

By: Representatives Reeves, Smith (39th)

To: Ways and Means

HOUSE BILL NO. 614
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 27-39-203 AND 27-39-205, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE FORM OF THE NOTICE REQUIRED WHEN A
3 TAXING ENTITY PROPOSES TO INCREASE AD VALOREM TAX REVENUE; TO
4 PROVIDE FOR THE CONTENTS OF SUCH NOTICE; TO AMEND SECTION
5 27-39-207, MISSISSIPPI CODE OF 1972, TO REVISE THE FORM OF THE
6 NOTICE REQUIRED WHEN A SCHOOL DISTRICT INTENDS TO INCREASE ITS
7 BUDGET BY REQUESTING AN INCREASE IN AD VALOREM TAX EFFORT IN
8 DOLLARS TO SUPPORT THE SCHOOL DISTRICT; TO PROVIDE FOR THE
9 CONTENTS OF SUCH NOTICE; TO REVISE WHEN SUCH NOTICE IS REQUIRED;
10 AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 27-39-203, Mississippi Code of 1972, is
13 amended as follows:

14 27-39-203. (1) All taxing entities operating under the
15 January 1 through December 31 fiscal year or a July 1 through June
16 30 fiscal year shall hold a public hearing at which the budget for
17 the following fiscal year will be considered, regardless of
18 whether that budget will be increased or decreased from the
19 current budget or will remain the same as the current budget, and
20 shall notify the county of the date, time and place of the public
21 hearing. The county shall include that information with the tax
22 notice.

23 (2) Unless the increased revenue in a budget is derived
24 solely from the expansion of a taxing entity's ad valorem tax
25 base, a taxing entity shall not budget an increased amount
26 of * * * revenue derived from the classes of ad valorem property
27 described in Section 112, Mississippi Constitution of 1890, * * *
28 unless it first advertises its intention to do so at the same time
29 that it advertises its intention to fix its budget for the next
30 fiscal year.

31 (3) (a) For taxing entities operating under an October 1

32 through September 30 fiscal year, this advertisement may be
33 combined with the advertisement required by Section
34 27-39-205 * * *. For all taxing entities * * *, the advertisement
35 shall meet the size, type, placement and frequency requirements
36 established under Section 27-39-205 * * *.

37 (b) When the advertisement is required, it shall be in
38 the following form:

39 **"NOTICE OF TAX INCREASE - (Name of the taxing entity)**

40 The (name of the taxing entity) will hold a public hearing on
41 its proposed budget for fiscal year (insert the year) on (date and
42 time) at (meeting place). At this meeting, a proposed ad valorem
43 tax revenue increase in the proposed budget will be considered.

44 The (name of the taxing entity) is now operating with
45 projected total budget revenue of \$_____ (_____ percent) or
46 \$_____ of such revenue is obtained through ad valorem taxes.
47 For next fiscal year, the proposed budget has total projected
48 revenue of \$_____. Of that amount, (_____ percent) or \$_____,
49 is proposed to be financed through a total ad valorem tax levy.

50 This increase in ad valorem tax revenue means that you will
51 pay more in ad valorem taxes on your home, automobile tag,
52 utilities, business fixtures and equipment and rental real
53 property.

54 Any citizen of (name of the taxing entity) is invited to
55 attend this public hearing on the proposed ad valorem tax revenue
56 increase in the budget and will be allowed to speak for a
57 reasonable amount of time and offer tangible evidence before any
58 vote is taken."

59 * * *

60 SECTION 2. Section 27-39-205, Mississippi Code of 1972, is
61 amended as follows:

62 27-39-205. (1) A tax rate in excess of the certified tax
63 rate shall not be levied under Sections 21-33-45, 27-39-307,
64 27-39-317 and 27-39-320 until a resolution has been approved by
65 the governing body of the taxing entity in accordance with the

66 following procedure:

67 (a) The taxing entity shall advertise its intent to
68 exceed the certified tax rate in a newspaper of general
69 circulation in the county. A taxing entity collecting taxes in
70 more than one (1) county shall make the advertisement required
71 under this section by publication in each county where the taxing
72 entity collects taxes. The advertisement shall be no less than
73 one-fourth (1/4) page in size and the type used shall be no
74 smaller than eighteen (18) point and surrounded by a
75 one-fourth-inch solid black border. The advertisement shall not
76 be placed in any portion of the newspaper where legal notices and
77 classified advertisements appear. * * * The advertisement shall
78 appear in a newspaper that is published at least five (5) days a
79 week, unless the only newspaper in the county is published less
80 than five (5) days a week. * * * The newspaper selected shall be
81 one of general interest, readership and circulation in all areas
82 of the community * * *. The advertisement shall be published once
83 each week for the two-week period preceding the adoption of the
84 final budget. The advertisement shall provide that the taxing
85 entity will meet on a certain day, date, time and place fixed in
86 the advertisement, which shall be no less than seven (7) days
87 after the day the first advertisement is published * * *. The
88 meeting on the proposed increase may coincide with the hearing on
89 the proposed budget of the taxing entity.

90 (b) When the advertisement is required it shall be in
91 the following form:

92 **"NOTICE OF TAX INCREASE - (Name of the taxing entity)**

93 The (name of the taxing entity) will hold a public hearing on
94 a proposed ad valorem tax revenue increase for fiscal year (insert
95 the year) on (date and time) at (meeting place).

96 The (name of the taxing entity) is now operating with
97 projected total budget revenue of \$_____ (_____ percent) or
98 \$_____, of such revenue is obtained through ad valorem taxes.

99 For next fiscal year, the proposed budget has total projected

100 revenue of \$ _____ . Of that amount, (_____ percent) or
101 \$ _____ , is proposed to be financed through a total ad valorem
102 tax levy.

103 For next fiscal year, the (name of the taxing entity) plans
104 to increase your ad valorem tax millage rate by _____ mills from
105 _____ mills to _____ mills. This increase means that you will pay
106 more in ad valorem taxes on your home, automobile tag, utilities,
107 business fixtures and equipment and rental real property.

108 Any citizen of (name of the taxing entity) is invited to
109 attend this public hearing on the proposed ad valorem tax
110 increase, and will be allowed to speak for a reasonable amount of
111 time and offer tangible evidence before any vote is taken."

112 * * *

113 (2) * * * After the hearing has been held in accordance with
114 the above procedures, the governing body of the taxing entity may
115 adopt a resolution levying a tax rate on classes of property
116 designated by Section 112, Mississippi Constitution of 1890, in
117 excess of the certified tax rate. If the resolution adopting the
118 tax rate is not adopted on the day of the public hearing, the
119 scheduled date, time and place for consideration and adoption of
120 the resolution shall be announced at the public hearing and the
121 governing body shall advertise the date, time and place of the
122 proposed adoption of the resolution in the same manner as provided
123 under subsection (1).

124 (3) All hearings shall be open to the public. The governing
125 body of the taxing entity shall permit all interested parties
126 desiring to be heard an opportunity to present oral testimony
127 within reasonable time limits and offer tangible evidence.

128 (4) Each taxing entity shall notify the county or municipal
129 governing body of the date, time and place of its public hearing.
130 No taxing entity may schedule its hearing at the same time as
131 another overlapping taxing entity in the same county, but all
132 taxing entities in which the power to set tax levies is vested in
133 the same governing authority may consolidate the required hearings

134 into one (1) hearing. The county or municipal governing body
135 shall resolve any conflicts in hearing dates and times after
136 consultation with each affected taxing entity.

137 SECTION 3. Section 27-39-207, Mississippi Code of 1972, is
138 amended as follows:

139 27-39-207. (1) Unless the increased revenue in a budget is
140 derived solely from the expansion of a school district's ad
141 valorem tax base, a school district shall not budget an increase
142 in an ad valorem tax effort in dollars for support of the school
143 district unless it first advertises its intention to do so at the
144 same time that it advertises its intention to fix its budget for
145 the next fiscal year.

146 (2) A request for an ad valorem tax effort in dollars for
147 the support of the school district in excess of the certified tax
148 rate pursuant to Sections 37-57-105 and 37-57-107 shall not be
149 levied until an order has been approved by the school board of the
150 school district in accordance with the following procedure:

151 (a) The school board of the school district shall
152 advertise its intent to exceed the certified tax rate in a
153 newspaper of general circulation in the county. The advertisement
154 shall be no less than one-fourth (1/4) page in size and the type
155 used shall be no smaller than eighteen (18) point and surrounded
156 by a one-fourth-inch (1/4") solid black border. The advertisement
157 shall not be placed in any portion of the newspaper where legal
158 notices and classified advertisements appear. The advertisement
159 shall appear in a newspaper that is published at least five (5)
160 days a week, unless the only newspaper in the county is published
161 less than five (5) days a week. * * * The newspaper selected
162 shall be one of general interest, readership and circulation in
163 all areas of the community * * *. The advertisement shall be
164 published once each week for the two-week period preceding the
165 adoption of the final budget. The advertisement shall provide
166 that the school board of the school district will meet on a
167 certain day, date, time and place fixed in the advertisement,

168 which shall be no less than seven (7) days after the day the first
169 advertisement is published * * *. The meeting on the proposed
170 increase may coincide with the hearing on the proposed budget of
171 the school board of the school district.

172 (b) When the advertisement is required, it shall be in
173 the following form:

174 **"NOTICE OF TAX INCREASE - (Name of the school district)**

175 The (name of the school district) will hold a public hearing
176 on its proposed school district budget for fiscal year (insert the
177 year) on (date and time) at (meeting place). At this meeting, a
178 proposed ad valorem tax effort increase will be considered.

179 The (name of the school district) is now operating with
180 projected total budget revenue of \$_____ (_____ percent) or
181 \$_____, of such revenue is obtained through ad valorem taxes.
182 For next fiscal year, the proposed budget has total projected
183 revenue of \$_____. Of that amount, (_____ percent) or
184 \$_____, is proposed to be financed through a total ad valorem
185 tax levy.

186 For the next fiscal year, the (name of the school district)
187 plans to increase your ad valorem tax millage rate by _____ mills
188 from _____ mills to _____ mills. (This portion of the notice
189 shall not be required if the school district does not propose an
190 increase in the ad valorem tax millage rate.)

191 This increase in ad valorem tax revenue means that you will
192 pay more in ad valorem taxes on your home, automobile tag,
193 utilities, business fixtures and equipment and rental real
194 property.

195 Any citizen of (name of the school district) is invited to
196 attend this public hearing on the proposed ad valorem tax
197 increase, and will be allowed to speak for a reasonable amount of
198 time and offer tangible evidence before any vote is taken."

199 (3) The school board of the school district, after the
200 hearing has been held in accordance with the above procedures, may
201 adopt an order requesting the levying of an ad valorem tax effort

202 in dollars in excess of the certified tax rate. If such order is
203 not adopted on the day of the public hearing, the scheduled date,
204 time and place for consideration and adoption of the order shall
205 be announced at the public hearing.

206 (4) All hearings shall be open to the public. The school
207 board of the school district shall permit all interested parties
208 desiring to be heard an opportunity to present oral testimony
209 within reasonable time limits and offer tangible evidence.

210 (5) Each school board of a school district shall notify the
211 taxing entity of the date, time and place of its public hearing.
212 No school board of a school district may schedule its hearing at
213 the same time as another overlapping school district in the same
214 county.

215 SECTION 4. This act shall take effect and be in force from
216 and after its passage.