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To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2968

1 AN ACT TO AMEND SECTION 27-35-50, MISSISSIPPI CODE OF 1972,
2 TO SPECIFY PROVISIONS FOR DETERMINING THE TRUE VALUE OF RURAL
3 STRUCTURES FOR AD VALOREM TAX ASSESSMENT PURPOSES; TO REQUIRE THAT
4 THE TRUE VALUE OF ANY RURAL STRUCTURE APPRAISED BEFORE JANUARY 1,
5 2025, BE RECALCULATED FOR 2025 AND SUBSEQUENT TAX YEARS IN
6 ACCORDANCE WITH THIS ACT, BEGINNING WITH A REAPPRAISAL OF THE TRUE
7 VALUE AS OF THE YEAR OF THE INITIAL APPRAISAL; TO REQUIRE THE TAX
8 ASSESSOR, IN ARRIVING AT THE TRUE VALUE OF A RURAL STRUCTURE IN
9 OPERATION ON OR BEFORE JANUARY 1, 2025, TO FOLLOW THE GUIDELINES
10 IN THE DEPARTMENT OF REVENUE APPRAISAL MANUAL IN USE IMMEDIATELY
11 PRIOR TO THE VERSION REVISED DECEMBER 2020; TO REQUIRE THE TAX
12 ASSESSOR, IN ARRIVING AT THE TRUE VALUE OF A RURAL STRUCTURE
13 PLACED IN OPERATION AFTER JANUARY 1, 2025, TO FOLLOW THE
14 GUIDELINES IN THE MOST CURRENT VERSION OF THE DEPARTMENT OF
15 REVENUE APPRAISAL MANUAL; TO PROVIDE THAT, AFTER THE INITIAL
16 APPRAISAL, THE TRUE VALUE OF SUCH A RURAL STRUCTURE SHALL BE BASED
17 SOLELY ON DEPRECIATION AT A RATE OF 7% PER YEAR; TO PROVIDE THAT
18 NET DEPRECIATION OF A POULTRY HOUSE SHALL NOT FALL BELOW 20% OF
19 THE ORIGINAL TRUE VALUE; TO REQUIRE THAT AN ADJUSTMENT OF 45% FOR
20 ECONOMIC OBSOLESCENCE BE APPLIED TO ALL POULTRY HOUSES USED IN
21 COMMERCIAL FARMING OPERATIONS; AND FOR RELATED PURPOSES.

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

23 **SECTION 1.** Section 27-35-50, Mississippi Code of 1972, is
24 amended as follows:

25 27-35-50. (1) True value shall mean and include, but shall
26 not be limited to, market value, cash value, actual cash value,



27 proper value and value for the purposes of appraisal for ad
28 valorem taxation.

29 (2) With respect to each and every parcel of property
30 subject to assessment, the tax assessor shall, in ascertaining
31 true value, consider whenever possible the income capitalization
32 approach to value, the cost approach to value and the market data
33 approach to value, as such approaches are determined by the
34 Department of Revenue. For differing types of categories of
35 property, differing approaches may be appropriate. The choice of
36 the particular valuation approach or approaches to be used should
37 be made by the assessor upon a consideration of the category or
38 nature of the property, the approaches to value for which the
39 highest quality data is available, and the current use of the
40 property.

41 (3) Except as otherwise provided in subsection (4) of this
42 section, in determining the true value of land and improvements
43 thereon, factors to be taken into consideration are the proximity
44 to navigation; to a highway; to a railroad; to a city, town,
45 village or road; and any other circumstances that tend to affect
46 its value, and not what it might bring at a forced sale but what
47 the owner would be willing to accept and would expect to receive
48 for it if he were disposed to sell it to another able and willing
49 to buy.



50 (4) (a) In arriving at the true value of all Class I and
51 Class II property and improvements, the appraisal shall be made
52 according to current use, regardless of location.

53 (b) (i) In arriving at the true value of any land used
54 for agricultural purposes, the appraisal shall be made according
55 to its use on January 1 of each year, regardless of its location;
56 in making the appraisal, the assessor shall use soil types,
57 productivity and other criteria set forth in the land appraisal
58 manuals of the Department of Revenue, which criteria shall
59 include, but not be limited to, an income capitalization approach
60 with a capitalization rate of not less than ten percent (10%) and
61 a moving average of not more than ten (10) years; however, for the
62 year 2022 and thereafter, the moving average for such land, except
63 land devoted to the production of timber, shall be as follows:
64 for the year 2022, four (4) years; for the year 2023, five (5)
65 years; for the year 2024, six (6) years; for the year 2025, seven
66 (7) years; for the year 2026, eight (8) years; for the year 2027,
67 nine (9) years; and for the year 2028 and thereafter, ten (10)
68 years. However, for the year 1990, the moving average shall not
69 be more than five (5) years; for the year 1991, not more than six
70 (6) years; for the year 1992, not more than seven (7) years; for
71 the year 1993, not more than eight (8) years; and for the year
72 1994, not more than nine (9) years; and for the year 1990, the
73 variation up or down from the previous year shall not exceed
74 twenty percent (20%) and thereafter, the variation, up or down,



75 from a previous year shall not exceed ten percent (10%) through
76 the year 2018; and for the year 2019 and thereafter, the
77 variation, up or down, from a previous year shall not exceed four
78 percent (4%). Government payments and crop insurance indemnities
79 shall not be included in determining the true value of such land,
80 and a charge for management of each crop equal to twenty-five
81 percent (25%) of the sum of a crop's estimated variable cost,
82 machinery ownership cost, and general farm overhead cost, shall be
83 deducted in determining the true value of such land. The land
84 shall be deemed to be used for agricultural purposes when it is
85 devoted to the commercial production of crops and other commercial
86 products of the soil, including, but not limited to, the
87 production of fruits and timber or the raising of livestock and
88 poultry; however, enrollment in the federal Conservation Reserve
89 Program or in any other United States Department of Agriculture
90 conservation program or the fact that the land is leased for
91 hunting or fishing purposes shall not preclude land being deemed
92 to be used for agricultural purposes solely on the ground that the
93 land is not being devoted to the production of commercial products
94 of the soil, and income derived from participation in the federal
95 program or income derived from a hunting or fishing lease may be
96 used in combination with other relevant criteria to determine the
97 true value of such land. The true value of aquaculture shall be
98 determined in the same manner as that used to determine the true
99 value of row crops.



100 (ii) 1. From and after January 1, 2025, the
101 provisions of this subparagraph (ii) shall govern the valuation of
102 rural structures. The true value of any rural structure appraised
103 before January 1, 2025, shall be recalculated for 2025 and
104 subsequent tax years in accordance with this subparagraph (ii),
105 beginning with a reappraisal of the true value as of the year of
106 the initial appraisal.

107 2. For purposes of this subparagraph (ii),
108 "rural structure" means any rural secondary building covered in
109 Chapter V of the Department of Revenue appraisal manual, as
110 revised December 2020. The term "rural structure" includes, but
111 is not limited to, silos, grain storage bins, barns and poultry
112 houses, but does not include rural dwellings.

113 3. In arriving at the true value of a rural
114 structure in operation on or before January 1, 2025, the assessor
115 shall follow the guidelines in the Department of Revenue appraisal
116 manual in use immediately prior to the version revised December
117 2020. In arriving at the true value of a rural structure placed
118 in operation after January 1, 2025, the assessor shall follow the
119 guidelines in the most current version of the Department of
120 Revenue appraisal manual.

121 4. After the initial appraisal, the true
122 value of a rural structure shall be based solely on depreciation
123 on a straight-line basis at a rate of seven percent (7%) per year.
124 For as long as a poultry house remains usable and in production,



net depreciation shall not fall below twenty percent (20%) of the original true value. Once the twenty-percent threshold is reached, no further depreciation shall be applied for the duration of the operational life of the poultry house.

5. Starting with land roll 2009, an adjustment of forty-five percent (45%) for economic obsolescence shall be applied to all poultry houses used in commercial farming operations.

6. If any provision in this subparagraph (ii) is found to conflict with any other provision in this section, the provision of this subparagraph (ii) shall control.

(c) In determining the true value based upon current use, no consideration shall be taken of the prospective value such property might have if it were put to some other possible use.

(d) In arriving at the true value of affordable rental housing, the assessor shall use the appraisal procedure set forth in land appraisal manuals of the Department of Revenue. Such procedure shall prescribe that the appraisal shall be made according to actual net operating income attributable to the property, capitalized at a market value capitalization rate prescribed by the Department of Revenue that reflects the prevailing cost of capital for commercial real estate in the geographical market in which the affordable rental housing is located adjusted for the enhanced risk that any recorded land use regulation places on the net operating income from the property.



150 The owner of affordable rental housing shall provide to the county
151 tax assessor on or before April 1 of each year, an accurate
152 statement of the actual net operating income attributable to the
153 property for the immediately preceding year prepared in accordance
154 with generally acceptable accounting principles. As used in this
155 paragraph:

156 (i) "Affordable rental housing" means residential
157 housing consisting of one or more rental units, the construction
158 and/or rental of which is subject to Section 42 of the Internal
159 Revenue Code (26 USC 42), the Home Investment Partnership Program
160 under the Cranston-Gonzalez National Affordable Housing Act (42
161 USC 12741 et seq.), the Federal Home Loan Banks Affordable Housing
162 Program established pursuant to the Financial Institutions Reform,
163 Recovery and Enforcement Act (FIRREA) of 1989 (Public Law 101-73),
164 or any other federal, state or similar program intended to provide
165 affordable housing to persons of low or moderate income and the
166 occupancy and maximum rental rates of such housing are restricted
167 based on the income of the persons occupying such housing.

168 (ii) "Land use regulation" means a restriction
169 imposed by an extended low-income housing agreement or other
170 covenant recorded in the applicable land records or by applicable
171 law or regulation restricting the maximum income of residents
172 and/or the maximum rental rate in the affordable rental housing.

173 (e) In arriving at the true value of ground leases on
174 real property leased by the Mississippi State Port at Gulfport,



the assessor shall use the appraisal procedure set forth in land appraisal manuals of the Department of Revenue. Such procedure shall prescribe that the appraisal shall be made according to actual net ground rent attributable to the leased premises, capitalized at a market value capitalization rate prescribed by the Department of Revenue that reflects the prevailing cost of capital of commercial real estate in the geographical market in which the Mississippi State Port at Gulfport is located. As used in this paragraph (e):

(i) "Ground leases" means those leases of land where the Mississippi State Port at Gulfport is the landlord and a person or business entity is the tenant.

(ii) "Ground rent" means the rent paid to the Mississippi State Port at Gulfport in a set amount for a specific length of tenancy where the amount of rent may be adjusted from time to time based upon market indices, such as the consumer price index. Ground rent does not include percentage rent and rent based on improvements or any other type of rental payment.

(iii) "Percentage rent" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon revenue generated by the tenant by virtue of the ground lease.

(iv) "Rent based on improvements" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon investments in improvements to the leased premises made by tenant.



200 (5) The true value of each class of property shall be
201 determined annually.

202 (6) The Department of Revenue shall have the power to adopt,
203 amend or repeal such rules or regulations in a manner consistent
204 with the Constitution of the State of Mississippi to implement the
205 duties assigned to the department in this section.

206 **SECTION 2.** This act shall take effect and be in force from
207 and after January 1, 2025.

