

By: Representative Brown

To: Education; Ways and
Means

HOUSE BILL NO. 877

1 AN ACT TO AMEND SECTION 27-39-207, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A SCHOOL DISTRICT SHALL NOT BUDGET AN INCREASE IN
3 AN AD VALOREM TAX EFFORT IN DOLLARS FOR SUPPORT OF THE SCHOOL
4 DISTRICT FOR THE FISCAL YEAR THAT EXCEEDS THE NEXT PRECEDING
5 FISCAL YEAR'S AD VALOREM TAX EFFORT IN DOLLARS BY MORE THAN FOUR
6 PERCENT UNLESS IT FIRST ADVERTISES ITS INTENTION TO DO SO; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 27-39-207, Mississippi Code of 1972, is
10 amended as follows:

11 27-39-207. (1) Unless the increased revenue in a budget is
12 derived solely from the expansion of a school district's ad
13 valorem tax base, a school district shall not budget an increase
14 in an ad valorem tax effort in dollars for support of the school
15 district for the fiscal year that exceeds the next preceding
16 fiscal year's ad valorem tax effort in dollars by more than four
17 percent (4%) unless it first advertises its intention to do so at
18 the same time that it advertises its intention to fix its budget
19 for the next fiscal year.

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

25 (a) The school board of the school district shall
26 advertise its intent to exceed the certified tax rate in a
27 newspaper of general circulation in the county. The advertisement
28 shall be no less than one-fourth (1/4) page in size and the type
29 used shall be no smaller than eighteen (18) point and surrounded

30 by a one-fourth-inch (1/4") solid black border. The advertisement
31 shall not be placed in any portion of the newspaper where legal
32 notices and classified advertisements appear. The advertisement
33 shall appear in a newspaper that is published at least five (5)
34 days a week, unless the only newspaper in the county is published
35 less than five (5) days a week. The newspaper selected shall be
36 one of general interest, readership and circulation in all areas
37 of the community. The advertisement shall be published once each
38 week for the two-week period preceding the adoption of the final
39 budget. The advertisement shall provide that the school board of
40 the school district will meet on a certain day, date, time and
41 place fixed in the advertisement, which shall be no less than
42 seven (7) days after the day the first advertisement is published.
43 The meeting on the proposed increase may coincide with the hearing
44 on the proposed budget of the school board of the school district.

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

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

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

52 The (name of the school district) is now operating with
53 projected total budget revenue of \$_____. (____ percent) or
54 \$_____, of such revenue is obtained through ad valorem taxes.
55 For next fiscal year, the proposed budget has total projected
56 revenue of \$_____. Of that amount, (____ percent) or
57 \$_____, is proposed to be financed through a total ad valorem
58 tax levy.

59 For the next fiscal year, the (name of the school district)
60 plans to increase your ad valorem tax millage rate by _____ mills
61 from _____ mills to _____ mills. (This portion of the notice

62 shall not be required if the school district does not propose an
63 increase in the ad valorem tax millage rate.)

64 This increase in ad valorem tax revenue means that you will
65 pay more in ad valorem taxes on your home, automobile tag,
66 utilities, business fixtures and equipment and rental real
67 property.

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

72 (3) The school board of the school district, after the
73 hearing has been held in accordance with the above procedures, may
74 adopt an order requesting the levying of an ad valorem tax effort
75 in dollars in excess of the certified tax rate. If such order is
76 not adopted on the day of the public hearing, the scheduled date,
77 time and place for consideration and adoption of the order shall
78 be announced at the public hearing.

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

83 (5) Each school board of a school district shall notify the
84 taxing entity of the date, time and place of its public hearing.
85 No school board of a school district may schedule its hearing at
86 the same time as another overlapping school district in the same
87 county.

88 **SECTION 2.** This act shall take effect and be in force from
89 and after its passage.