HOUSE BILL NO. 85

AN ACT TO PROVIDE FOR A REFUND OF A PORTION OF SCHOOL AD VALOREM TAXES FOR AN EMPLOYER THAT ALLOWS ITS EMPLOYEES TO TAKE PAID LEAVE IN ORDER TO PERFORM VOLUNTEER SERVICE AT A PUBLIC SCHOOL IN A PUBLIC SCHOOL DISTRICT IN WHICH THE EMPLOYER IS LOCATED; TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP A LIST OF SERVICES AND ACTIVITIES THAT QUALIFY AS "VOLUNTEER SERVICE" FOR PURPOSES OF THE AD VALOREM TAX REFUND; TO LIMIT THE AMOUNT OF THE AD VALOREM TAX REFUND; TO PROVIDE THAT AN EMPLOYER MUST PROVIDE THE TAX LEVYING AUTHORITY FOR A SCHOOL DISTRICT WITH CERTAIN INFORMATION IN ORDER TO RECEIVE THE AD VALOREM TAX REFUND; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) (a) Subject to the provisions of this section, for an employer that allows employees, who desire to do so, to take paid leave during work hours for at least two (2) full work days during a public school year in order to perform volunteer service at a public school in a public school district in which the employer is located, there shall be allowed a refund of a portion of ad valorem taxes paid by the employer to the levying authority for the school district (as defined in Section 37-57-1) for the support of such school district. The State Department of Education shall develop a list of services and activities that qualify as "volunteer service" for the purposes of this section.

(b) The amount of ad valorem taxes refunded to an employer under this section shall be as follows:

(i) For an employer having twenty percent (20%) or less of its employees, who desire to do so, perform volunteer service as described in this section, the refund shall be equal to one percent (1%) of the ad valorem taxes paid by the employer to
the levying authority for the school district (as defined in Section 37-57-1) for the support of such school district.

(ii) For an employer having more than twenty percent (20%) but not more than forty percent (40%) of its employees, who desire to do so, perform volunteer service as described in this section, the refund shall be equal to two percent (2%) of the ad valorem taxes paid by the employer to the levying authority for the school district (as defined in Section 37-57-1) for the support of such school district.

(iii) For an employer having more than forty percent (40%) but not more than sixty percent (60%) of its employees, who desire to do so, perform volunteer service as described in this section, the refund shall be equal to three percent (3%) of the ad valorem taxes paid by the employer to the levying authority for the school district (as defined in Section 37-57-1) for the support of such school district.

(iv) For an employer having more than sixty percent (60%) but less than ninety-five percent (95%) of its employees, who desire to do so, perform volunteer service as described in this section, the refund shall be equal to four percent (4%) of the ad valorem taxes paid by the employer to the levying authority for the school district (as defined in Section 37-57-1) for the support of such school district.

(e) For an employer having ninety-five percent (95%) or more of its employees, who desire to do so, perform volunteer service as described in this section, the refund shall be equal to five percent (5%) of the ad valorem taxes paid by the employer to the levying authority for the school district (as defined in Section 37-57-1) for the support of such school district.

(2) If an employer desires to qualify for the ad valorem tax refund provided in this section, the employer must provide the levying authority for the school district (as defined in Section 37-57-1) with documentation verifying the name of each employee.
who performed volunteer service and the name of the public school
and public school district for which the employee performed
volunteer service, the date and number of hours that each employee
performed volunteer service, and documentation signed by the
principal of the public school for which each employee performed
volunteer service.

SECTION 2. Nothing in this act shall affect or defeat any
claim, assessment, appeal, suit, right or cause of action for
taxes due or accrued under the ad valorem tax laws before the date
on which this act becomes effective, whether such claims,
assessments, appeals, suits or actions have been begun before the
date on which this act becomes effective or are begun thereafter;
and the provisions of the ad valorem tax laws are expressly
continued in full force, effect and operation for the purpose of
the assessment, collection and enrollment of liens for any taxes
due or accrued and the execution of any warrant under such laws
before the date on which this act becomes effective, and for the
imposition of any penalties, forfeitures or claims for failure to
comply with such laws.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2004.