

By: Senator(s) Harkins

To: Finance

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 60, CHAPTER 572, LAWS OF 2004, AS LAST AMENDED BY
14 SECTION 7, CHAPTER 476, LAWS OF 2020, WHICH PROVIDES FOR THE
15 REPEAL OF THOSE STATUTES WHOSE REPEALER IS CODIFIED BY THIS ACT,
16 TO REMOVE SUCH STATUTES FROM THE REPEALER IN THE CHAPTER LAW; AND
17 FOR RELATED PURPOSES.

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

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

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



24 57-62-5. As used in this chapter, the following words and
25 phrases shall have the meanings ascribed in this section unless
26 the context clearly indicates otherwise:

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

45 (b) "New direct job" means full-time employment in this
46 state in a qualified business or industry that has qualified to
47 receive an incentive payment pursuant to this chapter, which
48 employment did not exist in this state before the date of approval



49 by the MDA of the application of the qualified business or
50 industry pursuant to the provisions of this chapter. "New direct
51 job" shall include full-time employment in this state of employees
52 who are employed by an entity other than the establishment that
53 has qualified to receive an incentive payment and who are leased
54 to the qualified business or industry, if such employment did not
55 exist in this state before the date of approval by the MDA of the
56 application of the establishment;

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

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

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

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

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

71 (i) Except as otherwise provided in this paragraph
72 (g), the net benefit rate may be variable and shall not exceed



73 four percent (4%) of the gross payroll; and shall be set in the
74 sole discretion of the MDA;

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

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

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

80 **[For businesses or industries that received or applied for**
81 **incentive payments from and after July 1, 2005, but prior to July**
82 **1, 2010, this section shall read as follows:]**

83 57-62-5. As used in this chapter, the following words and
84 phrases shall have the meanings ascribed in this section unless
85 the context clearly indicates otherwise:

86 (a) "Qualified business or industry" means any
87 corporation, limited liability company, partnership, sole
88 proprietorship, business trust or other legal entity and subunits
89 or affiliates thereof, pursuant to rules and regulations of the
90 MDA, which:

91 (i) Is a data/information processing enterprise
92 meeting minimum criteria established by the MDA that provides an
93 average annual salary, excluding benefits which are not subject to
94 Mississippi income taxes, of at least one hundred percent (100%)
95 of the most recently published state average annual wage or the
96 most recently published average annual wage of the county in which
97 the qualified business or industry is located as determined by the



98 Mississippi Department of Employment Security, whichever is the
99 lesser, and creates not less than two hundred (200) new direct
100 jobs if the enterprise is located in a Tier One or Tier Two area
101 (as such areas are designated in accordance with Section
102 57-73-21), or which creates not less than one hundred (100) new
103 jobs if the enterprise is located in a Tier Three area (as such
104 areas are designated in accordance with Section 57-73-21);

105 (ii) Is a manufacturing or distribution enterprise
106 meeting minimum criteria established by the MDA that provides an
107 average annual salary, excluding benefits which are not subject to
108 Mississippi income taxes, of at least one hundred ten percent
109 (110%) of the most recently published state average annual wage or
110 the most recently published average annual wage of the county in
111 which the qualified business or industry is located as determined
112 by the Mississippi Department of Employment Security, whichever is
113 the lesser, invests not less than Twenty Million Dollars
114 (\$20,000,000.00) in land, buildings and equipment, and creates not
115 less than fifty (50) new direct jobs if the enterprise is located
116 in a Tier One or Tier Two area (as such areas are designated in
117 accordance with Section 57-73-21), or which creates not less than
118 twenty (20) new jobs if the enterprise is located in a Tier Three
119 area (as such areas are designated in accordance with Section
120 57-73-21);

121 (iii) Is a corporation, limited liability company,
122 partnership, sole proprietorship, business trust or other legal



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

144 (iv) Is a research and development or a technology
145 intensive enterprise meeting minimum criteria established by the
146 MDA that provides an average annual salary, excluding benefits
147 which are not subject to Mississippi income taxes, of at least one



148 hundred fifty percent (150%) of the most recently published state
149 average annual wage or the most recently published average annual
150 wage of the county in which the qualified business or industry is
151 located as determined by the Mississippi Department of Employment
152 Security, whichever is the lesser, and creates not less than ten
153 (10) new direct jobs.

154 An establishment shall not be considered to be a qualified
155 business or industry unless it offers, or will offer within one
156 hundred eighty (180) days of the date it receives the first
157 incentive payment pursuant to the provisions of this chapter, a
158 basic health benefits plan to the individuals it employs in new
159 direct jobs in this state which is approved by the MDA. Qualified
160 business or industry does not include retail business or gaming
161 business.

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



172 exist in this state before the date of approval by the MDA of the
173 application of the establishment.

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

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

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

182 (f) "Estimated net direct state benefits" means the
183 estimated direct state benefits less the estimated direct state
184 costs.

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

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

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

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

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



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

200 57-62-5. As used in this chapter, the following words and
201 phrases shall have the meanings ascribed in this section unless
202 the context clearly indicates otherwise:

203 (a) "Qualified business or industry" means any
204 corporation, limited liability company, partnership, sole
205 proprietorship, business trust or other legal entity and subunits
206 or affiliates thereof, pursuant to rules and regulations of the
207 MDA, which:

208 (i) Is a data/information processing enterprise
209 meeting minimum criteria established by the MDA that provides an
210 average annual salary, excluding benefits which are not subject to
211 Mississippi income taxes, of at least one hundred percent (100%)
212 of the most recently published state average annual wage or the
213 most recently published average annual wage of the county in which
214 the qualified business or industry is located as determined by the
215 Mississippi Department of Employment Security, whichever is the
216 lesser, and creates not less than two hundred (200) new direct
217 jobs;

218 (ii) Is a corporation, limited liability company,
219 partnership, sole proprietorship, business trust or other legal
220 entity and subunits or affiliates thereof, pursuant to rules and
221 regulations of the MDA, which provides an average annual salary,



222 excluding benefits which are not subject to Mississippi income
223 taxes, of at least one hundred ten percent (110%) of the most
224 recently published state average annual wage or the most recently
225 published average annual wage of the county in which the qualified
226 business or industry is located as determined by the Mississippi
227 Department of Employment Security, whichever is the lesser, and
228 creates not less than twenty-five (25) new direct jobs; or

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

233 1. Provides an average annual salary,
234 excluding benefits which are not subject to Mississippi income
235 taxes, of at least one hundred ten percent (110%) of the most
236 recently published state average annual wage or the most recently
237 published average annual wage of the county in which the qualified
238 business or industry is located as determined by the Mississippi
239 Department of Employment Security, whichever is the lesser;

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

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



247 An establishment shall not be considered to be a qualified
248 business or industry unless it offers, or will offer within one
249 hundred eighty (180) days of the date it receives the first
250 incentive payment pursuant to the provisions of this chapter, a
251 basic health benefits plan to the individuals it employs in new
252 direct jobs in this state which is approved by the MDA. Qualified
253 business or industry does not include retail business or gaming
254 business, or any medical cannabis establishment as defined in the
255 Mississippi Medical Cannabis Act.

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

260 (i) Before the date of approval by the MDA of the
261 application of the qualified business or industry pursuant to the
262 provisions of this chapter; or

263 (ii) Solely with respect to any farm equipment
264 manufacturer that locates its North American headquarters to
265 Mississippi between January 1, 2018, and December 31, 2020, before
266 a specific date determined by the MDA that falls on or after the
267 date that the MDA first issues to such farm equipment manufacturer
268 one or more written commitments or offers of any incentives in
269 connection with the new headquarters project and related
270 facilities expected to result in the creation of such new job.



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

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

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

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

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

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

287 57-62-9. (1) Except as otherwise provided in this section,
288 a qualified business or industry that meets the qualifications
289 specified in this chapter may receive quarterly incentive payments
290 for a period not to exceed ten (10) years from the Department of
291 Revenue pursuant to the provisions of this chapter in an amount
292 which shall be equal to the net benefit rate multiplied by the
293 actual gross payroll of new direct jobs for a calendar quarter as
294 verified by the Mississippi Department of Employment Security, but
295 not to exceed the amount of money previously paid into the fund by



296 the employer. A qualified business or industry that is a project
297 as defined in Section 57-75-5(f)(iv)1 may elect the date upon
298 which the ten-year period will begin. Such date may not be later
299 than sixty (60) months after the date the business or industry
300 applied for incentive payments.

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

306 (i) The qualified business or industry creates at
307 least three thousand (3,000) new direct jobs within five (5) years
308 after the date the business or industry commences commercial
309 production;

310 (ii) Within five (5) years after the date the
311 business or industry commences commercial production, the average
312 annual wage of the jobs is at least one hundred fifty percent
313 (150%) of the most recently published state average annual wage or
314 the most recently published average annual wage of the county in
315 which the qualified business or industry is located as determined
316 by the Mississippi Department of Employment Security, whichever is
317 the lesser. The criteria for the average annual wage requirement
318 shall be based upon the state average annual wage or the average
319 annual wage of the county whichever is appropriate, at the time of
320 creation of the minimum number of jobs, and the threshold



321 established at that time will remain constant for the duration of
322 the additional period; and

323 (iii) The qualified business or industry meets and
324 maintains the job and wage requirements of subparagraphs (i) and
325 (ii) of this paragraph (a) for four (4) consecutive calendar
326 quarters.

327 (b) A qualified business or industry that is a project
328 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
329 incentive payments for the additional period provided in paragraph
330 (a) of this subsection (2) may apply to the MDA to receive
331 incentive payments for an additional period not to exceed ten (10)
332 years beyond the expiration date of the additional period provided
333 in paragraph (a) of this subsection (2) if:

334 (i) The qualified business or industry creates at
335 least four thousand (4,000) new direct jobs after qualifying for
336 the additional incentive period provided in paragraph (a) of this
337 subsection (2) but before the expiration of the additional period.
338 For purposes of determining whether the business or industry meets
339 the minimum jobs requirement of this subparagraph (i), the number
340 of jobs the business or industry created in order to meet the
341 minimum jobs requirement of paragraph (a) of this subsection (2)
342 shall be subtracted from the minimum jobs requirement of this
343 subparagraph (i);

344 (ii) The average annual wage of the jobs is at
345 least one hundred fifty percent (150%) of the most recently



346 published state average annual wage or the most recently published
347 average annual wage of the county in which the qualified business
348 or industry is located as determined by the Mississippi Department
349 of Employment Security, whichever is the lesser. The criteria for
350 the average annual wage requirement shall be based upon the state
351 average annual wage or the average annual wage of the county
352 whichever is appropriate, at the time of creation of the minimum
353 number of jobs, and the threshold established at that time will
354 remain constant for the duration of the additional period; and

355 (iii) The qualified business or industry meets and
356 maintains the job and wage requirements of subparagraphs (i) and
357 (ii) of this paragraph (b) for four (4) consecutive calendar
358 quarters.

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

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

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

366 (b) Provide an average salary, excluding benefits which
367 are not subject to Mississippi income taxes, of at least one
368 hundred twenty-five percent (125%) of the most recently published
369 state average annual wage or the most recently published average
370 annual wage of the county in which the qualified business or



371 industry is located as determined by the Mississippi Department of
372 Employment Security, whichever is the lesser. The criteria for
373 this requirement shall be based upon the state average annual wage
374 or the average annual wage of the county whichever is appropriate,
375 at the time of application, and the threshold established upon
376 application will remain constant for the duration of the project;

377 (c) The business or industry must create and maintain a
378 minimum of ten (10) full-time jobs in counties that have an
379 average unemployment rate over the previous twelve-month period
380 which is at least one hundred fifty percent (150%) of the most
381 recently published state unemployment rate, as determined by the
382 Mississippi Department of Employment Security or in Tier Three
383 counties as determined under Section 57-73-21. In all other
384 counties, the business or industry must create and maintain a
385 minimum of twenty-five (25) full-time jobs. The criteria for this
386 requirement shall be based on the designation of the county at the
387 time of the application. The threshold established upon the
388 application will remain constant for the duration of the project.
389 The business or industry must meet its job creation commitment
390 within twenty-four (24) months of the application approval.
391 However, if the qualified business or industry is applying for
392 incentive payments for an additional period under subsection (2)
393 of this section, the business or industry must comply with the
394 applicable job and wage requirements of subsection (2) of this
395 section.



396 (5) The MDA shall determine if the applicant is qualified to
397 receive incentive payments. If the applicant is determined to be
398 qualified by the MDA, the MDA shall conduct a cost/benefit
399 analysis to determine the estimated net direct state benefits and
400 the net benefit rate applicable for a period not to exceed ten
401 (10) years and to estimate the amount of gross payroll for the
402 period. If the applicant is determined to be qualified to receive
403 incentive payments for an additional period under subsection (2)
404 of this section, the MDA shall conduct a cost/benefit analysis to
405 determine the estimated net direct state benefits and the net
406 benefit rate applicable for the appropriate additional period and
407 to estimate the amount of gross payroll for the additional period.
408 In conducting such cost/benefit analysis, the MDA shall consider
409 quantitative factors, such as the anticipated level of new tax
410 revenues to the state along with the cost to the state of the
411 qualified business or industry, and such other criteria as deemed
412 appropriate by the MDA, including the adequacy of retirement
413 benefits that the business or industry provides to individuals it
414 employs in new direct jobs in this state. In no event shall
415 incentive payments, cumulatively, exceed the estimated net direct
416 state benefits. Once the qualified business or industry is
417 approved by the MDA, an agreement shall be deemed to exist between
418 the qualified business or industry and the State of Mississippi,
419 requiring the continued incentive payment, together with any
420 amount due pursuant to subsection (8) of this section, if



421 applicable, to be made as long as the qualified business or
422 industry retains its eligibility.

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

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

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

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



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

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

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

464 **[For businesses or industries that received or applied for**
465 **incentive payments from and after July 1, 2005, but prior to July**
466 **1, 2010, this section shall read as follows:]**

467 57-62-9. (1) (a) Except as otherwise provided in this
468 section, a qualified business or industry that meets the
469 qualifications specified in this chapter may receive quarterly
470 incentive payments for a period not to exceed ten (10) years from



471 the Department of Revenue pursuant to the provisions of this
472 chapter in an amount which shall be equal to the net benefit rate
473 multiplied by the actual gross payroll of new direct jobs for a
474 calendar quarter as verified by the Mississippi Department of
475 Employment Security, but not to exceed:

476 (i) Ninety percent (90%) of the amount of money
477 previously paid into the fund by the employer if the employer
478 provides an average annual salary, excluding benefits which are
479 not subject to Mississippi income taxes, of at least one hundred
480 seventy-five percent (175%) of the most recently published state
481 average annual wage or the most recently published average annual
482 wage of the county in which the qualified business or industry is
483 located as determined by the Mississippi Department of Employment
484 Security, whichever is the lesser;

485 (ii) Eighty percent (80%) 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 twenty-five percent (125%) but less than one hundred seventy-five
490 percent (175%) of the most recently published state average annual
491 wage or the most recently published average annual wage of the
492 county in which the qualified business or industry is located as
493 determined by the Mississippi Department of Employment Security,
494 whichever is the lesser; or



495 (iii) Seventy percent (70%) of the amount of money
496 previously paid into the fund by the employer if the employer
497 provides an average annual salary, excluding benefits which are
498 not subject to Mississippi income taxes, of less than one hundred
499 twenty-five percent (125%) of the most recently published state
500 average annual wage or the most recently published average annual
501 wage of the county in which the qualified business or industry is
502 located as determined by the Mississippi Department of Employment
503 Security, whichever is the lesser.

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

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

514 (i) The qualified business or industry creates at
515 least three thousand (3,000) new direct jobs within five (5) years
516 after the date the business or industry commences commercial
517 production;

518 (ii) Within five (5) years after the date the
519 business or industry commences commercial production, the average



520 annual wage of the jobs is at least one hundred fifty percent
521 (150%) of the most recently published state average annual wage or
522 the most recently published average annual wage of the county in
523 which the qualified business or industry is located as determined
524 by the Mississippi Department of Employment Security, whichever is
525 the lesser. The criteria for the average annual wage requirement
526 shall be based upon the state average annual wage or the average
527 annual wage of the county whichever is appropriate, at the time of
528 creation of the minimum number of jobs, and the threshold
529 established at that time will remain constant for the duration of
530 the additional period; and

531 (iii) The qualified business or industry meets and
532 maintains the job and wage requirements of subparagraphs (i) and
533 (ii) of this paragraph (a) for four (4) consecutive calendar
534 quarters.

535 (b) A qualified business or industry that is a project
536 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
537 incentive payments for the additional period provided in paragraph
538 (a) of this subsection (2) may apply to the MDA to receive
539 incentive payments for an additional period not to exceed ten (10)
540 years beyond the expiration date of the additional period provided
541 in paragraph (a) of this subsection (2) if:

542 (i) The qualified business or industry creates at
543 least four thousand (4,000) new direct jobs after qualifying for
544 the additional incentive period provided in paragraph (a) of this



545 subsection (2) but before the expiration of the additional period.
546 For purposes of determining whether the business or industry meets
547 the minimum jobs requirement of this subparagraph (i), the number
548 of jobs the business or industry created in order to meet the
549 minimum jobs requirement of paragraph (a) of this subsection (2)
550 shall be subtracted from the minimum jobs requirement of this
551 subparagraph (i);

552 (ii) The average annual wage of the jobs is at
553 least one hundred fifty percent (150%) of the most recently
554 published state average annual wage or the most recently published
555 average annual wage of the county in which the qualified business
556 or industry is located as determined by the Mississippi Department
557 of Employment Security, whichever is the lesser. The criteria for
558 the average annual wage requirement shall be based upon the state
559 average annual wage or the average annual wage of the county
560 whichever is appropriate, at the time of creation of the minimum
561 number of jobs, and the threshold established at that time will
562 remain constant for the duration of the additional period; and

563 (iii) The qualified business or industry meets and
564 maintains the job and wage requirements of subparagraphs (i) and
565 (ii) of this paragraph (b) for four (4) consecutive calendar
566 quarters.

567 (3) In order to receive incentive payments, an establishment
568 shall apply to the MDA. The application shall be on a form



569 prescribed by the MDA and shall contain such information as may be
570 required by the MDA to determine if the applicant is qualified.

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

574 (b) The criteria for the average annual salary
575 requirement shall be based upon the state average annual wage or
576 the average annual wage of the county whichever is appropriate, at
577 the time of application, and the threshold established upon
578 application will remain constant for the duration of the project;

579 (c) The business or industry must meet its job creation
580 commitment within twenty-four (24) months of the application
581 approval. However, if the qualified business or industry is
582 applying for incentive payments for an additional period under
583 subsection (2) of this section, the business or industry must
584 comply with the applicable job and wage requirements of subsection
585 (2) of this section.

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

588 (b) If the applicant is determined to be qualified to
589 receive incentive payments for an additional period under
590 subsection (2) of this section, the MDA shall conduct a
591 cost/benefit analysis to determine the estimated net direct state
592 benefits and the net benefit rate applicable for the appropriate
593 additional period and to estimate the amount of gross payroll for



594 the additional period. In conducting such cost/benefit analysis,
595 the MDA shall consider quantitative factors, such as the
596 anticipated level of new tax revenues to the state along with the
597 cost to the state of the qualified business or industry, and such
598 other criteria as deemed appropriate by the MDA, including the
599 adequacy of retirement benefits that the business or industry
600 provides to individuals it employs in new direct jobs in this
601 state. In no event shall incentive payments, cumulatively, exceed
602 the estimated net direct state benefits. Once the qualified
603 business or industry is approved by the MDA, an agreement shall be
604 deemed to exist between the qualified business or industry and the
605 State of Mississippi, requiring the continued incentive payment,
606 together with any amount due pursuant to subsection (8) of this
607 section, if applicable, to be made as long as the qualified
608 business or industry retains its eligibility.

609 (6) Upon approval of such an application, the MDA shall
610 notify the Department of Revenue and shall provide it with a copy
611 of the approved application and the estimated net direct state
612 benefits. The Department of Revenue may require the qualified
613 business or industry to submit such additional information as may
614 be necessary to administer the provisions of this chapter. The
615 qualified business or industry shall report to the Department of
616 Revenue periodically to show its continued eligibility for
617 incentive payments. The qualified business or industry may be
618 audited by the Department of Revenue to verify such eligibility.



619 In addition, the State Auditor may conduct performance and
620 compliance audits under this chapter according to Section
621 7-7-211(o) and may bill the oversight agency.

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

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

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

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

635 (8) Notwithstanding any other provision of this section to
636 the contrary, from and after January 1, 2023, if the amount of the
637 incentive payment that a qualified business or industry is
638 eligible to receive under this chapter is less than the amount
639 that the incentive payment would have been if the payment had been
640 calculated using any applicable income tax rates in Section 27-7-5
641 that were in effect before January 1, 2023, then the qualified
642 business or industry also shall receive a grant equal to the
643 difference between such two (2) amounts. Further, the term



644 "incentive payment," as such term is used in this chapter, shall
645 be deemed to not refer to or otherwise include any grant payment
646 payable to a qualified business or industry pursuant to this
647 subsection.

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

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

653 57-62-9. (1) (a) Except as otherwise provided in this
654 section, a qualified business or industry that meets the
655 qualifications specified in this chapter may receive quarterly
656 incentive payments for a period not to exceed ten (10) years from
657 the Department of Revenue pursuant to the provisions of this
658 chapter in an amount which shall be equal to ninety percent (90%)
659 of the amount of actual income tax withheld for employees with new
660 direct jobs, but in no event more than four percent (4%) of the
661 total annual salary paid for new direct jobs during such period,
662 excluding benefits which are not subject to Mississippi income
663 taxes.

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



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

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

690 (i) The qualified business or industry creates at
691 least three thousand (3,000) new direct jobs within five (5) years
692 after the date the business or industry commences commercial
693 production;



694 (ii) Within five (5) years after the date the
695 business or industry commences commercial production, the average
696 annual wage of the jobs is at least one hundred fifty percent
697 (150%) of the most recently published state average annual wage or
698 the most recently published average annual wage of the county in
699 which the qualified business or industry is located as determined
700 by the Mississippi Department of Employment Security, whichever is
701 the lesser. The criteria for the average annual wage requirement
702 shall be based upon the state average annual wage or the average
703 annual wage of the county whichever is appropriate, at the time of
704 creation of the minimum number of jobs, and the threshold
705 established at that time will remain constant for the duration of
706 the additional period; and

707 (iii) The qualified business or industry meets and
708 maintains the job and wage requirements of subparagraphs (i) and
709 (ii) of this paragraph (a) for four (4) consecutive calendar
710 quarters.

711 (b) A qualified business or industry that is a project
712 as defined in Section 57-75-5(f)(iv)1 and qualified to receive
713 incentive payments for the additional period provided in paragraph
714 (a) of this subsection (2) may apply to the MDA to receive
715 incentive payments for an additional period not to exceed ten (10)
716 years beyond the expiration date of the additional period provided
717 in paragraph (a) of this subsection (2) if:



718 (i) The qualified business or industry creates at
719 least four thousand (4,000) new direct jobs after qualifying for
720 the additional incentive period provided in paragraph (a) of this
721 subsection (2) but before the expiration of the additional period.
722 For purposes of determining whether the business or industry meets
723 the minimum jobs requirement of this subparagraph (i), the number
724 of jobs the business or industry created in order to meet the
725 minimum jobs requirement of paragraph (a) of this subsection (2)
726 shall be subtracted from the minimum jobs requirement of this
727 subparagraph (i);

728 (ii) The average annual wage of the jobs is at
729 least one hundred fifty percent (150%) of the most recently
730 published state average annual wage or the most recently published
731 average annual wage of the county in which the qualified business
732 or industry is located as determined by the Mississippi Department
733 of Employment Security, whichever is the lesser. The criteria for
734 the average annual wage requirement shall be based upon the state
735 average annual wage or the average annual wage of the county
736 whichever is appropriate, at the time of creation of the minimum
737 number of jobs, and the threshold established at that time will
738 remain constant for the duration of the additional period; and

739 (iii) The qualified business or industry meets and
740 maintains the job and wage requirements of subparagraphs (i) and
741 (ii) of this paragraph (b) for four (4) consecutive calendar
742 quarters.



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

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

750 (b) The criteria for the average annual salary
751 requirement shall be based upon the state average annual wage or
752 the average annual wage of the county whichever is appropriate, at
753 the time of application, and the threshold established upon
754 application will remain constant for the duration of the project;

755 (c) Except as otherwise provided for a qualified
756 business or industry as defined in Section 57-62-5(a)(iii), the
757 business or industry must meet its job creation commitment within
758 twenty-four (24) months of the application approval. However, if
759 the qualified business or industry is applying for incentive
760 payments for an additional period under subsection (2) of this
761 section, the business or industry must comply with the applicable
762 job and wage requirements of subsection (2) of this section.

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

765 (b) If the applicant is determined to be qualified to
766 receive incentive payments for an additional period under
767 subsection (2) of this section, the MDA shall conduct an analysis



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

781 (6) Upon approval of such an application, the MDA shall
782 notify the Department of Revenue and shall provide it with a copy
783 of the approved application and the minimum job and salary
784 requirements. The Department of Revenue may require the qualified
785 business or industry to submit such additional information as may
786 be necessary to administer the provisions of this chapter. The
787 qualified business or industry shall report to the Department of
788 Revenue periodically to show its continued eligibility for
789 incentive payments. The qualified business or industry may be
790 audited by the Department of Revenue to verify such eligibility.
791 In addition, the State Auditor may conduct performance and



792 compliance audits under this chapter according to Section
793 7-7-211(o) and may bill the oversight agency.

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

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

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

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

807 (8) Notwithstanding any other provision of this section to
808 the contrary, from and after January 1, 2023, if the amount of the
809 incentive payment that a qualified business or industry is
810 eligible to receive under this chapter is less than the amount
811 that the incentive payment would have been if the payment had been
812 calculated using any applicable income tax rates in Section 27-7-5
813 that were in effect before January 1, 2023, then the qualified
814 business or industry also shall receive a grant equal to the
815 difference between such two (2) amounts. Further, the term
816 "incentive payment," as such term is used in this chapter, shall



817 be deemed to not refer to or otherwise include any grant payment
818 payable to a qualified business or industry pursuant to this
819 subsection.

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

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

824 57-75-5. Words and phrases used in this chapter shall have
825 meanings as follows, unless the context clearly indicates a
826 different meaning:

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

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

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

834 (d) "Facility related to the project" means and
835 includes any of the following, as the same may pertain to the
836 project within the project area: (i) facilities to provide
837 potable and industrial water supply systems, sewage and waste
838 disposal systems and water, natural gas and electric transmission
839 systems to the site of the project; (ii) airports, airfields and
840 air terminals; (iii) rail lines; (iv) port facilities; (v)
841 highways, streets and other roadways; (vi) public school



842 buildings, classrooms and instructional facilities, training
843 facilities and equipment, including any functionally related
844 facilities; (vii) parks, outdoor recreation facilities and
845 athletic facilities; (viii) auditoriums, pavilions, campgrounds,
846 art centers, cultural centers, folklore centers and other public
847 facilities; (ix) health care facilities, public or private; and
848 (x) fire protection facilities, equipment and elevated water
849 tanks.

850 (e) "Person" means any natural person, corporation,
851 association, partnership, limited liability company, receiver,
852 trustee, guardian, executor, administrator, fiduciary,
853 governmental unit, public agency, political subdivision, or any
854 other group acting as a unit, and the plural as well as the
855 singular.

856 (f) "Project" means:

857 (i) Any industrial, commercial, research and
858 development, warehousing, distribution, transportation,
859 processing, mining, United States government or tourism enterprise
860 together with all real property required for construction,
861 maintenance and operation of the enterprise with an initial
862 capital investment of not less than Three Hundred Million Dollars
863 (\$300,000,000.00) from private or United States government sources
864 together with all buildings, and other supporting land and
865 facilities, structures or improvements of whatever kind required
866 or useful for construction, maintenance and operation of the



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



892 benefits which are not subject to Mississippi income taxation, of
893 at least one hundred twenty-five percent (125%) of the most
894 recently published average annual wage of the state as determined
895 by the Mississippi Department of Employment Security. "Project"
896 shall also include any ancillary development or business resulting
897 from the enterprise, of which the authority is notified, within
898 three (3) years from the date that the enterprise entered into
899 commercial production, that the project area has been selected as
900 the site for the ancillary development or business.

901 (ii) 1. Any major capital project designed to
902 improve, expand or otherwise enhance any active duty or reserve
903 United States armed services bases and facilities or any major
904 Mississippi National Guard training installations, their support
905 areas or their military operations, upon designation by the
906 authority that any such base was or is at risk to be recommended
907 for closure or realignment pursuant to the Defense Base Closure
908 and Realignment Act of 1990, as amended, or other applicable
909 federal law; or any major development project determined by the
910 authority to be necessary to acquire or improve base properties
911 and to provide employment opportunities through construction of
912 projects as defined in Section 57-3-5, which shall be located on
913 or provide direct support service or access to such military
914 installation property in the event of closure or reduction of
915 military operations at the installation.



916 2. Any major study or investigation related
917 to such a facility, installation or base, upon a determination by
918 the authority that the study or investigation is critical to the
919 expansion, retention or reuse of the facility, installation or
920 base.

921 3. Any project as defined in Section 57-3-5,
922 any business or enterprise determined to be in the furtherance of
923 the public purposes of this act as determined by the authority or
924 any facility related to such project each of which shall be,
925 directly or indirectly, related to any military base or other
926 military-related facility no longer operated by the United States
927 armed services or the Mississippi National Guard.

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

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

936 2. "Project" shall also include any ancillary
937 development or business resulting from an enterprise operating a
938 project as defined in item 1 of this paragraph (f) (iv), of which
939 the authority is notified, within three (3) years from the date
940 that the enterprise entered into commercial production, that the



941 state has been selected as the site for the ancillary development
942 or business.

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

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

953 2. The project and any facility related to
954 the project shall include a total investment from private sources
955 of not less than Sixty Million Dollars (\$60,000,000.00), or from
956 any combination of sources of not less than Eighty Million Dollars
957 (\$80,000,000.00).

958 (vi) Any real property owned or controlled by the
959 National Aeronautics and Space Administration, the United States
960 government, or any agency thereof, which is legally conveyed to
961 the State of Mississippi or to the State of Mississippi for the
962 benefit of the Mississippi Major Economic Impact Authority, its
963 successors and assigns pursuant to Section 212 of Public Law
964 104-99, enacted January 26, 1996 (110 Stat. 26 at 38).



965 (vii) Any major capital project related to the
966 establishment, improvement, expansion and/or other enhancement of
967 any active duty military installation and having a minimum capital
968 investment from any source or combination of sources other than
969 the State of Mississippi of at least Forty Million Dollars
970 (\$40,000,000.00), and which will create at least four hundred
971 (400) military installation related full-time jobs, which jobs may
972 be military jobs, civilian jobs or a combination of military and
973 civilian jobs. The authority shall require that binding
974 commitments be entered into requiring that the minimum
975 requirements for the project provided for in this subparagraph
976 shall be met not later than July 1, 2008.

977 (viii) Any major capital project with an initial
978 capital investment from any source or combination of sources of
979 not less than Ten Million Dollars (\$10,000,000.00) which will
980 create at least eighty (80) full-time jobs which provide an
981 average annual salary, excluding benefits which are not subject to
982 Mississippi income taxes, of at least one hundred thirty-five
983 percent (135%) of the most recently published average annual wage
984 of the state or the most recently published average annual wage of
985 the county in which the project is located as determined by the
986 Mississippi Department of Employment Security, whichever is the
987 lesser. The authority shall require that binding commitments be
988 entered into requiring that:



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

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

994 (ix) Any regional retail shopping mall with an
995 initial capital investment from private sources in excess of One
996 Hundred Fifty Million Dollars (\$150,000,000.00), with a square
997 footage in excess of eight hundred thousand (800,000) square feet,
998 which will create at least seven hundred (700) full-time jobs with
999 an average hourly wage of Eleven Dollars (\$11.00) per hour. The
1000 authority shall require that binding commitments be entered into
1001 requiring that:

1002 1. The minimum requirements for the project
1003 provided for in this subparagraph shall be met; and

1004 2. That if such commitments are not met, all
1005 or a portion of the funds provided by the state for the project as
1006 determined by the authority shall be repaid.

1007 (x) Any major capital project with an initial
1008 capital investment from any source or combination of sources of
1009 not less than Seventy-five Million Dollars (\$75,000,000.00) which
1010 will create at least one hundred twenty-five (125) full-time jobs
1011 which provide an average annual salary, excluding benefits which
1012 are not subject to Mississippi income taxes, of at least one
1013 hundred thirty-five percent (135%) of the most recently published



1014 average annual wage of the state or the most recently published
1015 average annual wage of the county in which the project is located
1016 as determined by the Mississippi Department of Employment
1017 Security, whichever is the greater. The authority shall require
1018 that binding commitments be entered into requiring that:

1019 1. The minimum requirements for the project
1020 provided for in this subparagraph shall be met; and

1021 2. That if such commitments are not met, all
1022 or a portion of the funds provided by the state for the project as
1023 determined by the authority shall be repaid.

1024 (xi) Any potential major capital project that the
1025 authority has determined is feasible to recruit.

1026 (xii) Any project built according to the
1027 specifications and federal provisions set forth by the National
1028 Aeronautics and Space Administration Center Operations Directorate
1029 at Stennis Space Center for the purpose of consolidating common
1030 services from National Aeronautics and Space Administration
1031 centers in human resources, procurement, financial management and
1032 information technology located on land owned or controlled by the
1033 National Aeronautics and Space Administration, which will create
1034 at least four hundred seventy (470) full-time jobs.

1035 (xiii) Any major capital project with an initial
1036 capital investment from any source or combination of sources of
1037 not less than Ten Million Dollars (\$10,000,000.00) which will
1038 create at least two hundred fifty (250) full-time jobs. The



1039 authority shall require that binding commitments be entered into
1040 requiring that:

1041 1. The minimum requirements for the project
1042 provided for in this subparagraph shall be met; and

1043 2. That if such commitments are not met, all
1044 or a portion of the funds provided by the state for the project as
1045 determined by the authority shall be repaid.

1046 (xiv) Any major pharmaceutical facility with a
1047 capital investment of not less than Fifty Million Dollars
1048 (\$50,000,000.00) made after July 1, 2002, through four (4) years
1049 after the initial date of any loan or grant made by the authority
1050 for such project, which will maintain at least seven hundred fifty
1051 (750) full-time employees. The authority shall require that
1052 binding commitments be entered into requiring that:

1053 1. The minimum requirements for the project
1054 provided for in this subparagraph shall be met; and

1055 2. That if such commitments are not met, all
1056 or a portion of the funds provided by the state for the project as
1057 determined by the authority shall be repaid.

1058 (xv) Any pharmaceutical manufacturing, packaging
1059 and distribution facility with an initial capital investment from
1060 any local or federal sources of not less than Five Hundred
1061 Thousand Dollars (\$500,000.00) which will create at least ninety
1062 (90) full-time jobs. The authority shall require that binding
1063 commitments be entered into requiring that:



1064 1. The minimum requirements for the project
1065 provided for in this subparagraph shall be met; and

1066 2. That if such commitments are not met, all
1067 or a portion of the funds provided by the state for the project as
1068 determined by the authority shall be repaid.

1069 (xvi) Any major industrial wood processing
1070 facility with an initial capital investment of not less than One
1071 Hundred Million Dollars (\$100,000,000.00) which will create at
1072 least one hundred twenty-five (125) full-time jobs which provide
1073 an average annual salary, excluding benefits which are not subject
1074 to Mississippi income taxes, of at least Thirty Thousand Dollars
1075 (\$30,000.00). The authority shall require that binding
1076 commitments be entered into requiring that:

1077 1. The minimum requirements for the project
1078 provided for in this subparagraph shall be met; and

1079 2. That if such commitments are not met, all
1080 or a portion of the funds provided by the state for the project as
1081 determined by the authority shall be repaid.

1082 (xvii) Any technical, engineering,
1083 manufacturing-logistic service provider with an initial capital
1084 investment of not less than One Million Dollars (\$1,000,000.00)
1085 which will create at least ninety (90) full-time jobs. The
1086 authority shall require that binding commitments be entered into
1087 requiring that:



1088 1. The minimum requirements for the project
1089 provided for in this subparagraph shall be met; and

1090 2. That if such commitments are not met, all
1091 or a portion of the funds provided by the state for the project as
1092 determined by the authority shall be repaid.

1093 (xviii) Any major capital project with an initial
1094 capital investment from any source or combination of sources other
1095 than the State of Mississippi of not less than Six Hundred Million
1096 Dollars (\$600,000,000.00) which will create at least four hundred
1097 fifty (450) full-time jobs with an average annual salary,
1098 excluding benefits which are not subject to Mississippi income
1099 taxes, of at least Seventy Thousand Dollars (\$70,000.00). The
1100 authority shall require that binding commitments be entered into
1101 requiring that:

1102 1. The minimum requirements for the project
1103 provided for in this subparagraph shall be met; and

1104 2. That if such commitments are not met, all
1105 or a portion of the funds provided by the state for the project as
1106 determined by the authority shall be repaid.

1107 (xix) Any major coal and/or petroleum coke
1108 gasification project with an initial capital investment from any
1109 source or combination of sources other than the State of
1110 Mississippi of not less than Eight Hundred Million Dollars
1111 (\$800,000,000.00), which will create at least two hundred (200)
1112 full-time jobs with an average annual salary, excluding benefits



1113 which are not subject to Mississippi income taxes, of at least
1114 Forty-five Thousand Dollars (\$45,000.00). The authority shall
1115 require that binding commitments be entered into requiring that:

1116 1. The minimum requirements for the project
1117 provided for in this subparagraph shall be met; and

1118 2. That if such commitments are not met, all
1119 or a portion of the funds provided by the state for the project as
1120 determined by the authority shall be repaid.

1121 (xx) Any planned mixed use development located on
1122 not less than four thousand (4,000) acres of land that will
1123 consist of commercial, recreational, resort, tourism and
1124 residential development with a capital investment from private
1125 sources of not less than Four Hundred Seventy-five Million Dollars
1126 (\$475,000,000.00) in the aggregate in any one (1) or any
1127 combination of tourism projects that will create at least three
1128 thousand five hundred (3,500) jobs in the aggregate. For the
1129 purposes of this paragraph (f)(xx), the term "tourism project"
1130 means and has the same definition as that term has in Section
1131 57-28-1. In order to meet the minimum capital investment required
1132 under this paragraph (f)(xx), at least Two Hundred Thirty-seven
1133 Million Five Hundred Thousand Dollars (\$237,500,000.00) of such
1134 investment must be made not later than June 1, 2015, and the
1135 remainder of the minimum capital investment must be made not later
1136 than June 1, 2017. In order to meet the minimum number of jobs
1137 required to be created under this paragraph (f)(xx), at least one



1138 thousand seven hundred fifty (1,750) of such jobs must be created
1139 not later than June 1, 2015, and the remainder of the jobs must be
1140 created not later than June 1, 2017. The authority shall require
1141 that binding commitments be entered into requiring that:

1142 1. The minimum requirements for the project
1143 provided for in this subparagraph shall be met; and

1144 2. That if such commitments are not met, all
1145 or a portion of the funds provided by the state for the project as
1146 determined by the authority shall be repaid.

1147 (xxi) Any enterprise owning or operating an
1148 automotive manufacturing and assembly plant and its affiliates for
1149 which construction begins after March 2, 2007, and not later than
1150 December 1, 2007, with an initial capital investment from private
1151 sources of not less than Five Hundred Million Dollars
1152 (\$500,000,000.00) which will create at least one thousand five
1153 hundred (1,500) jobs meeting criteria established by the
1154 authority, which criteria shall include, but not be limited to,
1155 the requirement that such jobs must be held by persons eligible
1156 for employment in the United States under applicable state and
1157 federal law. The authority shall require that binding commitments
1158 be entered into requiring that:

1159 1. The minimum requirements for the project
1160 provided for in this subparagraph shall be met; and



1161 2. That if such commitments are not met, all
1162 or a portion of the funds provided by the state for the project as
1163 determined by the authority shall be repaid.

1164 (xxii) Any enterprise owning or operating a major
1165 powertrain component manufacturing and assembly plant for which
1166 construction begins after May 11, 2007, and not later than
1167 December 1, 2007, with an initial capital investment from private
1168 sources of not less than Three Hundred Million Dollars
1169 (\$300,000,000.00) which will create at least five hundred (500)
1170 new full-time jobs meeting criteria established by the authority,
1171 which criteria shall include, but not be limited to, the
1172 requirement that such jobs must be held by persons eligible for
1173 employment in the United States under applicable state and federal
1174 law, and the requirement that the average annual wages and taxable
1175 benefits of such jobs shall be at least one hundred twenty-five
1176 percent (125%) of the most recently published average annual wage
1177 of the state or the most recently published average annual wage of
1178 the county in which the project is located as determined by the
1179 Mississippi Department of Employment Security, whichever is the
1180 lesser. The authority shall require that binding commitments be
1181 entered into requiring that:

1182 1. The minimum requirements for the project
1183 provided for in this subparagraph shall be met; and



1184 2. That if such commitments are not met, all
1185 or a portion of the funds provided by the state for the project as
1186 determined by the authority shall be repaid.

1187 (xxiii) Any biological and agricultural defense
1188 project operated by an agency of the government of the United
1189 States with an initial capital investment of not less than Four
1190 Hundred Fifty Million Dollars (\$450,000,000.00) from any source
1191 other than the State of Mississippi and its subdivisions, which
1192 will create at least two hundred fifty (250) new full-time jobs.
1193 All jobs created by the project must be held by persons eligible
1194 for employment in the United States under applicable state and
1195 federal law.

1196 (xxiv) Any enterprise owning or operating an
1197 existing tire manufacturing plant which adds to such plant capital
1198 assets of not less than Twenty-five Million Dollars
1199 (\$25,000,000.00) after January 1, 2009, and that maintains at
1200 least one thousand two hundred (1,200) full-time jobs in this
1201 state at one (1) location with an average annual salary, excluding
1202 benefits which are not subject to Mississippi income taxes, of at
1203 least Forty-five Thousand Dollars (\$45,000.00). The authority
1204 shall require that binding commitments be entered into requiring
1205 that:

1206 1. The minimum requirements for the project
1207 provided for in this subparagraph shall be met; and



1208 2. That if such commitments are not met, all
1209 or a portion of the funds provided by the state for the project as
1210 determined by the authority shall be repaid.

1211 (xxv) Any enterprise owning or operating a
1212 facility for the manufacture of composite components for the
1213 aerospace industry which will have an investment from private
1214 sources of not less than One Hundred Seventy-five Million Dollars
1215 (\$175,000,000.00) by not later than December 31, 2015, and which
1216 will result in the full-time employment at the project site of not
1217 less than two hundred seventy-five (275) persons by December 31,
1218 2011, and not less than four hundred twenty-five (425) persons by
1219 December 31, 2013, and not less than eight hundred (800) persons
1220 by December 31, 2017, all with an average annual compensation,
1221 excluding benefits which are not subject to Mississippi income
1222 taxes, of at least Fifty-three Thousand Dollars (\$53,000.00). The
1223 authority shall require that binding commitments be entered into
1224 requiring that:

1225 1. The minimum requirements for the project
1226 provided for in this subparagraph shall be met; and

1227 2. That if such commitments are not met, all
1228 or a portion of the funds provided by the state for the project as
1229 determined by the authority shall be repaid.

1230 (xxvi) Any enterprise owning or operating a
1231 facility for the manufacture of pipe which will have an investment
1232 from any source other than the State of Mississippi and its



1233 subdivisions of not less than Three Hundred Million Dollars
1234 (\$300,000,000.00) by not later than December 31, 2015, and which
1235 will create at least five hundred (500) new full-time jobs within
1236 five (5) years after the start of commercial production and
1237 maintain such jobs for at least ten (10) years, all with an
1238 average annual compensation, excluding benefits which are not
1239 subject to Mississippi income taxes, of at least Thirty-two
1240 Thousand Dollars (\$32,000.00). The authority shall require that
1241 binding commitments be entered into requiring that:

1242 1. The minimum requirements for the project
1243 provided for in this subparagraph shall be met; and

1244 2. That if such commitments are not met, all
1245 or a portion of the funds provided by the state for the project as
1246 determined by the authority shall be repaid.

1247 (xxvii) Any enterprise owning or operating a
1248 facility for the manufacture of solar panels which will have an
1249 investment from any source other than the State of Mississippi and
1250 its subdivisions of not less than One Hundred Thirty-two Million
1251 Dollars (\$132,000,000.00) by not later than December 31, 2015, and
1252 which will create at least five hundred (500) new full-time jobs
1253 within five (5) years after the start of commercial production and
1254 maintain such jobs for at least ten (10) years, all with an
1255 average annual compensation, excluding benefits which are not
1256 subject to Mississippi income taxes, of at least Thirty-four



1257 Thousand Dollars (\$34,000.00). The authority shall require that
1258 binding commitments be entered into requiring that:

1259 1. The minimum requirements for the project
1260 provided for in this subparagraph shall be met; and

1261 2. That if such commitments are not met, all
1262 or a portion of the funds provided by the state for the project as
1263 determined by the authority shall be repaid.

1264 (xxviii) 1. Any enterprise owning or operating an
1265 automotive parts manufacturing plant and its affiliates for which
1266 construction begins after June 1, 2013, and not later than June
1267 30, 2014, with an initial capital investment of not less than
1268 Three Hundred Million Dollars (\$300,000,000.00) which will create
1269 at least five hundred (500) new full-time jobs meeting criteria
1270 established by the authority, which criteria shall include, but
1271 not be limited to, the requirement that such jobs must be held by
1272 persons eligible for employment in the United States under
1273 applicable state and federal law, and the requirement that the
1274 average annual wages and taxable benefits of such jobs shall be at
1275 least one hundred ten percent (110%) of the most recently
1276 published average annual wage of the state or the most recently
1277 published average annual wage of the county in which the project
1278 is located as determined by the Mississippi Department of
1279 Employment Security, whichever is the lesser. The authority shall
1280 require that binding commitments be entered into requiring that:



1281 a. The minimum requirements for the
1282 project provided for in this subparagraph shall be met; and
1283 b. That if such commitments are not met,
1284 all or a portion of the funds provided by the state for the
1285 project as determined by the authority shall be repaid.

1286 2. It is anticipated that the project defined
1287 in this subparagraph (xxviii) will expand in three (3) additional
1288 phases, will create an additional five hundred (500) full-time
1289 jobs meeting the above criteria in each phase, and will invest an
1290 additional Three Hundred Million Dollars (\$300,000,000.00) per
1291 phase.

1292 (xxix) Any enterprise engaged in the manufacture
1293 of tires or other related rubber or automotive products for which
1294 construction of a plant begins after January 1, 2016, and is
1295 substantially completed no later than December 31, 2022, and for
1296 which such enterprise commits to an aggregate capital investment
1297 by such enterprise and its affiliates of not less than One Billion
1298 Four Hundred Fifty Million Dollars (\$1,450,000,000.00) and the
1299 creation thereby of at least two thousand five hundred (2,500) new
1300 full-time jobs meeting criteria established by the authority,
1301 which criteria shall include, but not be limited to, the
1302 requirement that such jobs must be held by persons eligible for
1303 employment in the United States under applicable state and federal
1304 law, and the requirement that the average annual salary or wage,
1305 excluding the value of any benefits which are not subject to



1306 Mississippi income tax, of such jobs shall be at least Forty
1307 Thousand Dollars (\$40,000.00). The authority shall require that
1308 binding commitments be entered into requiring that:

1309 1. Minimum requirements for investment and
1310 jobs for the project shall be met; and

1311 2. If such requirements are not met, all or a
1312 portion of the funds provided by the state for the project may, as
1313 determined by the authority, be subject to repayment by such
1314 enterprise and/or its affiliates, together with any penalties or
1315 damages required by the authority in connection therewith.

1316 (xxx) Any enterprise owning or operating a
1317 maritime fabrication and assembly facility for which construction
1318 begins after February 1, 2016, and concludes not later than
1319 December 31, 2018, with an initial capital investment in land,
1320 buildings and equipment not less than Sixty-eight Million Dollars
1321 (\$68,000,000.00) and will create not less than one thousand
1322 (1,000) new full-time jobs meeting criteria established by the
1323 authority, which criteria shall include, but not be limited to,
1324 the requirement that such jobs must be held by persons eligible
1325 for employment in the United States under applicable state and
1326 federal law, and the requirement that the average annual
1327 compensation, excluding benefits which are not subject to
1328 Mississippi income taxes, of at least Forty Thousand Dollars
1329 (\$40,000.00). The authority shall require that binding
1330 commitments be entered into requiring that:



1331 1. The minimum requirements for the project
1332 provided for in this subparagraph shall be met; and

1333 2. If such commitments are not met, all or a
1334 portion of the funds provided by the state for the project may, as
1335 determined by the authority, be subject to repayment by such
1336 enterprise, together with any penalties or damages required by the
1337 authority in connection therewith.

1338 (xxxi) Each of the projects defined in this
1339 paragraph (f)(xxxi)1 and 2 that are undertaken by affiliated
1340 enterprises, together with any or all of the projects defined in
1341 this paragraph (f)(xxxi)3 and/or 4 if they are undertaken by the
1342 same or other enterprises affiliated with those enterprises that
1343 undertake projects defined in this paragraph (f)(xxxi)1 and 2:

1344 1. An enterprise engaged in the manufacturing
1345 and production of recycled flat-rolled aluminum or related
1346 products for which construction of recycled aluminum flat-rolled
1347 mill begins after January 1, 2023, and is substantially completed
1348 no later than December 31, 2026; and

1349 2. An enterprise engaged in the manufacturing
1350 and production of biocarbon from biomass for which construction of
1351 the biocarbon manufacturing facility begins after December 1,
1352 2022, and is substantially completed no later than December 31,
1353 2026; provided that such series of projects may additionally, but
1354 shall not be required to, include:



1355 3. Any other affiliated enterprise that
1356 undertakes the development and operation of a new industrial or
1357 commercial facility in the state, excluding any area or areas
1358 designated by the authority in a written agreement between such
1359 enterprise or any affiliate thereof, for which the construction of
1360 any such facility begins after January 1, 2023, and is
1361 substantially completed no later than December 31, 2029; and/or

1362 4. An enterprise engaged in the development
1363 and operation of port activities (e.g., the loading and unloading
1364 of barges, rail cars and trucks, the storage and handling of
1365 materials, and other port-related operations) in support of all or
1366 any of the enterprises enumerated in this paragraph (f)(xxxi)1, 2
1367 and 3, or otherwise in support of an existing electric arc furnace
1368 steel mill producing flat-rolled steel and related products; and
1369 for which the parent enterprise of such affiliated enterprises
1370 enumerated in this paragraph (f)(xxxi)1, 2, 3 and/or 4 commits to
1371 an aggregate, collective capital investment by one or more or any
1372 combination of such enterprises and their affiliates, as well as
1373 by any co-located customers, of not less than Two Billion Five
1374 Hundred Million Dollars (\$2,500,000,000.00) and the creation
1375 thereby of at least one thousand (1,000) new full-time jobs
1376 meeting criteria established by the authority, which criteria
1377 shall include, but not be limited to, the requirement that such
1378 jobs must be held by persons eligible for employment in the United
1379 States under applicable state and federal law, and the requirement



1380 that the average annual salary or wage, excluding the value of any
1381 benefits which are not subject to Mississippi income tax, of such
1382 jobs shall be at least Ninety-three Thousand Dollars (\$93,000.00).
1383 The authority shall require that binding commitments be entered
1384 into requiring that:

1385 a. Minimum requirements for investment
1386 and jobs for such affiliated projects shall be met; and

1387 b. If such requirements are not
1388 collectively met, all or a portion of the funds provided by the
1389 state for such affiliated projects may, as determined by the
1390 authority, be subject to repayment by such enterprises and/or
1391 their affiliates, together with any penalties or damages required
1392 by the authority in connection therewith.

1393 For purposes of this paragraph (f)(xxxi), A. a co-located
1394 customer shall mean a person who locates and operates any new
1395 manufacturing, processing, warehousing and/or distribution
1396 facility within the project area for the project defined in this
1397 paragraph (f)(xxxi)1 and utilizes, directly or indirectly, in its
1398 operations any aluminum or related products produced by such
1399 project, and B. an affiliated enterprise or an affiliate means a
1400 related business entity which shares a common direct or indirect
1401 ownership with the enterprise owning or operating a project as
1402 defined in this paragraph (f)(xxxi)1, 2, 3 or 4. References in
1403 the act to a project, as defined by this paragraph (f)(xxxi) shall



1404 mean any one of, any combination or all of the projects as defined
1405 in this paragraph (f) (xxxi)1, 2, 3 or 4.

1406 (g) (i) "Project area" means the project site,
1407 together with any area or territory within the state lying within
1408 sixty-five (65) miles of any portion of the project site whether
1409 or not such area or territory be contiguous; however, for the
1410 project defined in paragraph (f) (iv) of this section the term
1411 "project area" means any area or territory within the state. The
1412 project area shall also include all territory within a county if
1413 any portion of such county lies within sixty-five (65) miles of
1414 any portion of the project site. "Project site" means the real
1415 property on which the principal facilities of the enterprise will
1416 operate. The provisions of this subparagraph (i) shall not apply
1417 to a project as defined in paragraph (f) (xxi) of this section.

1418 (ii) For the purposes of a project as defined in
1419 paragraph (f) (xxi) of this section, the term "project area" means
1420 the acreage authorized in the certificate of convenience and
1421 necessity issued by the Mississippi Development Authority to a
1422 regional economic development alliance under Section 57-64-1 et
1423 seq.

1424 (iii) For the purposes of a project as defined in
1425 paragraph (f) (xxxi)1 of this section, the term "project area"
1426 means the acreage specified by the authority in written agreement
1427 with the enterprise undertaking such project and/or an affiliate
1428 thereof.



1429 (h) "Public agency" means:

1430 (i) Any department, board, commission, institution

1431 or other agency or instrumentality of the state;

1432 (ii) Any city, town, county, political

1433 subdivision, school district or other district created or existing

1434 under the laws of the state or any public agency of any such city,

1435 town, county, political subdivision or district or any other

1436 public entity created or existing under local and private

1437 legislation;

1438 (iii) Any department, commission, agency or

1439 instrumentality of the United States of America; and

1440 (iv) Any other state of the United States of

1441 America which may be cooperating with respect to location of the

1442 project within the state, or any agency thereof.

1443 (i) "State" means State of Mississippi.

1444 (j) "Fee-in-lieu" means a negotiated fee to be paid by

1445 the project in lieu of any franchise taxes imposed on the project

1446 by Chapter 13, Title 27, Mississippi Code of 1972. The

1447 fee-in-lieu shall not be less than Twenty-five Thousand Dollars

1448 (\$25,000.00) annually. A fee-in-lieu may be negotiated with an

1449 enterprise operating an existing project defined in paragraph

1450 (f)(iv)¹ of this section; however, a fee-in-lieu shall not be

1451 negotiated for other existing enterprises that fall within the

1452 definition of the term "project."



1453 (k) (i) "Affiliate" means a subsidiary or related
1454 business entity which shares a common direct or indirect ownership
1455 with the enterprise owning or operating a project as defined in
1456 paragraph (f)(xxi), paragraph (f)(xxviii) or paragraph (f)(xxix)
1457 of this section. The subsidiary or related business must provide
1458 services directly related to the core activities of the project.

1459 (ii) For the purposes of a project as defined in
1460 paragraph (f)(xxxi) of this section, an "affiliated enterprise" or
1461 an "affiliate" means a related business entity which shares a
1462 common direct or indirect ownership with the enterprise owning or
1463 operating a project as defined in paragraph (f)(xxxi)1, 2, 3 or 4
1464 of this section.

1465 (l) "Tier One supplier" means a supplier of a project
1466 as defined in paragraph (f)(xxi) of this section that is certified
1467 by the enterprise owning the project and creates a minimum of
1468 fifty (50) new full-time jobs.

1469 This section shall stand repealed on July 1, 2027.

1470 **SECTION 4.** Section 57-80-7, Mississippi Code of 1972, is
1471 reenacted and amended as follows:

1472 57-80-7. (1) From and after December 31, 2000, the
1473 following counties may apply to the MDA for the issuance of a
1474 certificate of public convenience and necessity:

1475 (a) Any county of this state which has an annualized
1476 unemployment rate that is at least two hundred percent (200%) of
1477 the state's unemployment rate as of December 31 of any year after



1478 December 31, 2000, as determined by the Mississippi Department of
1479 Employment Security's most recently published data;

1480 (b) Any county of this state in which thirty percent
1481 (30%) or more of the population of the county is at or below the
1482 federal poverty level according to the official data compiled by
1483 the United States Census Bureau as of August 30, 2000, for
1484 counties that apply before December 31, 2002, or the most recent
1485 official data compiled by the United States Census Bureau for
1486 counties that apply from and after December 31, 2002; or

1487 (c) Any county of this state having an eligible
1488 supervisors district.

1489 (2) The application, at a minimum, must contain (a) the
1490 Mississippi Department of Employment Security's most recently
1491 published figures that reflect the annualized unemployment rate of
1492 the applying county as of December 31 or the most recent official
1493 data by the United States Census Bureau required by subsection (1)
1494 of this section, as the case may be, and (b) an order or
1495 resolution of the county consenting to the designation of the
1496 county as a growth and prosperity county.

1497 (3) Any municipality of a designated growth and prosperity
1498 county or within an eligible supervisors district and not more
1499 than eight (8) miles from the boundary of the county that meets
1500 the criteria of subsection (1)(b) of this section may by order or
1501 resolution of the municipality consent to participation in the
1502 Growth and Prosperity Program.



1503 (4) No incentive or tax exemption shall be given under this
1504 chapter without the consent of the affected county or
1505 municipality.

1506 (5) This section shall stand repealed on July 1, 2027.

1507 **SECTION 5.** Section 60, Chapter 572, Laws of 2004, as amended
1508 by Section 58, Chapter 30, Laws of the First Extraordinary Session
1509 of 2008, as amended by Section 58, Chapter 559, Laws of 2010
1510 Regular Session, as amended by Section 59, Chapter 471, Laws of
1511 2011, as amended by Section 58, Chapter 515, Laws of 2012, as
1512 amended by Section 58, Chapter 451, Laws of 2019, as amended by
1513 Section 7, Chapter 476, Laws of 2020, which provides for the
1514 repeal of Sections 71-5-5, 71-5-11, 71-5-19, 71-5-101, 71-5-107
1515 through 71-5-143, 71-5-201, 71-5-357, 71-5-359, 71-5-451,
1516 71-5-457, 71-5-511, 71-5-513, 71-5-517, 71-5-519, 71-5-523,
1517 71-5-525, 71-5-529, 71-5-531, 71-5-541, 73-30-25, 43-1-30,
1518 43-17-5, 43-19-45, 43-19-46, 57-62-5, 57-62-9, 57-75-5, 57-80-7,
1519 69-2-5 and 7-1-355, Mississippi Code of 1972, is amended as
1520 follows:

1521 Section 60. Sections 8 through * * * 51 and Sections 56
1522 through 59 of this act shall stand repealed on July 1, 2023.

1523 **SECTION 6.** This act shall take effect and be in force from
1524 and after June 30, 2023.

