

By: Representatives Martinson, Brown

To: Education; Ways and
Means

HOUSE BILL NO. 1358

1 AN ACT TO AMEND SECTION 27-39-207, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A SCHOOL DISTRICT SHALL NOT BE REQUIRED TO
3 ADVERTISE A NOTICE OF TAX INCREASE WHEN THE AMOUNT OF THE
4 INCREASED REVENUE FROM AD VALOREM TAXES IN A BUDGET IS DERIVED
5 SOLELY BECAUSE OF INCREASES IN PROPERTY VALUES AND NOT FROM AN
6 INCREASE IN THE MILLAGE RATE AND THE AMOUNT OF THE INCREASED
7 REVENUE DOES NOT EXCEED THE AMOUNT OF REVENUE DERIVED FROM AD
8 VALOREM TAXES FOR THE PRECEDING FISCAL YEAR BY MORE THAN FOUR
9 PERCENT; AND FOR RELATED PURPOSES.

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

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

13 27-39-207. (1) Unless the increased revenue in a budget is
14 derived solely from the expansion of a school district's ad
15 valorem tax base or as otherwise provided below in this
16 subsection, a school district shall not budget an increase in an
17 ad valorem tax effort in dollars for support of the school
18 district unless it first advertises its intention to do so at the
19 same time that it advertises its intention to fix its budget for
20 the next fiscal year. A school district shall not be required to
21 advertise under this section when the amount of the increased
22 revenue from ad valorem taxes in a budget is derived solely
23 because of increases in property values and not from an increase
24 in the millage rate and the amount of the increased revenue does
25 not exceed the amount of revenue derived from ad valorem taxes for
26 the preceding fiscal year by more than four percent (4%).

27 (2) A request for an ad valorem tax effort in dollars for
28 the support of the school district in excess of the certified tax
29 rate pursuant to Sections 37-57-105 and 37-57-107 shall not be

30 levied until an order has been approved by the school board of the
31 school district in accordance with the following procedure:

32 (a) The school board of the school district shall
33 advertise its intent to exceed the certified tax rate in a
34 newspaper of general circulation in the county. The advertisement
35 shall be no less than one-fourth (1/4) page in size and the type
36 used shall be no smaller than eighteen (18) point and surrounded
37 by a one-fourth-inch (1/4") solid black border. The advertisement
38 shall not be placed in any portion of the newspaper where legal
39 notices and classified advertisements appear. The advertisement
40 shall appear in a newspaper that is published at least five (5)
41 days a week, unless the only newspaper in the county is published
42 less than five (5) days a week. The newspaper selected shall be
43 one of general interest, readership and circulation in all areas
44 of the community. The advertisement shall be published once each
45 week for the two-week period preceding the adoption of the final
46 budget. The advertisement shall provide that the school board of
47 the school district will meet on a certain day, date, time and
48 place fixed in the advertisement, which shall be no less than
49 seven (7) days after the day the first advertisement is published.
50 The meeting on the proposed increase may coincide with the hearing
51 on the proposed budget of the school board of the school district.

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

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

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

59 The (name of the school district) is now operating with
60 projected total budget revenue of \$_____. (____ percent) or
61 \$_____, of such revenue is obtained through ad valorem taxes.
62 For next fiscal year, the proposed budget has total projected

63 revenue of \$_____. Of that amount, (____ percent) or
64 \$_____, is proposed to be financed through a total ad valorem
65 tax levy.

66 For the next fiscal year, the (name of the school district)
67 plans to increase your ad valorem tax millage rate by _____ mills
68 from _____ mills to _____ mills. (This portion of the notice
69 shall not be required if the school district does not propose an
70 increase in the ad valorem tax millage rate.)

71 This increase in ad valorem tax revenue means that you will
72 pay more in ad valorem taxes on your home, automobile tag,
73 utilities, business fixtures and equipment and rental real
74 property.

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

79 (3) The school board of the school district, after the
80 hearing has been held in accordance with the above procedures, may
81 adopt an order requesting the levying of an ad valorem tax effort
82 in dollars in excess of the certified tax rate. If such order is
83 not adopted on the day of the public hearing, the scheduled date,
84 time and place for consideration and adoption of the order shall
85 be announced at the public hearing.

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

90 (5) Each school board of a school district shall notify the
91 taxing entity of the date, time and place of its public hearing.
92 No school board of a school district may schedule its hearing at
93 the same time as another overlapping school district in the same
94 county.

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