HOUSE BILL NO. 1314

AN ACT TO AMEND SECTION 27-31-107, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT APPLICATIONS FOR AN EXEMPTION FROM MUNICIPAL OR COUNTY AD VALOREM TAXATION FOR A NEW ENTERPRISE OR FOR AN EXPANSION OR ADDITION MUST BE FILED IN TRIPlicate; TO PROVIDE THAT SUCH APPLICATION MUST BE FILED ON OR BEFORE JUNE 1 OF THE YEAR IMMEDIATELY FOLLOWING THE YEAR OF COMPLETION OF THE NEW ENTERPRISE OR COMPLETION OF THE EXPANSION OR ADDITION; TO CLARIFY THE ROLE OF THE STATE TAX COMMISSION IN DETERMINING THE ELIGIBILITY FOR SUCH EXEMPTION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-31-107, Mississippi Code of 1972, is amended as follows:

27-31-107. Any person, firm or corporation claiming exemptions from municipal or county ad valorem taxation as provided in Sections 27-31-101 through 27-31-117 shall first file an application with the governing authorities of the municipality or the county board of supervisors, as the case may be, on or before June 1 of the year following the year of completion of the new enterprise or completion of the expansion or addition. Each copy shall be subscribed and sworn to by the individual making the application or, if a firm or corporation, by an officer or person duly authorized to do so. In the application, full information shall be given as to the property proposed to be exempted, the kind of articles to be manufactured, and the date from which exemption is claimed. Each application shall also show an itemized listing of the true value of all such property sought to be exempted. The governing authorities of the municipality or county board of supervisors may, by resolution spread on its minutes, approve such application for all or any part of the property sought to be exempted and for all or any part
of the authorized period of exemption. The resolution of approval shall also have an itemized listing of the true value of all property to be exempted. The application, together with the resolution of approval, shall be forwarded to the State Tax Commission within thirty (30) days from the date of the resolution. The commission shall proceed to investigate the matter and determine whether the property is eligible for the exemption. After investigation of the eligibility of the property, the commission shall certify its determination to the governing authorities of the municipality or the county board of supervisors. If such property sought to be exempted is not eligible for such exemption, as above set forth, the Tax Commission shall so certify. If the Tax Commission certifies that the applicant is eligible for an exemption, it shall be discretionary with the board of supervisors or municipal authorities as to whether they grant the exemption, but in no event shall an exemption be granted if the Tax Commission certifies that the applicant is not eligible for an exemption. The original copy of the application for exemption shall be returned to the governing authorities of the municipality or the county board of supervisors, as the case may be.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.