Regular Session, 2009

ACT No. 69

HOUSE BILL NO. 647

BY REPRESENTATIVE DOWNS

1   AN ACT

2   To enact Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes

3   of 1950, to be comprised of R.S. 33:130.791 through 130.797, relative to Lincoln

4   Parish; to authorize the governing authority of the parish to create a geographic

5   information system district; to provide relative to the board of commissioners for the

6   district; to provide for the powers, duties, and functions of the district; to authorize

7   the board to levy certain taxes; and to provide for related matters.

8   Notice of intention to introduce this Act has been published

9   as provided by Article III, Section 13 of the Constitution of

10   Louisiana.

11   Be it enacted by the Legislature of Louisiana:

12   Section 1. Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised

13   Statutes of 1950, comprised of R.S. 33:130.791 through 130.797, is hereby enacted to read

14   as follows:

15   SUBPART B-42. LINCOLN PARISH

16   GEOGRAPHIC INFORMATION SYSTEM DISTRICT

17   §130.791. Creation; purpose; boundaries

18   A.(1) The governing authority of Lincoln Parish may create and establish a

19   body politic and corporate entity for the purpose of the development and application

20   of geographic information systems, including but not limited to base data regarding

21   property ownership, population, demographics, political boundaries, emergency

22   service areas, land use, streets, addresses, roads, bridges, utilities, easements,

23   servitudes, rights-of-way, topography, subdivisions, flood plains, and subdivision

24   restrictions.

1   (2) If created and established pursuant to this Section, the district shall be a

2   political subdivision of the state of Louisiana, as defined in Article VI, Section 44

3   of the Constitution of Louisiana, and shall be known as the Lincoln Parish

4   Geographic Information System District, referred to in this Subpart as the "district".

5   (3) The district may also assist with homeland security and emergency

6   preparedness as well as the technical aspects and support of the various computer

7   systems of political subdivisions and other public entities within Lincoln Parish,

8   including but not limited to advice and support on any hardware, software,

9   networking, or other such information technology issues.

10   (4) No other provision of this Subpart shall be effective or operative unless

11   the district is created and established by the Lincoln Parish Police Jury pursuant to

12   this Section.

13   B. The boundaries of the district shall be coterminous with the boundaries

14   of Lincoln Parish.

15   §130.792. Board of commissioners; membership

16   A.(1) The district shall be governed by a board of commissioners, referred

17   to in this Subpart as the "board", consisting of members as provided in this

18   Subsection.

19   (2) The following shall be members of the board:

20   (a) The assessor of Lincoln Parish or the assessor's designee.

21   (b) One member appointed by the governing authority of Lincoln Parish.

22   (c) One member appointed by the governing authority of Ruston.

23   (d) One member appointed by the governing authority of the Lincoln Parish

24   Communications District.

25   (e) The sheriff of Lincoln Parish or the sheriff's designee.

26   (f) One member appointed by the governing authority of the Lincoln Parish

27   Fire Protection District.

28   (g) The clerk of court of Lincoln Parish or the clerk's designee.

29   (3) The governing authority of Lincoln Parish may appoint up to four

30   additional members of the board. Each such additional member shall represent a

1   political subdivision or other entity with an interest in the purpose of the district, and

2   only one member may be appointed to represent any particular subdivision or entity.

3   The parish governing authority may establish criteria that a subdivision or entity

4   must meet in order to have a representative on the board.

5   B.(1) Board members serving pursuant to Subparagraphs (A)(2)(b), (c), (d),

6   and (f) of this Section shall serve four-year terms after initial terms as provided for

7   in this Paragraph. One member shall serve an initial term of one year; one member

8   shall serve an initial term of two years; one member shall serve an initial term of

9   three years; and one member shall serve an initial term of four years, all as

10   determined by lot at the first meeting of the board.

11   (2)(a) Each board member serving pursuant to Subparagraphs (A)(2)(a), (e),

12   and (g) of this Section shall serve during his term of office.

13   (b)   Any designee serving on the board shall serve at the pleasure of the

14   designating authority.

15   (3) Board members serving pursuant to Paragraph (A)(3) of this Section shall

16   serve at the pleasure of the appointing authority.

17   C. Any vacancy which occurs prior to the expiration of the term for which

18   a member of the board has been appointed shall be filled for the remainder of the

19   unexpired term in the same manner as the original appointment.

20   D. Members shall be eligible for reappointment.

21   E. The members of the board shall serve without compensation.

22   §130.793. Board officers; meetings; quorum; rules; report

23   A. The board shall elect from its members a chair, a vice chair, a secretary,

24   and a treasurer. The board may combine such offices or elect other officers as it may

25   deem necessary.

26   B.   The board shall keep minutes of all meetings and shall make them

27   available through the secretary of the board to residents of the district. The minute

28   books and archives of the district shall be maintained by the secretary of the board.

29   The monies, funds, and accounts of the district shall be in the official custody of the

30   board.

1   C. The board may adopt bylaws or such other rules and regulations as it

2   deems necessary or advisable for conducting its business affairs.

3   D. The board shall hold regular meetings at least quarterly and may hold

4   special meetings at such times and places within the district as may be prescribed by

5   the board.

6   E. A majority of the members of the board shall constitute a quorum for the

7   transaction of business.

8   §130.794. Powers and duties

9   A. The district shall have and exercise all powers of a political subdivision

10   necessary or convenient for the purpose of funding the district and carrying out its

11   objects and purposes, including but not limited to the following:

12   (1) To incur debt.

13   (2) To sue and be sued.

14   (3) To adopt, use, and alter at will a corporate seal.

15   (4) To adopt bylaws and rules and regulations.

16   (5) To receive by gift, grant, donation, or otherwise any sum of money,

17   property, aid, or assistance from the United States, the state of Louisiana, or any

18   political subdivision thereof, or any person, firm, or corporation.

19   (6) To enter into contracts, agreements, or cooperative endeavors with the

20   state and its political subdivisions or political corporations and with any public or

21   private association, corporation, business entity, or individual.

22   (7) To elect officers and appoint agents and employees, prescribe their

23   duties, and fix their compensation.

24   (8) To acquire property by purchase, gift, grant, donation, lease, or

25   otherwise.

26   (9) To establish monetary, bank, and investment accounts.

27   (10) To establish committees or subcommittees.

28   (B) The district shall not be deemed to be an instrumentality of the state for

29   purposes of Article X, Section 1(A) of the Constitution of Louisiana.

1   §130.795. Funding sources; ad valorem tax; sales and use tax

2   A. The board may levy annually and cause to be collected an ad valorem tax,

3   provided that the amount, term, and purpose of such tax, as set out in a proposition

4   submitted to a vote in accordance with the Louisiana Election Code, shall be

5   approved by a majority of the qualified electors voting on the proposition at an

6   election held for that purpose.

7   B.(1) The board may levy and collect a sales and use tax within the

8   boundaries of the district for such purposes and at such rate as provided by the

9   proposition authorizing its levy, not exceeding one percent, which tax may exceed

10   the limitation set forth in Article VI, Section 29(A) of the Constitution of Louisiana,

11   provided the proposition submitted to a vote in accordance with the Louisiana

12   Election Code, shall be approved by a majority of the qualified electors voting on the

13   proposition at an election held for that purpose.

14   (2) The tax shall be levied upon the sale at retail, the use, the lease or rental,

15   the consumption, the distribution, and storage for use or consumption of tangible

16   personal property, and upon the sales of services within the district, all in accordance

17   with Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

18   (3) Except where inapplicable, the procedure established in Chapter 2-D of

19   Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall be followed in

20   the imposition, collection, and enforcement of the tax, and procedural details

21   necessary to supplement such provisions and to make them applicable to the tax

22   authorized by this Subsection shall be fixed in the ordinance imposing the tax.

23   §130.796. Budget

24   A. The board shall adopt an annual budget in accordance with the Local

25   Government Budget Act, R.S. 39:1301 et seq.

26   B. The district shall be subject to audit by the legislative auditor pursuant to

27   R.S. 24:513.

28   §130.797. Lincoln Parish information technology

29   If the governing authority of Lincoln Parish creates a district as authorized

30   by this Subpart, it shall provide for the transfer of all duties, obligations, property,

1   and employees of the Lincoln Parish Information Technology Department or the

2   successor of that department and any parish agency responsible for geographic

3   information systems to the district.

4   Section 2. This Act shall become effective upon signature by the governor or, if not

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

6   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

7   vetoed by the governor and subsequently approved by the legislature, this Act shall become

8   effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____

PRESIDENT OF THE SENATE

_____

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in struck through type are deletions from existing law; words underscored are additions.