AN ACT TO PROHIBIT GOVERNING AUTHORITIES OF MUNICIPALITIES
FROM LEVYING DEVELOPMENT IMPACT FEES FOR DEVELOPMENT OR EXPANSION
OF PUBLIC FACILITIES WITHOUT THE APPROVAL OF THE LEGISLATURE; TO
EXEMPT MUNICIPALITIES THAT WERE IMPOSING DEVELOPMENT IMPACT FEES
PRIOR TO JULY 1, 2001; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) As used in this section:

(a) "Capital improvements" means improvements with a
useful life of ten (10) years or more, by new construction or
other action, which increase the service capacity of a public
facility.

(b) "Development impact fee" means a charge or
assessment, for the payment of money, imposed by a municipality or
town, as a condition of development approval to fund or pay for
the proportionate share of the costs of capital improvements for
new or expanded public facilities necessitated by and attributable
to the new development. This term shall not include:

(i) A charge or fee to pay the administrative,
plan review, or inspection costs associated with permits required
for development;

(ii) Connection or hookup charges;

(iii) Availability charges for drainage, sewer,
water, or transportation charges for services provided directly to
the development; or

(iv) Amounts collected from a developer in a
transaction in which the governmental entity has incurred expenses
in constructing capital improvements for the development if the
owner or developer has agreed to be financially responsible for
the construction or installation of the capital improvements.

(2) Except as otherwise provided in subsection (4) of this
section, the governing authorities of a municipality may not
impose a development impact fee to fund capital improvements or
new developments on the residents of the municipality without
prior approval of the Legislature.

(3) If the Legislature finds that an equitable program for
planning and financing public facilities is needed to serve new
growth and development, is necessary in order to promote and
accommodate orderly growth and development and to protect the
public health, safety and general welfare of the citizens of the
State of Mississippi, then the authority to impose a development
impact fee may be granted.

(4) This section shall not apply to any municipality that
imposed development impact fees prior to January 1, 2001;
provided, however, that such fees shall not be greater than the
amount imposed for such fees by such municipality on December 31,
2000.

SECTION 2. This act shall take effect and be in force from