

By: Representative Manning

To: Ways and Means

HOUSE BILL NO. 135

1 AN ACT TO AMEND SECTION 27-35-113, MISSISSIPPI CODE OF 1972,
2 TO EXTEND FROM TWO YEARS TO THREE YEARS THE TIME PERIOD WITHIN
3 WHICH COUNTIES WHOSE ASSESSMENT RECORDS HAVE BEEN FOUND BY THE
4 STATE TAX COMMISSION NOT TO BE IN COMPLIANCE WITH ACCEPTABLE
5 PERFORMANCE STANDARDS MUST ACHIEVE COMPLIANCE; AND FOR RELATED
6 PURPOSES.

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

8 SECTION 1. Section 27-35-113, Mississippi Code of 1972, is
9 amended as follows:

10 27-35-113. (1) It shall be the duty of the tax commission
11 to carefully examine the recapitulations of the assessment rolls
12 of the counties, when received, to compare the assessed valuation
13 of the various classes of property in the respective counties, to
14 investigate and determine if the assessed valuation of any classes
15 of property in any one or more counties of the state is not equal
16 and uniform with the assessed values fixed upon the same classes
17 of property in other counties of the state, and to ascertain if
18 any class of property in any one or more counties is assessed
19 contrary to law.

20 (2) The commission shall, by regulation, establish
21 performance standards and acceptable parameters for evaluation of
22 the accuracy of assessments. These standards shall include, but
23 not be limited to, the following:

24 (a) Assessment level: The ratio of assessments to
25 current true value or market value;

26 (b) Assessment uniformity: The test of uniformity or
27 fairness of individual assessments; and

28 (c) Assessment equity: The test of price-related bias.

29 (3) The commission shall annually conduct assessment/ratio
30 studies of each county or utilize other means, as determined
31 appropriate by the commission, to determine if each county's
32 assessment records comply with acceptable performance standards.
33 The commission shall send notice of the results of this
34 examination to the assessor and the board of supervisors of each
35 county no later than thirty (30) days after receipt of the board
36 of supervisors' recapitulation. Any county not in compliance with
37 the acceptable performance standards shall, within ninety (90)
38 days of the commission's order, adopt and submit to the commission
39 for approval a plan for achieving compliance and begin the
40 implementation of the plan so that compliance can be achieved by
41 the third succeeding year's assessment roll after the tax year for
42 which the commission's initial order was directed. Failure to
43 adopt and submit an approved plan for achieving compliance or
44 failure to properly implement and follow an approved plan shall
45 cause the commission to withhold the county's homestead exemption
46 reimbursement monies until such time as the county has complied
47 with this provision. In the event the county has not complied
48 with this provision by the end of the state's fiscal year, then
49 the commission shall place the funds so held in a special escrow
50 account. All interest shall accrue to the benefit of the county
51 on this account.

52 (4) The commission shall approve the property tax rolls of
53 any county operating under a supervised plan to achieve compliance
54 within the first three (3) roll years as provided for in the
55 paragraph above, notwithstanding that the county may be failing a
56 test or tests of the accuracy or equity of assessment.

57 (5) Any county failing to achieve such compliance for the
58 third succeeding year's assessment roll as outlined above shall be
59 subject to the following restrictions until such time as said tax
60 rolls come into compliance:

61 (a) The commission shall place into escrow all

62 homestead exemption reimbursements;

63 (b) The county shall levy and pay over to the
64 commission, for purposes of being placed in the escrow account,
65 the proceeds of the one (1) mill levy provided for in Section
66 27-39-329(1)(b). All interest shall accrue to the benefit of the
67 county on any funds placed in an escrow account; and

68 (c) The commission shall identify the class or classes
69 of property whose assessment level is not in conformity with the
70 regulation of the commission governing same, and shall have the
71 authority to adjust and equalize that class or classes of property
72 by, either requiring a fixed percent (1) to be added to the
73 assessed valuation of any class of property in any county found
74 too low; or (2) to be deducted from the assessed valuation of any
75 class of property found too high; in order that the class or
76 classes of property are being assessed in conformity with the
77 commission's regulation.

78 (6) Once the county achieves compliance with the standard of
79 performance as to assessment level, uniformity and equity as
80 established by the rules and regulations of the State Tax
81 Commission, the commission shall release to the county all funds
82 held in escrow on its behalf during the period of noncompliance.

83 (7) The board of supervisors of any county aggrieved by any
84 order of the commission may appeal such order to the commission
85 within thirty (30) days after the mailing of such order to the
86 board. The commission shall hear the objections by the board of
87 supervisors and may either affirm its order or rescind its order;
88 however, the commission shall not have the authority to grant
89 relief which is inconsistent with this section. The decision of
90 the commission shall be final.

91 (8) It is the intent of this section and that of this
92 chapter to vest the tax commission with authority to investigate
93 and determine the assessed valuation of classes of property, and
94 to further establish and/or clarify that tax assessors and the

95 boards of supervisors are vested with the absolute authority to
96 investigate and determine the assessed valuations of individual
97 parcels of property located in their particular county in a manner
98 consistent with the laws of this state.

99 SECTION 2. This act shall take effect and be in force from
100 and after July 1, 1999.