

By: Senator(s) Parks

To: Finance

SENATE BILL NO. 2578
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 27-35-157, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF PROPERTY IS FOUND TO HAVE ESCAPED AD VALOREM
3 TAXATION DUE TO A COUNTY BOARD OF SUPERVISORS HAVING GRANTED AN AD
4 VALOREM TAX EXEMPTION AUTHORIZED BY LAW AND THEN INADVERTENTLY
5 ALLOWING THE EXEMPTION TO EXTEND BEYOND THE PERIOD AUTHORIZED BY
6 LAW FOR THE EXEMPTION, A TAXPAYER MAY PAY THE AD VALOREM TAXES,
7 WITHOUT ANY PENALTY OR INTEREST, WHICH OTHERWISE WOULD HAVE BEEN
8 LEVIED ON THE PROPERTY HAD IT NOT BEEN INADVERTENTLY EXEMPTED FROM
9 AD VALOREM TAXATION BY THE COUNTY BOARD OF SUPERVISORS; TO BRING
10 FORWARD SECTION 27-35-155, MISSISSIPPI CODE OF 1972, WHICH
11 PROVIDES FOR THE ASSESSMENT OF PROPERTY HAVING ESCAPED AD VALOREM
12 TAXATION, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION
13 27-33-75, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A QUALIFIED
14 HOMEOWNER CLAIMING A HOMESTEAD EXEMPTION ALLOWED FOR A PERSON WHO
15 IS SIXTY-FIVE YEARS OF AGE OR OLDER OR TOTALLY DISABLED SHALL BE
16 ALLOWED AN ADDITIONAL EXEMPTION FROM ALL AD VALOREM TAXES ON AN
17 AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE ASSESSED VALUE OF THE
18 HOMESTEAD PROPERTY ON JANUARY 1, 2018, OR JANUARY 1 OF THE FIRST
19 YEAR FOR WHICH THE QUALIFIED HOMEOWNER CLAIMS AN EXEMPTION ON THE
20 PROPERTY, AND ANY INCREASE IN THE ASSESSED VALUE OF THE HOMESTEAD
21 PROPERTY RESULTING FROM AN UPDATE IN VALUATION OF THE HOMESTEAD
22 PROPERTY THAT IS COMPLETED DURING THE TIME THE QUALIFIED HOMEOWNER
23 OWNS THE PROPERTY; TO PROVIDE THAT IF A SUBSEQUENT UPDATE IN
24 VALUATION OF THE HOMESTEAD PROPERTY THAT IS COMPLETED DURING THE
25 TIME THE QUALIFIED HOMEOWNER OWNS THE PROPERTY RESULTS IN THE
26 ASSESSED VALUE OF THE HOMESTEAD PROPERTY BEING LESS THAN THE
27 ASSESSED VALUE OF THE PROPERTY ON JANUARY 1, 2018, OR JANUARY 1 OF
28 THE FIRST YEAR FOR WHICH THE QUALIFIED HOMEOWNER CLAIMS HOMESTEAD
29 EXEMPTION FOR THE PROPERTY, THEN THE EXEMPTION AUTHORIZED UNDER
30 THIS ACT SHALL BE ON AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN
31 SUCH LOWER ASSESSED VALUE AND ANY INCREASE IN THE ASSESSED VALUE
32 OF THE HOMESTEAD PROPERTY RESULTING FROM A SUBSEQUENT UPDATE IN
33 VALUATION OF THE HOMESTEAD PROPERTY THAT IS COMPLETED DURING THE



34 TIME THE QUALIFIED HOMEOWNER OWNS THE PROPERTY; AND FOR RELATED
35 PURPOSES.

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

37 **SECTION 1.** Section 27-35-157, Mississippi Code of 1972, is
38 amended as follows:

39 **[Through June 30, 2020, this section shall read as follows:]**

40 27-35-157. When the assessor shall assess the persons or
41 property, as provided in Section 27-35-155 and shall file the same
42 with the clerk as therein provided, the clerk shall enter the same
43 on the last approved roll or rolls in his hands, separately for
44 former years, and for the current year. The clerk shall
45 immediately give ten (10) days' notice in writing, to the person
46 or corporation whose property is thus assessed, that all
47 objections to such assessment must be made in writing to the board
48 of supervisors, and will be heard and determined at the next
49 regular meeting of the board. The board at its regular meeting
50 may continue the matter to any other regular, special or adjourned
51 meeting of said board. When the assessment is finally fixed and
52 approved by the board, an appeal to the circuit court may be taken
53 from the order of the board approving or disapproving such
54 assessment, by the owner of the property, or by the Attorney
55 General or other officer authorized by law, in the manner, and
56 within the time, provided by law. If the assessment be approved
57 and no appeal be taken, when the same has been finally determined,
58 the clerk shall certify the said assessment to the tax collector,
59 setting forth in his certificate the year or years for which such



60 assessment is made, and separately the current assessment, the
61 name of the municipality, road district, school district, or other
62 taxing district in which the same is located. Taxes for the
63 current year shall be collected as provided by law for other
64 nondelinquent taxes. Except as otherwise provided in this
65 section, the tax collector shall proceed forthwith to collect all
66 taxes due on said assessment for the former year or years at the
67 rates fixed by law and, in addition thereto, shall collect as a
68 penalty ten percent (10%) of the amount of the taxes due for each
69 year, together with interest at six percent (6%) per annum
70 computed from the first day of February on which the taxes should
71 have been paid. If property is found to have escaped taxation due
72 to a county board of supervisors having granted any ad valorem tax
73 exemption authorized under Sections 27-31-101 through 27-31-117
74 and then inadvertently allowing the exemption to extend beyond the
75 period authorized by law for the exemption, a taxpayer may pay the
76 ad valorem taxes, without any penalty or interest, which otherwise
77 would have been levied on the property had it not been
78 inadvertently exempted from ad valorem taxation by the county
79 board of supervisors. If the taxes, penalties and interest shall
80 not be paid within thirty (30) days after the final assessment is
81 certified to him, the property, if it be real estate, shall be
82 sold as provided by law, and if it be personal property, the tax
83 collector shall proceed to collect by distress, or otherwise, as
84 provided by law.



85 [From and after July 1, 2020, this section shall read as

86 follows:]

87 27-35-157. When the assessor shall assess the persons or
88 property, as provided in Section 27-35-155 and shall file the same
89 with the clerk as therein provided, the clerk shall enter the same
90 on the last approved roll or rolls in his hands, separately for
91 former years, and for the current year. The clerk shall
92 immediately give ten (10) days' notice in writing, to the person
93 or corporation whose property is thus assessed, that all
94 objections to such assessment must be made in writing to the board
95 of supervisors, and will be heard and determined at the next
96 regular meeting of the board. The board at its regular meeting
97 may continue the matter to any other regular, special or adjourned
98 meeting of said board. When the assessment is finally fixed and
99 approved by the board, an appeal to the circuit court may be taken
100 from the order of the board approving or disapproving such
101 assessment, by the owner of the property, or by the Attorney
102 General or other officer authorized by law, in the manner, and
103 within the time, provided by law. If the assessment be approved
104 and no appeal be taken, when the same has been finally determined,
105 the clerk shall certify the said assessment to the tax collector,
106 setting forth in his certificate the year or years for which such
107 assessment is made, and separately the current assessment, the
108 name of the municipality, road district, school district, or other
109 taxing district in which the same is located. Taxes for the



110 current year shall be collected as provided by law for other
111 nondelinquent taxes. The tax collector shall proceed forthwith to
112 collect all taxes due on said assessment for the former year or
113 years at the rates fixed by law and, in addition thereto, shall
114 collect as a penalty ten percent (10%) of the amount of the taxes
115 due for each year, together with interest at six percent (6%) per
116 annum computed from the first day of February on which the taxes
117 should have been paid. If the taxes, penalties and interest shall
118 not be paid within thirty (30) days after the final assessment is
119 certified to him, the property, if it be real estate, shall be
120 sold as provided by law, and if it be personal property, the tax
121 collector shall proceed to collect by distress, or otherwise, as
122 provided by law.

123 **SECTION 2.** Section 27-35-155, Mississippi Code of 1972, is
124 brought forward as follows:

125 27-35-155. When the assessor shall discover any persons or
126 property that have escaped taxation in any former year or years,
127 or shall discover that any person or property is escaping taxation
128 for the current year, after the final approval of the assessment
129 roll, as provided by Section 27-35-127, Mississippi Code of 1972,
130 by reason of not being assessed, he shall make the proper
131 assessment by way of an additional assessment for such year or
132 years, distinctly specifying the property, its location, its
133 value, the name of the owner, if known, and the year or years it
134 has escaped assessment and taxation, separately assessing the



135 person or property for the current year. When such assessments
 136 are completed, he shall file the same, under his affidavit, with
 137 the clerk of the board of supervisors; and shall at the same time
 138 notify the board of supervisors, in writing, of the assessment.
 139 The power of the assessor to assess property that has escaped
 140 taxation by way of additional assessments for a former year or
 141 years shall expire at the end of the seven (7) years from the date
 142 when his right so to do first accrued.

143 No leasehold interest in any property, real or personal,
 144 belonging to the State of Mississippi, counties, districts,
 145 municipalities or any political subdivisions, shall be subjected
 146 to ad valorem taxation for any past year on the basis of it having
 147 been omitted from the ad valorem tax rolls.

148 **SECTION 3.** Section 27-33-75, Mississippi Code of 1972, is
 149 amended as follows:

150 * * *

151 27-33-75. (1) Qualified homeowners described in subsection
 152 (1) of Section 27-33-67 shall be allowed an exemption from ad
 153 valorem taxes according to the following table:

154 ASSESSED VALUE	HOMESTEAD
155 OF HOMESTEAD	EXEMPTION
156 \$ 1 - \$ 150.....	\$ 6.00
157 151 - 300.....	12.00
158 301 - 450.....	18.00
159 451 - 600.....	24.00



160	601 - 750.....	30.00
161	751 - 900.....	36.00
162	901 - 1,050.....	42.00
163	1,051 - 1,200.....	48.00
164	1,201 - 1,350.....	54.00
165	1,351 - 1,500.....	60.00
166	1,501 - 1,650.....	66.00
167	1,651 - 1,800.....	72.00
168	1,801 - 1,950.....	78.00
169	1,951 - 2,100.....	84.00
170	2,101 - 2,250.....	90.00
171	2,251 - 2,400.....	96.00
172	2,401 - 2,550.....	102.00
173	2,551 - 2,700.....	108.00
174	2,701 - 2,850.....	114.00
175	2,851 - 3,000.....	120.00
176	3,001 - 3,150.....	126.00
177	3,151 - 3,300.....	132.00
178	3,301 - 3,450.....	138.00
179	3,451 - 3,600.....	144.00
180	3,601 - 3,750.....	150.00
181	3,751 - 3,900.....	156.00
182	3,901 - 4,050.....	162.00
183	4,051 - 4,200.....	168.00
184	4,201 - 4,350.....	174.00



185	4,351 - 4,500.....	180.00
186	4,501 - 4,650.....	186.00
187	4,651 - 4,800.....	192.00
188	4,801 - 4,950.....	198.00
189	4,951 - 5,100.....	204.00
190	5,101 - 5,250.....	210.00
191	5,251 - 5,400.....	216.00
192	5,401 - 5,550.....	222.00
193	5,551 - 5,700.....	228.00
194	5,701 - 5,850.....	234.00
195	5,851 - 6,000.....	240.00
196	6,001 - 6,150.....	246.00
197	6,151 - 6,300.....	252.00
198	6,301 - 6,450.....	258.00
199	6,451 - 6,600.....	264.00
200	6,601 - 6,750.....	270.00
201	6,751 - 6,900.....	276.00
202	6,901 - 7,050.....	282.00
203	7,051 - 7,200.....	288.00
204	7,201 - 7,350.....	294.00
205	7,351 and above.....	300.00

206 Assessed values shall be rounded to the next whole dollar
207 (Fifty Cents (50¢) rounded to the next highest dollar) for the
208 purposes of the above table.



209 One-half (1/2) of the exemption allowed in the above table
210 shall be from taxes levied for school district purposes and
211 one-half (1/2) shall be from taxes levied for county general fund
212 purposes.

213 (2) (a) Except as otherwise provided in this subsection,
214 qualified homeowners described in subsection (2) of Section
215 27-33-67 shall be allowed an exemption from all ad valorem taxes
216 on not in excess of Seven Thousand Five Hundred Dollars
217 (\$7,500.00) of the assessed value of the homestead property.

218 (b) From and after January 1, 2015, qualified
219 homeowners described in subsection (2)(a) of Section 27-33-67 and
220 unremarried surviving spouses of such homeowners shall be allowed
221 an exemption from all ad valorem taxes on the assessed value of
222 the homestead property.

223 (c) Except as otherwise provided in this paragraph (c),
224 a qualified homeowner claiming an exemption under paragraph (a) of
225 this subsection shall be allowed an additional exemption from all
226 ad valorem taxes on an amount equal to the difference between (i)
227 the assessed value of the homestead property on January 1, 2018,
228 or January 1 of the first year for which the qualified homeowner
229 claims an exemption for the homestead property under paragraph (a)
230 of this subsection, and (ii) any increase in the assessed value of
231 the homestead property resulting from a subsequent update in
232 valuation of the homestead property that is completed during the
233 time the qualified homeowner owns the property. In addition, if a



234 subsequent update in valuation of the homestead property that is
235 completed during the time the qualified homeowner owns the
236 property results in the assessed value of the homestead property
237 being less than the assessed value of the property on January 1,
238 2018, or January 1 of the first year for which the qualified
239 homeowner claims an exemption for the homestead property under
240 paragraph (a) of this subsection, then the exemption authorized
241 under this paragraph (c) shall be on an amount equal to the
242 difference between (i) such lower assessed value and (ii) any
243 increase in the assessed value of the homestead property resulting
244 from a subsequent update in valuation of the homestead property
245 that is completed during the time the qualified homeowner owns the
246 property. However, except for renovations, expansions,
247 improvements or additions to promote energy efficiency, safety or
248 access to the homestead property, the exemption authorized in this
249 paragraph (c) shall not apply to any portion of increase in the
250 assessed value of the homestead property that is attributable to
251 renovations, expansions or improvements of or additions to the
252 property during such time. For the purposes of this paragraph
253 (c), an update in valuation of the homestead property occurs when
254 a county has completed an update in the valuation of Class I
255 property, as designated by Section 112, Mississippi Constitution
256 of 1890, in the county according to procedures prescribed by the
257 Department of Revenue and in effect on January 1, 2018, and for
258 which the Department of Revenue has certified that such new



259 valuations have been implemented for the purposes of ad valorem
260 taxation.

261 (3) Except as otherwise provided in this subsection, this
262 section shall apply to exemptions claimed in the 2001 calendar
263 year for which reimbursement is made in the 2002 calendar year and
264 to exemptions claimed for which reimbursement is made in
265 subsequent years. The exemption provided for in subsection (2)(b)
266 of this section shall apply to exemptions claimed in the 2015
267 calendar year for which reimbursement is made in the 2016 calendar
268 year and to exemptions claimed for which reimbursement is made in
269 subsequent years. The exemption provided for in subsection (2)(c)
270 of this section shall apply to exemptions claimed in the 2018
271 calendar year for which reimbursement is made in the 2019 calendar
272 year and to exemptions claimed for which reimbursement is made in
273 subsequent years.

274 **SECTION 4.** The amendments by this act to Section 27-35-157,
275 Mississippi Code of 1972, shall apply to ad valorem taxes for
276 which the initial assessment of such taxes was made, or is made,
277 on or after January 1, 2017.

278 **SECTION 5.** Nothing in Section 3 of this act shall affect or
279 defeat any claim, assessment, appeal, suit, right or cause of
280 action for taxes due or accrued under the ad valorem tax laws
281 before the date on which Section 3 of this act becomes effective,
282 whether such claims, assessments, appeals, suits or actions have
283 been begun before the date on which this act becomes effective or



284 are begun thereafter; and the provisions of the ad valorem tax
285 laws are expressly continued in full force, effect and operation
286 for the purpose of the assessment, collection and enrollment of
287 liens for any taxes due or accrued and the execution of any
288 warrant under such laws before the date on which this act becomes
289 effective, and for the imposition of any penalties, forfeitures or
290 claims for failure to comply with such laws.

291 **SECTION 6.** Section 3 of this act shall take effect and be in
292 force from and after January 1, 2018, and the remainder of this
293 act shall take effect and be in force from and after its passage.

