

2021 Regular Session

SENATE BILL NO. 205

BY SENATORS WHITE, CLOUD, FOIL, HENRY AND TARVER

SPECIAL DISTRICTS. Creates certain parks and recreation districts in East Baton Rouge Parish. (See Act)

1 AN ACT

2 To amend and reenact R.S. 33:4570, 4570.2, and 4570.4(B) and to enact R.S. 33:4570.7,
3 4570.8, and 4570.9, relative to parks and recreation districts in East Baton Rouge
4 Parish; to create certain parks and recreation districts; to provide for boundaries; to
5 provide for the purposes of the district; to provide for governance and powers; to
6 provide for the transfer of the operation and control of certain properties and
7 facilities to the districts; to except the districts from certain authority; to provide for
8 effective dates; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:4570, 4570.2, and 4570.4(B) are hereby amended and reenacted
12 and R.S. 33:4570.7 and 4570.8, are hereby enacted to read as follows:

13 §4570. The Recreation and Park Commission for the Parish of East Baton Rouge;
14 creation

15 There is hereby created the Recreation and Park Commission for the Parish
16 of East Baton Rouge, whose authority shall extend to the whole parish, inclusive of
17 the territorial limits of the city of Baton Rouge **and exclusive of the districts as**

1 **provided in R.S. 33:4570.7 and 4570.8**, as those limits are now or may hereafter be
2 fixed and determined.

3 * * *

4 §4570.2. Legal status; rights and privileges

5 The commission is the legal successor of the Baton Rouge Parish and
6 Municipal Recreation Commission for the Parish of East Baton Rouge, and succeeds
7 to all of the rights and obligations of the said late recreation commission, and to the
8 ownership of all of the property, movable or immovable, tangible or intangible,
9 owned by the said late recreation commission, and to all of the rights, privileges, and
10 concessions of every kind and nature invested in and exercised by the said late
11 recreation commission, by the city of Baton Rouge, or the parish of East Baton
12 Rouge, **except as provided in R.S. 33:4570.7 and 4570.8**. The commission has the
13 right to own and administer in the public welfare, and for public recreational and
14 park purposes, the leases, concessions, rights, and privileges heretofore granted by
15 the late commission council of the city of Baton Rouge, and the late police jury of
16 the parish of East Baton Rouge to the said late recreation commission and to develop
17 and expand upon these leases, concessions, rights, and privileges.

18 * * *

19 §4570.4. Corporate status; bonds; taxes; collections

20 * * *

21 B. In addition to the foregoing, and in accordance with the provisions of
22 Article VI, Section 32 of the Constitution of Louisiana and any other applicable
23 provisions of the constitution and laws of the state, the commission may impose and
24 collect from year to year taxes upon all of the taxable property carried on the
25 assessment rolls of the parish of East Baton Rouge **except for the property**
26 **contained within the boundaries of the recreation districts created pursuant to,**
27 **and except as provided in, R.S. 33:4570.7 and 4570.8**, which in the aggregate and
28 exclusive of any taxes levied to pay debt service on bonds of the commission shall
29 not exceed eighteen mills on the dollar of assessed value as the commission shall

1 determine and the proceeds of any such tax shall be used in acquiring, developing,
2 maintaining, and operating the public parks and recreational properties and facilities
3 of the commission and in making available funds for the operating budget.

4 * * *

5 §4570.7. Zachary Recreation District; creation; boundaries; objects and
6 purposes; governing authority; powers

7 A. Creation. There is hereby created a body politic and corporate which
8 shall be known as the Zachary Recreation District, referred to in this Section
9 as the "district". The district shall be a political subdivision of the state as
10 defined in the Constitution of Louisiana.

11 B. Boundaries. The boundaries of the district shall be coterminous with
12 boundaries of the city of Zachary.

13 C. Purpose. The district is established for the purpose of planning,
14 developing, and operating public park and recreational properties and facilities
15 in the district and administering programs and activities that promote
16 recreation and the general health and well-being of citizens.

17 D. Governance. (1) The district shall be governed by a board of
18 commissioners, referred to in this Section as the "board". The board shall be
19 composed of the members of the city council of the city of Zachary.

20 (2) The board shall elect from its members a chairman, a vice chairman,
21 a secretary-treasurer, and other such officers as it may deem necessary. The
22 duties of the officers shall be fixed by the bylaws adopted by the board.

23 (3) The minute books and archives of the district shall be maintained by
24 the secretary-treasurer of the board. The monies, funds, and accounts of the
25 district shall be in the official custody of the board.

26 (4) Members of the board shall each receive a per diem of seventy-five
27 dollars for each meeting they attend, not to exceed twelve meetings per year.
28 Such per diem shall be paid out of the funds of the district.

29 (5) The board shall have the power and authority to name and employ

1 a person who shall be designated as superintendent of the district and to
2 prescribe and pay an annual salary to the superintendent. The superintendent
3 shall not be a member of the board.

4 E. Powers. The district shall have all powers necessary or convenient to
5 effectuate the purposes of the district, including but not limited to the following
6 rights and powers:

7 (1) To acquire, purchase, lease as lessee, and hold and use any property,
8 real, personal or mixed, tangible or intangible, or any interest therein necessary
9 or desirable for effectuating its purposes, and to sell, transfer, lease as lessor,
10 and dispose of any property or interest therein at any time acquired by the
11 district.

12 (2)(a) To acquire by purchase, donation, expropriation, lease, or
13 otherwise and to construct, improve, maintain, operate park and recreational
14 facilities, and to administer programs which it deems necessary to effectuate the
15 purposes of the district.

16 (b) For the purpose of acquiring and developing land and other property
17 as public park areas or for public recreational purposes, the board shall have
18 the right to expropriate property in the same manner and by the same
19 proceedings and under the same limitations invested in and imposed by law on
20 railroads and other quasi-public corporations.

21 (3) To enter into agreements with any person or persons, corporation,
22 association, or other entity, including public corporations, political subdivisions,
23 municipalities, the United States government and agencies thereof, the state of
24 Louisiana or any of its agencies, or any combination thereof for the operation
25 of any or all park and recreation properties and facilities.

26 (4) To enter into contracts with any public or private entity in carrying
27 out its purposes, including but not limited to contracts for construction or
28 acquisition of property and facilities incident to the purposes of the district.

29 (5) To fix, collect, and revise rates, charges, and rentals for parks,

1 facilities, and services as necessary.

2 (6) To adopt bylaws for the management and regulation of its affairs and
3 for the regulation and control of recreational and park facilities within its
4 jurisdiction.

5 (7) To cooperate and contract with the government of the United States
6 or any department or agency thereof and with the state of Louisiana or any
7 department, agency, or political subdivision thereof and to accept gifts, grants,
8 and donations or property and money therefrom.

9 (8) To cooperate with the state of Louisiana or any political subdivision,
10 department, agency, or corporation of the state for the construction, operation,
11 and maintenance of facilities designed to accomplish the purposes for which the
12 district is created on any basis, including the matching of funds, and by
13 participating in projects authorized by federal or state law as it shall see fit.

14 (9) To borrow money and to pledge or grant a security device affecting
15 all or part of its revenues, leases, rents, and other advantages as security for
16 such loans.

17 (10)(a) For the 2021 thru 2026 tax years, to levy and collect annually an
18 ad valorem tax not to exceed eighteen mills on the dollar of assessed valuation
19 on all property within the district subject to ad valorem taxes in accordance
20 with Article VI, Section 30 of the Constitution of Louisiana. The maximum
21 assessment shall be inclusive of the ad valorem taxes previously levied by the
22 Recreation and Park Commission for the Parish of East Baton Rouge
23 (commission) pursuant to R.S. 33:4570.4 on properties located within the
24 geographic boundaries of the district for which the avails are pledged as
25 security for bonded indebtedness.

26 (b) To levy and collect annually, beginning with the 2027 tax year and for
27 such period of time as provided in the ballot proposition authorizing the levy of
28 such tax, an ad valorem tax not to exceed eighteen mills on the dollar of assessed
29 valuation on all property within the district subject to ad valorem taxes in

1 accordance with Article VI, Section 32 of the Constitution of Louisiana, subject
2 to approval by a majority of the electors of the district voting on the proposition
3 at an election called by the board and held for that purpose.

4 (c) To levy and collect annually, beginning with the 2028 tax year or
5 thereafter, an ad valorem tax in addition to the tax authorized by Subparagraph
6 (b) of this Paragraph on all property within the district subject to ad valorem
7 taxes in accordance with Article VI, Section 32 of the Constitution of Louisiana,
8 subject to approval by a majority of the electors of the district voting on the
9 proposition at an election called by the board and held for that purpose. The
10 rate and duration of the tax shall be as specified in the ballot proposition
11 authorizing the levy of such tax.

12 (d) Any taxes authorized pursuant to this Paragraph shall be collected
13 in the same manner as other ad valorem taxes. The avails of any such tax shall
14 be used solely for acquisition, construction, improvement, maintenance, and
15 operation of park and recreational facilities or improvements and any legacy
16 costs associated with the transition.

17 (11) To issue bonds for the purpose of constructing, acquiring,
18 improving, maintaining, or extending park and recreational facilities of the
19 district pursuant to Article VI, Section 33 of the Constitution of Louisiana and
20 other constitutional and statutory authority supplemental thereto. Such bonds
21 may be issued only after authorization by a majority of voters in the district
22 voting on the proposition at an election called by the board and held for that
23 purpose.

24 F. Transition. (1) Effective July 1, 2021, the board, acting on behalf of
25 the district, shall be granted the powers provided in Subsection E of this
26 Section. Beginning on such date, the commission shall no longer have the
27 authority to levy and collect any taxes within the geographic boundaries of the
28 district except any ad valorem taxes or portion thereof which avails are pledged
29 as security for bonded indebtedness. The authority of the commission to levy

1 and collect such taxes pursuant to this Paragraph shall expire at the time and
2 for the year in which the indebtedness is paid off.

3 (2) The commission shall receive all ad valorem and property taxes
4 levied pursuant to R.S. 33:4570.4 and collected on properties located within the
5 geographic boundaries of the district through June 30, 2021. Beginning on
6 July 1, 2021, and thereafter, the tax collector shall remit all ad valorem and
7 property taxes levied pursuant to Paragraph (E)(10) of this Section and
8 collected on properties located within the geographic boundaries of the district,
9 including delinquent payments, to the district, except as required to be remitted
10 to the commission pursuant to Paragraph (1) of this Subsection.

11 (3) The district shall begin the actual operation of public park and
12 recreation properties and facilities within its jurisdiction on July 1, 2021.

13 (4) Beginning on the date the district begins such operation and
14 thereafter, all lands, buildings, improvements, facilities, equipment, and other
15 property having title vested in the public and subject to management,
16 administration, and control by the commission pursuant to R.S. 33:4570
17 through 4570.4 but located within the geographic boundaries of the district shall
18 be subject to management, administration, and control of the district.

19 (5) The commission shall transfer ownership to the district its
20 comparable pro rata share of equipment and other moveables.

21 (6) The commission shall work cooperatively with the district to effect
22 the transfer of buildings, other facilities, assets, and equipment related to the
23 facilities and assets located within the geographic boundaries of the district in
24 an efficient and expeditious manner.

25 (7) Effective July 1, 2021, the commission shall provide the district with
26 immediate and complete access to:

27 (a) All buildings and facilities within the district. Such access shall
28 include making the buildings and facilities to be transferred available, free of
29 charge, to the district.

1 **(b) All records including but not limited to maintenance, insurance, and**
2 **warranty records associated with properties and other assets, including**
3 **movables, to be transferred to the district.**

4 **(c) All financial records associated with building, facilities, and other**
5 **assets to be transferred to the district, including those related to building**
6 **maintenance, taxes, insurance, and indebtedness.**

7 **(d) The commission shall not:**

8 **(i) Interfere, or impede in any way, with the processes to transfer the**
9 **buildings and other facilities, property, equipment, and all other assets related**
10 **to those items located within the geographical boundaries of the district to the**
11 **district.**

12 **(ii) Sell, transfer, or otherwise remove any asset or thing of value,**
13 **movable or immovable, corporeal or incorporeal, attributable to the properties**
14 **and equipment to be transferred to the district prior to such transfer.**

15 **(iii) Incur, transfer, or assign any debt or other responsibility or**
16 **obligation to properties to be transferred to the district that is not properly**
17 **attributable to such properties.**

18 **§4570.8. Central Recreation District; creation; boundaries; objects and**
19 **purposes; governing authority; powers**

20 **A. Creation. There is hereby created a body politic and corporate which**
21 **shall be known as the Central Recreation District, referred to in this Section as**
22 **the "district". The district shall be a political subdivision of the state as defined**
23 **in the Constitution of Louisiana.**

24 **B. Boundaries. The boundaries of the district shall be coterminous with**
25 **boundaries of the city of Central.**

26 **C. Purpose. The district is established for the purpose of planning,**
27 **developing, and operating public park and recreational properties and facilities**
28 **in the district and administering programs and activities that promote**
29 **recreation and the general health and well-being of citizens.**

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

4 (a) The member of the Louisiana House of Representatives whose district
5 encompasses the majority of voters of the recreation district shall appoint one
6 member.

7 (b) The member of the Louisiana Senate whose district encompasses a
8 majority of the voters of the recreation district shall appoint one member.

9 (c) The city council of the city of Central shall appoint two members.

10 (d) The board of the Central Community School District shall appoint
11 one member.

12 (2) All board members shall be qualified voters and residents of the
13 district and at least twenty-one years of age.

14 (3) Board members shall serve four-year terms after initial terms as
15 provided in this Paragraph. One member shall serve an initial term of four
16 years; one member shall serve an initial term of three years; two members shall
17 serve initial terms of two years; and one member shall serve an initial term of
18 one year, as determined by lot at the first meeting of the board.

19 (4) Any vacancy which occurs prior to the expiration of the term for
20 which a member of the board has been appointed shall be filled for the
21 remainder of the unexpired term in the same manner as the original
22 appointment. Board members shall be eligible for reappointment.

23 (5) The board shall elect from its members a chairman, a vice chairman,
24 a secretary-treasurer, and other such officers as it may deem necessary. The
25 duties of the officers shall be fixed by the bylaws adopted by the board.

26 (6) The minute books and archives of the district shall be maintained by
27 the secretary-treasurer of the board. The monies, funds, and accounts of the
28 district shall be in the official custody of the board.

29 (7) Members of the board shall each receive a per diem of seventy-five

1 dollars for each meeting they attend, not to exceed twelve meetings per year.

2 Such per diem shall be paid out of the funds of the district.

3 (8) The board shall have the power and authority to name and employ
4 a person who shall be designated as superintendent of the district and to
5 prescribe and pay an annual salary to the superintendent. The superintendent
6 shall not be a member of the board.

7 E. Powers. The district shall have all powers necessary or convenient to
8 effectuate the purposes of the district, including but not limited to the following
9 rights and powers:

10 (1) To acquire, purchase, lease as lessee, and hold and use any property,
11 real, personal or mixed, tangible or intangible, or any interest therein necessary
12 or desirable for effectuating its purposes, and to sell, transfer, lease as lessor,
13 and dispose of any property or interest therein at any time acquired by the
14 district.

15 (2)(a) To acquire by purchase, donation, expropriation, lease, or
16 otherwise and to construct, improve, maintain, and operate park and
17 recreational facilities, and to administer programs which it deems necessary to
18 effectuate the purposes of the district.

19 (b) For the purpose of acquiring and developing land and other property
20 as public park areas or for public recreational purposes, the board shall have
21 the right to expropriate property in the same manner and by the same
22 proceedings and under the same limitations invested in and imposed by law on
23 railroads and other quasi-public corporations.

24 (3) To enter into agreements with any person or persons, corporation,
25 association, or other entity, including public corporations, political subdivisions,
26 municipalities, the United States government and agencies thereof, the state of
27 Louisiana or any of its agencies, or any combination thereof for the operation
28 of any or all park and recreation properties and facilities.

29 (4) To enter into contracts with any public or private entity in carrying

1 out its purposes, including but not limited to contracts for construction or
2 acquisition of property and facilities incident to the purposes of the district.

3 (5) To fix, collect, and revise rates, charges, and rentals for parks,
4 facilities, and services as necessary.

5 (6) To adopt bylaws for the management and regulation of its affairs and
6 for the regulation and control of recreational and park facilities within its
7 jurisdiction.

8 (7) To cooperate and contract with the government of the United States
9 or any department or agency thereof and with the state of Louisiana or any
10 department, agency, or political subdivision thereof and to accept gifts, grants,
11 and donations or property and money therefrom.

12 (8) To cooperate with the state of Louisiana or any political subdivision,
13 department, agency, or corporation of the state for the construction, operation,
14 and maintenance of facilities designed to accomplish the purposes for which the
15 district is created on any basis, including the matching of funds, and by
16 participating in projects authorized by federal or state law as it shall see fit.

17 (9) To borrow money and to pledge or grant a security device affecting
18 all or part of its revenues, leases, rents, and other advantages as security for
19 such loans.

20 (10)(a) For the 2021 thru 2026 tax years, to levy and collect annually an
21 ad valorem tax not to exceed eighteen mills on the dollar of assessed valuation
22 on all property within the district subject to ad valorem taxes in accordance
23 with Article VI, Section 30 of the Constitution of Louisiana. The maximum
24 assessment shall be inclusive of the ad valorem taxes previously levied by the
25 Recreation and Park Commission for the Parish of East Baton Rouge
26 (commission) pursuant to R.S. 33:4570.4 on properties located within the
27 geographic boundaries of the district for which the avails are pledged as
28 security for bonded indebtedness.

29 (b) To levy and collect annually, beginning with the 2027 tax year and for

1 such period of time as provided in the ballot proposition authorizing the levy of
2 such tax, an ad valorem tax not to exceed eighteen mills on the dollar of assessed
3 valuation on all property within the district subject to ad valorem taxes in
4 accordance with Article VI, Section 32 of the Constitution of Louisiana, subject
5 to approval by a majority of the electors of the district voting on the proposition
6 at an election called by the board and held for that purpose.

7 (c) To levy and collect annually, beginning with the 2028 tax year or
8 thereafter, an ad valorem tax in addition to the tax authorized by Subparagraph
9 (b) of this Paragraph on all property within the district subject to ad valorem
10 taxes in accordance with Article VI, Section 32 of the Constitution of Louisiana,
11 subject to approval by a majority of the electors of the district voting on the
12 proposition at an election called by the board and held for that purpose. The
13 rate and duration of the tax shall be as specified in the ballot proposition
14 authorizing the levy of such tax.

15 (d) Any taxes authorized pursuant to this Paragraph shall be collected
16 in the same manner as other ad valorem taxes. The avails of any such tax shall
17 be used solely for acquisition, construction, improvement, maintenance, and
18 operation of park and recreational facilities or improvements and any legacy
19 costs associated with the transition.

20 (11) To issue bonds for the purpose of constructing, acquiring,
21 improving, maintaining, or extending park and recreational facilities of the
22 district pursuant to Article VI, Section 33 of the Constitution of Louisiana and
23 other constitutional and statutory authority supplemental thereto. Such bonds
24 may be issued only after authorization by a majority of voters in the district
25 voting on the proposition at an election called by the board and held for that
26 purpose.

27 F. Transition. (1) Effective July 1, 2021, the board acting on behalf of the
28 district shall be granted the powers provided in Subsection E of this Section.
29 Beginning on such date, the commission shall no longer have the authority to

1 levy and collect any taxes within the geographic boundaries of the district
2 except any ad valorem taxes or portion thereof which avails are pledged as
3 security for bonded indebtedness. The authority of the commission to levy and
4 collect such taxes pursuant to this Paragraph shall expire at the time and for the
5 year in which the indebtedness is paid off.

6 (2) The commission shall receive all ad valorem and property taxes
7 levied pursuant to R.S. 33:4570.4 and collected on properties located within the
8 geographic boundaries of the district through June 30, 2021. Beginning on July
9 1, 2021, and thereafter, the tax collector shall remit all ad valorem and property
10 taxes levied pursuant to Paragraph (E)(10) of this Section and collected on
11 properties located within the geographic boundaries of the district, including
12 delinquent payments, to the district, except as required to be remitted to the
13 commission pursuant to Paragraph (1) of this Subsection.

14 (3) The district shall begin the actual operation of public park and
15 recreation properties and facilities within its jurisdiction on July 1, 2021.

16 (4) Beginning on the date the district begins such operation and
17 thereafter, all lands, buildings, improvements, facilities, and equipment and
18 other property having title vested in the public and subject to management,
19 administration, and control by the commission pursuant to R.S. 33:4570
20 through 4570.4 but located within the geographic boundaries of the district shall
21 be subject to management, administration, and control of the district.

22 (5) The commission shall transfer ownership to the district its
23 comparable pro rata share of equipment and other moveables.

24 (6) The commission shall work cooperatively with the district to effect
25 the transfer of buildings, other facilities, assets, and equipment related to the
26 facilities and assets located within the geographic boundaries of the district in
27 an efficient and expeditious manner.

28 (7) Effective July 1, 2021, the commission shall provide the district with
29 immediate and complete access to:

* * *

§4570.2. Legal status; rights and privileges

The commission is the legal successor of the Baton Rouge Parish and Municipal Recreation Commission for the Parish of East Baton Rouge, and succeeds to all of the rights and obligations of the said late recreation commission, and to the ownership of all of the property, movable or immovable, tangible or intangible, owned by the said late recreation commission, and to all of the rights, privileges, and concessions of every kind and nature invested in and exercised by the said late recreation commission, by the city of Baton Rouge, or the parish of East Baton Rouge, **except as provided in R.S. 33:4570.7, 4570.8, and 4570.9.** The commission has the right to own and administer in the public welfare, and for public recreational and park purposes, the leases, concessions, rights, and privileges heretofore granted by the late commission council of the city of Baton Rouge, and the late police jury of the parish of East Baton Rouge to the said late recreation commission and to develop and expand upon these leases, concessions, rights, and privileges.

* * *

§4570.4. Corporate status; bonds; taxes; collections

* * *

B. In addition to the foregoing, and in accordance with the provisions of Article VI, Section 32 of the Constitution of Louisiana and any other applicable provisions of the constitution and laws of the state, the commission may impose and collect from year to year taxes upon all of the taxable property carried on the assessment rolls of the parish of East Baton Rouge **except for the property contained within the boundaries of the recreation districts created pursuant to, and except as provided in, R.S. 33:4570.7, 4570.8, and 4570.9** which in the aggregate and exclusive of any taxes levied to pay debt service on bonds of the commission shall not exceed eighteen mills on the dollar of assessed value as the commission shall determine and the proceeds of any such tax shall be used in acquiring, developing, maintaining, and operating the public parks and recreational

1 properties and facilities of the commission and in making available funds for the
2 operating budget.

3 * * *

4 **§4570.9. St. George Recreation District; creation; boundaries; objects and**
5 **purposes; governing authority; powers**

6 **A. Creation. There is hereby created a body politic and corporate which**
7 **shall be known as the St. George Recreation District, referred to in this Section**
8 **as the "district". The district shall be a political subdivision of the state as**
9 **defined in the Constitution of Louisiana.**

10 **B. Boundaries. The boundaries of the district shall be coterminous with**
11 **boundaries of the city of St. George.**

12 **C. Purpose. The district is established for the purpose of planning,**
13 **developing, and operating public park and recreational properties and facilities**
14 **in the district and administering programs and activities that promote**
15 **recreation and the general health and well-being of citizens.**

16 **D. Governance. (1) The district shall be governed by a board of**
17 **commissioners, referred to in this Section as the "board". The board shall be**
18 **composed as follows:**

19 **(a) The members of the Louisiana House of Representatives whose**
20 **districts encompass a portion of the area of the recreation district shall jointly**
21 **appoint two members.**

22 **(b) The members of the Louisiana Senate whose districts encompass a**
23 **portion of the area of the recreation district shall jointly appoint two members.**

24 **(c) The members of the East Baton Rouge Metro Council whose districts**
25 **encompass a portion of the area of the recreation district shall jointly appoint**
26 **two members.**

27 **(d) The chairpersons of the city of St. George incorporation effort shall**
28 **jointly appoint one member.**

29 **(2) All board members shall be qualified voters and residents of the**

1 district and at least twenty-one years of age.

2 (3) Board members shall serve four-year terms after initial terms as
3 provided in this Paragraph. One member shall serve an initial term of four
4 years; two members shall serve an initial term of three years; two members
5 shall serve initial terms of two years; and two members shall serve an initial
6 term of one year, as determined by lot at the first meeting of the board.

7 (4) Any vacancy which occurs prior to the expiration of the term for
8 which a member of the board has been appointed shall be filled for the
9 remainder of the unexpired term in the same manner as the original
10 appointment. Board members shall be eligible for reappointment.

11 (5) The board shall elect from its members a chairman, a vice chairman,
12 a secretary-treasurer, and other such officers as it may deem necessary. The
13 duties of the officers shall be fixed by the bylaws adopted by the board.

14 (6) The minute books and archives of the district shall be maintained by
15 the secretary-treasurer of the board. The monies, funds, and accounts of the
16 district shall be in the official custody of the board.

17 (7) Members of the board shall each receive a per diem of seventy-five
18 dollars for each meeting they attend, not to exceed twelve meetings per year.
19 Such per diem shall be paid out of the funds of the district.

20 (8) The board shall have the power and authority to name and employ
21 a person who shall be designated as superintendent of the district and to
22 prescribe and pay an annual salary to the superintendent. The superintendent
23 shall not be a member of the board.

24 E. Powers. The district shall have all powers necessary or convenient to
25 effectuate the purposes of the district, including but not limited to the following
26 rights and powers:

27 (1) To acquire, purchase, lease as lessee, and hold and use any property,
28 real, personal or mixed, tangible or intangible, or any interest therein necessary
29 or desirable for effectuating its purposes, and to sell, transfer, lease as lessor,

1 and dispose of any property or interest therein at any time acquired by the
2 district.

3 (2)(a) To acquire by purchase, donation, expropriation, lease, or
4 otherwise and to construct, improve, maintain, and operate park and
5 recreational facilities and to administer programs which it deems necessary to
6 effectuate the purposes of the district.

7 (b) For the purpose of acquiring and developing land and other property
8 as public park areas or for public recreational purposes, the board shall have
9 the right to expropriate property in the same manner and by the same
10 proceedings and under the same limitations invested in and imposed by law on
11 railroads and other quasi-public corporations.

12 (3) To enter into agreements with any person or persons, corporation,
13 association, or other entity, including public corporations, political subdivisions,
14 municipalities, the United States government and agencies thereof, the state of
15 Louisiana or any of its agencies, or any combination thereof for the operation
16 of any or all park and recreation properties and facilities.

17 (4) To enter into contracts with any public or private entity in carrying
18 out its purposes, including but not limited to contracts for construction or
19 acquisition of property and facilities incident to the purposes of the district.

20 (5) To fix, collect, and revise rates, charges, and rentals for parks,
21 facilities, and services as necessary.

22 (6) To adopt bylaws for the management and regulation of its affairs and
23 for the regulation and control of recreational and park facilities within its
24 jurisdiction.

25 (7) To cooperate and contract with the government of the United States
26 or any department or agency thereof and with the state of Louisiana or any
27 department, agency, or political subdivision thereof and to accept gifts, grants,
28 and donations or property and money therefrom.

29 (8) To cooperate with the state of Louisiana or any political subdivision,

1 department, agency, or corporation of the state for the construction, operation,
2 and maintenance of facilities designed to accomplish the purposes for which the
3 district is created on any basis, including the matching of funds, and by
4 participating in projects authorized by federal or state law as it shall see fit.

5 (9) To borrow money and to pledge or grant a security device affecting
6 all or a part of its revenues, leases, rents and other advantages as security for
7 such loans.

8 (10)(a) For the first five years of the district's existence, to levy and
9 collect annually an ad valorem tax not to exceed eighteen mills on the dollar of
10 assessed valuation on all property within the district subject to ad valorem taxes
11 in accordance with Article VI, Section 30 of the Constitution of Louisiana. The
12 maximum assessment shall be inclusive of the ad valorem taxes previously
13 levied by the Recreation and Park Commission for the Parish of East Baton
14 Rouge (commission) pursuant to R.S. 33:4570.4 on properties located within the
15 geographic boundaries of the district for which the avails are pledged as
16 security for bonded indebtedness.

17 (b) After five years of the district's existence, to levy and collect annually
18 and for such period of time as provided in the ballot proposition authorizing the
19 levy of such tax, an ad valorem tax not to exceed eighteen mills on the dollar of
20 assessed valuation on all property within the district subject to ad valorem taxes
21 in accordance with Article VI, Section 32 of the Constitution of Louisiana,
22 subject to approval by a majority of the electors of the district voting on the
23 proposition at an election called by the board and held for that purpose.

24 (c) After seven years of the district's existence, to levy and collect
25 annually, an ad valorem tax in addition to the tax authorized by Subparagraph
26 (b) of this Paragraph on all property within the district subject to ad valorem
27 taxes in accordance with Article VI, Section 32 of the Constitution of Louisiana,
28 subject to approval by a majority of the electors of the district voting on the
29 proposition at an election called by the board and held for that purpose. The

1 rate and duration of the tax shall be as specified in the ballot proposition
2 authorizing the levy of such tax.

3 (d) Any taxes authorized pursuant to this Paragraph shall be collected
4 in the same manner as other ad valorem taxes. The avails of any such tax shall
5 be used solely for acquisition, construction, improvement, maintenance, and
6 operation of park and recreational facilities or improvements and any legacy
7 costs associated with the transition.

8 (11) To issue bonds for the purpose of constructing, acquiring,
9 improving, maintaining, or extending park and recreational facilities of the
10 district pursuant to Article VI, Section 33 of the Constitution of Louisiana and
11 other constitutional and statutory authority supplemental thereto. Such bonds
12 may be issued only after authorization by a majority of voters in the district
13 voting on the proposition at an election called by the board and held for that
14 purpose.

15 F. Transition. (1) Upon the effective date of this Section, the board acting
16 on behalf of the district shall be granted the powers provided in Subsection E
17 of this Section. Beginning on such date, the commission shall no longer have the
18 authority to levy and collect any taxes within the geographic boundaries of the
19 district except any ad valorem taxes or portion thereof which avails are pledged
20 as security for bonded indebtedness. The authority of the commission to levy
21 and collect such taxes pursuant to this Paragraph shall expire at the time and
22 for the year in which the indebtedness is paid off.

23 (2) The commission shall receive all ad valorem and property taxes
24 levied pursuant to R.S. 33:4570.4 and collected on properties located within the
25 geographic boundaries of the district before the effective date of this Section.
26 Beginning on the effective date of this Section, and thereafter, the tax collector
27 shall remit all ad valorem and property taxes levied pursuant to Paragraph
28 (E)(10) of this Section and collected on properties located within the geographic
29 boundaries of the district, including delinquent payments, to the district, except

1 as required to be remitted to the commission pursuant to Paragraph (1) of this
2 Subsection.

3 (3) The district shall begin the actual operation of public park and
4 recreation properties and facilities within its jurisdiction on the effective date
5 of this Section.

6 (4) Beginning on the date the district begins such operation and
7 thereafter, all lands, buildings, improvements, facilities, and equipment and
8 other property having title vested in the public and subject to management,
9 administration, and control by the commission pursuant to R.S. 33:4570
10 through 4570.4 but located within the geographic boundaries of the district shall
11 be subject to management, administration, and control of the district.

12 (5) The commission shall transfer ownership to the district its
13 comparable pro rata share of equipment and other moveables.

14 (6) The commission shall work cooperatively with the district to effect
15 the transfer of buildings, other facilities, assets, and equipment related to the
16 facilities and assets located within the geographic boundaries of the district in
17 an efficient and expeditious manner.

18 (7) On the effective date of this Section, the commission shall provide the
19 district with immediate and complete access to:

20 (a) All buildings and facilities within the district. Such access shall
21 include making the buildings and facilities to be transferred available, free of
22 charge, to the district.

23 (b) All records including but not limited to maintenance, insurance, and
24 warranty records associated with properties and other assets, including
25 movables, to be transferred to the district.

26 (c) All financial records associated with building, facilities, and other
27 assets to be transferred to the district, including those related to building
28 maintenance, taxes, insurance, and indebtedness.

29 (d) The commission shall not:

1 **(i) Interfere, or impede in any way, with the processes to transfer the**
 2 **buildings and other facilities, property, equipment, and all other assets related**
 3 **to those items located within the geographical boundaries of the district to the**
 4 **district.**

5 **(ii) Sell, transfer, or otherwise remove any asset or thing of value,**
 6 **movable or immovable, corporeal or incorporeal, attributable to the properties**
 7 **and equipment to be transferred to the district prior to such transfer.**

8 **(iii) Incur, transfer, or assign any debt or other responsibility or**
 9 **obligation to properties to be transferred to the district that is not properly**
 10 **attributable to such properties.**

11 Section 3. This Section and Sections 1 and 4 of this Act shall become effective on
 12 July 1, 2021; if vetoed by the governor and subsequently approved by the legislature, this
 13 Act shall become effective on July 1, 2021, or on the day following such approval by the
 14 legislature, whichever is later.

15 Section 4. Section 2 of this Act shall become effective one hundred and eighty days
 16 after final judgment or final settlement of the lawsuit *Mayor-President Sharon Weston*
 17 *Broome, et al v. Chris Rials, et al*, Nineteenth Judicial District Court, Docket No. C-690041,
 18 provided the final, nonappealable judgment or final settlement does not overturn the
 19 incorporation of the city of St. George.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

SB 205 Original 2021 Regular Session White

Proposed law creates three separate recreation districts in East Baton Rouge Parish from a portion of the Recreation and Park Commission for the Parish of East Baton Rouge (BREC).

Present law provides that BREC's authority shall extend to the whole parish.

Proposed law excepts the area within the boundaries of the Zachary Recreation District, Central Recreation District, and St. George Recreation District from BREC's authority.

Present law provides that BREC is the legal successor of the Baton Rouge Parish and Municipal Recreation Commission for the Parish of East Baton Rouge (EBR), and succeeds to all of the rights and obligations of such recreation commission, and to the ownership of all of the property, movable or immovable, tangible or intangible, owned by such former recreation commission, and to all of the rights, privileges, and concessions of every kind and

nature invested in and exercised by such recreation commission, by the city of BR, or the parish of EBR.

Proposed law retains present law with the exception of the assets and authority in the geographic areas of the new districts in proposed law.

Present law authorizes BREC to impose and collect from year to year taxes upon all of the taxable property carried on the assessment rolls of EBR Parish.

Proposed law excepts the property within the boundaries of the Zachary Recreation District, the Central Recreation District, and the St. George Recreation District from BREC's taxing authority.

Proposed law creates each district as a body politic and corporate with boundaries coterminous with the boundaries of the cities of Zachary, Central, and St. George. Provides that the purpose of these districts shall be to plan, develop, and operate the public park and recreational properties and facilities in their respective districts and to administer programs and activities that promote recreation and the general health and well-being of citizens. Provides that the district shall be a political subdivision as defined in present constitution.

Proposed law provides that each district shall be governed by a board of commissioners. Provides that the city council of the city of Zachary shall serve as the board of commissioners for the Zachary Recreation Commission and provides for specific appointments for the boards of commissioners for the Central Recreation Commission and the St. George Recreation Commission.

Proposed law provides that each board shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and other such officers deemed necessary and that officers' duties shall be fixed by board bylaws. Provides the secretary-treasurer shall maintain the district's minute books and archives and that the district's monies, funds, and accounts shall be in the board's official custody. Provides that board members shall receive a \$75 per diem for each meeting they attend, not to exceed 12 meetings per year, and that such per diem shall be paid out of district funds.

Proposed law authorizes each board to hire a superintendent, and provides that the superintendent shall not be a board member.

Proposed law provides that each district shall have the following powers:

- (1) To acquire, purchase, lease as lessee, and hold and use any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for its purposes, and to sell, transfer, lease as lessor, and dispose of any property or interest therein.
- (2) To acquire by purchase, donation, expropriation, lease, or otherwise and to construct, improve, maintain, and operate park and recreational facilities and to administer programs which it deems necessary to district purposes.
- (3) To enter into agreements with any person or persons, corporation, association, or other entity, including public corporations, political subdivisions, municipalities, the U.S. government and agencies thereof, the state or any of its agencies, or any combination thereof for the operation of park and recreation properties and facilities.
- (4) To enter into contracts with any public or private entity in carrying out its purposes, including contracts for construction or acquisition of property and facilities incident to district purposes.
- (5) To fix, collect, and revise rates, charges, and rentals for parks facilities and services

as necessary.

- (6) To adopt bylaws for the management and regulation of its affairs and for the regulation and control of recreational and park facilities within its jurisdiction.
- (7) To cooperate and contract with the U.S. government or any department or agency thereof and with the state or any department, agency, or political subdivision thereof and to accept gifts, grants, and donations or property and money therefrom.
- (8) To cooperate with the state or any political subdivision, department, agency, or corporation of the state for the construction, operation, and maintenance of facilities designed to accomplish district purposes on any basis, including the matching of funds, and by participating in projects authorized by federal or state law as it shall see fit.
- (9) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for the loans.
- (10) To issue bonds for the purpose of constructing, acquiring, improving, maintaining, or extending park and recreational facilities of the district, with voter approval.

Proposed law regarding the recreation districts for the municipalities of Zachary and Central provides that:

- (1) The board shall have the authority for the 2021 thru 2026 tax years, to levy and collect annually an ad valorem tax not to exceed 18 mills on the dollar of assessed valuation on all property within each new district. Provides that the maximum assessment shall be inclusive of the ad valorem taxes previously levied by BREC on properties located within the geographic boundaries of the new districts for which the avails are pledged as security for bonded indebtedness. Provides that beginning with the 2027 tax year and for such period of time as provided in the ballot proposition authorizing the levy of such tax, each district may levy and assess an ad valorem tax not to exceed 18 mills on the dollar of assessed valuation on all property within their district, with voter approval. Provides that beginning with the 2028 tax year and thereafter, an additional ad valorem tax may be levied and collect, with voter approval. Provides that the avails of the taxes shall be used solely for acquisition, construction, improvement, maintenance, and operation of park and recreational facilities or improvements and any legacy costs associated with the transition.
- (2) Effective July 1, 2021, the board acting on behalf of the district shall be granted the powers provided in proposed law. Specifically provides that as of July 1, 2021, BREC shall no longer have the authority to levy and collect any taxes within the geographic boundaries of the new districts except any ad valorem taxes or portion thereof which avails were pledged as security for bonded indebtedness and that the authority of BREC shall expire at the time and for the year in which the indebtedness is paid off.
- (3) BREC shall receive all ad valorem and property taxes levied and collected on properties located within the geographic boundaries of the new districts through June 30, 2021. Provides that beginning on July 1, 2021, and thereafter, the tax collector shall remit all ad valorem and property taxes levied and collected on properties located within the geographic boundaries of the new districts, including delinquent payments, to the appropriate new district, except amounts required to be remitted to BREC for bonded indebtedness.
- (4) Each new district shall begin the actual operation of public park and recreation properties and facilities within its jurisdiction on July 1, 2021. Provides that

beginning on the date the district begins such operation and thereafter, all lands, buildings, and improvements, facilities, and equipment and other property having title vested in the public and subject to management, administration, and control by BREC but located within the geographic boundaries of a new district shall be subject to management, administration, and control of the appropriate new district. Requires BREC to work cooperatively to transfer buildings, other facilities, assets, and equipment related to the facilities and assets located within the geographic boundaries of the new districts in an efficient and expeditious manner.

- (5) Effective July 1, 2021, BREC shall provide the new districts with immediate and complete access to:
- (a) All buildings and facilities within their district.
 - (b) All records including but not limited to maintenance, insurance, and warranty records associated with properties and other assets, including movables, to be transferred.
 - (c) All financial records associated with building, facilities, and other assets to be transferred, including those related to building maintenance, taxes, insurance, and indebtedness.
- (6) BREC is prohibited from:
- (a) Interfering, or impeding in any way, with the processes to transfer the buildings and other facilities, property, equipment, and all other assets related to those items located within the geographical boundaries of the new districts.
 - (b) Selling, transferring, or otherwise removing any asset or thing of value, movable or immovable, corporeal or incorporeal, attributable to the properties and equipment to be transferred to the new districts.
 - (c) Incurring, transferring, or assigning any debt or other responsibility or obligation to properties to be transferred to the new districts that is not properly attributable to those properties.

Proposed law regarding the St. George Recreation District, provides similar power and authority as proposed for Zachary and Central, but with different effective dates, including ad valorem tax authority and transfer and access to BREC assets within the geographic boundaries, depending on final resolution of litigation regarding the incorporation of the city of St. George.

Provides the provision regarding the Zachary and Central Recreation Districts shall be effective July 1, 2021.

Provides that the provisions regarding the St. George Recreation District shall be effective 180 days following a final judgment or settlement in the lawsuit contesting the incorporation of the city.

(Amends R.S. 33:4570, 4570.2, and 4570.4(B); adds R.S. 33:4570.7, 4570.8, and 4570.9)