

Senate Amendments to House Bill No. 1665

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

28 SECTION 1. (1) As used in this section, the following words
29 and phrases shall have the meanings ascribed herein unless the
30 context clearly requires otherwise:

31 (a) "Clerk" means the municipal clerk or county
32 chancery clerk, as the case may be.

33 (b) "County" means Hinds County, Mississippi.

34 (c) "Department" means the Department of Finance and
35 Administration.

36 (d) "Developer" means any person, firm, corporation,
37 partnership or other entity who constructs, repairs, renovates,
38 operates and/or maintains and/or procures the construction,
39 repair, renovation, operation and/or maintenance of property such
40 as buildings and other facilities within the municipality.

41 (e) "municipality" means the City of Jackson,
42 Mississippi.

43 (f) "tax Assessor" means the Hinds County, Mississippi,
44 tax assessor.

45 (2) (a) The department shall establish a program to provide
46 incentive payments for developers to develop property such as
47 buildings and other facilities within the municipality and to
48 place such developed property into use, which will increase the
49 value of the property and promote economic development and the
50 public interest within the municipality.

51 (b) A developer desiring to participate in the
52 incentive program established under this section must submit an
53 application to the department. The application must contain a
54 development plan that provides:

55 (i) A description of:

56 1. The property to be developed,

57 2. The purpose or purposes for which the
58 property is being used at the time the application is submitted,

59 3. The type of work the developer will
60 perform as part of development of the property, the purpose or
61 purposes for which the property will be placed into use after
62 development, and whether the development of such property will be
63 complete before being placed into use, or developed in phases and
64 placed in use in phases before development is complete, and

65 (ii) Any other information requested by the
66 department.

67 (c) The department shall review such application and
68 determine whether the developer is eligible to participate in the
69 incentive program. If the department approves the developer for
70 participation in the program, it shall issue a certificate of

71 participation to the developer for the development plan. The
72 department shall also provide a copy of the certification of
73 participation and development plan to the clerk.

74 (d) After receipt of a certificate of participation and
75 development plan under paragraph (c) of this subsection, the tax
76 assessor shall certify the assessed value of the property to be
77 developed under the development plan according to its most
78 recently determined assessed value. This assessed value shall be
79 the original assessed value of the property for the purposes of
80 this section. Each year thereafter, the tax assessor shall
81 certify the assessed value of the property described in the
82 development plan and this assessed value shall be known as the
83 current assessed value of the property for the purposes of this
84 section.

85 (3) (a) (i) Beginning with the first year that property in
86 a development plan is developed and placed into use for which it
87 is developed, whether completely or in phases, and subject to ad
88 valorem taxation based on such use, any amount by which the
89 current assessed value of the property exceeds the original
90 assessed value shall be known as the enhanced assessed value of
91 the property for the purposes of this section.

92 (ii) For property in a development plan that for
93 which development is complete when the property is first placed
94 into use after development, the tax assessor shall annually
95 certify the amount of the enhanced assessed value of the property
96 to the municipality and county for the first year that the

97 property is placed into use and subject to ad valorem tax based on
98 such use and for each of the next succeeding four (4) years. For
99 each year of such years, the clerk shall annually remit to the
100 department an amount equal to the revenue derived from the ad
101 valorem tax levied for general fund purposes by the municipality
102 or county, as the case may be, on the enhanced assessed value of
103 the property.

104 (iii) For property in a development plan that is
105 developed in phases and placed into use in phases:

106 1. a. The tax assessor shall annually
107 certify the amount of the enhanced assessed value of the property
108 to the municipality and county for the first year of such years
109 that the property is placed into use and subject to ad valorem tax
110 based on such use and for each of the next succeeding years that
111 the property is developed and placed into use in phases until the
112 development is complete and the property is placed into use for
113 which it was developed, and

114 b. The clerk shall:

115 A. For the first year of the years
116 described in subitem a of this item 1, remit to the department an
117 amount equal to the revenue derived from the ad valorem tax levied
118 for general fund purposes by the municipality or county, as the
119 case may be, on the enhanced assessed value of the property for
120 such year, and

121 B. For each year of the succeeding
122 years after the first year described in subitem a of this item 1

123 through the first year after the development of the property is
124 complete and the property is subject to ad valorem tax based on
125 the use for which it was developed, remit to the department an
126 amount equal to the revenue derived from the ad valorem tax levied
127 for general fund purposes by the municipality or county, as the
128 case may be, on the amount of any increase of the enhanced
129 assessed value of the property for the applicable year from the
130 enhanced assessed value of the property for the immediately
131 preceding year.

132 2. After such property has completed
133 development according to a development plan and has been placed
134 into use for which it was developed, the tax assessor shall
135 annually certify the amount of the enhanced assessed value of the
136 property to the municipality and county for the first year that
137 the property is placed into use and subject to ad valorem tax
138 based on such use and for each of the next succeeding four (4)
139 years. For each of such years, the clerk shall annually remit to
140 the department an amount equal to the revenue derived from the ad
141 valorem tax levied by the municipality or county, as the case may
142 be, for general fund purposes on the enhanced assessed value of
143 the property.

144 (iv) The department shall deposit the funds
145 received from the clerk under this subsection (3) into the special
146 fund created in subsection (4) of this section.

147 (4) (a) There is created a special fund in the State
148 Treasury. The fund shall be maintained by the State Treasurer as

149 a separate and special fund, separate and apart from the General
150 Fund of the state. The fund shall consist of monies deposited
151 therein under subsection of this section and monies from any other
152 source designated for deposit into such fund. Monies in the fund
153 shall be expended by the department, upon appropriation by the
154 Legislature, to provide incentive payments to developers as
155 provided in this section. Unexpended amounts remaining in the
156 fund at the end of a fiscal year shall not lapse into the State
157 General Fund, and any interest earned or investment earnings on
158 amounts in the fund shall be deposited to the credit of the fund.

159 (b) The department shall allocate and distribute monies
160 in the special fund that are derived from payments made by a clerk
161 related to a certificate of approval for property that is
162 developed according to a development plan and placed into use
163 after development and use such monies for the purpose of making
164 incentive payments as follows:

165 (i) For property that has completed development
166 according to a plan and that has been first placed into use after
167 development is complete, the department shall:

168 1. Disburse to the developer an incentive
169 payment for an amount equal to the amount remitted to the
170 department under subsection (3)(a)(ii) of this section for the
171 first year of the five (5) year period described therein, and

172 2. Deposit an amount equal to the amount
173 remitted to the department under subsection (3)(a)(ii) of this

174 section for each of the next four (4) years into the fund defined
175 in Section 27-65-241(5)(b); and

176 (ii) For property that is developed according to a
177 plan in phases and placed into use in phases:

178 1. The department shall disburse to the
179 developer for each applicable year an amount equal to the amount
180 remitted to the department under subsection (3)(a)(iii)1 of this
181 section, and

182 2. After such property has completed
183 development according to the plan and has been placed into use,
184 the department shall deposit an amount equal to the amount
185 remitted to the department under subsection (3)(a)(iii)2 of this
186 section for each of the next four (4) years into the fund defined
187 in Section 27-65-241(5)(b).

188 (5) The Department of Finance and Administration shall have
189 all powers necessary to implement and administer the program
190 established under this section, and the Department of Finance and
191 Administration shall promulgate rules and regulations, in
192 accordance with the Mississippi Administrative Procedures Law,
193 necessary for the implementation of this section.

194 **SECTION 2.** This act shall take effect and be in force from
195 and after July 1, 2024, and shall stand repealed on June 30, 2024.

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

1 AN ACT TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND
2 ADMINISTRATION SHALL ESTABLISH A PROGRAM TO PROVIDE INCENTIVE

3 PAYMENTS FOR DEVELOPERS TO DEVELOP PROPERTY IN THE CITY OF JACKSON
4 AND TO PLACE SUCH PROPERTY INTO USE WHICH, WILL INCREASE THE VALUE
5 OF THE PROPERTY AND PROMOTE ECONOMIC DEVELOPMENT AND THE PUBLIC
6 INTEREST WITHIN THE CITY; TO DEFINE CERTAIN TERMS FOR THE PURPOSES
7 OF THIS ACT; TO PROVIDE AN APPLICATION PROCESS FOR DEVELOPERS WHO
8 DESIRE TO PARTICIPATE IN THE INCENTIVE PROGRAM; TO PROVIDE THAT,
9 WHEN PROPERTY IS DEVELOPED ACCORDING TO A DEVELOPMENT PLAN AND
10 PLACED INTO USE, THE CITY OF JACKSON AND HINDS COUNTY SHALL REMIT
11 TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR A CERTAIN
12 PERIOD OF TIME, THE REVENUE DERIVED FROM THE APPLICABLE MUNICIPAL
13 OR COUNTY AD VALOREM TAX LEVIED FOR GENERAL FUND PURPOSES ON A
14 PORTION OF THE INCREASE IN THE ASSESSED VALUE OF THE PROPERTY; TO
15 REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO DEPOSIT
16 SUCH REMITTED AMOUNTS INTO A SPECIAL FUND CREATED IN THIS ACT AND
17 EXPEND MONIES IN THE FUND, UPON APPROPRIATION BY THE LEGISLATURE,
18 TO PROVIDE INCENTIVE PAYMENTS TO SUCH DEVELOPERS; TO PROVIDE FOR
19 THE AMOUNT OF THE INCENTIVE PAYMENTS AND PERIOD OF TIME THAT
20 INCENTIVE PAYMENTS WILL BE MADE TO DEVELOPERS; TO PROVIDE THAT,
21 AFTER INCENTIVE PAYMENTS HAVE BEEN MADE TO A DEVELOPER FOR THE
22 TIME PROVIDED IN THIS ACT, THE DEPARTMENT OF FINANCE AND
23 ADMINISTRATION SHALL DEPOSIT FUNDS RECEIVED FROM PAYMENTS REMITTED
24 BY THE CITY OF JACKSON AND HINDS COUNTY INTO THE CITY'S SPECIAL
25 MUNICIPAL FUND FOR A CERTAIN PERIOD OF TIME; AND FOR RELATED
26 PURPOSES.

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Amanda White
Secretary of the Senate