

By: Senator(s) Flowers

To: Municipalities; County  
Affairs

SENATE BILL NO. 2992

1 AN ACT TO AMEND SECTIONS 27-39-203, 27-39-205 AND 21-33-45,  
2 MISSISSIPPI CODE OF 1972, TO REVISE THE ADVERTISING REQUIREMENTS  
3 FOR PUBLIC BUDGET HEARINGS FOR LOCAL GOVERNMENTAL UNITS TO MORE  
4 ACCURATELY REFLECT WHETHER TAXES ARE BEING RAISED, LOWERED OR KEPT  
5 STATIC; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 27-39-203, Mississippi Code of 1972, is  
8 amended as follows:

9 27-39-203. (1) All taxing entities operating under the  
10 January 1 through December 31 fiscal year or a July 1 through June  
11 30 fiscal year shall hold a public hearing at which the budget for  
12 the following fiscal year will be considered, regardless of  
13 whether that budget will be increased or decreased from the  
14 current budget or will remain the same as the current budget, and  
15 shall notify the county of the date, time and place of the public  
16 hearing. The county shall include that information with the tax  
17 notice.

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

26 (3) (a) For taxing entities operating under an October 1  
27 through September 30 fiscal year, this advertisement may be  
28 combined with the advertisement required by Section 27-39-205.

29 For all taxing entities, the advertisement shall meet the size,  
30 type, placement and frequency requirements established under  
31 Section 27-39-205.

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

34 **"NOTICE OF TAX HEARING- (Name of the taxing entity)**

35 The (name of the taxing entity) will hold a public hearing on  
36 its proposed budget for fiscal year (insert the year) on (date and  
37 time) at (meeting place). At this meeting, a proposed ad valorem  
38 tax revenue increase/decrease/stasis in the proposed budget will  
39 be considered.

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

46 This increase/decrease/stasis in ad valorem tax revenue means  
47 that you will pay more/less/same in ad valorem taxes on your home,  
48 automobile tag, utilities, business fixtures and equipment and  
49 rental real property.

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

55 **SECTION 2.** Section 27-39-205, Mississippi Code of 1972, is  
56 amended as follows:

57 27-39-205. (1) A tax rate in excess of the certified tax  
58 rate shall not be levied under Sections 21-33-45, 27-39-307,  
59 27-39-317 and 27-39-320 until a resolution has been approved by  
60 the governing body of the taxing entity in accordance with the  
61 following procedure:

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

85           (b) When the advertisement is required it shall be in  
86 the following form:

87           **"NOTICE OF TAX HEARING - (Name of the taxing entity)**

88           The (name of the taxing entity) will hold a public hearing on  
89 a proposed ad valorem tax revenue increase/decrease/stasis for  
90 fiscal year (insert the year) on (date and time) at (meeting  
91 place).

92           The (name of the taxing entity) is now operating with  
93 projected total budget revenue of \$\_\_\_\_\_. (\_\_\_\_ percent) or  
94 \$\_\_\_\_\_, of such revenue is obtained through ad valorem taxes.

95 For next fiscal year, the proposed budget has total projected  
96 revenue of \$\_\_\_\_\_. Of that amount, (\_\_\_\_ percent) or  
97 \$\_\_\_\_\_, is proposed to be financed through a total ad valorem  
98 tax levy.

99 For next fiscal year, the (name of the taxing entity) plans  
100 to increase/decrease/keep the same your ad valorem tax millage  
101 rate by \_\_\_\_\_ mills from \_\_\_\_\_ mills to \_\_\_\_\_ mills. This  
102 increase/decrease/stasis means that you will pay more/less/the  
103 same in ad valorem taxes on your home, automobile tag, utilities,  
104 business fixtures and equipment and rental real property.

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

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

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

124 (4) Each taxing entity shall notify the county or municipal  
125 governing body of the date, time and place of its public hearing.  
126 No taxing entity may schedule its hearing at the same time as  
127 another overlapping taxing entity in the same county, but all

128 taxing entities in which the power to set tax levies is vested in  
129 the same governing authority may consolidate the required hearings  
130 into one (1) hearing. The county or municipal governing body  
131 shall resolve any conflicts in hearing dates and times after  
132 consultation with each affected taxing entity.

133 **SECTION 3.** Section 21-33-45, Mississippi Code of 1972, is  
134 amended as follows:

135 21-33-45. The governing authorities of each municipality of  
136 this state \* \* \*, either at their regular meeting in September of  
137 each year or not later than ten (10) days after the final approval  
138 of the assessment rolls, shall levy the municipal ad valorem taxes  
139 for the fiscal year next succeeding, and shall, by resolution, fix  
140 the tax rate or levy for the municipality and for any other taxing  
141 districts of which the municipality may be a part. The rates or  
142 levies for the municipality or for any such taxing district shall  
143 be expressed in mills or a decimal fraction of a mill, which tax  
144 rates, or levies, shall determine the ad valorem taxes to be  
145 collected upon each dollar of valuation upon the assessment rolls  
146 of the municipality for municipal taxes, and to be collected upon  
147 each dollar of valuation as shown upon the assessment rolls of the  
148 municipality for each such taxing district, except as to such  
149 values as may be exempt, in whole or in part, from certain tax  
150 rates or levies. If the rates or levies for the municipality or  
151 taxing district are an increase from the previous fiscal year,  
152 then the proposed rate or levy increase shall be advertised in  
153 accordance with Sections 27-39-203 and 27-39-205. If there is no  
154 increase in the budget, the advertisement shall accurately reflect  
155 that fact.

156 In making the levy of taxes, the governing authorities shall  
157 specify in such resolution the levy for each purpose as follows:

158 (a) For general revenue purposes and for general  
159 improvements, as authorized by Section 27-39-307.

160           (b) For school purposes, including all maintenance  
161 levies, whether made against the property within such  
162 municipality, or within any taxing district embraced in such  
163 municipality, as authorized by Section 27-39-307 and Section  
164 37-57-3 et seq.

165           (c) For municipal bonds and interest thereon, for  
166 school bonds and interest thereon, separately for municipal-wide  
167 bonds and for the bonds of each school district.

168           (d) For municipal-wide bonds and interest thereon,  
169 other than for school bonds.

170           (e) For loans, notes or any other obligation, and the  
171 interest thereon, if permitted by law.

172           (f) For special improvement or special benefit levies,  
173 as now authorized by law.

174           (g) For any other purpose for which a levy is lawfully  
175 made. If any municipal-wide levy is made for any general or  
176 special purpose under the provisions of any law other than Section  
177 27-39-307 each such levy shall be separately stated in the  
178 resolution, and the law authorizing same shall be expressly stated  
179 therein.

180           If the governing authorities of any municipality shall not  
181 levy the municipal taxes and the district taxes at its regular  
182 September meeting, such governing authorities shall levy the same  
183 at an adjourned or special meeting not later than ten (10) days  
184 after the final approval of the assessment rolls. However, that  
185 if such levy be not made on or before September 15 then road and  
186 bridge privilege tax license plates may be issued by the tax  
187 collector or State Tax Commission, as the case may be, for motor  
188 vehicles as defined in the Motor Vehicle Ad Valorem Tax Law of  
189 1958 (Section 27-51-1 et seq.), without collecting or requiring  
190 proof of payment of municipal ad valorem taxes until such levy is  
191 duly certified to him, and for twenty-four (24) hours thereafter.

192           In the case of a municipality operating under a special or  
193 private charter providing for or authorizing the assessment,  
194 levying and collection of ad valorem taxes prior to October in  
195 each year, ad valorem taxes for such municipality shall be levied  
196 at the time prescribed or authorized by such special or private  
197 charter, unless the governing authority of such municipality by  
198 resolution adopted and spread of record in its minutes elect to  
199 levy ad valorem taxes at the time prescribed hereinbefore in this  
200 section. In any event, however, all ad valorem taxes levied by  
201 any municipality in this state, shall be levied in the manner  
202 required herein regardless of the time when such taxes are levied.

203           **SECTION 4.** This act shall take effect and be in force from  
204 and after July 1, 2005.