

By: Representative Burnett

To: Ways and Means

HOUSE BILL NO. 1505

1 AN ACT TO BRING FORWARD SECTION 57-80-5, MISSISSIPPI CODE OF  
2 1972, WHICH DEFINES CERTAIN TERMS UNDER THE GROWTH AND PROSPERITY  
3 ACT, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 57-80-5, Mississippi Code of 1972, is  
7 brought forward as follows:

8 57-80-5. As used in this chapter, the following words and  
9 phrases shall have the meanings ascribed herein unless the context  
10 clearly indicates otherwise:

11 (a) "Approved business enterprise" means any business  
12 enterprise seeking to locate or expand in a growth and prosperity  
13 county, which business enterprise is approved by the MDA.

14 (b) "Business enterprise" means any new or expanded (i)  
15 industry for the manufacturing, processing, assembling, storing,  
16 warehousing, servicing, distributing or selling of any products or  
17 goods, including products of agriculture; (ii) enterprises for  
18 research and development, including, but not limited to,  
19 scientific laboratories; or (iii) such other businesses or



20 industry as will be in furtherance of the public purposes of this  
21 chapter as determined by the MDA and which creates a minimum of  
22 ten (10) jobs. "Business enterprise" does not include retail or  
23 gaming businesses or electrical generation facilities, or medical  
24 cannabis establishments as defined in the Mississippi Medical  
25 Cannabis Act.

26 (c) "Eligible supervisors district" means:

27 (i) A supervisors district:

28 1. As such district exists on January 1,  
29 2001, in which thirty percent (30%) or more of such district's  
30 population as of June 30, 2000, is at or below the federal poverty  
31 level according to the official data compiled by the United States  
32 Census Bureau as of June 30, 2000, or the official 1990 census  
33 poverty rate data (the official 1990 census poverty rate data  
34 shall not be used to make any such determination after December  
35 31, 2002); or

36 2. In which thirty percent (30%) or more of  
37 such district's population is at or below the federal poverty  
38 level according to the latest official data compiled by the United  
39 States Census Bureau;

40 (ii) Which is contiguous to a county that meets  
41 the criteria of Section 57-80-7(1)(b); and

42 (iii) Which is located in a county which has been  
43 issued a certificate of public convenience and necessity under  
44 this chapter.



45           (d) "Growth and prosperity counties" means those  
46 counties which meet the requirements of this chapter and which  
47 have by resolution or order given its consent to participate in  
48 the Growth and Prosperity Program.

49           (e) "Local tax" means any county or municipal ad  
50 valorem tax imposed on the approved business enterprise pursuant  
51 to law, except the school portion of the tax and any portion of  
52 the tax imposed to pay the cost of providing fire and police  
53 protection.

54           (f) "Local taxing authority" means any county or  
55 municipality which by resolution or order has given its consent to  
56 participate in the Growth and Prosperity Program acting through  
57 its respective board of supervisors or the municipal governing  
58 board, council, commission or other legal authority.

59           (g) "MDA" means the Mississippi Development Authority.

60           (h) "State tax" means:

61           (i) Any sales and use tax imposed on the business  
62 enterprise pursuant to law related to the purchase of component  
63 building materials and equipment for initial construction of  
64 facilities or expansion of facilities in a growth and prosperity  
65 county or supervisors districts, as the case may be;

66           (ii) All income tax imposed pursuant to law on  
67 income earned by the business enterprise in a growth and  
68 prosperity county, or supervisors district, as the case may be;



69 (iii) Franchise tax imposed pursuant to law on the  
70 value of capital used, invested or employed by the business  
71 enterprise in a growth and prosperity county, or supervisors  
72 district, as the case may be; and

73 (iv) Any sales and use tax imposed on the lease of  
74 machinery and equipment acquired in the initial construction to  
75 establish the facility or for an expansion, including, but not  
76 limited to, leases in existence prior to January 1, 2001, as  
77 certified by the MDA, in a growth and prosperity county, or  
78 supervisors district, as the case may be.

79 **SECTION 2.** This act shall take effect and be in force from  
80 and after July 1, 2024.

