

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2772

By Senator(s) Carlton

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

17
18 SECTION 1. Section 27-31-101, Mississippi Code of 1972, is
19 amended as follows:
20 27-31-101. County boards of supervisors and municipal
21 authorities are hereby authorized and empowered, in their
22 discretion, to grant exemptions from ad valorem taxation, except
23 state ad valorem taxation. Provided, however, said governing
24 authorities shall not exempt ad valorem taxes for school district
25 purposes on tangible property used in, or necessary to, the
26 operation of the manufacturers and other new enterprises
27 hereinafter enumerated by classes, except to the extent authorized
28 in Sections 27-31-104 and 27-31-105(2), nor shall they exempt from
29 ad valorem taxes the products thereof or automobiles and trucks
30 belonging to the said manufacturers or other new enterprises
31 operating on and over the highways of the State of Mississippi.
32 The time of such exemption shall be for a period not to exceed a
33 total of ten (10) years which shall begin on the date of
34 completion of the new enterprise for which the exemption is
35 granted; however, boards of supervisors and municipal authorities,
36 in lieu of granting the exemption for one (1) period of ten (10)
37 years, may grant the exemption in a period of less than ten (10)

38 years. When the initial exemption period granted is less than ten
39 (10) years, the boards of supervisors and municipal authorities
40 may grant a subsequent consecutive period or periods to follow the
41 initial period of exemption, provided that the total of all
42 periods of exemption shall not exceed ten (10) years. The date of
43 completion of the new enterprise, from which the initial period of
44 exemption shall begin, shall be the date on which operations of
45 the new enterprise begin. Any request for an exemption must be
46 made in writing by April 1 of the year immediately following the
47 year in which the date of completion of a new enterprise occurs,
48 unless good cause can be shown for extending this deadline, but in
49 no event shall the time of filing an application for such
50 exemption be extended beyond August 1 of the year immediately
51 following the year in which the date of completion of the new
52 enterprise occurs.

53 Any board of supervisors and/or municipal governing
54 authorities which has entered into an agreement with an enterprise
55 to grant an exemption for a period of not more than ten (10)
56 years, as this section authorized prior to amendment by Chapter
57 524, Laws of 1989 (Senate Bill 2925, 1989 Regular Session), may
58 grant the exemption agreed upon provided that proof is presented
59 to the State Tax Commission that the agreement was negotiated and,
60 with respect to which, official action has been taken by the board
61 of supervisors and/or municipal governing authorities, prior to
62 July 1, 1989.

63 Any exemption from ad valorem taxes heretofore granted to
64 existing enterprises shall continue in full force and effect but
65 only as to tangible property heretofore included in the exemption
66 but not as to tangible property that may be later added as an
67 addition or improvement to the exempt tangible property.

68 Any board of supervisors or municipal authority which has
69 entered into an agreement prior to July 1, 1989, with a specific
70 and new enterprise authorized to be exempt under the provisions of
71 Section 27-31-101, may grant an exemption under this section
72 provided said agreement is in writing and the date of the

73 agreement is certified by the chancery clerk or municipal clerk of
74 the granting authority. It is the intent of the Legislature to
75 permit an exemption allowed under this section in those instances
76 where the granting authority has in good faith negotiated with the
77 new enterprise as to said exemption, and the agreement is reduced
78 to writing and the date certified as provided in this paragraph,
79 but to prohibit the granting of an exemption after June 30, 1989,
80 under Section 27-31-101 as to ad valorem taxes for school district
81 purposes, except to the extent authorized in Sections 27-31-104
82 and 27-31-105(2).

83 Any board of supervisors or municipal authority which has
84 granted an exemption for a period of less than ten (10) years may
85 grant subsequent periods of exemption to run consecutively with
86 the initial exemption period, or a subsequently granted exemption
87 period, but in no case shall the total of the exemption periods
88 granted for a new enterprise exceed ten (10) years. Any
89 consecutive period of exemption shall be granted by entry of an
90 order by the board or the authority granting the consecutive
91 exemption on its minutes, reflecting the granting of the
92 consecutive exemption period and the dates upon which such
93 consecutive exemption period begins and expires. The entry of
94 this order granting the consecutive period of exemption shall be
95 made before the expiration of the exemption period immediately
96 preceding the consecutive exemption period being granted.

97 The new enterprises which may be exempt are enumerated as and
98 limited to the following, as determined by the State Tax
99 Commission:

100 Warehouse and/or distribution centers;

101 Manufacturing, processors and refineries;

102 Research facilities;

103 Corporate regional and national headquarters meeting minimum
104 criteria established by the Department of Economic and Community
105 Development;

106 Movie industry studios meeting minimum criteria established
107 by the Department of Economic and Community Development;

108 Air transportation and maintenance facilities meeting minimum
109 criteria established by the Department of Economic and Community
110 Development;

111 Recreational facilities that impact tourism meeting minimum
112 criteria established by the Department of Economic and Community
113 Development; and

114 Telecommunications enterprises meeting minimum criteria
115 established by the Department of Economic and Community
116 Development. The term "telecommunications enterprises" means
117 entities engaged in the creation, display, management, storage,
118 processing, transmission or distribution for compensation of
119 images, text, voice, video or data by wire or by wireless means,
120 or entities engaged in the construction, design, development,
121 manufacture, maintenance or distribution for compensation of
122 devices, products, software or structures used in the above
123 activities. Companies organized to do business as commercial
124 broadcast radio stations, television stations or news
125 organizations primarily serving in-state markets shall not be
126 included within the definition of the term "telecommunications
127 enterprises."

128 SECTION 2. Section 27-31-105, Mississippi Code of 1972, is
129 amended as follows:

130 27-31-105. (1) Any person, firm or corporation who owns or
131 operates a manufacturing or other enterprise of public utility as
132 enumerated in Section 27-31-101 and who makes additions to or
133 expansions of the facilities or properties or replaces equipment
134 used in connection with or necessary to the operation of such
135 enterprise may be granted an exemption from ad valorem taxation,
136 except state ad valorem taxation, upon each such addition to or
137 expansion of the facility or property or replacement of equipment,
138 within the discretion of the county board of supervisors and
139 municipal authorities. Provided, however, said governing
140 authorities shall not exempt ad valorem taxes for school district
141 purposes on such additions or expansions of the facility or
142 property, or replacement of equipment, except that this provision

143 shall not apply to or affect any exemptions from ad valorem taxes
144 for school district purposes which were granted under this section
145 prior to the effective date of this chapter and such exemptions
146 heretofore granted shall continue in force for the period of time
147 for which they were granted, unless the grantor and grantee of the
148 exemption agree otherwise. In order to obtain such exemptions
149 upon additions to or expansions of the facilities or properties,
150 or replacement of equipment, such person, firm or corporation
151 shall follow the same procedure prescribed for obtaining an
152 exemption on a new enterprise, except as otherwise provided
153 herein. For any additions, expansions or replacements with
154 reference to any particular new enterprise, which additions,
155 expansions or replacements have been completed during any calendar
156 year, only one (1) request must be made for the exemptions sought
157 for such additions, expansions or replacements. * * * The time
158 of * * * such exemption * * * shall commence from the date of
159 completion of such additions, expansions or replacements * * *,
160 and shall extend for a period not to exceed ten (10) years
161 thereafter; however, boards of supervisors and municipal
162 authorities, in lieu of granting the exemption for one (1) period
163 of ten (10) years, may grant the exemption in consecutive periods
164 of five (5) years each, but the total of such consecutive periods
165 shall not exceed ten (10) years. Any request for an exemption
166 must be made in writing by April 1 of the year immediately
167 following the year in which such additions, expansions or
168 replacements are completed unless good cause can be shown for
169 extending this deadline, but in no event shall the time of filing
170 an application for such exemption be extended beyond August 1 of
171 the year immediately following the year in which such additions,
172 expansions or replacements were completed.

173 (2) For expansions of facilities or properties or
174 replacement of equipment, county boards of supervisors and
175 municipal authorities may grant a fee in lieu of taxes in the same
176 manner, to the same extent, and with the same qualifying threshold
177 as provided for projects under Section 27-31-104, Mississippi Code

178 of 1972.

179 SECTION 3. This act shall take effect and be in force from
180 and after July 1, 2000.

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

1 AN ACT TO AMEND SECTION 27-31-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A REQUEST FOR AN AD VALOREM TAX EXEMPTION FOR
3 CERTAIN NEW ENTERPRISES MUST BE REQUESTED BY APRIL 1 OF THE YEAR
4 IMMEDIATELY FOLLOWING THE DATE OF COMPLETION OF SUCH NEW
5 ENTERPRISE; TO AMEND SECTION 27-31-105, MISSISSIPPI CODE OF 1972,
6 TO PROVIDE THAT THE TIME OF AD VALOREM TAX EXEMPTIONS GRANTED TO
7 MANUFACTURERS AND CERTAIN OTHER ENTERPRISES FOR ADDITIONS OR
8 EXPANSIONS TO FACILITIES OR PROPERTY AND REPLACEMENTS OF
9 EQUIPMENT, SHALL COMMENCE ON THE DATE OF THE COMPLETION OF THE
10 ADDITION, EXPANSION OR REPLACEMENT; TO PROVIDE THAT ANY REQUEST
11 FOR SUCH AN EXEMPTION MUST BE MADE BY APRIL 1 OF THE YEAR
12 IMMEDIATELY FOLLOWING THE DATE OF COMPLETION OF THE ADDITION,
13 EXPANSION OR REPLACEMENT; AND FOR RELATED PURPOSES.