

Regular Session, 2005

HOUSE BILL NO. 793

BY REPRESENTATIVE TOWNSEND

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

TAX/AD VALOREM TAX: To provide for notices of hearings regarding increases in millage rates

1 AN ACT

2 To amend and reenact R.S. 47:1705, relative to the millage rates provided to the assessor  
3 and the legislative auditor by tax recipient agencies; to provide for notice of hearings  
4 regarding increases in the millage rate; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §1705. Information supplied to assessor and legislative auditor by tax recipient  
8 agencies; adjustment and increases of ad valorem tax millages; requirements

9 A. All tax recipient agencies of ad valorem taxes of each and every parish  
10 of the state of Louisiana, the parish of Orleans excepted, including the police jury,  
11 school board, levee district, special districts, municipalities, and all tax recipients of  
12 any nature whatsoever of ad valorem taxes, except municipalities which prepare their  
13 own tax rolls, are hereby required to furnish the assessor and the legislative auditor  
14 the authorizing ordinances or resolutions and the tax rate to be applied to the  
15 assessed values for ad valorem tax purposes not later than June ~~+~~ first of each year.

16 B. Increases in the millage rate in excess of the rates established as provided  
17 by ~~Paragraph (B) of Section 23 of Article VII~~ Article VII, Section 23(B) of the  
18 Constitution of Louisiana, but not in excess of the prior year's maximum authorized  
19 millage rate may be levied by two-thirds vote of the total membership of a taxing  
20 authority without further voter approval but only after a public hearing held in

1           accordance with the open meetings law. In order to accomplish this result, it shall  
2           be mandatory:

3                   (1) That public notice of the time, place, and subject matter of such hearing  
4                   shall be published on two separate days no less than thirty days before the public  
5                   hearing.

6                   (2) That such public notice shall be published in the official journal of the  
7                   taxing authority, and another newspaper with a larger circulation within the taxing  
8                   authority than the official journal of the taxing authority, if there is one.

9                   (†) ~~(3) that~~ That each tax recipient body shall adopt an ordinance or  
10                  resolution which shall set forth and designate the adjusted millage rate ~~as required~~  
11                  ~~by Paragraph B of Section 23 of Article VH~~ established as provided in Article VII,  
12                  Section 23(B) of the Constitution of Louisiana, and.

13                  (2) ~~(4) that~~ That each tax recipient body shall adopt another separate  
14                  ordinance or resolution which shall provide for such millage rate increases by  
15                  two-thirds vote as provided in Article VII, Section 23(C) of the Constitution of  
16                  Louisiana and shall set forth and designate not only the increased millage rate but  
17                  also the adjusted millage rate ~~as required~~ established as provided in Paragraph (†)  
18                  ~~above (3) of this Subsection~~ and by ~~Paragraph B of Section 23 of Article VH~~ Article  
19                  VII, Section 23(B) of the Constitution of Louisiana.

20                  C. In order for the taxing bodies to comply with the requirements ~~hereof~~ of  
21                  this Section, each assessor shall furnish to the taxing authorities in his parish by May  
22                  † first of each year that reassessment occurs a statement showing the assessed value  
23                  of taxable property that appeared on the tax roll of the prior year before and after  
24                  reassessment and application of changes in the homestead exemption.

25                  D. In order to ~~carry out the mandate of Paragraph B of Section 23 of Article~~  
26                  ~~VH~~ ensure compliance with Article VII, Section 23(B) of the Constitution of  
27                  Louisiana, the legislative auditor is hereby authorized and required to review the  
28                  millages levied by each tax recipient body in each year that reassessment occurs to  
29                  determine whether the millages levied are in compliance with the provisions of this

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           Section and ~~the constitution~~ the Constitution of Louisiana. The legislative auditor  
 2           is also authorized and required to review the millages levied by each tax recipient  
 3           body in each year in which an increase in millage is made by a two-thirds vote of the  
 4           total membership of the taxing authority under the provisions of ~~Paragraph C of~~  
 5           ~~Section 23 of Article VII~~ Article VII, Section 23(C) of the Constitution of Louisiana,  
 6           to determine whether the millage levied is in compliance with the provisions of this  
 7           Section and the Constitution of Louisiana. The auditor shall order changes in the  
 8           amount of millage levied if the auditor determines thereafter that a mathematical  
 9           error or mathematical errors have been made in the calculation of the adjustment of  
 10          millages as required by this Section and the Constitution of Louisiana.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Townsend

HB No. 793

**Abstract:** Provides for the publication of notice of a public hearing at which a taxing authority will vote to increase the millage rate for ad valorem tax purposes following reassessment of property values.

Present law requires all tax recipient agencies of ad valorem taxes of each and every parish of the state of Louisiana (except Orleans and municipalities which prepare their own rolls) including the police jury, school board, levee district, special districts, municipalities, and all tax recipients of any nature whatsoever of ad valorem taxes to furnish the assessor and the legislative auditor the authorizing ordinances or resolutions and the tax rate to be applied to the assessed values for ad valorem tax purposes not later than June 1 of each year.

Present law specifies that increases in the millage rate in excess of the rates established as provided by Const. Art. VII, §23(B), but not in excess of the prior year's maximum authorized millage rate, may be levied by two-thirds vote of the total membership of a taxing authority without further voter approval but only after a public hearing held in accordance with the open meetings law. Present law requires each tax recipient body to adopt an ordinance or resolution which sets forth and designates the adjusted millage rate as required by Const. Art. VII, §23(B), and to adopt another separate ordinance or resolution to provide for millage rate increases by two-thirds vote and which sets forth and designates not only the increased millage rate but also the adjusted millage rate as required above and by Const. Art. VII, §23(B).

Proposed law specifies that the adjusted millage rate is established as provided by Const. Art. VII, §23(B) and that the increased millage rate is as provided in Const. Art. VII, §23(C), otherwise retains present law.

Proposed law additionally requires that public notice of the time, place, and subject matter of the public hearing be published on two separate days no less than 30 days before the hearing and that such notice be published in the official journal of the taxing authority, and

if existing, another newspaper with a larger circulation than the official journal within the taxing authority.

Present law provides that in order for the taxing bodies to comply with the requirements of the law, each assessor shall furnish to the taxing authorities in his parish by May 1 of each year that reassessment occurs a statement showing the assessed value of taxable property that appeared on the tax roll of the prior year before and after reassessment and application of changes in the homestead exemption.

Present law additionally authorizes and requires the legislative auditor to review the millages levied by each tax recipient body in each year that reassessment occurs to determine whether the millages levied are in compliance with the provisions of present law and the constitution, to carry out the mandate of Const. Art. VII, §23(B).

Proposed law provides that in order to ensure compliance with Const. Art. VII, §23(B), the legislative auditor is authorized and required to review the millages levied by each tax recipient body in each year that reassessment occurs to determine whether the millages levied are in compliance with the applicable provisions of law and otherwise retains present law.

Present law additionally authorizes and requires the legislative auditor to review the millages levied by each tax recipient body in each year in which an increase in millage is made by a two-thirds vote of the total membership of the taxing authority under the provisions of Const. Art. VII, §23(C), to determine whether the millage levied is in compliance with the provisions of law. Requires the auditor to order changes in the amount of millage levied if the auditor determines that a mathematical error or mathematical errors have been made in the calculation of the adjustment of millages as required by law.

Proposed law retains present law.

(Amends R.S. 47:1705)

#### Summary of Amendments Adopted by House

##### Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Provides that the legislative auditor is authorized and required to review the millages levied by tax recipient bodies in order to ensure compliance with Const. VII, §23(B) rather than to carry out the mandate of such constitutional provision and makes other technical changes.