MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Boyd To: Education

HOUSE BILL NO. 665

AN ACT TO AMEND SECTION 27-39-207, MISSISSIPPI CODE OF 1972, TO REQUIRE THE SCHOOL BOARDS OF SCHOOL DISTRICTS REQUESTING AN INCREASE IN AD VALOREM TAX EFFORT IN DOLLARS FOR THE SUPPORT OF THE SCHOOL DISTRICT TO INCLUDE IN ITS NOTICE OF ADVERTISEMENT OF SUCH REQUEST TO INCLUDE AN ITEMIZED REPORT OF EXPENSES OF THE CENTRAL OFFICE AND ITEMIZED AUDIT REPORT OF DISTRICT EXPENSES; TO REQUIRE SUCH SCHOOL BOARD TO ALSO PUBLISH THE NOTICE OF ADVERTISEMENT CONTAINING THE ITEMIZED REPORT AND AUDIT ON THE WEBSITE OF THE SCHOOL DISTRICT AND TO MAKE THE NOTICE AVAILABLE TO THE STATE DEPARTMENT OF EDUCATION FOR PUBLICATION ON THE DEPARTMENT'S WEBSITE; AND FOR RELATED PURPOSES.

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

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

27-39-207. (1) Unless the increased revenue in a budget is derived solely from the expansion of a school district's ad valorem tax base, a school district shall not budget an increase in an ad valorem tax effort in dollars for support of the school district unless it first advertises its intention to do so at the same time that it advertises its intention to fix its budget for the next fiscal year.

(2) A request for an increase in ad valorem tax effort in dollars for the support of the school district pursuant to Sections 37-57-105 and 37-57-107 shall not be levied until an order has been approved by the school board of the school district in accordance with the following procedure:

(a) The school board of the school district shall advertise its intent to increase its ad valorem tax effort in dollars in a newspaper of general circulation in the county. The advertisement shall be no less than one-fourth (1/4) page in size and the type used shall be no smaller than eighteen (18) point and surrounded by a one-fourth-inch solid black border. The advertisement shall not be placed in any portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least five (5) days a week, unless the only newspaper in the county is published less than five (5) days a week. The newspaper selected shall be one of general interest, readership and circulation in all areas of the community. The advertisement shall be published once each week for the two-week period preceding the adoption of the final budget. The advertisement shall provide that the school board of the school district will meet on a certain day, date, time and place fixed in the advertisement, which shall be no less than seven (7) days after the day the first advertisement is published. The meeting on the

proposed increase may coincide with the hearing on the proposed budget of the school board of the school district.

(b) Except as provided for in subsection (1) of this section, if a school district is requesting an increase in ad valorem tax effort in dollars pursuant to Sections 37-57-105 and 37-57-107, it shall be in the following form:

"NOTICE OF PROPOSED AD VALOREM TAX EFFORT

(Name of the school district)

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

The (name of the school district) is now operating with a projected total budget revenue of $_____. Of that amount, ____ percent or $_____ of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed budget has total projected revenue of $_____. Of that amount, ____ percent or $_____ is proposed to be financed through a total ad valorem tax levy.

For the next fiscal year, the proposed increase in ad valorem tax effort by (name of the school district) may result in an increase in the ad valorem tax millage rate. Ad valorem taxes are paid on homes, automobile tags, business fixtures and equipment, and rental real property.

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

(c) In addition to the notice being placed in the form required by paragraph (b), the advertisement required for publication by the school board shall also include an itemized report of expenses of the central office and an itemized audit report of the district expenses. Any school board requesting an increase in ad valorem tax effort in dollars for the support of the school district shall also publish the notice of advertisement with the itemized report on the website of the school district and shall make the same available to the State Department of Education for publication on its website.

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.