
DIGEST

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Greene

HB No. 1248

Abstract: Provides relative to transitional funding for the municipality of St. George in East Baton Rouge Parish.

Proposed law provides that upon incorporation of St. George (municipality), East Baton Rouge Parish (parish) may continue to levy and collect the two percent sales and use tax levied in the unincorporated areas of the parish (parish tax) within the corporate limits of the municipality, pursuant to an intergovernmental agreement between the parish and municipality, for the purposes of providing continuing, through 2018, pro-rata funding of parish expenses for constitutional public offices and officials required by law and providing essential public services to, or funding essential public services for, the citizens within St. George until the St. George Transition District (district) levies and collects a two percent sales and use tax, the municipality levies and collects a two percent sales and use tax, the end of the quarter following the election to impose the municipal tax if the proposition is not approved by the electorate, or 12 months after the incorporation becomes final, whichever occurs first.

Creates the St. George Transition District as a special taxing district whose boundaries are coterminous with the municipality, as a political subdivision of the state with all of the powers and functions set forth in proposed law. Provides that the creation of the district and the carrying out of its public purpose is in all respects a public and governmental purpose for the improvement of the health, safety, welfare, comfort, and security of the people of the municipality, and that such purposes are public purposes, and that the district will be performing an essential governmental function and meeting a public obligation in the exercise of its powers.

Provides that the district shall be administered and governed by a board of directors of seven persons composed of:

- (1) The mayor-president or his designee.
- (2) One member appointed by the senator representing Senate District No. 6.
- (3) One member appointed by the senator representing Senate District No. 16.
- (4) Two members appointed by a majority of the members of the House of Representatives representing the district.
- (5) Two chairpersons for the petition for incorporation of St. George, as determined by the

three chairpersons for the petition, or their designees.

Provides that the appointed members shall be selected on the basis of their experience in financial matters and their stature and ability to act effectively for the best interests of the municipality.

Requires that the board elect one of its members as chairman and another as treasurer. Provides that the board shall appoint a secretary and such other officers as are deemed necessary who need not be directors of the district.

Provides that a majority of the directors shall constitute a quorum, and a majority vote of the directors constituting the quorum shall be necessary for any action taken by the district. Further no vacancy on the board shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the district.

Requires that the board fix the place or places at which meetings shall be held and that the domicile of the district be within the parish.

Provides that the board members shall serve without salary or per diem allowance.

Provides that the district shall have all of the rights and powers necessary to carry out and effectuate the proposed law. Provides that the district shall be subject to the laws pertaining to open meetings, public records, official journals, dual office holding and employment, and the Code of Governmental Ethics.

Authorizes the district:

- (1) To adopt bylaws and prescribe rules for the regulation of its affairs and the conduct of its business.
- (2) To adopt an official seal and alter the same at its pleasure.
- (3) To maintain an office within the parish at such place as it may designate.
- (4) To sue and be sued.
- (5) To receive, administer, and comply with the conditions and requirements respecting any gift, grant, or donation of any property or money.
- (6) To apply and contract for assistance from the United States or other public or private sources, whether in the form of a grant or loan or otherwise.
- (7) To make and execute contracts, intergovernmental agreements, and other instruments necessary in the exercise of the powers and functions of the district under proposed law, including contracts with persons, firms, corporations, and others.

- (8) To pledge or assign any contracts or rights of the district.
- (9) To employ such personnel as may be required in the judgment of the board and to fix and pay their compensation from funds available to the district therefor.
- (10) To transfer, grant, or donate all or any portion of its revenues to the municipality in order to assist the municipality in funding the delivery of essential public services to its citizens, reducing or eliminating its cash flow deficits or remedying cash flow shortfalls, paying obligations in connection therewith, or any combination of these.
- (11) To accept the mortgage, pledge, hypothecation, assignment, grant, or donation of any properties of the municipality.
- (12) To invest its monies in accordance with R.S. 33:2955.
- (13) To enter into cooperative endeavor agreements or contracts for the provision of staff and meeting facilities and for the provision of such assistance and such essential public services as the district may require in carrying out the intents and purposes of proposed law.
- (14) To exercise any and all other powers necessary to accomplish the purposes set forth in proposed law.

Provides that in order to provide funds for the purpose of assisting the municipality to fund the delivery of essential public services to its citizens, reduce or eliminate its cash flow deficit or remedy cash flow shortfalls, pay obligations in connection therewith, or any combination of these, and to provide, through 2018, continuing pro-rata funding of parish expense for constitutional public offices and officials required by law, the district may levy and collect a sales and use tax not to exceed two percent. However, the district shall not levy or collect a tax if the rate thereof, when combined with the rate of the municipal sales and use taxes collected within the municipality, exceeds two percent.

Requires that the tax be imposed by the district, without the need of an election, and be levied upon the sale at retail, the use, the lease or rental, the distribution, the consumption, and the storage for use or consumption of tangible personal property, and on sales of services in the state, as presently defined in and as provided by present law, subject to the tax exemptions provided in present law. Provides that the levy of the tax shall be effective and the tax shall be payable beginning on such date as shall be provided by the district.

Requires that the proceeds of the tax be irrevocably pledged and dedicated and be transferred in such amounts as may be determined by the district to assist the municipality in funding the delivery of essential public services to its citizens, reducing or eliminating its cash flow deficit, remedying cash flow shortfalls, paying obligations in connection therewith, or any combination of these.

Requires that the district contract with the parish for the collection of the tax under such terms and conditions as the board may deem appropriate, and authorizes the board to adopt such rules and regulations regarding the enforcement and collection of the tax authorized by proposed law as it may deem appropriate.

Provides that proposed law creating and providing for the district and district tax shall be null, void, and without effect, the district shall cease existence, and any sales and use taxes levied by the district shall expire at such time as the municipality levies and collects a two percent sales and use tax or 12 months after the judgments in any suits contesting the incorporation of the municipality become final, whichever occurs first.

Provides that proposed law does and shall be construed to provide a complete method for the doing of the things authorized by proposed law, which shall be liberally construed for the accomplishment of its purposes.

Present law, relative to Lawrason Act municipalities, provides that the number of aldermen in a city shall be not less than five nor more than nine. Proposed law provides that the number of aldermen for the city of St. George, should the city of St. George be incorporated, shall be seven, elected at large, unless changed by the board of aldermen by ordinance to another number not less than five nor more than nine members.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:382(H) and 3076.1-3076.5)