

Regular Session, 2012

SENATE BILL NO. 653

BY SENATOR MILLS

LOCAL AGENCIES. Provides for the use of the tax proceeds of a sales tax district in Breaux Bridge. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 47:338.1(D), relative to sales tax of political subdivisions; to
3 provide for the use of the tax proceeds of a sales tax district in the municipality of
4 Breaux Bridge; and to provide for related matters.

5 Notice of intention to introduce this Act has been published.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:338.1(D) is hereby amended and reenacted to read as follows:

8 §338.1. Tax authorized; rate; sales tax districts; certain municipalities

9 * * *

10 D.(1) Notwithstanding any other provision of law to the contrary and in
11 addition to any other authority granted by law, the governing authorities of the
12 municipalities of Breaux Bridge, St. Martinville, and Youngsville may create sales
13 tax districts consisting of a portion of their respective municipalities. Each sales tax
14 district, as a political subdivision of the state, is authorized to levy and collect an
15 additional one percent sales and use tax upon the sale at retail, the use, the lease or
16 rental, the consumption, and the storage for use or consumption of tangible personal
17 property and on sales of services, as defined by law, if approved by a majority of the

1 electors of the district voting thereon in an election held for that purpose. The
2 governing authority of a sales tax district shall be the governing authority of the
3 municipality, the domicile of the sales tax district shall be the regular meeting place
4 of the municipality, and the officers of the sales tax district shall be officers of the
5 municipality.

6 **(2)(a) Except for the sales tax district in the municipality of Breaux**
7 **Bridge,** the proceeds of the additional sales tax levied pursuant to the provisions of
8 this Subsection shall be used by the governing authority of the municipality, under
9 the terms and provisions of an intergovernmental agreement between the
10 municipality and the sales tax district, for paying the costs and expenses of
11 constructing, improving, and maintaining the municipality's infrastructure which
12 serves properties located in the municipality or shall be used to promote the
13 economic development of the sales tax district and the municipality, and may be
14 funded into bonds for such purposes in the manner provided by state law.

15 **(b) In the municipality of Breaux Bridge, the proceeds of the additional**
16 **sales tax levied pursuant to the provisions of this Subsection shall be used by the**
17 **governing authority of the municipality under the terms and provisions of an**
18 **intergovernmental agreement between the municipality and the sales tax**
19 **district as follows:**

20 **(i) Ten percent of the proceeds shall be used annually for the repair and**
21 **maintenance of the municipality's infrastructure which serves property located**
22 **within the municipality.**

23 **(ii)(aa) Ninety percent of the proceeds shall be expended on new**
24 **construction of infrastructure within the municipality or substantial**
25 **improvements of existing infrastructure within the municipality according to**
26 **a Master Plan for the Construction of Municipal Infrastructure which shall list**
27 **the specific infrastructure construction or improvement projects to be funded**
28 **through the tax proceeds, including funding into bonds for such purposes in the**
29 **manner provided by state law, and which shall be adopted by the governing**

1 **authority of Breaux Bridge in the manner provided for in this Item.**

2 **(bb) The Master Plan for the Construction of Municipal Infrastructure**
3 **shall not be finally adopted until the governing authority of the municipality has**
4 **at least three open and public meetings at which the Master Plan may be**
5 **reviewed by the public, the Master Plan shall be explained to the public, and the**
6 **public shall be allowed to comment on the Master Plan. The governing**
7 **authority shall give notice of its intention to adopt such Master Plan before each**
8 **meeting, and notice of this intention shall be published in the official journal of**
9 **the municipal governing authority, the publication to appear at least fourteen**
10 **days before the public meeting. The notice of intent so published shall state the**
11 **date, time, and place of the public hearing.**

12 **(cc) It is the specific intent of the legislature in enacting this provision**
13 **that the Master Plan shall not include funding for repair and maintenance of**
14 **municipal infrastructure, and any such funding in the Master Plan shall be null**
15 **and void.**

16 **(3)** The tax authorized pursuant to the provisions of this Subsection shall be
17 collected as provided in the Uniform Local Sales Tax Code and other applicable
18 provisions of law. The boundaries of any sales tax district as specified by the
19 governing authority shall be wholly within the corporate limits of the municipality
20 and shall not overlap any other municipal sales tax district.

21 ~~(2)~~ **(4)** The additional tax authorized by this Subsection shall not apply to the
22 rental and leasing of motor vehicles.

23 ~~(3)~~ **(5)** The additional tax authorized by this Subsection shall not limit in any
24 respect any prior taxing authority granted by any other provision of law and shall be
25 in addition to any other such taxing authority.

26 Section 2. The provisions of this Act shall be retroactive and shall apply to any tax
27 proceeds of a tax levied by a sales tax district in the municipality of Breaux Bridge pursuant
28 to R.S. 47:338.1(D) which are not expended on the effective date of this Act.

29 Section 3. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Present law authorizes various municipalities to create sales tax districts governed by the governing authorities of the municipalities and levy a one percent sales tax if approved by voters. The proceeds of the tax must be used for paying the costs and expenses of constructing, improving, and maintaining the municipalities' infrastructure or to promote the economic development of the sales tax districts and the municipalities, and may be funded into bonds for such purposes.

Proposed law provides for the use of the tax proceeds of the sales tax district in Breaux Bridge as follows:

1. Ten percent to be used annually for the repair and maintenance of the municipality's infrastructure which serves property located within the municipality.
2. Ninety percent to be expended on new construction of infrastructure within the municipality or substantial improvements of existing infrastructure according to a Master Plan for the Construction of Municipal Infrastructure which must list the specific infrastructure construction or improvement projects to be funded through the tax proceeds, including funding into bonds for such purposes.
 - (a) The Master Plan may not be finally adopted by the governing authority of Breaux Bridge until the governing authority has at least 3 open and public meetings at which the Master Plan may be reviewed by the public, explained to the public, and at which the public is allowed to comment. The governing authority must give notice of its intention to adopt such Master Plan before each meeting, and notice must be published in the official journal, the publication to appear at least 14 days before the public meeting and must state the date, time, and place of the public hearing.
 - (b) Proposed law provides that the specific intent of the legislature in enacting this provision is that the Master Plan shall not include funding for repair and maintenance of municipal infrastructure, and any such funding in the Master Plan is null and void.

Proposed law specifies that it is retroactive and applies to any such tax proceeds in Breaux Bridge which are not expended on the effective date of the proposed law.

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

(Amends R.S. 47:338.1(D))