

SENATE BILL NO. 221

BY SENATOR APPEL

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AN ACT

To enact Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9661, relative to political subdivisions; to prohibit a political subdivision from imposing a tax or fee on certain persons or legal entities in certain circumstances; to provide for enforcement; to provide for the exclusion of certain towns; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9661, is hereby enacted to read as follows:

CHAPTER 46. MISCELLANEOUS

§9661. Unfair acts or practices by political subdivisions

A. No political subdivision shall charge or impose a tax upon any person or legal entity, the sole basis of which is the fact that the person or legal entity is domiciled, registered, or organized outside of the jurisdiction of that political subdivision.

B. No political subdivision shall charge or impose a fee for the general use of the public streets of the political subdivision upon any person or legal entity which is domiciled, registered, or organized outside of the jurisdiction of that political subdivision, which such fee is not charged or imposed upon the persons or legal entities which are domiciled, residing, registered, organized, or doing business within the jurisdiction of that political subdivision.

C.(1) Whenever the attorney general has reason to believe that any political subdivision is using, or is about to use any method or practice prohibited by this Section, he may bring an action for injunctive relief in the

1 name of the state against such political subdivision in district court.

2 (2) The district court is authorized to issue temporary restraining orders
3 or preliminary and permanent injunctions to restrain and enjoin violations of
4 this Section.

5 (3) In addition, the attorney general may request and the court may
6 award the following:

7 (a) Restitution for the aggrieved person or legal entity in an amount
8 equivalent to the overcharging, plus interest.

9 (b) Costs incurred by the attorney general's office in pursuing the
10 matter.

11 D. The provisions of this Section shall not be applicable to the town of
12 Grand Isle in Jefferson Parish or the town of Lake Arthur in Jefferson Davis
13 Parish.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____