

By: Senator(s) Chaney

To: Finance

SENATE BILL NO. 2772

1 AN ACT TO AMEND SECTION 27-31-104, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT PROPERTY THAT IS SUBJECT TO A FEE IN LIEU OF TAXES  
3 AGREEMENT SHALL CONTINUE UNDER AGREEMENT ONLY WHILE THE PROJECT  
4 DOES NOT DETERIORATE IN VALUE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 27-31-104, Mississippi Code of 1972, is  
7 amended as follows:

8 27-31-104. County boards of supervisors and municipal  
9 authorities are hereby authorized and empowered to grant a fee in  
10 lieu of taxes, including taxes levied for school purposes, for  
11 projects totaling over One Hundred Million Dollars  
12 (\$100,000,000.00). In addition to those new enterprises  
13 enumerated in Section 27-31-101, Mississippi Code of 1972, the  
14 term "projects," as used in this section, shall include a private  
15 company (as such term is defined in Section 57-61-5, Mississippi  
16 Code of 1972) having a minimum capital investment of One Hundred  
17 Million Dollars (\$100,000,000.00).

18 The fee in lieu shall be negotiated by and given final  
19 approval by the Department of Economic Development.

20 The minimum sum allowable as a fee in lieu shall not be less  
21 than one-third (1/3) of the ad valorem levy, including ad valorem  
22 taxes for school district purposes, and the sum allowed shall be  
23 apportioned between the county or municipality, as appropriate,  
24 and the school districts in such amounts as may be determined by  
25 the county board of supervisors or municipal governing authority,  
26 as the case may be, however, from the sum allowed the  
27 apportionment to school districts shall not be less than the  
28 school districts' pro rata share based upon the proportion that

29 the millage imposed for the school districts by the appropriate  
30 levying authority bears to the millage imposed by such levying  
31 authority for all other county or municipal purposes. The  
32 agreement shall be for a term of not more than ten (10) years.

33 It is the further intent of the Legislature that the project  
34 that is subject to a fee in lieu agreement should continue to  
35 benefit from the fee in lieu agreement during the term of the  
36 agreement only as long as the project maintains a true value on  
37 the tax rolls of at least One Hundred Million Dollars  
38 (\$100,000,000.00).

39 **SECTION 2.** This act shall take effect and be in force from  
40 and after its passage.