total annual salary paid for new
782 direct jobs during the additional period, excluding benefits which
783 are not subject to Mississippi income taxes. Once the qualified
784 business or industry is approved by the MDA, an agreement shall be
785 deemed to exist between the qualified business or industry and the
786 State of Mississippi, requiring the continued incentive payment,
787 together with any amount due pursuant to subsection (8) of this
788 section, if applicable, to be made as long as the qualified
789 business or industry retains its eligibility.

790 (6) Upon approval of such an application, the MDA shall
791 notify the Department of Revenue and shall provide it with a copy
792 of the approved application and the minimum job and salary
793 requirements. The Department of Revenue may require the qualified
794 business or industry to submit such additional information as may



795 be necessary to administer the provisions of this chapter. The
796 qualified business or industry shall report to the Department of
797 Revenue periodically to show its continued eligibility for
798 incentive payments. The qualified business or industry may be
799 audited by the Department of Revenue to verify such eligibility.
800 In addition, the State Auditor may conduct performance and
801 compliance audits under this chapter according to Section
802 7-7-211(o) and may bill the oversight agency.

803 (7) If the qualified business or industry is located in an
804 area that has been declared by the Governor to be a disaster area
805 and as a result of the disaster the business or industry is unable
806 to create or maintain the full-time jobs required by this section:

807 (a) The Commissioner of Revenue may extend the period
808 of time that the business or industry may receive incentive
809 payments for a period of time not to exceed two (2) years;

810 (b) The Commissioner of Revenue may waive the
811 requirement that a certain number of jobs be maintained for a
812 period of time not to exceed twenty-four (24) months; and

813 (c) The MDA may extend the period of time within which
814 the jobs must be created for a period of time not to exceed
815 twenty-four (24) months.

816 (8) Notwithstanding any other provision of this section to
817 the contrary, from and after January 1, 2023, if the amount of the
818 incentive payment that a qualified business or industry is
819 eligible to receive under this chapter is less than the amount



820 that the incentive payment would have been if the payment had been
821 calculated using any applicable income tax rates in Section 27-7-5
822 that were in effect before January 1, 2023, then the qualified
823 business or industry also shall receive a grant equal to the
824 difference between such two (2) amounts. Further, the term
825 "incentive payment," as such term is used in this chapter, shall
826 be deemed to not refer to or otherwise include any grant payment
827 payable to a qualified business or industry pursuant to this
828 subsection.

829 (9) This section and Section 57-62-5 shall stand repealed on
830 July 1, 2027.

831 **SECTION 3.** Section 57-75-5, Mississippi Code of 1972, is
832 reenacted and amended as follows:

833 57-75-5. Words and phrases used in this chapter shall have
834 meanings as follows, unless the context clearly indicates a
835 different meaning:

836 (a) "Act" means the Mississippi Major Economic Impact
837 Act as originally enacted or as hereafter amended.

838 (b) "Authority" means the Mississippi Major Economic
839 Impact Authority created pursuant to the act.

840 (c) "Bonds" means general obligation bonds, interim
841 notes and other evidences of debt of the State of Mississippi
842 issued pursuant to this chapter.

843 (d) "Facility related to the project" means and
844 includes any of the following, as the same may pertain to the



845 project within the project area: (i) facilities to provide
846 potable and industrial water supply systems, sewage and waste
847 disposal systems and water, natural gas and electric transmission
848 systems to the site of the project; (ii) airports, airfields and
849 air terminals; (iii) rail lines; (iv) port facilities; (v)
850 highways, streets and other roadways; (vi) public school
851 buildings, classrooms and instructional facilities, training
852 facilities and equipment, including any functionally related
853 facilities; (vii) parks, outdoor recreation facilities and
854 athletic facilities; (viii) auditoriums, pavilions, campgrounds,
855 art centers, cultural centers, folklore centers and other public
856 facilities; (ix) health care facilities, public or private; and
857 (x) fire protection facilities, equipment and elevated water
858 tanks.

859 (e) "Person" means any natural person, corporation,
860 association, partnership, limited liability company, receiver,
861 trustee, guardian, executor, administrator, fiduciary,
862 governmental unit, public agency, political subdivision, or any
863 other group acting as a unit, and the plural as well as the
864 singular.

865 (f) "Project" means:

866 (i) Any industrial, commercial, research and
867 development, warehousing, distribution, transportation,
868 processing, mining, United States government or tourism enterprise
869 together with all real property required for construction,



870 maintenance and operation of the enterprise with an initial
871 capital investment of not less than Three Hundred Million Dollars
872 (\$300,000,000.00) from private or United States government sources
873 together with all buildings, and other supporting land and
874 facilities, structures or improvements of whatever kind required
875 or useful for construction, maintenance and operation of the
876 enterprise; or with an initial capital investment of not less than
877 One Hundred Fifty Million Dollars (\$150,000,000.00) from private
878 or United States government sources together with all buildings
879 and other supporting land and facilities, structures or
880 improvements of whatever kind required or useful for construction,
881 maintenance and operation of the enterprise and which creates at
882 least one thousand (1,000) net new full-time jobs; or which
883 creates at least one thousand (1,000) net new full-time jobs which
884 provides an average salary, excluding benefits which are not
885 subject to Mississippi income taxation, of at least one hundred
886 twenty-five percent (125%) of the most recently published average
887 annual wage of the state as determined by the Mississippi
888 Department of Employment Security. "Project" shall include any
889 addition to or expansion of an existing enterprise if such
890 addition or expansion has an initial capital investment of not
891 less than Three Hundred Million Dollars (\$300,000,000.00) from
892 private or United States government sources, or has an initial
893 capital investment of not less than One Hundred Fifty Million
894 Dollars (\$150,000,000.00) from private or United States government



895 sources together with all buildings and other supporting land and
896 facilities, structures or improvements of whatever kind required
897 or useful for construction, maintenance and operation of the
898 enterprise and which creates at least one thousand (1,000) net new
899 full-time jobs; or which creates at least one thousand (1,000) net
900 new full-time jobs which provides an average salary, excluding
901 benefits which are not subject to Mississippi income taxation, of
902 at least one hundred twenty-five percent (125%) of the most
903 recently published average annual wage of the state as determined
904 by the Mississippi Department of Employment Security. "Project"
905 shall also include any ancillary development or business resulting
906 from the enterprise, of which the authority is notified, within
907 three (3) years from the date that the enterprise entered into
908 commercial production, that the project area has been selected as
909 the site for the ancillary development or business.

910 (ii) 1. Any major capital project designed to
911 improve, expand or otherwise enhance any active duty or reserve
912 United States armed services bases and facilities or any major
913 Mississippi National Guard training installations, their support
914 areas or their military operations, upon designation by the
915 authority that any such base was or is at risk to be recommended
916 for closure or realignment pursuant to the Defense Base Closure
917 and Realignment Act of 1990, as amended, or other applicable
918 federal law; or any major development project determined by the
919 authority to be necessary to acquire or improve base properties



920 and to provide employment opportunities through construction of
921 projects as defined in Section 57-3-5, which shall be located on
922 or provide direct support service or access to such military
923 installation property in the event of closure or reduction of
924 military operations at the installation.

925 2. Any major study or investigation related
926 to such a facility, installation or base, upon a determination by
927 the authority that the study or investigation is critical to the
928 expansion, retention or reuse of the facility, installation or
929 base.

930 3. Any project as defined in Section 57-3-5,
931 any business or enterprise determined to be in the furtherance of
932 the public purposes of this act as determined by the authority or
933 any facility related to such project each of which shall be,
934 directly or indirectly, related to any military base or other
935 military-related facility no longer operated by the United States
936 armed services or the Mississippi National Guard.

937 (iii) Any enterprise to be maintained, improved or
938 constructed in Tishomingo County by or for a National Aeronautics
939 and Space Administration facility in such county.

940 (iv) 1. Any major capital project with an initial
941 capital investment from private sources of not less than Seven
942 Hundred Fifty Million Dollars (\$750,000,000.00) which will create
943 at least three thousand (3,000) jobs meeting criteria established
944 by the Mississippi Development Authority.



945 2. "Project" shall also include any ancillary
946 development or business resulting from an enterprise operating a
947 project as defined in item 1 of this paragraph (f)(iv), of which
948 the authority is notified, within three (3) years from the date
949 that the enterprise entered into commercial production, that the
950 state has been selected as the site for the ancillary development
951 or business.

952 (v) Any manufacturing, processing or industrial
953 project determined by the authority, in its sole discretion, to
954 contribute uniquely and significantly to the economic growth and
955 development of the state, and which meets the following criteria:

956 1. The project shall create at least two
957 thousand (2,000) net new full-time jobs meeting criteria
958 established by the authority, which criteria shall include, but
959 not be limited to, the requirement that such jobs must be held by
960 persons eligible for employment in the United States under
961 applicable state and federal law.

962 2. The project and any facility related to
963 the project shall include a total investment from private sources
964 of not less than Sixty Million Dollars (\$60,000,000.00), or from
965 any combination of sources of not less than Eighty Million Dollars
966 (\$80,000,000.00).

967 (vi) Any real property owned or controlled by the
968 National Aeronautics and Space Administration, the United States
969 government, or any agency thereof, which is legally conveyed to



970 the State of Mississippi or to the State of Mississippi for the
971 benefit of the Mississippi Major Economic Impact Authority, its
972 successors and assigns pursuant to Section 212 of Public Law
973 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).

974 (vii) Any major capital project related to the
975 establishment, improvement, expansion and/or other enhancement of
976 any active duty military installation and having a minimum capital
977 investment from any source or combination of sources other than
978 the State of Mississippi of at least Forty Million Dollars
979 (\$40,000,000.00), and which will create at least four hundred
980 (400) military installation related full-time jobs, which jobs may
981 be military jobs, civilian jobs or a combination of military and
982 civilian jobs. The authority shall require that binding
983 commitments be entered into requiring that the minimum
984 requirements for the project provided for in this subparagraph
985 shall be met not later than July 1, 2008.

986 (viii) Any major capital project with an initial
987 capital investment from any source or combination of sources of
988 not less than Ten Million Dollars (\$10,000,000.00) which will
989 create at least eighty (80) full-time jobs which provide an
990 average annual salary, excluding benefits which are not subject to
991 Mississippi income taxes, of at least one hundred thirty-five
992 percent (135%) of the most recently published average annual wage
993 of the state or the most recently published average annual wage of
994 the county in which the project is located as determined by the



995 Mississippi Department of Employment Security, whichever is the
996 lesser. The authority shall require that binding commitments be
997 entered into requiring that:

998 1. The minimum requirements for the project
999 provided for in this subparagraph shall be met; and

1000 2. That if such commitments are not met, all
1001 or a portion of the funds provided by the state for the project as
1002 determined by the authority shall be repaid.

1003 (ix) Any regional retail shopping mall with an
1004 initial capital investment from private sources in excess of One
1005 Hundred Fifty Million Dollars (\$150,000,000.00), with a square
1006 footage in excess of eight hundred thousand (800,000) square feet,
1007 which will create at least seven hundred (700) full-time jobs with
1008 an average hourly wage of Eleven Dollars (\$11.00) per hour. The
1009 authority shall require that binding commitments be entered into
1010 requiring that:

1011 1. The minimum requirements for the project
1012 provided for in this subparagraph shall be met; and

1013 2. That if such commitments are not met, all
1014 or a portion of the funds provided by the state for the project as
1015 determined by the authority shall be repaid.

1016 (x) Any major capital project with an initial
1017 capital investment from any source or combination of sources of
1018 not less than Seventy-five Million Dollars (\$75,000,000.00) which
1019 will create at least one hundred twenty-five (125) full-time jobs



1020 which provide an average annual salary, excluding benefits which
1021 are not subject to Mississippi income taxes, of at least one
1022 hundred thirty-five percent (135%) of the most recently published
1023 average annual wage of the state or the most recently published
1024 average annual wage of the county in which the project is located
1025 as determined by the Mississippi Department of Employment
1026 Security, whichever is the greater. The authority shall require
1027 that binding commitments be entered into requiring that:

1028 1. The minimum requirements for the project
1029 provided for in this subparagraph shall be met; and

1030 2. That if such commitments are not met, all
1031 or a portion of the funds provided by the state for the project as
1032 determined by the authority shall be repaid.

1033 (xi) Any potential major capital project that the
1034 authority has determined is feasible to recruit.

1035 (xii) Any project built according to the
1036 specifications and federal provisions set forth by the National
1037 Aeronautics and Space Administration Center Operations Directorate
1038 at Stennis Space Center for the purpose of consolidating common
1039 services from National Aeronautics and Space Administration
1040 centers in human resources, procurement, financial management and
1041 information technology located on land owned or controlled by the
1042 National Aeronautics and Space Administration, which will create
1043 at least four hundred seventy (470) full-time jobs.



1044 (xiii) Any major capital project with an initial
1045 capital investment from any source or combination of sources of
1046 not less than Ten Million Dollars (\$10,000,000.00) which will
1047 create at least two hundred fifty (250) full-time jobs. The
1048 authority shall require that binding commitments be entered into
1049 requiring that:

1050 1. The minimum requirements for the project
1051 provided for in this subparagraph shall be met; and

1052 2. That if such commitments are not met, all
1053 or a portion of the funds provided by the state for the project as
1054 determined by the authority shall be repaid.

1055 (xiv) Any major pharmaceutical facility with a
1056 capital investment of not less than Fifty Million Dollars
1057 (\$50,000,000.00) made after July 1, 2002, through four (4) years
1058 after the initial date of any loan or grant made by the authority
1059 for such project, which will maintain at least seven hundred fifty
1060 (750) full-time employees. The authority shall require that
1061 binding commitments be entered into requiring that:

1062 1. The minimum requirements for the project
1063 provided for in this subparagraph shall be met; and

1064 2. That if such commitments are not met, all
1065 or a portion of the funds provided by the state for the project as
1066 determined by the authority shall be repaid.

1067 (xv) Any pharmaceutical manufacturing, packaging
1068 and distribution facility with an initial capital investment from



1069 any local or federal sources of not less than Five Hundred
1070 Thousand Dollars (\$500,000.00) which will create at least ninety
1071 (90) full-time jobs. The authority shall require that binding
1072 commitments be entered into requiring that:

1073 1. The minimum requirements for the project
1074 provided for in this subparagraph shall be met; and

1075 2. That if such commitments are not met, all
1076 or a portion of the funds provided by the state for the project as
1077 determined by the authority shall be repaid.

1078 (xvi) Any major industrial wood processing
1079 facility with an initial capital investment of not less than One
1080 Hundred Million Dollars (\$100,000,000.00) which will create at
1081 least one hundred twenty-five (125) full-time jobs which provide
1082 an average annual salary, excluding benefits which are not subject
1083 to Mississippi income taxes, of at least Thirty Thousand Dollars
1084 (\$30,000.00). The authority shall require that binding
1085 commitments be entered into requiring that:

1086 1. The minimum requirements for the project
1087 provided for in this subparagraph shall be met; and

1088 2. That if such commitments are not met, all
1089 or a portion of the funds provided by the state for the project as
1090 determined by the authority shall be repaid.

1091 (xvii) Any technical, engineering,
1092 manufacturing-logistic service provider with an initial capital
1093 investment of not less than One Million Dollars (\$1,000,000.00)



1094 which will create at least ninety (90) full-time jobs. The
1095 authority shall require that binding commitments be entered into
1096 requiring that:

1097 1. The minimum requirements for the project
1098 provided for in this subparagraph shall be met; and

1099 2. That if such commitments are not met, all
1100 or a portion of the funds provided by the state for the project as
1101 determined by the authority shall be repaid.

1102 (xviii) Any major capital project with an initial
1103 capital investment from any source or combination of sources other
1104 than the State of Mississippi of not less than Six Hundred Million
1105 Dollars (\$600,000,000.00) which will create at least four hundred
1106 fifty (450) full-time jobs with an average annual salary,
1107 excluding benefits which are not subject to Mississippi income
1108 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The
1109 authority shall require that binding commitments be entered into
1110 requiring that:

1111 1. The minimum requirements for the project
1112 provided for in this subparagraph shall be met; and

1113 2. That if such commitments are not met, all
1114 or a portion of the funds provided by the state for the project as
1115 determined by the authority shall be repaid.

1116 (xix) Any major coal and/or petroleum coke
1117 gasification project with an initial capital investment from any
1118 source or combination of sources other than the State of



1119 Mississippi of not less than Eight Hundred Million Dollars
1120 (\$800,000,000.00), which will create at least two hundred (200)
1121 full-time jobs with an average annual salary, excluding benefits
1122 which are not subject to Mississippi income taxes, of at least
1123 Forty-five Thousand Dollars (\$45,000.00). The authority shall
1124 require that binding commitments be entered into requiring that:

1125 1. The minimum requirements for the project
1126 provided for in this subparagraph shall be met; and

1127 2. That if such commitments are not met, all
1128 or a portion of the funds provided by the state for the project as
1129 determined by the authority shall be repaid.

1130 (xx) Any planned mixed use development located on
1131 not less than four thousand (4,000) acres of land that will
1132 consist of commercial, recreational, resort, tourism and
1133 residential development with a capital investment from private
1134 sources of not less than Four Hundred Seventy-five Million Dollars
1135 (\$475,000,000.00) in the aggregate in any one (1) or any
1136 combination of tourism projects that will create at least three
1137 thousand five hundred (3,500) jobs in the aggregate. For the
1138 purposes of this paragraph (f) (xx), the term "tourism project"
1139 means and has the same definition as that term has in Section
1140 57-28-1. In order to meet the minimum capital investment required
1141 under this paragraph (f) (xx), at least Two Hundred Thirty-seven
1142 Million Five Hundred Thousand Dollars (\$237,500,000.00) of such
1143 investment must be made not later than June 1, 2015, and the



1144 remainder of the minimum capital investment must be made not later
1145 than June 1, 2017. In order to meet the minimum number of jobs
1146 required to be created under this paragraph (f)(xx), at least one
1147 thousand seven hundred fifty (1,750) of such jobs must be created
1148 not later than June 1, 2015, and the remainder of the jobs must be
1149 created not later than June 1, 2017. The authority shall require
1150 that binding commitments be entered into requiring that:

1151 1. The minimum requirements for the project
1152 provided for in this subparagraph shall be met; and

1153 2. That if such commitments are not met, all
1154 or a portion of the funds provided by the state for the project as
1155 determined by the authority shall be repaid.

1156 (xxi) Any enterprise owning or operating an
1157 automotive manufacturing and assembly plant and its affiliates for
1158 which construction begins after March 2, 2007, and not later than
1159 December 1, 2007, with an initial capital investment from private
1160 sources of not less than Five Hundred Million Dollars
1161 (\$500,000,000.00) which will create at least one thousand five
1162 hundred (1,500) jobs meeting criteria established by the
1163 authority, which criteria shall include, but not be limited to,
1164 the requirement that such jobs must be held by persons eligible
1165 for employment in the United States under applicable state and
1166 federal law. The authority shall require that binding commitments
1167 be entered into requiring that:



1168 1. The minimum requirements for the project
1169 provided for in this subparagraph shall be met; and

1170 2. That if such commitments are not met, all
1171 or a portion of the funds provided by the state for the project as
1172 determined by the authority shall be repaid.

1173 (xxii) Any enterprise owning or operating a major
1174 powertrain component manufacturing and assembly plant for which
1175 construction begins after May 11, 2007, and not later than
1176 December 1, 2007, with an initial capital investment from private
1177 sources of not less than Three Hundred Million Dollars
1178 (\$300,000,000.00) which will create at least five hundred (500)
1179 new full-time jobs meeting criteria established by the authority,
1180 which criteria shall include, but not be limited to, the
1181 requirement that such jobs must be held by persons eligible for
1182 employment in the United States under applicable state and federal
1183 law, and the requirement that the average annual wages and taxable
1184 benefits of such jobs shall be at least one hundred twenty-five
1185 percent (125%) of the most recently published average annual wage
1186 of the state or the most recently published average annual wage of
1187 the county in which the project is located as determined by the
1188 Mississippi Department of Employment Security, whichever is the
1189 lesser. The authority shall require that binding commitments be
1190 entered into requiring that:

1191 1. The minimum requirements for the project
1192 provided for in this subparagraph shall be met; and



1193 2. That if such commitments are not met, all
1194 or a portion of the funds provided by the state for the project as
1195 determined by the authority shall be repaid.

1196 (xxiii) Any biological and agricultural defense
1197 project operated by an agency of the government of the United
1198 States with an initial capital investment of not less than Four
1199 Hundred Fifty Million Dollars (\$450,000,000.00) from any source
1200 other than the State of Mississippi and its subdivisions, which
1201 will create at least two hundred fifty (250) new full-time jobs.
1202 All jobs created by the project must be held by persons eligible
1203 for employment in the United States under applicable state and
1204 federal law.

1205 (xxiv) Any enterprise owning or operating an
1206 existing tire manufacturing plant which adds to such plant capital
1207 assets of not less than Twenty-five Million Dollars
1208 (\$25,000,000.00) after January 1, 2009, and that maintains at
1209 least one thousand two hundred (1,200) full-time jobs in this
1210 state at one (1) location with an average annual salary, excluding
1211 benefits which are not subject to Mississippi income taxes, of at
1212 least Forty-five Thousand Dollars (\$45,000.00). The authority
1213 shall require that binding commitments be entered into requiring
1214 that:

1215 1. The minimum requirements for the project
1216 provided for in this subparagraph shall be met; and



1217 2. That if such commitments are not met, all
1218 or a portion of the funds provided by the state for the project as
1219 determined by the authority shall be repaid.

1220 (xxv) Any enterprise owning or operating a
1221 facility for the manufacture of composite components for the
1222 aerospace industry which will have an investment from private
1223 sources of not less than One Hundred Seventy-five Million Dollars
1224 (\$175,000,000.00) by not later than December 31, 2015, and which
1225 will result in the full-time employment at the project site of not
1226 less than two hundred seventy-five (275) persons by December 31,
1227 2011, and not less than four hundred twenty-five (425) persons by
1228 December 31, 2013, and not less than eight hundred (800) persons
1229 by December 31, 2017, all with an average annual compensation,
1230 excluding benefits which are not subject to Mississippi income
1231 taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The
1232 authority shall require that binding commitments be entered into
1233 requiring that:

1234 1. The minimum requirements for the project
1235 provided for in this subparagraph shall be met; and

1236 2. That if such commitments are not met, all
1237 or a portion of the funds provided by the state for the project as
1238 determined by the authority shall be repaid.

1239 (xxvi) Any enterprise owning or operating a
1240 facility for the manufacture of pipe which will have an investment
1241 from any source other than the State of Mississippi and its



1242 subdivisions of not less than Three Hundred Million Dollars
1243 (\$300,000,000.00) by not later than December 31, 2015, and which
1244 will create at least five hundred (500) new full-time jobs within
1245 five (5) years after the start of commercial production and
1246 maintain such jobs for at least ten (10) years, all with an
1247 average annual compensation, excluding benefits which are not
1248 subject to Mississippi income taxes, of at least Thirty-two
1249 Thousand Dollars (\$32,000.00). The authority shall require that
1250 binding commitments be entered into requiring that:

1251 1. The minimum requirements for the project
1252 provided for in this subparagraph shall be met; and

1253 2. That if such commitments are not met, all
1254 or a portion of the funds provided by the state for the project as
1255 determined by the authority shall be repaid.

1256 (xxvii) Any enterprise owning or operating a
1257 facility for the manufacture of solar panels which will have an
1258 investment from any source other than the State of Mississippi and
1259 its subdivisions of not less than One Hundred Thirty-two Million
1260 Dollars (\$132,000,000.00) by not later than December 31, 2015, and
1261 which will create at least five hundred (500) new full-time jobs
1262 within five (5) years after the start of commercial production and
1263 maintain such jobs for at least ten (10) years, all with an
1264 average annual compensation, excluding benefits which are not
1265 subject to Mississippi income taxes, of at least Thirty-four



1266 Thousand Dollars (\$34,000.00). The authority shall require that
1267 binding commitments be entered into requiring that:

1268 1. The minimum requirements for the project
1269 provided for in this subparagraph shall be met; and

1270 2. That if such commitments are not met, all
1271 or a portion of the funds provided by the state for the project as
1272 determined by the authority shall be repaid.

1273 (xxviii) 1. Any enterprise owning or operating an
1274 automotive parts manufacturing plant and its affiliates for which
1275 construction begins after June 1, 2013, and not later than June
1276 30, 2014, with an initial capital investment of not less than
1277 Three Hundred Million Dollars (\$300,000,000.00) which will create
1278 at least five hundred (500) new full-time jobs meeting criteria
1279 established by the authority, which criteria shall include, but
1280 not be limited to, the requirement that such jobs must be held by
1281 persons eligible for employment in the United States under
1282 applicable state and federal law, and the requirement that the
1283 average annual wages and taxable benefits of such jobs shall be at
1284 least one hundred ten percent (110%) of the most recently
1285 published average annual wage of the state or the most recently
1286 published average annual wage of the county in which the project
1287 is located as determined by the Mississippi Department of
1288 Employment Security, whichever is the lesser. The authority shall
1289 require that binding commitments be entered into requiring that:



1290 a. The minimum requirements for the
1291 project provided for in this subparagraph shall be met; and
1292 b. That if such commitments are not met,
1293 all or a portion of the funds provided by the state for the
1294 project as determined by the authority shall be repaid.

1295 2. It is anticipated that the project defined
1296 in this subparagraph (xxviii) will expand in three (3) additional
1297 phases, will create an additional five hundred (500) full-time
1298 jobs meeting the above criteria in each phase, and will invest an
1299 additional Three Hundred Million Dollars (\$300,000,000.00) per
1300 phase.

1301 (xxix) Any enterprise engaged in the manufacture
1302 of tires or other related rubber or automotive products for which
1303 construction of a plant begins after January 1, 2016, and is
1304 substantially completed no later than December 31, 2022, and for
1305 which such enterprise commits to an aggregate capital investment
1306 by such enterprise and its affiliates of not less than One Billion
1307 Four Hundred Fifty Million Dollars (\$1,450,000,000.00) and the
1308 creation thereby of at least two thousand five hundred (2,500) new
1309 full-time jobs meeting criteria established by the authority,
1310 which criteria shall include, but not be limited to, the
1311 requirement that such jobs must be held by persons eligible for
1312 employment in the United States under applicable state and federal
1313 law, and the requirement that the average annual salary or wage,
1314 excluding the value of any benefits which are not subject to



1315 Mississippi income tax, of such jobs shall be at least Forty
1316 Thousand Dollars (\$40,000.00). The authority shall require that
1317 binding commitments be entered into requiring that:

1318 1. Minimum requirements for investment and
1319 jobs for the project shall be met; and

1320 2. If such requirements are not met, all or a
1321 portion of the funds provided by the state for the project may, as
1322 determined by the authority, be subject to repayment by such
1323 enterprise and/or its affiliates, together with any penalties or
1324 damages required by the authority in connection therewith.

1325 (xxx) Any enterprise owning or operating a
1326 maritime fabrication and assembly facility for which construction
1327 begins after February 1, 2016, and concludes not later than
1328 December 31, 2018, with an initial capital investment in land,
1329 buildings and equipment not less than Sixty-eight Million Dollars
1330 (\$68,000,000.00) and will create not less than one thousand
1331 (1,000) new full-time jobs meeting criteria established by the
1332 authority, which criteria shall include, but not be limited to,
1333 the requirement that such jobs must be held by persons eligible
1334 for employment in the United States under applicable state and
1335 federal law, and the requirement that the average annual
1336 compensation, excluding benefits which are not subject to
1337 Mississippi income taxes, of at least Forty Thousand Dollars
1338 (\$40,000.00). The authority shall require that binding
1339 commitments be entered into requiring that:



1340 1. The minimum requirements for the project
1341 provided for in this subparagraph shall be met; and

1342 2. If such commitments are not met, all or a
1343 portion of the funds provided by the state for the project may, as
1344 determined by the authority, be subject to repayment by such
1345 enterprise, together with any penalties or damages required by the
1346 authority in connection therewith.

1347 (xxxi) Each of the projects defined in this
1348 paragraph (f)(xxxi)1 and 2 that are undertaken by affiliated
1349 enterprises, together with any or all of the projects defined in
1350 this paragraph (f)(xxxi)3 and/or 4 if they are undertaken by the
1351 same or other enterprises affiliated with those enterprises that
1352 undertake projects defined in this paragraph (f)(xxxi)1 and 2:

1353 1. An enterprise engaged in the manufacturing
1354 and production of recycled flat-rolled aluminum or related
1355 products for which construction of recycled aluminum flat-rolled
1356 mill begins after January 1, 2023, and is substantially completed
1357 no later than December 31, 2026; and

1358 2. An enterprise engaged in the manufacturing
1359 and production of biocarbon from biomass for which construction of
1360 the biocarbon manufacturing facility begins after December 1,
1361 2022, and is substantially completed no later than December 31,
1362 2026; provided that such series of projects may additionally, but
1363 shall not be required to, include:



1364 3. Any other affiliated enterprise that
1365 undertakes the development and operation of a new industrial or
1366 commercial facility in the state, excluding any area or areas
1367 designated by the authority in a written agreement between such
1368 enterprise or any affiliate thereof, for which the construction of
1369 any such facility begins after January 1, 2023, and is
1370 substantially completed no later than December 31, 2029; and/or

1371 4. An enterprise engaged in the development
1372 and operation of port activities (e.g., the loading and unloading
1373 of barges, rail cars and trucks, the storage and handling of
1374 materials, and other port-related operations) in support of all or
1375 any of the enterprises enumerated in this paragraph (f)(xxxi)1, 2
1376 and 3, or otherwise in support of an existing electric arc furnace
1377 steel mill producing flat-rolled steel and related products; and
1378 for which the parent enterprise of such affiliated enterprises
1379 enumerated in this paragraph (f)(xxxi)1, 2, 3 and/or 4 commits to
1380 an aggregate, collective capital investment by one or more or any
1381 combination of such enterprises and their affiliates, as well as
1382 by any co-located customers, of not less than Two Billion Five
1383 Hundred Million Dollars (\$2,500,000,000.00) and the creation
1384 thereby of at least one thousand (1,000) new full-time jobs
1385 meeting criteria established by the authority, which criteria
1386 shall include, but not be limited to, the requirement that such
1387 jobs must be held by persons eligible for employment in the United
1388 States under applicable state and federal law, and the requirement



1389 that the average annual salary or wage, excluding the value of any
1390 benefits which are not subject to Mississippi income tax, of such
1391 jobs shall be at least Ninety-three Thousand Dollars (\$93,000.00).
1392 The authority shall require that binding commitments be entered
1393 into requiring that:

1394 a. Minimum requirements for investment
1395 and jobs for such affiliated projects shall be met; and

1396 b. If such requirements are not
1397 collectively met, all or a portion of the funds provided by the
1398 state for such affiliated projects may, as determined by the
1399 authority, be subject to repayment by such enterprises and/or
1400 their affiliates, together with any penalties or damages required
1401 by the authority in connection therewith.

1402 For purposes of this paragraph (f)(xxxi), A. a co-located
1403 customer shall mean a person who locates and operates any new
1404 manufacturing, processing, warehousing and/or distribution
1405 facility within the project area for the project defined in this
1406 paragraph (f)(xxxi)1 and utilizes, directly or indirectly, in its
1407 operations any aluminum or related products produced by such
1408 project, and B. an affiliated enterprise or an affiliate means a
1409 related business entity which shares a common direct or indirect
1410 ownership with the enterprise owning or operating a project as
1411 defined in this paragraph (f)(xxxi)1, 2, 3 or 4. References in
1412 the act to a project, as defined by this paragraph (f)(xxxi) shall



1413 mean any one of, any combination or all of the projects as defined
1414 in this paragraph (f) (xxxi)1, 2, 3 or 4.

1415 (g) (i) "Project area" means the project site,
1416 together with any area or territory within the state lying within
1417 sixty-five (65) miles of any portion of the project site whether
1418 or not such area or territory be contiguous; however, for the
1419 project defined in paragraph (f) (iv) of this section the term
1420 "project area" means any area or territory within the state. The
1421 project area shall also include all territory within a county if
1422 any portion of such county lies within sixty-five (65) miles of
1423 any portion of the project site. "Project site" means the real
1424 property on which the principal facilities of the enterprise will
1425 operate. The provisions of this subparagraph (i) shall not apply
1426 to a project as defined in paragraph (f) (xxi) of this section.

1427 (ii) For the purposes of a project as defined in
1428 paragraph (f) (xxi) of this section, the term "project area" means
1429 the acreage authorized in the certificate of convenience and
1430 necessity issued by the Mississippi Development Authority to a
1431 regional economic development alliance under Section 57-64-1 et
1432 seq.

1433 (iii) For the purposes of a project as defined in
1434 paragraph (f) (xxxi)1 of this section, the term "project area"
1435 means the acreage specified by the authority in written agreement
1436 with the enterprise undertaking such project and/or an affiliate
1437 thereof.



1438 (h) "Public agency" means:
1439 (i) Any department, board, commission, institution
1440 or other agency or instrumentality of the state;
1441 (ii) Any city, town, county, political
1442 subdivision, school district or other district created or existing
1443 under the laws of the state or any public agency of any such city,
1444 town, county, political subdivision or district or any other
1445 public entity created or existing under local and private
1446 legislation;
1447 (iii) Any department, commission, agency or
1448 instrumentality of the United States of America; and
1449 (iv) Any other state of the United States of
1450 America which may be cooperating with respect to location of the
1451 project within the state, or any agency thereof.
1452 (i) "State" means State of Mississippi.
1453 (j) "Fee-in-lieu" means a negotiated fee to be paid by
1454 the project in lieu of any franchise taxes imposed on the project
1455 by Chapter 13, Title 27, Mississippi Code of 1972. The
1456 fee-in-lieu shall not be less than Twenty-five Thousand Dollars
1457 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an
1458 enterprise operating an existing project defined in paragraph
1459 (f)(iv)¹ of this section; however, a fee-in-lieu shall not be
1460 negotiated for other existing enterprises that fall within the
1461 definition of the term "project."



1462 (k) (i) "Affiliate" means a subsidiary or related
1463 business entity which shares a common direct or indirect ownership
1464 with the enterprise owning or operating a project as defined in
1465 paragraph (f)(xxi), paragraph (f)(xxviii) or paragraph (f)(xxix)
1466 of this section. The subsidiary or related business must provide
1467 services directly related to the core activities of the project.

1468 (ii) For the purposes of a project as defined in
1469 paragraph (f)(xxxii) of this section, an "affiliated enterprise" or
1470 an "affiliate" means a related business entity which shares a
1471 common direct or indirect ownership with the enterprise owning or
1472 operating a project as defined in paragraph (f)(xxxii)1, 2, 3 or 4
1473 of this section.

1474 (l) "Tier One supplier" means a supplier of a project
1475 as defined in paragraph (f)(xxi) of this section that is certified
1476 by the enterprise owning the project and creates a minimum of
1477 fifty (50) new full-time jobs.

1478 This section shall stand repealed on July 1, 2027.

1479 **SECTION 4.** Section 57-80-7, Mississippi Code of 1972, is
1480 reenacted and amended as follows:

1481 57-80-7. (1) From and after December 31, 2000, the
1482 following counties may apply to the MDA for the issuance of a
1483 certificate of public convenience and necessity:

1484 (a) Any county of this state which has an annualized
1485 unemployment rate that is at least two hundred percent (200%) of
1486 the state's unemployment rate as of December 31 of any year after



1487 December 31, 2000, as determined by the Mississippi Department of
1488 Employment Security's most recently published data;

1489 (b) Any county of this state in which thirty percent
1490 (30%) or more of the population of the county is at or below the
1491 federal poverty level according to the official data compiled by
1492 the United States Census Bureau as of August 30, 2000, for
1493 counties that apply before December 31, 2002, or the most recent
1494 official data compiled by the United States Census Bureau for
1495 counties that apply from and after December 31, 2002; or

1496 (c) Any county of this state having an eligible
1497 supervisors district.

1498 (2) The application, at a minimum, must contain (a) the
1499 Mississippi Department of Employment Security's most recently
1500 published figures that reflect the annualized unemployment rate of
1501 the applying county as of December 31 or the most recent official
1502 data by the United States Census Bureau required by subsection (1)
1503 of this section, as the case may be, and (b) an order or
1504 resolution of the county consenting to the designation of the
1505 county as a growth and prosperity county.

1506 (3) Any municipality of a designated growth and prosperity
1507 county or within an eligible supervisors district and not more
1508 than eight (8) miles from the boundary of the county that meets
1509 the criteria of subsection (1)(b) of this section may by order or
1510 resolution of the municipality consent to participation in the
1511 Growth and Prosperity Program.



1512 (4) No incentive or tax exemption shall be given under this
1513 chapter without the consent of the affected county or
1514 municipality.

1515 (5) This section shall stand repealed on July 1, 2027.

1516 **SECTION 5.** Section 57-80-9, Mississippi Code of 1972, is
1517 amended as follows:

1518 57-80-9. (1) Upon the issuance by the MDA of its
1519 certificate of public convenience and necessity, designating
1520 certain counties as growth and prosperity counties, any approved
1521 business enterprise in any such a growth and prosperity county or
1522 any approved business enterprise located within an eligible
1523 supervisors district within eight (8) miles of the boundary of the
1524 county that meets the criteria of Section 57-80-7(1)(b) shall be
1525 exempt from all local taxes levied by the county and all state
1526 taxes for a period of ten (10) years or until December 31, 2029,
1527 whichever occurs first, and upon consent of any municipality
1528 within such county or within such supervisors district and not
1529 more than eight (8) miles from the boundary of the county that
1530 meets the criteria of Section 57-80-7(1)(b), shall be exempt from
1531 all local taxes levied by such municipality for a period of ten
1532 (10) years or until December 31, 2033, whichever occurs first;
1533 however, if the business enterprise is located in an area that has
1534 been declared by the Governor to be a disaster area and as a
1535 direct result of the disaster the business enterprise is unable to
1536 utilize the exemption from state taxes, the MDA may extend the



1537 duration of the exemption from state taxes for not more than two
1538 (2) years or until December 31, 2033, whichever occurs first. Any
1539 business enterprise that has property or equipment purchased
1540 utilizing the state tax exemption that is damaged or destroyed as
1541 a result of the disaster may purchase replacement equipment and
1542 component building materials exempt from sales and use tax.

1543 (2) The following conditions, along with any other
1544 conditions the MDA shall promulgate from time to time by rule or
1545 regulation, shall apply to such exemptions: (a) any exemption
1546 provided under this chapter is nontransferable and cannot be
1547 applied, used or assigned to any other person or business or tax
1548 account; (b) no approved business enterprise may claim or use the
1549 exemption granted under this chapter unless that enterprise is in
1550 full compliance with all state and local tax laws, and related
1551 ordinances and resolutions; and (c) the approved business
1552 enterprise must enter into an agreement with the MDA which sets
1553 out, at a minimum the performance requirements of the approved
1554 business enterprise during the term of the exemption and
1555 provisions for the recapture of all or a portion of the taxes
1556 exempted if the performance requirements of the approved business
1557 enterprise are not met.

1558 (3) Upon entering into such an agreement, the MDA shall
1559 forward such agreement to the Department of Revenue and the
1560 affected local taxing authorities so that the exemption can be
1561 implemented. The Department of Revenue shall promulgate rules and



1562 regulations, in accordance with the Mississippi Administrative
1563 Procedures Law, for the implementation of both local and state
1564 exemptions granted under this chapter.

1565 (4) Any business enterprise that relocates its present
1566 operation and jobs to a growth and prosperity county or an
1567 eligible supervisors district and not more than eight (8) miles
1568 from the boundary of the county that meets the criteria of Section
1569 57-80-7(1)(b) from another county in the state shall not receive
1570 any of the exemptions granted in this chapter.

1571 (5) If the annualized unemployment rate in a growth and
1572 prosperity county falls below one hundred fifty percent (150%) of
1573 the state's annualized unemployment rate for three (3) consecutive
1574 calendar years and less than thirty percent (30%) of the
1575 population of the county is at or below the federal poverty level
1576 for three (3) consecutive years according to the most recent
1577 official data compiled by the United States Census Bureau * * *,
1578 the tax exemptions authorized under this chapter may not be
1579 granted to additional business enterprises.

1580 **SECTION 6.** Section 60, Chapter 572, Laws of 2004, as amended
1581 by Section 58, Chapter 30, Laws of the First Extraordinary Session
1582 of 2008, as amended by Section 58, Chapter 559, Laws of 2010
1583 Regular Session, as amended by Section 59, Chapter 471, Laws of
1584 2011, as amended by Section 58, Chapter 515, Laws of 2012, as
1585 amended by Section 58, Chapter 451, Laws of 2019, as amended by
1586 Section 7, Chapter 476, Laws of 2020, which provides for the



1587 repeal of Sections 71-5-5, 71-5-11, 71-5-19, 71-5-101, 71-5-107
1588 through 71-5-143, 71-5-201, 71-5-357, 71-5-359, 71-5-451,
1589 71-5-457, 71-5-511, 71-5-513, 71-5-517, 71-5-519, 71-5-523,
1590 71-5-525, 71-5-529, 71-5-531, 71-5-541, 73-30-25, 43-1-30,
1591 43-17-5, 43-19-45, 43-19-46, 57-62-5, 57-62-9, 57-75-5, 57-80-7,
1592 69-2-5 and 7-1-355, Mississippi Code of 1972, is amended as
1593 follows:

1594 Section 60. Sections 8 through * * * 51 and Sections 56
1595 through 59 of this act shall stand repealed on July 1, 2023.

1596 **SECTION 7.** This act shall take effect and be in force from
1597 and after June 30, 2023.

