

Regular Session, 2012

HOUSE BILL NO. 956

BY REPRESENTATIVE BADON

DISTRICTS/NEIGHBORHOOD: Authorizes the levy and collection of a parcel fee within the area of the East New Orleans Neighborhood Advisory Commission

1 AN ACT

2 To amend and reenact R.S. 33:9100.12(A) and to enact R.S. 33:9100.10, relative to Orleans
3 Parish; to provide relative to the East New Orleans Neighborhood Advisory
4 Commission; to authorize the governing authority of the city of New Orleans to levy
5 and collect a parcel fee within the area of the commission; to provide relative to the
6 disposition of the proceeds of the fee; to require the executive board of the
7 commission to propose an annual budget to the commission; and to provide for
8 related matters.

9 Notice of intention to introduce this Act has been published
10 as provided by Article III, Section 13 of the Constitution of
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:9100.12(A) is hereby amended and reenacted and R.S. 33:9100.10
14 is hereby enacted to read as follows:

15 §9100.10. Parcel fee

16 A. The governing authority may levy and collect a parcel fee upon each
17 parcel within the commission area in accordance with the provisions of this Section.

18 For purposes of this Section, "parcel" means a lot, a subdivided portion of ground,
19 or an individual tract which is zoned residential.

1 B. The fee shall be levied only as authorized by the commission as provided
2 in this Subsection.

3 (1) The amount of the fee shall be as requested by duly adopted resolution
4 of the commission. The amount of the fee, however, shall not be less than five
5 dollars nor more than ten dollars per parcel per year. The fee shall be levied on each
6 improved or unimproved parcel located within the district. The owner of the parcel
7 shall be responsible for payment of the fee.

8 (2) The fee shall be levied only upon request by the commission to the
9 governing authority and only after the question of its levy has been approved by a
10 majority of the registered voters of the area voting on the proposition at an election
11 held for that purpose in accordance with the Louisiana Election Code. The
12 commission may increase the amount of the fee, by duly adopted resolution, not to
13 exceed the maximum amount provided in Paragraph (1) of this Subsection. No other
14 election shall be required except as provided by this Paragraph.

15 (3) The fee shall expire four years after its initial levy but may be renewed
16 if approved by a majority of the registered voters of the area voting on the
17 proposition at an election as provided in Paragraph (2) of this Subsection. Any
18 election to authorize the renewal of the fee shall be held for that purpose in
19 accordance with the Louisiana Election Code. If the fee is renewed, the term of the
20 imposition of the fee shall be as provided in the proposition authorizing such
21 renewal, not to exceed eight years.

22 (4) The fee shall be levied and collected in the same manner and at the same
23 time as ad valorem taxes on property are levied and collected by the city.

24 (5) Any unpaid fee shall be added to the tax rolls of the city and shall be
25 enforced with the same authority and subject to the same penalties and procedures
26 as are unpaid ad valorem taxes.

27 (6)(a) The proceeds of the fee shall be used solely and exclusively for the
28 purpose and benefit of the commission; however, the city may retain one percent of
29 the amount collected as a collection fee.

1 (b) The city of New Orleans shall remit to the district all amounts collected
2 not more than sixty days after collection.

3 * * *

4 §9100.12. Budget; audit; applicability of other laws

5 A. The executive board shall submit a proposed budget to the commission
6 annually for review. The commission may make any amendments to the budget it
7 deems necessary. The commission shall adopt an annual budget in accordance with
8 the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The budget and
9 all amendments shall be subject to the approval of the governing authority.

10 * * *

11 Section 2. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

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)]

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HB No. 956

Abstract: Authorizes the New Orleans city council to levy and collect a parcel fee within the area of the East New Orleans Neighborhood Advisory Commission.

Present law creates and provides for the East New Orleans Neighborhood Advisory Commission as a corporate body with all the powers and rights of a political subdivision of the state whose area shall include each neighborhood in New Orleans East.

Present law provides that the commission's primary purpose is to advise appropriate governmental entities on government policy.

Present law provides that the commission shall consist of the president of each neighborhood association or organization within the commission area or an appointed representative of that neighborhood association or organization. Provides that the commission shall also consist of two at-large members elected from the commission area.

Present law requires the commission to adopt the rules and regulations necessary to conduct its business affairs and to have official custody of its monies, funds, and accounts. Provides for the commissions's powers and duties, including the following:

- (1) Sue or be sued.
- (2) Adopt, use, and alter at will a seal and bylaws.
- (3) Receive and expend funds collected pursuant to present law or otherwise made available to the commission.
- (4) Enter into contracts or agreements with individuals or entities to carry out its powers and duties and to accomplish its purposes.
- (5) Purchase items and supplies instrumental to its purposes.
- (6) Employ an executive director and staff.
- (7) Acquire and dispose of property.
- (8) Construct and operate facilities.

Proposed law retains present law and additionally authorizes the New Orleans city council to levy and collect a parcel fee upon each parcel within the commission area. Provides that the amount of the fee shall be as requested by resolution of the commission and approved by a majority of the registered voters in the area. Provides that the amount of the fee shall be not less than \$5 nor more than \$10 per parcel per year. Defines "parcel" as a lot, a subdivided portion of ground, or an individual tract which is zoned residential. Requires that the fee be levied on each improved or unimproved parcel located within the district

Proposed law provides that the fee shall expire four years after its initial levy but may be renewed for a term not to exceed eight years. Provides that the fee will be levied and collected in the same manner and at the same time as ad valorem taxes on property are levied and collected by the city. Requires that the proceeds of the fee be used solely and exclusively for the purpose and benefit of the district. Authorizes the city to retain 1% of the amount collected as a collection fee. Further requires the city to remit to the district all amounts collected not more than 60 days after collection.

Present law requires the commission to adopt an annual budget in accordance with the La. Local Government Budget Act (R.S. 39:1301 et seq.) and provides for the commission's cooperation with other entities.

Proposed law retains present law and additionally requires the commission's executive board to submit a proposed budget to the commission annually for review. Provides that the commission may make any amendments to the budget it deems necessary.

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

(Amends R.S. 33:9100.12(A); Adds R.S. 33:9100.10)