

Regular Session, 2010

SENATE BILL NO. 269

BY SENATOR MURRAY (BY REQUEST)

SPECIAL DISTRICTS. Provides relative to parcel fees in certain special districts. (gov sig)

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AN ACT

To provide relative to special districts; to provide for the authority to levy, impose, and collect parcel fees in certain districts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. A. Definitions. As used in this Act, unless the context requires otherwise, the following terms shall have the following meaning:

(1) "Board" means the board of commissioners of the district.

(2) "City" means any city with boundaries coterminous with the parish in which it is located.

(3) "District" means any special district specifically created by law, designated as a management district and situated in a parish with a city-parish home rule form of government.

B. Parcel fee assessment authority.

(1) The governing authority of the city is hereby authorized to levy and collect annually a special parcel fee provided for in this Act on each parcel located in the district subject to and in accordance the provisions of this Act.

(2) The amount of the parcel fee shall be determined by the Bureau of

1 the Treasury within the Department of Finance of the city, or equivalent entity,
2 or its designee as of January 1, 2010 and shall be as follows, based on the
3 classification of the parcel:

4 (a) For each Tier One Parcel, a flat parcel fee of one hundred eighty-five
5 dollars per year.

6 (b) For each Tier Two Parcel, a flat parcel fee of three hundred
7 ninety-five dollars per year.

8 (c) For each Tier Three Parcel, a flat parcel fee shall be assessed as
9 follows:

10 (i) For each Tier 3A Parcel, a flat parcel fee of fifteen thousand dollars
11 per year.

12 (ii) For each Tier 3B Parcel, a flat parcel fee of ten thousand dollars per
13 year.

14 (iii) For each Tier 3C Parcel and 3D Parcel, a flat parcel fee of five
15 thousand dollars per year.

16 (iv) For each Tier 3E Parcel and Tier 3F Parcel, a flat parcel fee of three
17 thousand dollars per year.

18 (v) For each Tier 3G Parcel, a flat parcel fee of two thousand dollars per
19 year.

20 (vi) For each Tier 3H parcel, Tier 3I Parcel, Tier 3J Parcel, and 3K
21 Parcel, a flat parcel fee of one thousand five hundred dollars per year.

22 (vii) For each Tier 3L Parcel, a flat parcel fee of one thousand dollars
23 per year.

24 (viii) For each Tier 3M Parcel, a flat parcel fee of nine hundred dollars
25 per year.

26 (ix) For each Tier 3N Parcel, a flat parcel fee of five hundred forty-five
27 dollars per year.

28 (3) The amount of the parcel fee for each parcel classification shall be
29 fixed and shall not change prior to the expiration of the term of the parcel fee.

1 **(4) The following terms shall have the following meaning when used in**
2 **this Act:**

3 **(a) The term "parcel" means a tract of land in the district, including all**
4 **buildings and improvements thereon, excluding any property that is exempt in**
5 **full from ad valorem taxation.**

6 **(b) The term "Tier One Parcel" means a parcel that is used solely for**
7 **residential purposes as either a single family dwelling or a multiple family**
8 **dwelling with no more than four residential units. If any unit or portion of the**
9 **parcel is used for commercial or any other non-residential purpose, the entire**
10 **parcel shall not be a Tier One Parcel and instead shall be classified as either a**
11 **Tier Two Parcel or a Tier Three Parcel.**

12 **(c) The term "Tier Two Parcel" means a parcel that does not qualify as**
13 **a Tier One Parcel and or a Tier Three Parcel.**

14 **(d) The term "Tier Three Parcel" means a parcel that does not qualify**
15 **as a Tier One Parcel and the use of the parcel corresponds to one of the**
16 **following descriptions:**

17 **(i) The parcel is primarily used for a hotel, and the hotel has at least one**
18 **thousand rooms available for guest occupation. Such a parcel shall be referred**
19 **to as a "Tier 3A Parcel".**

20 **(ii) The parcel is used primarily for office space, and the structure on**
21 **the parcel contains at least four hundred thousand square feet of floor space.**
22 **Such a parcel shall be referred to as a "Tier 3B Parcel".**

23 **(iii) The parcel is primarily used for a hotel, and the hotel has at least**
24 **three hundred twenty-five rooms but fewer than one thousand rooms available**
25 **for guest occupation. Such a parcel shall be referred to as a "Tier 3C Parcel".**

26 **(iv) The parcel is used primarily for public parking, and an enclosed**
27 **parking structure is built on the parcel that has at least one thousand designated**
28 **parking spaces. Such a parcel shall be referred to as a "Tier 3D Parcel".**

29 **(v) The parcel is primarily used for a hotel, and the hotel has at least**

1 one-hundred fifty rooms but fewer than three hundred twenty-five rooms
2 available for guest occupation. Such a parcel shall be referred to as a "Tier 3E
3 Parcel".

4 (vi) The parcel is used primarily for a retail shopping center, and the
5 structure on the parcel contains at least one hundred thousand square feet of
6 floor space. Such a parcel shall be referred to as a "Tier 3F Parcel".

7 (vii) The parcel is primarily used for a hotel, and the hotel has at least
8 ninety rooms but fewer than one hundred fifty rooms available for guest
9 occupation. Such a parcel shall be referred to as a "Tier 3G Parcel".

10 (viii) The parcel is used primarily for public parking, and an enclosed
11 parking structure is built on the parcel that has at least one hundred designated
12 parking spaces but fewer than one thousand designated parking spaces. Such
13 a parcel shall be referred to as a "Tier 3H Parcel".

14 (ix) The parcel is used primarily for public parking, and has a surface
15 parking lot on the parcel that has at least two hundred seventy-five designated
16 parking spaces. Such a parcel shall be referred to as a "Tier 3I Parcel".

17 (x) The parcel is used primarily for a retail shopping center, and the
18 structure on the parcel contains at least twenty-five thousand square feet of
19 floor space but fewer than one hundred thousand square feet of floor space.
20 Such a parcel shall be referred to as a "Tier 3J Parcel".

21 (xi) The parcel is used primarily for office space, and the structure on
22 the parcel contains at least fifty thousand square feet of floor space but fewer
23 than four hundred thousand square feet of floor space. Such a parcel shall be
24 referred to as a "Tier 3K Parcel".

25 (xii) The parcel is used primarily for public parking, and has a surface
26 parking lot on the parcel that has at least one hundred designated parking
27 spaces but fewer than two hundred seventy-five designated parking spaces.
28 Such a parcel shall be referred to as a "Tier 3L Parcel".

29 (xiii) The parcel is primarily used for a hotel, and the hotel has at least

1 twenty-five rooms but fewer than ninety available for guest occupation. Such
2 a parcel shall be referred to as a "Tier 3M Parcel".

3 (xiv) The parcel is used in whole or in part for commercial purposes, the
4 use of the parcel does not correspond to a parcel use described in (5)(d)(i)
5 through (5)(d)(xiii), and a business operating on the parcel holds a "Class A
6 retail alcoholic beverage" permit issued by the city. Such a parcel shall be
7 referred to as a "Tier 3N Parcel".

8 (5) Each condominium parcel as defined in R.S. 9:1121.103 shall be a
9 separate parcel for purposes of this Act, and, pursuant to R.S. 9:1121.105, the
10 parcel fee authorized by this Act shall be assessed against each individual
11 condominium parcel. However, condominium property consisting exclusively
12 of parking spaces shall be deemed to be a single parcel and the parcel fee
13 authorized by this Act shall be assessed against the entire condominium
14 property as a single entity and shall be payable by the condominium association.

15 (6) Each timeshare unit as defined in R.S. 9:1131.2 (and not each use
16 period) shall be classified as a separate parcel for purposes of this Act, and,
17 pursuant to R.S. 9:1131.9, the parcel fee authorized by this Act shall be assessed
18 against the timeshare property as a single entity unless the timeshare property
19 is subject to the Louisiana Condominium Act, R.S. 9:1121.101 et seq., in which
20 case the parcel fee shall be assessed as provided in R.S. 9:1121.105.

21 (7) The proceeds of the parcel fee shall be used solely and exclusively for
22 the purposes authorized by law applicable to the district.

23 (8)(a) The parcel fee shall be levied and collected only after the question
24 of its imposition has been submitted to and approved by a majority of registered
25 voters of the district voting on the question at an election to be conducted in
26 accordance with the Louisiana Election Code on a date selected by the board.
27 In order to comply with R.S. 18:1299.1(A), the district is authorized to
28 incorporate by reference thereto law detailing the amount of the parcel fees and
29 the classifications of the parcels in the proposition, and additionally, the district

1 shall make available for inspection by the public such fees and classifications at
2 the district's office during regularly scheduled business hours.

3 (b) The authority to levy the parcel fee shall expire after the levy of the
4 parcel fee for 2014.

5 (c) The parcel fee authorized by this Act may be renewed for an
6 additional term not to exceed five years only after both of the following have
7 occurred:

8 (i) The renewal is authorized by additional legislation.

9 (ii) The question of renewal is submitted to and approved by a majority
10 of registered voters of the district voting on the question at an election to be
11 conducted in accordance with the Louisiana Election Code on a date selected by
12 the board.

13 (9) Any parcel fee which is unpaid shall be added to the tax rolls of the
14 city and shall be enforced with the same authority and subject to the same
15 penalties and procedures as unpaid ad valorem taxes.

16 (10) The manner in which the proceeds of the parcel fee are collected,
17 paid over, maintained, and paid out shall be as otherwise provided by law
18 applicable to the district.

19 (11) The cessation of the authority to levy the parcel fee and the
20 disposition and use of remaining unspent funds of the district if the district
21 ceases to exist shall be as otherwise provided by law applicable to the district.

22 **C. Funding.**

23 (1) The board shall use the proceeds of the parcel fee authorized by this
24 Act solely for the purposes set forth in law applicable to the district.

25 (2) The board shall endeavor to deploy its resources funded by the
26 parcel fee authorized by this Act as provided by law applicable to the district.

27 Section 2. The provisions of this Act shall supersede any contrary provisions of law.

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

29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 3 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 James Benton.

DIGEST

Murray (SB 269)

Proposed law provides relative to the authority to levy, impose, and collect parcel fees in a district designated as a management district and located in a parish with a city-parish home rule form of government.

Proposed law provides that the amount of the parcel fee shall be determined by the Bureau of the Treasury within the Department of Finance of the city, or equivalent entity, or its designee as of January 1, 2010.

Proposed law provides for the following parcel fees:

- (a) For each Tier One Parcel, a flat parcel fee of \$185 per year.
- (b) For each Tier Two Parcel, a flat parcel fee of \$395 per year.
- (c) For each Tier Three Parcel, a flat parcel fee shall be assessed as follows:
 - (i) For each Tier 3A Parcel, a flat parcel fee of \$15,000 per year.
 - (ii) For each Tier 3B Parcel, a flat parcel fee of \$10,000 per year.
 - (iii) For each Tier 3C Parcel and 3D Parcel, a flat parcel fee of \$5,000 per year.
 - (iv) For each Tier 3E Parcel and Tier 3F Parcel, a flat parcel fee of \$3,000 per year.
 - (v) For each Tier 3G Parcel, a flat parcel fee of \$2,000 per year.
 - (vi) For each Tier 3H parcel, Tier 3I Parcel, Tier 3J Parcel, and 3K Parcel, a flat parcel fee of \$1500 per year.
 - (vii) For each Tier 3L Parcel, a flat parcel fee of \$1000 per year.
 - (viii) For each Tier 3M Parcel, a flat parcel fee of \$900 per year.
 - (ix) For each Tier 3N Parcel, a flat parcel fee of \$545 per year.

Proposed law provides that the amount of the parcel fee for each parcel classification shall be fixed and shall not change prior to the expiration of the term of the parcel fee.

Proposed law provides that the following terms shall have the following meaning when used in proposed law:

- (a) The term "parcel" means a tract of land in the district, including all buildings and improvements thereon, excluding any property that is exempt in full from ad valorem taxation.

(b) The term "Tier One Parcel" means a parcel that is used solely for residential purposes as either a single family dwelling or a multiple family dwelling with no more than four residential units. If any unit or portion of the parcel is used for commercial or any other non-residential purpose, the entire parcel shall not be a Tier One Parcel and instead shall be classified as either a Tier Two Parcel or a Tier Three Parcel.

(c) The term "Tier Two Parcel" means a parcel that does not qualify as a Tier One Parcel or a Tier Three Parcel.

(d) The term "Tier Three Parcel" means a parcel that does not qualify as a Tier One Parcel and the use of the parcel corresponds to one of the following descriptions:

(i) The parcel is primarily used for a hotel, and the hotel has at least 1,000 rooms available for guest occupation. Such a parcel shall be referred to as a "Tier 3A Parcel".

(ii) The parcel is used primarily for office space, and the structure on the parcel contains at least 400,000 sq. ft. of floor space. Such a parcel shall be referred to as a "Tier 3B Parcel".

(iii) The parcel is primarily used for a hotel, and the hotel has at least 325 rooms but fewer than 1,000 rooms available for guest occupation. Such a parcel shall be referred to as a "Tier 3C Parcel".

(iv) The parcel is used primarily for public parking, and an enclosed parking structure is built on the parcel that has at least one thousand designated parking spaces. Such a parcel shall be referred to as a "Tier 3D Parcel".

(v) The parcel is primarily used for a hotel, and the hotel has at least 150 rooms but fewer than 325 rooms available for guest occupation. Such a parcel shall be referred to as a "Tier 3E Parcel".

(vi) The parcel is used primarily for a retail shopping center, and the structure on the parcel contains at least 100,000 sq. ft. of floor space. Such a parcel shall be referred to as a "Tier 3F Parcel".

(vii) The parcel is primarily used for a hotel, and the hotel has at least 90 rooms but fewer than 150 rooms available for guest occupation. Such a parcel shall be referred to as a "Tier 3G Parcel".

(viii) The parcel is used primarily for public parking, and an enclosed parking structure is built on the parcel that has at least 100 designated parking spaces but fewer than 1,000 designated parking spaces. Such a parcel shall be referred to as a "Tier 3H Parcel".

(ix) The parcel is used primarily for public parking, and has a surface parking lot on the parcel that has at least 275 designated parking spaces. Such a parcel shall be referred to as a "Tier 3I Parcel".

(x) The parcel is used primarily for a retail shopping center, and the structure on the parcel contains at least 25,000 sq. ft. of floor space but fewer than 100,000 sq. ft. of floor space. Such a parcel shall be referred to as a "Tier 3J Parcel".

(xi) The parcel is used primarily for office space, and the structure on the parcel contains at least 50,000 sq. ft. of floor space but fewer than 400,000 sq. ft. of floor space. Such a parcel shall be referred to as a "Tier 3K Parcel".

(xii) The parcel is used primarily for public parking, and has a surface parking lot on the parcel that has at least 100 designated parking spaces but fewer than 275 designated parking spaces. Such a parcel shall be referred to as a "Tier 3L Parcel".

(xiii) The parcel is primarily used for a hotel, and the hotel has at least 25 rooms but fewer than 90 available for guest occupation. Such a parcel shall be referred to as a "Tier 3M Parcel".

(xiv) The parcel is used in whole or in part for commercial purposes, the use of the parcel does not correspond to a parcel use described in proposed law, and a business operating on the parcel holds a "Class A retail alcoholic beverage" permit issued by the city. Such a parcel shall be referred to as a "Tier 3N Parcel".

(5) Each condominium parcel shall be a separate parcel for purposes of proposed law, and the parcel fee authorized by proposed law shall be assessed against each individual condominium parcel. However, condominium property consisting exclusively of parking spaces shall be deemed to be a single parcel and the parcel fee authorized by proposed law shall be assessed against the entire condominium property as a single entity and shall be payable by the condominium association.

(6) Each timeshare unit (and not each use period) shall be classified as a separate parcel for purposes of proposed law, and, the parcel fee authorized by proposed law shall be assessed against the timeshare property as a single entity unless the timeshare property is subject to the Louisiana Condominium Act, in which case the parcel fee shall be assessed as provided under that act.

(7) The proceeds of the parcel fee shall be used solely and exclusively for the purposes authorized by law applicable to the district.

(8)(a) The parcel fee shall be levied and collected only after the question of its imposition has been submitted to and approved by a majority of registered voters of the district voting on the question at an election to be conducted in accordance with the Louisiana Election Code on a date selected by the board. The district is authorized to incorporate by reference thereto law detailing the amount of the parcel fees and the classifications of the parcels in the proposition, and additionally, the district shall make available for inspection by the public such fees and classifications at the district's office during regularly scheduled business hours.

(b) The authority to levy the parcel fee shall expire after the levy of the parcel fee for 2014.

Proposed law provides that the parcel fee authorized by proposed law may be renewed for an additional term not to exceed five years only after both of the following have occurred:

(1) The renewal is authorized by additional legislation.

(2) The question of renewal is submitted to and approved by a majority of registered voters of the district voting on the question at an election to be conducted in accordance with the Louisiana Election Code on a date selected by the board.

Proposed law provides that any parcel fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

Proposed law provides that the manner in which the proceeds of the parcel fee are collected, paid over, maintained, and paid out shall be as otherwise provided by law applicable to the district.

Proposed law provides that the cessation of the authority to levy the parcel fee and the disposition and use of remaining unspent funds of the district if the district ceases to exist shall be as otherwise provided by law applicable to the district.

Proposed law provides that the board shall use the proceeds of the parcel fee solely for the

purposes set forth in law applicable to the district.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill.

1. Deletes provisions relative to special taxing districts created as capital improvement districts.
2. Adds provisions relative to a management district situated in a parish with a city-parish home rule form of government.