

Regular Session, 2012

HOUSE BILL NO. 1020

BY REPRESENTATIVES DANAHAHAY AND KLECKLEY

ELECTIONS/BOND & TAX: Requires, for certain elections, that notice to the public be given and records be kept relating to the remittance of portions of tax collections to specified retirement systems in accordance with law

1 AN ACT

2 To amend and reenact R.S. 18:1285(A)(1) and 1293, relative to certain elections; to require
3 certain notification to electors relative to the remittance of portions of tax collections
4 to specified retirement systems in accordance with law; to require certain records to
5 be kept regarding certain elections; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article X, Section 29(C) of the Constitution
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 18:1285(A)(1) and 1293 are hereby amended and reenacted to read
11 as follows:

12 §1285. Notice of election

13 A.(1)(a)(i) Notice of the election shall be given and shall embrace
14 substantially all matters required to be set forth in the resolution ordering the
15 election, including a list of precincts where the proposition will be voted on and an
16 indication for each precinct as to whether or not all registered voters in the precinct
17 will be eligible to vote on the proposition, unless the proposition is to be voted on
18 parishwide.

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)]

Danahay

HB No. 1020

Abstract: For elections affecting ad valorem taxation, requires that the notice of election, which is published once a week for four consecutive weeks prior to the election, state that a portion of the monies collected shall be remitted to certain state and statewide retirement systems in the manner required by law and that a copy of the notice and proof of publication be included in the proces verbal record of the election.

Present law requires that for a bond, debt, and tax election notice of the election shall be given and shall embrace substantially all matters required to be set forth in the resolution ordering the election. Specifies that if the notice is relative to the increase of a special tax, the notice shall also state the proposed increase in the millage rate of a property tax or percentage rate of sales tax. Requires the notice to state that the governing authority of the political subdivision ordering the election will, in open session, at the hour and place named, proceed to canvass the returns and declare the result of the election. Specifies that the list of commissioners is not required to be set forth in the notice of election. Requires the notice to be published once a week for four consecutive weeks in the official journal of the political subdivision, or, if there is none, then in a newspaper of general circulation in the parish or, if there is no newspaper of general circulation in the parish, then in a newspaper of general circulation in an adjoining parish. Specifies that not less than 45 days nor more than 90 days shall intervene between the date of the first publication and the date of the election.

Proposed law retains present law but further specifies that if the notice is relative to an election which affects ad valorem taxation, the notice shall also state that a portion of the monies collected shall be remitted to certain state and statewide retirement systems in the manner required by law.

Present law further provides that the governing authority ordering the election shall preserve a proces verbal of the canvass and shall forward a copy to the secretary of state, who shall record it, and to the appropriate clerk of court who shall record it in the mortgage records. Specifies that a copy be retained in the archives of the office of the governing authority ordering the election.

Proposed law retains present law but further requires that if the election affects ad valorem taxation, a copy of the notice of election and proof publication of the notice shall be included in the proces verbal.

Effective Jan. 1, 2013.

(Amends R.S. 18:1285(A)(1) and 1293)

Summary of Amendments Adopted by House

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

1. Changes the effective date of proposed law from upon signature of the governor or lapse of time for gubernatorial action to Jan. 1, 2013.