

By: Senator(s) Harkins

To: Finance

SENATE BILL NO. 2681
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 57-80-9, MISSISSIPPI CODE OF 1972, TO
2 SPECIFY THAT IF THE ANNUALIZED UNEMPLOYMENT RATE IN A GROWTH AND
3 PROSPERITY COUNTY FALLS BELOW 150% OF THE STATE'S ANNUALIZED
4 UNEMPLOYMENT RATE FOR THREE CONSECUTIVE CALENDAR YEARS AND LESS
5 THAN 30% OF THE POPULATION OF THE COUNTY IS AT OR BELOW THE
6 FEDERAL POVERTY LEVEL FOR THREE CONSECUTIVE YEARS ACCORDING TO THE
7 MOST RECENT OFFICIAL DATA COMPILED BY THE UNITED STATES CENSUS
8 BUREAU, THE TAX EXEMPTIONS AUTHORIZED UNDER THE GROWTH AND
9 PROSPERITY ACT MAY NOT BE GRANTED TO ADDITIONAL BUSINESS
10 ENTERPRISES; AND FOR RELATED PURPOSES.

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

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

14 57-80-9. (1) Upon the issuance by the MDA of its
15 certificate of public convenience and necessity, designating
16 certain counties as growth and prosperity counties, any approved
17 business enterprise in any such a growth and prosperity county or
18 any approved business enterprise located within an eligible
19 supervisors district within eight (8) miles of the boundary of the
20 county that meets the criteria of Section 57-80-7(1)(b) shall be
21 exempt from all local taxes levied by the county and all state
22 taxes for a period of ten (10) years or until December 31, 2029,



23 whichever occurs first, and upon consent of any municipality
24 within such county or within such supervisors district and not
25 more than eight (8) miles from the boundary of the county that
26 meets the criteria of Section 57-80-7(1)(b), shall be exempt from
27 all local taxes levied by such municipality for a period of ten
28 (10) years or until December 31, 2033, whichever occurs first;
29 however, if the business enterprise is located in an area that has
30 been declared by the Governor to be a disaster area and as a
31 direct result of the disaster the business enterprise is unable to
32 utilize the exemption from state taxes, the MDA may extend the
33 duration of the exemption from state taxes for not more than two
34 (2) years or until December 31, 2033, whichever occurs first. Any
35 business enterprise that has property or equipment purchased
36 utilizing the state tax exemption that is damaged or destroyed as
37 a result of the disaster may purchase replacement equipment and
38 component building materials exempt from sales and use tax.

39 (2) The following conditions, along with any other
40 conditions the MDA shall promulgate from time to time by rule or
41 regulation, shall apply to such exemptions: (a) any exemption
42 provided under this chapter is nontransferable and cannot be
43 applied, used or assigned to any other person or business or tax
44 account; (b) no approved business enterprise may claim or use the
45 exemption granted under this chapter unless that enterprise is in
46 full compliance with all state and local tax laws, and related
47 ordinances and resolutions; and (c) the approved business



48 enterprise must enter into an agreement with the MDA which sets
49 out, at a minimum the performance requirements of the approved
50 business enterprise during the term of the exemption and
51 provisions for the recapture of all or a portion of the taxes
52 exempted if the performance requirements of the approved business
53 enterprise are not met.

54 (3) Upon entering into such an agreement, the MDA shall
55 forward such agreement to the Department of Revenue and the
56 affected local taxing authorities so that the exemption can be
57 implemented. The Department of Revenue shall promulgate rules and
58 regulations, in accordance with the Mississippi Administrative
59 Procedures Law, for the implementation of both local and state
60 exemptions granted under this chapter.

61 (4) Any business enterprise that relocates its present
62 operation and jobs to a growth and prosperity county or an
63 eligible supervisors district and not more than eight (8) miles
64 from the boundary of the county that meets the criteria of Section
65 57-80-7(1)(b) from another county in the state shall not receive
66 any of the exemptions granted in this chapter.

67 (5) If the annualized unemployment rate in a growth and
68 prosperity county falls below one hundred fifty percent (150%) of
69 the state's annualized unemployment rate for three (3) consecutive
70 calendar years and less than thirty percent (30%) of the
71 population of the county is at or below the federal poverty level
72 for three (3) consecutive years according to the most recent



73 official data compiled by the United States Census Bureau * * *,
74 the tax exemptions authorized under this chapter may not be
75 granted to additional business enterprises.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after June 30, 2023.

