

Regular Session, 2013

SENATE BILL NO. 20

BY SENATOR ALLAIN

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

LOCAL FINANCE. Provides certain requirements for meetings at which consideration of or action upon proposals by political subdivisions to levy, increase, renew, or continue property or sales taxes, or authorize the calling of an election for submittal of such question to voters are scheduled. (8/1/13)

1 AN ACT

2 To amend and reenact R.S. 42:19(A)(1)(b)(i) and to enact R.S. 42:19.1, relative to political
3 subdivisions; to provide publication and other requirements prior to consideration
4 of and action upon certain matters at meetings of political subdivisions; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:19(A)(1)(b)(i) is hereby amended and reenacted and R.S. 42:19.1
8 is hereby enacted to read as follows:

9 §19. Notice of meetings

10 A.(1) * * *

11 (b)(i) **Except as provided for in R.S. 42:19.1,** ~~All~~ public bodies, except the
12 legislature and its committees and subcommittees, shall give written public notice
13 of any regular, special, or rescheduled meeting no later than twenty-four hours before
14 the meeting.

15 * * *

16 **§19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for**
17 **calling an election for such purposes by political subdivisions**

1 **A.(1) In addition to any other requirements provided for in R.S. 42:19**
2 **or other provisions of law, public notice of the date, time, and place of any**
3 **meeting at which a political subdivision as defined in Article VI, Section 44(2)**
4 **of the Constitution of Louisiana intends to levy, increase, renew, or continue any**
5 **ad valorem property tax or sales and use tax or authorize the calling of an**
6 **election for submittal of such question to the voters of the political subdivision**
7 **shall be both published in the official journal of the political subdivision no**
8 **more than sixty days nor less than thirty days before such public meeting and**
9 **shall be announced to the public during the course of a public meeting of such**
10 **political subdivision no more than sixty days nor less than thirty days before**
11 **such public meeting.**

12 **(2)(a) In the event of cancellation or postponement of a meeting at which**
13 **consideration of or action upon a proposal to levy, increase, renew, or continue**
14 **any ad valorem or sales and use tax or authorize the calling of an election for**
15 **submittal of such questions to the voters of the political subdivision was**
16 **scheduled, notice of the date, time, and place of any subsequent meeting to**
17 **consider such proposal shall be published in the official journal of the political**
18 **subdivision no less than ten days before such subsequent meeting.**

19 **(b) However, in the event that consideration of or action upon any such**
20 **proposal was postponed at the scheduled meeting, or any such proposal was**
21 **considered at the scheduled meeting without action or vote, then any subsequent**
22 **meeting to consider such proposal shall be subject to the requirements of**
23 **Subparagraph (a) of this Paragraph unless the date, time, and place of a**
24 **subsequent meeting for consideration of such proposal is announced to the**
25 **public during the course of such meeting.**

26 **B. The provisions of this Section shall not apply to any consideration of**
27 **or action upon a proposal to levy additional or increased ad valorem property**
28 **tax millages on property without voter approval to which the provisions of R.S.**
29 **47:1705(B)(2)(c) and (d) apply.**

The original instrument was prepared by Riley Boudreaux. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tim Prather.

DIGEST

Allain (SB 20)

Present law requires all public bodies, except the legislature and its committees and subcommittees, to give written public notice of any regular, special, or rescheduled meeting no later than 24 hours before the meeting.

Present constitution defines "political subdivision" as a parish, municipality, and any other unit of local government, including a school board and a special district, which is authorized by law to perform governmental functions.

Proposed law, in addition to other requirements of the Open Meetings Law, requires public notice of the date, time, and place and of any meeting at which any political subdivision as defined in Const. Art. VI, Sec. 44(2) (above) intends to consider or take action to (1) levy, increase, renew, or continue any ad valorem property tax or sales and use tax or (2) authorize the calling of an election for submittal of such question to the voters of the political subdivision, to be both published in the official journal of the political subdivision no more than 60 days nor less than 30 days before the public hearing and to be announced to the public during the course of a public meeting of such political subdivision during that time period.

Proposed law provides that in the event of cancellation or postponement of such a meeting, notice of any subsequent meeting to consider such proposal must be published in the official journal of the political subdivision no less than 10 days before the subsequent meeting.

However, in the event that consideration of or action upon the proposal was postponed at the scheduled meeting, or the proposal was considered at the scheduled meeting without action or vote, then any subsequent meeting to consider the proposal must be published 10 days before the subsequent meeting unless the date, time, and place of the subsequent meeting for consideration of the proposal is announced to the public during the course of such meeting.

Present law imposes certain publication requirements on ad valorem property tax recipient bodies which hold public hearings for the purpose of levying additional or increased property tax millages on property without further voter approval.

Proposed law excludes such public meetings from the provisions of the proposed law.

Effective August 1, 2013.

(Amends R.S. 42:19(A)(1)(b)(i); adds R.S. 42:19.1)

Summary of Amendments Adopted by Senate

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

1. Technical