

By: Representative Snowden

To: Ways and Means

HOUSE BILL NO. 1215

1 AN ACT TO BRING FORWARD SECTIONS 27-35-301, 27-35-303,
 2 27-35-305, 27-35-307, 27-35-309, 27-35-310, 27-35-311, 27-35-313,
 3 27-35-315, 27-35-319, 27-35-321, 27-35-325, 27-35-327, 27-35-331,
 4 27-35-333, 27-35-335, 27-35-337, 27-35-339, 27-35-341 and
 5 27-35-343, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE
 6 ASSESSMENT OF PROPERTY OF RAILROADS AND OTHER PUBLIC SERVICE
 7 CORPORATIONS FOR THE PURPOSE OF AD VALOREM TAXATION, FOR THE
 8 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 27-35-301, Mississippi Code of 1972, is
 11 brought forward as follows:

12 27-35-301. The members of the State Tax Commission are
 13 constituted state assessors of railroads and other public service
 14 corporations, and they shall, upon the receipt or making of the
 15 schedules hereinafter provided for, assess the property of
 16 railroads, telegraph, telephone, sleeping car, express, electric
 17 power and light companies and other public service corporations
 18 liable to taxation in the state, affixing its true value so that
 19 such property shall bear its just proportion of taxation, taking
 20 into consideration the value of the franchise and the capital
 21 engaged in the business in this state. The state assessors of



22 railroads and other public service corporations may adopt other
23 and further rules necessary and proper to ascertain the value of
24 property to be assessed by them, including the value of the
25 franchise and amount of capital engaged in the business in this
26 state. Provided, however, the members of the State Tax Commission
27 shall be assessors of railroad and Class IV public service
28 property, but shall not be the assessors of the types and kinds of
29 properties owned by the public service corporations and appraised
30 and assessed by county tax assessors pursuant to Sections
31 27-35-331 through 27-35-341.

32 **SECTION 2.** Section 27-35-303, Mississippi Code of 1972, is
33 brought forward as follows:

34 27-35-303. (1) Each person, firm, company or corporation
35 owning and/or operating a railroad, oil or gas pipeline company,
36 electric company or any other company listed in Section 27-35-301,
37 owning property not situated wholly in one (1) county; and any
38 telephone company owning property in more than six (6) counties
39 shall, on or before the first Monday in April in each year, file
40 with the State Tax Commission a complete schedule, under oath, on
41 forms prescribed and furnished by the State Tax Commission, of all
42 its property, real or personal, taxable and nontaxable, owned by
43 it on the first day of the preceding January, setting forth
44 therein the value of the whole, the total amount of capital stock,
45 its par value and its actual value, and the value of its
46 franchise, the gross amount of receipts in the year preceding; all



47 real, personal or mixed property belonging to the company within
48 the state, not enumerated, with its value; a list of all lands in
49 this state owned, describing the same and giving the value
50 thereof, the gross amount of receipts the year preceding earned
51 within and from this state; and if any of said property is claimed
52 to be exempt from taxation, it shall be separately stated and
53 valued, and the law cited under which the claim is made. It shall
54 not be necessary that a rendition on any motor vehicles be made as
55 defined by the "Motor Vehicle Ad Valorem Tax Law of 1958." In
56 addition to these required schedules, the State Tax Commission may
57 require each person, firm, company or corporation to file with the
58 State Tax Commission a copy of any annual report or form required
59 to be filed by him with any federal regulatory agency. The State
60 Tax Commission may grant an extension of up to thirty (30) days
61 for the filing of the schedules required by this section.

62 (2) The State Tax Commission shall have the power to adopt,
63 amend or repeal such rules and regulations as necessary to
64 implement tax duties assigned to it in this section.

65 **SECTION 3.** Section 27-35-305, Mississippi Code of 1972, is
66 brought forward as follows:

67 27-35-305. If any company, corporation, firm or person, who
68 is required by law to render schedules of its, their or his
69 property to the State Tax Commission, as provided by Section
70 27-35-303, Mississippi Code of 1972, for the purposes of
71 assessment for taxation, shall fail, refuse or neglect to render



72 the schedules, as required, such company, corporation, firm or
73 person shall pay a penalty up to ten percent (10%) of the
74 assessment as computed by the tax commission, and in case of such
75 failure, refusal or neglect, the commission shall make out such
76 schedules from the best information obtainable.

77 **SECTION 4.** Section 27-35-307, Mississippi Code of 1972, is
78 brought forward as follows:

79 27-35-307. If in any case the state railroad assessors have
80 reason to believe that any person, firm, company or corporation
81 which under this chapter is to be assessed by the State Tax
82 Commission has rendered a false or fraudulent schedule, so that an
83 assessment predicated thereon would relieve such person, firm,
84 company or corporation of a just share of taxation, the commission
85 shall not, in making the assessment be bound thereby, but shall
86 make out a proper schedule as if none had been rendered, first
87 giving such person, company, firm or corporation five (5) days'
88 notice to come forward at a time and place to be named, and show
89 cause why such a course should not be pursued. Such notice shall
90 be served and returned as a summons from a court, but the failure
91 to receive such notice shall not render the assessment void.

92 **SECTION 5.** Section 27-35-309, Mississippi Code of 1972, is
93 brought forward as follows:

94 27-35-309. (1) The Department of Revenue shall, if
95 practicable, on or before the first Monday of June of each year,
96 make out for each person, firm, company or corporation listed in



97 Section 27-35-303, Mississippi Code of 1972, an assessment of the
98 company's property, both real and personal, tangible and
99 intangible. The Department of Revenue shall apportion the
100 assessment of value of each company's property according to the
101 provisions of this article, except as provided in subsection (3)
102 of this section, as follows:

103 (a) When the property of such public service company is
104 located in more than one (1) county in this state, the Department
105 of Revenue shall direct the company to apportion the assessed
106 value between the counties and municipalities and all other taxing
107 districts therein, in the proportion which the property located
108 therein bears to the entire value of the property of such company
109 as valued by the department, so that to each county, municipality
110 and taxing district therein, there shall be apportioned such part
111 of the entire valuation as will fairly equalize the relative value
112 of the property therein located to the whole value thereof.

113 (b) When the property of such public utility required
114 to be assessed by the provisions of this article is located in
115 more than one (1) state, the assessed value thereof shall be
116 apportioned by the Department of Revenue in such manner as will
117 fairly and equitably determine the principal sum for the value
118 thereof in this state, and after ascertaining such value it shall
119 be apportioned by them as herein provided.

120 The assessment roll shall contain all the property of any
121 such public service company, railroad, person, firm or corporation



122 and the value thereof, and so made that each county, municipality,
123 and taxing district shall receive its just share of taxes
124 proportionately to the amount of property therein situated.

125 (2) (a) The assessment when made shall remain open for
126 thirty (30) days in the Office of the Department of Revenue, and
127 be for such time subject to the objections thereto which may be
128 filed with the Executive Director of the Board of Tax Appeals; but
129 real estate belonging to railroads and which forms no part of the
130 road, and is wholly disconnected from its railroad business, shall
131 not be assessed by the Department of Revenue, but shall be
132 assessed as other real estate is assessed by the tax assessor of
133 the county where situated.

134 (b) The apportionment of the assessed value as required
135 by this section shall be filed with the Department of Revenue by
136 such public service company on or before the first day of August
137 in each year. If such company shall fail, refuse or neglect to
138 render the apportionment of assessed value as required by this
139 section, such company shall be subject to the penalties provided
140 for in Section 27-35-305. The filing of an objection by such
141 public service company shall not preclude such company from filing
142 the property apportionment as required by this section.

143 (3) Any nuclear generating plant which is located in the
144 state, which is owned or operated by a public utility rendering
145 electric service within the state and not exempt from ad valorem
146 taxation under any other statute and which is not owned or



147 operated by an instrumentality of the federal government shall be
148 exempt from county, municipal and district ad valorem taxes. In
149 lieu of the payment of county, municipal and district ad valorem
150 taxes, such public utility shall pay to the Department of Revenue
151 a sum based on the assessed value of such nuclear generating plant
152 in an amount to be determined and distributed as follows:

153 (a) The Department of Revenue shall annually assign an
154 assessed value to any nuclear generating plant described in this
155 subsection in the same manner as for ad valorem tax purposes by
156 using accepted industry methods for appraising and assessing
157 public utility property. The assessed value assigned shall be
158 used for the purpose of determining the in-lieu tax due under this
159 section and shall not be included on the ad valorem tax rolls of
160 the situs taxing authority nor be subject to ad valorem taxation
161 by the situs taxing authority nor shall the assessed value
162 assigned be used in determining the debt limit of the situs taxing
163 authority. However, the assessed value so assigned may be used by
164 the situs taxing authority for the purpose of determining salaries
165 of its public officials.

166 (b) On or before February 1, 1987, for the 1986 taxable
167 year and on or before February 1 of each year through the 1989
168 taxable year, such utility shall pay to the Department of Revenue
169 a sum equal to two percent (2%) of the assessed value as
170 ascertained by the Department of Revenue, but such payment shall
171 not be less than Sixteen Million Dollars (\$16,000,000.00) for any



172 of the four (4) taxable years; all such payments in excess of
173 Sixteen Million Dollars (\$16,000,000.00) for these four (4)
174 taxable years shall be paid into the General Fund of the state.
175 On or before February 1, 1991, for the 1990 taxable year and on or
176 before February 1 of each year thereafter, such utility shall pay
177 to the Department of Revenue a sum equal to two percent (2%) of
178 the assessed value as ascertained by the Department of Revenue,
179 but such payment shall not be less than Twenty Million Dollars
180 (\$20,000,000.00) for any taxable year for as long as such nuclear
181 power plant is licensed to operate and is not being permanently
182 decommissioned; all such payments in excess of Sixteen Million
183 Dollars (\$16,000,000.00) for taxable years 1990 and thereafter
184 shall be paid as follows:

185 (i) An amount of Three Million Forty Thousand
186 Dollars (\$3,040,000.00) annually, beginning with fiscal year 1991,
187 shall be transferred by the Department of Revenue to Claiborne
188 County. Such payments may be expended by the Board of Supervisors
189 of Claiborne County for any purpose for which a county is
190 authorized by law to levy an ad valorem tax and shall not be
191 included or considered as proceeds of ad valorem taxes for the
192 purposes of the growth limitation on ad valorem taxes under
193 Sections 27-39-305 and 27-39-321. However, should the Board of
194 Supervisors of Claiborne County withdraw its support of the Grand
195 Gulf Nuclear Station off-site emergency plan or otherwise fail to
196 satisfy its off-site emergency plan commitments as determined by



197 the Mississippi Emergency Management Agency and the Federal
198 Emergency Management Agency, Five Hundred Thousand Dollars
199 (\$500,000.00) annually of the funds designated for Claiborne
200 County as described by this subsection (i) shall be deposited in
201 the Grand Gulf Disaster Assistance Fund as provided in Section
202 33-15-51.

203 (ii) An amount of One Hundred Sixty Thousand
204 Dollars (\$160,000.00) annually, beginning with fiscal year 1991,
205 shall be transferred by the Department of Revenue to the City of
206 Port Gibson, Mississippi. Such payments may be expended by the
207 Board of Aldermen of the City of Port Gibson for any purpose for
208 which a municipality is authorized by law to levy an ad valorem
209 tax and shall not be included or considered as proceeds of ad
210 valorem taxes for the purposes of the growth limitation on ad
211 valorem taxes under Sections 27-39-305 and 27-39-321. However,
212 should the Board of Aldermen of the City of Port Gibson withdraw
213 its support of the Grand Gulf Nuclear Station off-site emergency
214 plan or otherwise fail to satisfy its off-site emergency plan
215 commitment, as determined by the Mississippi Emergency Management
216 Agency and the Federal Emergency Management Agency, Fifty Thousand
217 Dollars (\$50,000.00) annually of the funds designated for the City
218 of Port Gibson as described by this subsection (ii) shall be
219 deposited in the Grand Gulf Disaster Assistance Fund as provided
220 in Section 33-15-51.



221 (iii) The remaining balance of the payments in
222 excess of Sixteen Million Dollars (\$16,000,000.00) annually, less
223 amounts transferred under (i) and (ii) of this subsection,
224 beginning with fiscal year 1991, shall be allocated in accordance
225 with subsection (3) (f) of this section.

226 (c) Pursuant to certification by the Attorney General
227 to the State Treasurer and the State Tax Commission that the suit
228 against the State of Mississippi pending on the effective date of
229 House Bill 8, First Extraordinary Session of 1990, [Laws, 1990 Ex
230 Session, Ch. 12, eff June 26, 1990], in the Chancery Court for the
231 First Judicial District of Hinds County, Mississippi, styled
232 Albert Butler et al v. the Mississippi State Tax Commission et al,
233 has been voluntarily dismissed with prejudice as to all plaintiffs
234 at the request of the complainants and that no attorney's fees or
235 court costs have been assessed against the state and each of the
236 parties, including Claiborne County and each municipality and
237 school district located in the county, have signed and delivered
238 to the Attorney General a full and complete release in favor of
239 the State of Mississippi and its elected officials of all claims
240 that have been asserted or may be asserted in the suit pending on
241 the effective date of House Bill 8, First Extraordinary Session of
242 1990, [Laws, 1990 Ex Session, Ch. 12, eff June 26, 1990], in the
243 Chancery Court for the First Judicial District of Hinds County,
244 Mississippi, styled Albert Butler et al v. the Mississippi State
245 Tax Commission et al, and the deposit into the State General Fund



246 of in-lieu payments and interest thereon due the state under
247 subsection (3) (b) of this section but placed in escrow because of
248 the lawsuit described above, the state shall promptly transfer to
249 the Board of Supervisors of Claiborne County out of the State
250 General Fund an amount of Two Million Dollars (\$2,000,000.00)
251 which shall be a one-time distribution to Claiborne County from
252 the state. Such payment may be expended by the Board of
253 Supervisors of Claiborne County for any purposes for which a
254 county is authorized by law to levy an ad valorem tax and shall
255 not be included or considered as proceeds of ad valorem taxes for
256 the purposes of the growth limitation on ad valorem taxes for the
257 1991 fiscal year under Sections 27-39-321 and 27-39-305.

258 (d) After distribution of the one-time payment to
259 Claiborne County as set forth in subsection (3) (c) of this
260 section, the Department of Revenue upon certification that the
261 pending lawsuit as described in subsection (3) (c) of this section
262 has been voluntarily dismissed shall promptly deposit an amount of
263 Five Hundred Thousand Dollars (\$500,000.00) into the Grand Gulf
264 Disaster Assistance Trust Fund as provided for in Section
265 33-15-51, which shall be a one-time payment, to be utilized in
266 accordance with the provisions of such section.

267 (e) After distribution of the one-time payment to
268 Claiborne County as set forth in subsection (3) (c) of this section
269 and the payment to the Grand Gulf Disaster Assistance Trust Fund
270 as set forth in subsection (3) (d) of this section, the Department



271 of Revenue upon certification that the pending lawsuit as
272 described in subsection (3) (c) of this section has been
273 voluntarily dismissed shall promptly distribute ten percent (10%)
274 of the remainder of the prior payments remaining in escrow to the
275 General Fund of the state and the balance of the prior payments
276 remaining in escrow shall be distributed to the counties and
277 municipalities in this state wherein such public utility has
278 rendered electric service in the proportion that the amount of
279 electric energy consumed by the retail customers of such public
280 utility in each county, excluding municipalities therein, and in
281 each municipality, for the next preceding fiscal year bears to the
282 total amount of electric energy consumed by all retail customers
283 of such public utility in the State of Mississippi for the next
284 preceding fiscal year. The payments distributed to the counties
285 and municipalities under this paragraph (e) may be expended by
286 such counties and municipalities for any lawful purpose and shall
287 not be included or considered as proceeds of ad valorem taxes for
288 the purposes of the growth limitation on ad valorem taxes under
289 Sections 27-39-321 and 27-39-305.

290 (f) After distribution of the payments for fiscal year
291 1991 as set forth in Section 19-9-151 and distribution of the
292 payments as provided for in subsection (3) (b) of this section, the
293 Department of Revenue shall distribute ten percent (10%) of the
294 remainder of the payments to the General Fund of the state and the
295 balance to the counties and municipalities in this state wherein



296 such public utility renders electric service in the proportion
297 that the amount of electric energy consumed by the retail
298 customers of such public utility in each county, excluding
299 municipalities therein, and in each municipality for the next
300 preceding fiscal year bears to the total amount of electric energy
301 consumed by all retail customers of such public utility in the
302 State of Mississippi for the next preceding fiscal year.

303 (g) No county, including municipalities therein, shall
304 receive in excess of twenty percent (20%) of the funds distributed
305 under paragraph (f) of this subsection.

306 (h) The revenues received by counties and
307 municipalities under paragraph (f) of this subsection shall not be
308 included or considered as proceeds of ad valorem taxes for the
309 purposes of the growth limitation on ad valorem taxes under
310 Sections 27-39-305 and 27-39-321.

311 **SECTION 6.** Section 27-35-310, Mississippi Code of 1972, is
312 brought forward as follows:

313 27-35-310. All nuclear power plant property that has been
314 abandoned and written off the books of the public utility owning
315 such property and is no longer considered operating property of
316 such utility by the State Tax Commission or is being permanently
317 decommissioned shall be exempted from all ad valorem taxes now
318 levied or hereafter levied by the State of Mississippi, or any
319 county, municipality, levee district, school or any other taxing
320 district within the state.



321 **SECTION 7.** Section 27-35-311, Mississippi Code of 1972, is
322 brought forward as follows:

323 27-35-311. (1) It shall be the duty of the Board of Tax
324 Appeals to hear and determine objections to assessments made by
325 the Department of Revenue for ad valorem tax purposes. They may,
326 if they think objections just, sustain the same and amend
327 assessments, if necessary accordingly.

328 (2) Any objection shall be in writing and filed with the
329 Executive Director of the Board of Tax Appeals within the
330 thirty-day period set out in Section 27-35-309(2) (a). At the time
331 of filing the objection with the Executive Director of the Board
332 of Tax Appeals, the taxpayer shall also file a copy of his written
333 objection with the Department of Revenue.

334 **SECTION 8.** Section 27-35-313, Mississippi Code of 1972, is
335 brought forward as follows:

336 27-35-313. So soon as the assessment rolls have remained
337 subject to objection for thirty (30) days, and when all
338 objections, if any, are disposed of, the assessment rolls shall be
339 approved by the Department of Revenue, and a certified copy of the
340 assessment rolls shall be sent immediately to the clerks of the
341 board of supervisors of the respective counties, who shall file
342 and preserve it as a record.

343 **SECTION 9.** Section 27-35-315, Mississippi Code of 1972, is
344 brought forward as follows:



345 27-35-315. The clerk of the board of supervisors shall make
346 one copy of the said assessment rolls, and shall certify and
347 deliver the same to the tax collector which when done shall have
348 the same force and effect as other certified copies of tax rolls
349 placed in the hands of the tax collector.

350 **SECTION 10.** Section 27-35-319, Mississippi Code of 1972, is
351 brought forward as follows:

352 27-35-319. Notwithstanding the provisions of Sections
353 27-35-31, 27-35-309, 27-35-317 and 27-35-323, when all the
354 property of a telephone company is located in not more than six
355 (6) counties, it shall be assessed and taxed as that of a person;
356 and the laws, providing for the assessment and collection of taxes
357 on the property of persons, shall apply to the assessment and
358 collection of taxes on the property of such companies. All shares
359 or certificates of stock issued by any such corporation or company
360 shall be exempt from taxation and shall not be returned for
361 assessment. Its land and tangible personal property shall be
362 assessed and taxed where situated on the first day of January of
363 the year.

364 **SECTION 11.** Section 27-35-321, Mississippi Code of 1972, is
365 brought forward as follows:

366 27-35-321. Any corporation owning, possessing, holding or
367 operating a toll bridge structure located partly but not wholly
368 within one county of this state and any substantial part of which
369 so situated in this state is used or operated, howsoever, by or in



370 connection with any common carrier railroad, as an instrumentality
371 or facility for the conduct by such common carrier railroad of
372 interstate commerce or its interstate transportation business,
373 shall be considered and the same is hereby declared and defined to
374 be a public service corporation as to all of its property situated
375 in this state and which is liable to taxation in this state; and
376 such property shall be wholly and exclusively subject to valuation
377 and assessment for the purposes of taxation by the state tax
378 commission of Mississippi, which commission is by law constituted
379 state assessor of railroads and other public service corporations.
380 Such property of said corporation shall be assessed to the extent
381 and in like manner as the property of other public service
382 corporations and public utilities now subject to the authority and
383 jurisdiction of said commission; and said toll bridge corporations
384 shall make and file schedules in time and manner as provided by
385 Sections 27-35-309, 27-35-317 and 27-35-323 and under penalties as
386 therein provided.

387 Such property of all persons, partnerships or associations of
388 persons, so owned, held, possessed, operated, situated and
389 utilized, however, shall, likewise, be valued and assessed for the
390 purposes of taxation by the said state tax commission of
391 Mississippi.

392 **SECTION 12.** Section 27-35-325, Mississippi Code of 1972, is
393 brought forward as follows:



394 27-35-325. The Department of Revenue is hereby authorized
395 and empowered and it shall be its duty to assess any property
396 required to be assessed by the Department of Revenue as the state
397 assessor of railroads, which it discovers escaping taxation in
398 former years by reason of not being assessed; and to assess or
399 cause to be assessed and taxed, any such property which it
400 discovers escaping taxation by reason of not being assessed in or
401 for the benefit of any road district, school district, or other
402 taxing district or municipality, although the property may have
403 been assessed and taxed for state and general county taxes;
404 however, the right to so assess property shall expire at the end
405 of seven (7) years from the date when the right so to do first
406 accrued. When any property is discovered escaping assessment and
407 taxation which, under the law, is required to be assessed by the
408 Department of Revenue as state assessor of railroads, the
409 Department of Revenue shall assess the same for such purpose and
410 for the years it has escaped taxation, and shall give notice by
411 United States mail, or otherwise, by the Commissioner of Revenue
412 of the Department of Revenue to the owner of the property, or
413 agent, of such owner, showing what property has escaped assessment
414 and for what years, and all other proper information, and the
415 owner shall have thirty (30) days in which to file objections.
416 The Department of Revenue shall deal with the assessment in all
417 respects with the same powers as if made at the time regular
418 assessment of such property is made, and shall have power to



419 require such information as it may desire for the correct
420 determination of all questions before it. When any objection is
421 heard and determined, the Board of Tax Appeals shall by order
422 approve or disapprove, or may modify the assessment, and make it
423 final. If no objection is made in regard to the assessment or if
424 the assessment is approved or modified by the Board of Tax
425 Appeals, the Department of Revenue shall certify it to the clerk
426 of the board of supervisors of the county or counties where the
427 property is located, and such assessment shall be dealt with by
428 the clerk and tax collector as is required in cases of assessments
429 when made at the regular time. In all cases where suit is
430 necessary, it shall be the duty of the Attorney General to
431 represent the Department of Revenue whenever requested to do so.

432 **SECTION 13.** Section 27-35-327, Mississippi Code of 1972, is
433 brought forward as follows:

434 27-35-327. Complete and full records shall be kept and
435 preserved by the state tax commission of all things done under the
436 authority vested in it as the state assessor of railroads, and
437 public utilities.

438 **SECTION 14.** Section 27-35-331, Mississippi Code of 1972, is
439 brought forward as follows:

440 27-35-331. The public service corporations to which Sections
441 27-35-331 through 27-35-343 apply are persons, individuals,
442 partnerships, corporations, associations or entities that own,
443 control, manage or operate a business engaged in:



444 (a) The generation, manufacture, transmission or
445 distribution of electricity to or for the public for compensation.

446 (b) The distribution or sale of natural or artificial
447 gas to the public for compensation; provided, however, Sections
448 27-35-331 through 27-35-343 shall not apply to entities engaged in
449 the interstate transmission of gas by pipeline.

450 (c) The transmission, conveyance or reception of any
451 message over wire or by radio, or otherwise, of writing, signs,
452 signals, pictures and sounds of all kinds by or for the public for
453 compensation; provided, however, Sections 27-35-331 through
454 27-35-343 shall not apply to telephone companies whose properties
455 are located in not more than six (6) counties as provided in
456 Section 27-35-319, Mississippi Code of 1972.

457 **SECTION 15.** Section 27-35-333, Mississippi Code of 1972, is
458 brought forward as follows:

459 27-35-333. The properties of public service corporations
460 which are subject to Sections 27-35-331 through 27-35-343 are
461 limited to:

462 (a) Vacant and unimproved real estate owned in fee
463 simple.

464 (b) Buildings and the land on which they are situated
465 utilized solely for the purpose of housing the managerial offices
466 of such corporations, and the office furniture and facilities
467 located therein.



468 (c) Buildings and the land on which they are situated
469 utilized for the warehousing or storage of materials and supplies;
470 provided, however, Sections 27-35-331 through 27-35-343 do not
471 apply to the materials, supplies, equipment and facilities
472 warehoused or stored therein.

473 (d) Buildings and the land on which they are situated
474 utilized for the purpose of conducting the merchandising and sale
475 of appliances utilizing the utility service furnished by such
476 entity, together with inventories of such goods and appliances.

477 **SECTION 16.** Section 27-35-335, Mississippi Code of 1972, is
478 brought forward as follows:

479 27-35-335. Sections 27-35-331 through 27-35-343 do not apply
480 to properties owned by such public service corporations utilized
481 in the furnishing of the utility service in which such public
482 service corporations are engaged. This exclusion includes, but is
483 not restricted to, the following: electric generating plants and
484 related facilities; electric transmission and distribution
485 facilities; electric substations; telephone exchanges;
486 communication facilities by means of which communication service
487 is effected; communication relay facilities; gas mains, pumping
488 stations; metering facilities; compression stations; all
489 facilities and equipment by means of which gas is received from
490 the supplier and delivered to the consumer. It is the intent of
491 Sections 27-35-331 through 27-35-343 to vest in county tax



492 assessors the jurisdiction to assess only those types and kinds of
493 properties enumerated in Section 27-35-333, and no other.

494 **SECTION 17.** Section 27-35-337, Mississippi Code of 1972, is
495 brought forward as follows:

496 27-35-337. It shall be the duty of public service
497 corporations subject to Sections 27-35-331 through 27-35-343 to
498 report to the county tax assessor of the counties in which any
499 property subject to Sections 27-35-331 through 27-35-343 is
500 located the same information and data, at the same time as such
501 data and information has heretofore been reported to the State Tax
502 Commission. Reports to the State Tax Commission may, after the
503 effective date of Sections 27-35-331 through 27-35-343, eliminate
504 the data and information which will be reported to county tax
505 assessors pursuant to this section.

506 **SECTION 18.** Section 27-35-339, Mississippi Code of 1972, is
507 brought forward as follows:

508 27-35-339. All property, as described in Section 27-35-333,
509 of public service corporations subject to Sections 27-35-331
510 through 27-35-343 shall be appraised by county tax assessors and
511 assessed in proportion to its true value in the same manner as is
512 provided by law for other properties subject to the jurisdiction
513 of the county tax assessors and at the same assessment ratio as
514 established for other public service corporation property.

515 **SECTION 19.** Section 27-35-341, Mississippi Code of 1972, is
516 brought forward as follows:



517 27-35-341. With respect to properties appraised and assessed
518 by county tax assessors pursuant to Sections 27-35-331 through
519 27-35-343, the assessments so made shall constitute the assessment
520 thereof for purposes of ad valorem taxes imposed by municipalities
521 or other taxing districts on properties located therein.
522 Assessing jurisdiction over such properties is specifically not
523 conferred upon municipal authorities or authorities of other
524 taxing districts.

525 **SECTION 20.** Section 27-35-343, Mississippi Code of 1972, is
526 brought forward as follows:

527 27-35-343. Sections 27-35-331 through 27-35-343 shall apply
528 to the assessment of public service corporation properties for the
529 calendar year 1987 and thereafter.

530 **SECTION 21.** This act shall take effect and be in force from
531 and after July 1, 2018.

