

Regular Session, 2013

HOUSE BILL NO. 622

BY REPRESENTATIVES TIM BURNS AND PEARSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TAX/AD VALOREM TAX: Provides requirements for public hearings for purposes of certain millage increases

1 AN ACT

2 To amend and reenact R.S. 47:1705(B)(2)(b), (c)(i) and (ii)(aa) and to enact R.S.
3 47:1705(B)(1)(c) and (2)(g), relative to ad valorem tax; to require certain limitations
4 as to the amount of increases that can be made to certain ad valorem rates; to provide
5 relative to certain notification requirements prior to hearing on potential ad valorem
6 rate increases; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 47:1705(B)(2)(b), (c)(i) and (ii)(aa) are hereby amended and
9 reenacted and R.S. 47:1705(B)(1)(c) and (2)(g) are hereby enacted to read as follows:

10 §1705. Information supplied to assessor and legislative auditor by tax recipient
11 agencies; additional notices

12 * * *

13 B. (1)

14 * * *

15 (c)(i) For any taxing authority in a parish with population between two
16 hundred thirty thousand and two hundred fifty thousand according to the 2010
17 federal decennial census with a governing authority membership which is elected by
18 the voters, increases in the millage rate in excess of the rates established as provided
19 by Article VII, Section 23(B) of the Constitution of Louisiana, but not in excess of
20 any maximum authorized millage rate established within the last ten years may be

1 levied by two-thirds vote of the total membership of a taxing authority without
2 further voter approval but only after a public hearing held in accordance with the
3 open meetings law.

4 (aa) Any taxing authority in a parish with population between two hundred
5 thirty thousand and two hundred fifty thousand according to the 2010 federal
6 decennial census with a governing authority membership which is not elected by the
7 voters may increase a millage rate in excess of the rates established as provided in
8 Article VII, Section 23(B) of the Constitution of Louisiana, but not in excess of any
9 maximum authorized millage rate established within the last ten years. Such
10 increased millage shall also be limited to an amount which would increase the ad
11 valorem taxes collected by the taxing authority by no more than two and one-half
12 percent of the collections for the calendar year immediately preceding the year for
13 which the increased millage rate is effective.

14 (bb) The provisions of this Subparagraph shall not apply to taxing authorities
15 in a parish with population between two hundred thirty thousand and two hundred
16 fifty thousand according to the 2010 federal decennial census which are special fire
17 protection or fire department districts nor shall they affect the provisions of Article
18 VI, Section 39(A) of the Constitution of Louisiana.

19 (2) In order to accomplish this result, the following shall be mandatory:

20 * * *

21 (b) Each tax recipient body shall adopt another separate ordinance or
22 resolution which shall provide for such millage rate increases by two-thirds vote and
23 shall set forth and designate not only the increased millage rate but also the adjusted
24 millage rate as required in Subparagraph (a) and (c) of Paragraph 1 of this Subsection
25 ~~above~~ and by Article VII, Section 23(B) of the Constitution of Louisiana.

26 (c)(i) In addition to any notice requirements provided for in Article VII,
27 Section 23(C) of the Constitution of Louisiana and this Section, any tax recipient
28 body which proposes to hold a public hearing in any tax year for the purpose of
29 levying additional or increased millages on property without further voter approval

1 shall publish, by the date provided for in Item (ii) of this Subparagraph, public notice
 2 of the date, time, and place of the hearing. In any parish with population between
 3 two hundred thirty thousand and two hundred fifty thousand according to the 2010
 4 federal decennial census such notice shall be published and advertised on two
 5 separate days between sixty and thirty days prior to the date of the public hearing and
 6 shall be published in both the official journal of the taxing authority and another
 7 newspaper with a larger circulation within the jurisdiction of the taxing authority if
 8 such a newspaper exists. The notice shall contain a statement that the tax recipient
 9 body intends to consider at the hearing levying additional or increased millage rates
 10 without further voter approval. It shall also contain the following information
 11 relating to the proposal for the increased millage sought under the provisions of
 12 Paragraph (1) of this Subsection.

13 * * *

14 (ii)(aa) The notice shall be published, by July fifteenth, on two separate days,
 15 occurring no less than thirty days before the hearing date, in the official journal of
 16 the taxing authority, and in another newspaper with a larger circulation within the
 17 taxing authority than the official journal of the taxing authority, if there is one. In
 18 addition, in any parish with population between two hundred thirty thousand and two
 19 hundred fifty thousand according to the 2010 federal decennial census such notice
 20 shall be published and advertised on two separate days between sixty and thirty days
 21 prior to the date of the public hearing. On the first day of publication, the notice shall
 22 also be posted on the Internet website of the taxing authority, if such taxing authority
 23 maintains an Internet website. The Internet posting shall remain active until such
 24 time as the taxing authority has taken action to approve or disapprove, or has
 25 abandoned action on, the proposed millage increase.

26 * * *

27 (g) In any parish with population between two hundred thirty thousand and
 28 two hundred fifty thousand according to the 2010 federal decennial census the public
 29 hearing shall also conform to the following parameters:

- 1 (i) There shall be local coordination of the dates, times, and places of the
 2 hearings. The parish governing authority in those parishes shall establish two such
 3 meeting dates where the local taxing authorities can hold their public hearings
 4 sequentially on the same date at the same location. Opportunity shall be provided
 5 for public comment and input into the decision. Hearings shall be scheduled to
 6 provide the maximum opportunity for public attendance and input.
- 7 (ii) In addition to the published notice required by the provisions of this
 8 Paragraph, the taxing authority shall advertise the date, time, and location of the
 9 hearing through electronic and social media.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Tim Burns

HB No. 622

Abstract: Requires certain conditions to be met prior to an increase of ad valorem taxes by local governing authorities in certain locales

Relative to increase of ad valorem taxes by local governing authorities:

Present law authorizes such increases to be limited to the maximum authorized the previous year or 2 and 1/2%. Such increase shall be adopted by a 2/3 vote of the taxing authority after a public hearing on such issue. Requires notice of the hearing to be published by July 15th twice at least 30 days prior to the hearing.

Proposed law applicable to parishes with population between 230,000 and 250,000 limits the increase to any maximum adopted within the previous ten years. Continues the present law requirement for a 2/3 vote of the taxing authority after a public hearing but requires notice of the hearing to be published twice between 60 and 30 days prior to the date of the hearing.

Proposed law applicable to parishes with population between 230,000 and 250,000 further requires local coordination of the dates, times, and location of public hearings by local taxing authorities. Requires the parish governing authority to adopt two dates for such hearings for the local taxing authorities to hold their hearings sequentially on the same date in the same location. Requires the hearings to be scheduled to provide the maximum opportunity for public attendance and input.

Proposed law applicable to parishes with population between 230,000 and 250,000 further requires advertisement of the public hearings through electronic and social media.

(Amends R.S. 47:1705(B)(2)(b), (c)(i) and (ii)(aa); Adds R.S. 47:1705(B)(1)(c) and (2)(g)(9))