

Regular Session, 2008

HOUSE BILL NO. 345

BY REPRESENTATIVE ARNOLD

TAX/AD VALOREM TAX: Limits increases of ad valorem tax millages

1 AN ACT

2 To amend and reenact R.S. 47:1705(B), relative to ad valorem taxes; to limit the ability of
3 taxing authorities to increase ad valorem tax millages; to provide for applicability;
4 to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:1705(B) is hereby amended and reenacted to read as follows:

7 §1705. Information supplied to assessor and legislative auditor by tax recipient
8 agencies; additional notices

9 * * *

10 B.(1) ~~Increases~~ Except as otherwise provided in Paragraph (2) of this
11 Subsection, increases in the millage rate in excess of the rates established as
12 provided by Paragraph (B) of Section 23 of Article VII of the Constitution of
13 Louisiana, but not in excess of the prior year's maximum authorized millage rate may
14 be levied by two-thirds vote of the total membership of a taxing authority without
15 further voter approval but only after a public hearing held in accordance with the
16 open meetings law.

17 (2) In parishes in which the provisions of Article VII, Section 23(C)(2) are
18 applicable, increases in the millage rate in excess of the rates established as provided
19 by Paragraph (B) of Section 23 of Article VII of the Constitution of Louisiana, but
20 not in excess of the prior year's maximum authorized millage rate may be levied by

1 two-thirds vote of the total membership of a taxing authority without further voter
2 approval, provided the resulting increase in the total amount of ad valorem taxes
3 collected is no larger than the aggregate increase in the cost of living as reflected in
4 the official Consumer Price Index for All Urban Consumers as published by the
5 government of the United States since the last time the provisions of Article VII,
6 Section 18(F) of the Constitution of Louisiana were last implemented for all property
7 and only after a public hearing held in accordance with the open meetings law.

8 ~~(2)(3) In order to accomplish this result,~~ In order to provide for increases in
9 the millage rate pursuant to this Subsection, the following shall be mandatory:

10 (a) Each tax recipient body shall adopt an ordinance or resolution which
11 shall set forth and designate the adjusted millage rate as required by Paragraph (B)
12 of Section 23 of Article VII of the Constitution of Louisiana.

13 (b) Each tax recipient body shall adopt another separate ordinance or
14 resolution which shall provide for such millage rate increases by two-thirds vote and
15 shall set forth and designate not only the increased millage rate but also the adjusted
16 millage rate as required in Subparagraph (a) above and by Paragraph (B) of Section
17 23 of Article VII of the Constitution of Louisiana.

18 (c)(i) In addition to any notice requirements provided for in Article VII,
19 Section 23(C) of the Constitution of Louisiana and this Section, any tax recipient
20 body which proposes to hold a public hearing in any tax year for the purpose of
21 levying additional or increased millages on property without further voter approval
22 shall publish, by July fifteenth, public notice of the date, time, and place of the
23 hearing. The notice shall contain a statement that the tax recipient body intends to
24 consider at the hearing levying additional or increased millage rates without further
25 voter approval.

26 (ii) The notice shall be published on two separate days in the official journal
27 of the taxing authority, and in another newspaper with a larger circulation within the
28 taxing authority than the official journal of the taxing authority, if there is one.

1 (iii) Requirements for the notice required in this Subparagraph shall be
2 prescribed by the Louisiana Tax Commission which requirements shall include:

3 (aa) Prominent placement in the newspaper in a section other than the
4 classified advertisement or public notice section.

5 (bb) Formatting in a box with a bolded outline.

6 (cc) A size of not less than two inches by four inches.

7 (dd) Print in bold face type.

8 (iv) The additional publications in the official journal as required by this
9 Subparagraph shall be provided by the official journal at a charge not in excess of
10 the rates assessed and charged for regular commercial advertising.

11 (v) Failure to timely accomplish such publication shall make the adoption
12 at such a hearing of any resolution or ordinance providing for the adoption of
13 additional or increased millage null, void, and of no effect.

14 (vi) Each tax recipient body required to publish public notice pursuant to this
15 Subparagraph shall also provide to the assessor in its parish or district as the case
16 may be, the date, time, and place of its pending hearing. Each assessor shall
17 maintain a list of each of the pending hearing dates in his parish or district as the case
18 may be and may publish such hearing dates on his ~~website~~ web site.

19 (d) In addition to the requirements for publication provided for in this
20 Subparagraph, the tax recipient body shall issue a press release to newspapers with
21 substantial distribution within the parish of the tax recipient's jurisdiction and to area
22 broadcast media.

23 (e) The provisions of Subparagraphs ~~(B)(2)(c)~~ (B)(3)(c) and (d) of this
24 Section shall not apply in the parish of Rapides.

25 * * *

26 Section 2. This Act shall become effective and become operative if and when the
27 proposed amendment of Article VII, Section 27 of the Constitution of Louisiana contained
28 in the Act which originated as House Bill No. _____ of this 2008 Regular Session of the

- 1 Legislature is adopted at the statewide election to be held on November 4, 2008, and at the
2 same time as such proposed amendment becomes effective.
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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)]

Arnold

HB No. 345

Abstract: Limits increases of ad valorem tax millages.

Present law provides that increases in the millage rates established by La. Const. Art. VII, §23, but not in excess of the prior year's maximum authorized millage rate may be levied with a 2/3 vote of the total membership without voter approval but only after a public hearing held in accordance with the open meetings law.

Proposed law provides that, in parishes in which the provisions of La. Const. Art. VII, § 23(C)(2) are applicable, increases in the millage rate in excess of the rates established as provided by La. Const. Art. VII, § 23(B), but not in excess of the prior year maximum authorized millage rate, may be levied by two-thirds vote of the total membership of a taxing authority without further approval, provided the resulting increase in the total amount of ad valorem taxes collected is no larger than the aggregate increase in the cost of living as reflected in the official Consumer Price Index for All Urban Consumers as published by the government of the U.S. since the last time the provisions of La. Const. Art. VII, § 18(F) were last implemented for all property and only after a public hearing held in accordance with the open meetings law.

Effective and operative if and when the proposed amendment to the constitution contained in HB No. _____ of the 2008 R.S. is adopted at the statewide election to be held on Nov. 4, 2008.

(Amends R.S. 47:1705(B))