

**Tabled  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2681**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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 July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

