

Regular Session, 2012

HOUSE BILL NO. 905

BY REPRESENTATIVE EDWARDS

DISTRICTS/SPECIAL: Creates the St. Helena Parish Elderly Services District

1 AN ACT

2 To enact R.S. 33:2740.20, relative to St. Helena Parish; to create the St. Helena Parish
3 Elderly Services District; to provide for the governance, boundaries, and powers and
4 duties of the district; to authorize the district to levy ad valorem and sales taxes,
5 subject to voter approval; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2740.20 is hereby enacted to read as follows:

11 §2740.20. St. Helena Parish Elderly Services District

12 A. Creation. The St. Helena Parish Elderly Services District, referred to in
13 this Section as the "district", is hereby created as a special taxing district in St.
14 Helena Parish. The district shall be a political subdivision of the state as defined in
15 the Constitution of Louisiana.

16 B. Boundaries. The boundaries of the district shall be coterminous with the
17 boundaries of St. Helena Parish.

18 C. Purpose. The district is established for the purpose of providing services
19 to the elderly residents of St. Helena Parish.

1 D. Governance. (1) The district shall be governed by a board of
2 commissioners, referred to in this Section as the "board", consisting of members as
3 follows:

4 (a) Each member of the Louisiana House of Representatives representing
5 the area contained in the district shall appoint one member.

6 (b) Each member of the Louisiana Senate representing the area contained in
7 the district shall appoint one member.

8 (c) The president of the governing authority of St. Helena Parish shall appoint
9 one member.

10 (d) The board of directors of the St. Helena Council on Aging, Inc. shall
11 appoint one member.

12 (2) Board members shall serve three-year terms after serving initial terms as
13 follows: two members shall serve an initial term of three years, two shall serve two
14 years, and one shall serve one year as determined by lot at the first meeting of the
15 board.

16 (3) Vacancies resulting from the expiration of a term or for any other reason
17 shall be filled in the manner of the original appointment.

18 (4) The members of the board shall select from among themselves a
19 president and such other officers as they deem appropriate. The responsibilities of
20 the officers shall be as provided by the bylaws of the board.

21 (5) Members of the board shall serve without compensation.

22 E. Powers and duties. The district, acting through its board, shall have the
23 following powers and duties:

24 (1) To sue and be sued.

25 (2) To adopt, use, and alter at will a corporate seal.

26 (3) To receive and expend funds collected pursuant to Subsection F of this
27 Section.

1 (4) To enter into a cooperative endeavor agreement, pursuant to Article VI,
2 Section 14(C) of the Constitution of Louisiana, with the St. Helena Council on
3 Aging, Inc. in order to carry out the purpose of the district.

4 (5) To purchase items and supplies which the board deems instrumental to
5 achieving the purpose of the district.

6 (6) To perform or have performed any other function or activity necessary
7 for the achievement of the purpose of the district.

8 F. Funding. (1) The board may levy annually and cause to be collected an
9 ad valorem tax, provided that the amount, term, and purpose of such tax, as set out
10 in a proposition submitted to a vote in accordance with the Louisiana Election Code,
11 is approved by a majority of the qualified electors of the district voting on the
12 proposition in an election held for that purpose.

13 (2)(a) The board may levy and collect a sales and use tax within the
14 boundaries of the district, not exceeding one percent, which tax may exceed the
15 limitation set forth in Article VI, Section 29(A) of the Constitution of Louisiana,
16 provided that the amount, term, and purpose of said tax, as set out in a proposition
17 submitted to a vote in accordance with the Louisiana Election Code, is approved by
18 a majority of the qualified electors of the district voting on the proposition in an
19 election held for that purpose.

20 (b) The tax shall be levied upon the use, lease, rental, consumption,
21 distribution, storage, or sale at retail of tangible personal property, and upon the sales
22 of services within the district, all as defined in Chapter 2 of Subtitle II of Title 47 of
23 the Louisiana Revised Statutes of 1950.

24 (c) The tax shall be imposed, collected, and enforced subject to the terms of
25 the resolution imposing the tax and the provisions of Chapter 2 of Subtitle II of Title
26 47 of the Louisiana Revised Statutes of 1950.

27 (d) The tax shall be imposed and collected uniformly throughout the district.

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)]

Edwards

HB No. 905

Abstract: Creates the St. Helena Parish Elderly Services District and authorizes the district to levy ad valorem and sales taxes subject to voter approval.

Proposed law creates the St. Helena Parish Elderly Services District as a special taxing district in St. Helena Parish and a political subdivision of the state to provide services to the elderly residents of the parish. District boundaries shall be coterminous with parish boundaries.

Provides for district governance by a board of commissioners, consisting of five members as follows:

- (1) Each member of the La. House of Representatives representing the area contained in the district shall appoint one member.
- (2) Each member of the La. Senate representing the area contained in the district shall appoint one member.
- (3) The president of the parish governing authority shall appoint one member.
- (4) The board of directors of the St. Helena Council on Aging, Inc. shall appoint one member.

Provides for staggered terms and that members shall serve without compensation. Grants to the district, acting through its board, the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected pursuant to proposed law.
- (4) To enter into a cooperative endeavor agreement, pursuant to present constitution, with the St. Helena Council on Aging, Inc., to carry out the district's purpose.
- (5) To purchase items and supplies instrumental to achieving the district's purpose.
- (6) To perform or have performed any other function or activity necessary for the achievement of district's purchase.

With respect to funding, proposed law authorizes the board to do the following, subject to voter approval:

- (1) Levy annually and cause to be collected an ad valorem tax.
- (2) Levy and collect a sales and use tax within the boundaries of the district, not exceeding one percent.

(Adds R.S. 33:2740.20)