

2019 Regular Session

HOUSE BILL NO. 55

BY REPRESENTATIVE ROBERT JOHNSON

COURTS: Provides relative to a special taxing district in Avoyelles Parish to fund construction and operation of courtroom and related facilities

1 AN ACT

2 To amend and reenact R.S. 33:4715.3(A) and (B), relative to facilities of certain judicial
3 districts; to provide relative to a justice center district in Avoyelles Parish, which is
4 authorized to levy taxes and finance, own, and maintain facilities for the Twelfth
5 Judicial District; to provide relative to governance of the district; and to provide for
6 related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:4715.3(A) and (B) are hereby amended and reenacted to read as
12 follows:

13 ~~§4715.3. Parish justice center district; certain parishes~~ Avoyelles Parish Justice
14 Center District

15 A.(1) There is hereby created within ~~any parish having a population of not~~
16 ~~less than forty-one thousand five hundred people and not more than forty-five~~
17 ~~thousand people as determined by the most recent federal decennial census~~
18 Avoyelles Parish a body politic and corporate which shall be known as the parish
19 ~~justice center district~~ Avoyelles Parish Justice Center District, hereafter in this
20 Section referred to as the "district". The district shall have boundaries coterminous
21 with the parish. The district shall be a political subdivision of the state as defined in
22 the Constitution of Louisiana.

1 (2) The purposes of the district are to locate, build, operate, and maintain
2 courtroom facilities for the Twelfth Judicial District Court for the state of Louisiana
3 ~~that judicial district that~~ encompasses the district, hereafter in this Section referred
4 to as the "judicial district", including all matters relating to incurring debt and
5 financing such activities as approved by the voters, all as more specifically
6 prescribed by this Section. ~~Such~~ These courtroom facilities ~~shall~~ for the district may
7 include offices for judges, clerks of court and support staff, jury rooms,
8 accommodations for the public, and other facilities deemed appropriate for
9 administration of justice by the governing authority of the district. The courtroom
10 facilities shall be located anywhere within the boundaries of the judicial district as
11 may be deemed appropriate by the board of commissioners of the Avoyelles Parish
12 Justice Center District.

13 B. The district shall be governed by a board of commissioners consisting of
14 not less than three nor more than seven members appointed by and serving at the
15 pleasure of the elected judges of the judicial district.

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 55 Engrossed 2019 Regular Session Robert Johnson

Abstract: Provides for a special district in Avoyelles Parish to fund, build, and operate courtroom facilities for the Twelfth Judicial District.

Present law requires that a parish governing authority provide a courthouse, with rooms for jurors and a jail.

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

Present law creates a parish justice center district in any parish with a population of not less than 41,500 and not more than 45,000 people. Provides that the purposes of the district are to locate, build, operate, and maintain courtroom and related facilities for the judicial district that encompasses the district.

Proposed law limits the applicability of present law to Avoyelles Parish and creates the Avoyelles Parish Justice Center District (district), which is authorized to locate, build, operate, and maintain courtroom and related facilities for the Twelfth Judicial District anywhere within the boundaries of the judicial district as deemed appropriate by the board of commissioners.

Present law provides for governance of the district by the elected judges of the judicial district. Proposed law provides instead for governance by a board of not less than three nor more than seven commissioners appointed by and serving at the pleasure of the elected judges of the judicial district.

Present law provides that the district has all powers necessary or convenient to effectuate its purpose including:

- (1) To acquire and develop property to be used as a justice center.
- (2) To develop plans for and to construct a justice center.
- (3) To operate and maintain the justice center.
- (4) To govern, manage, and direct the justice center; to lay out, regulate, improve, and beautify the same; to pass ordinances for the regulation and governance thereof; to appoint and employ such architects, engineers, surveyors, clerks, and others as may be necessary and to prescribe and define their respective duties and authority and the amount of their compensation; and generally to do all things in regard to the powers granted pursuant to present law.

Present law authorizes the district, in accordance with present law and subject to voter approval, to levy ad valorem and sales and use taxes. Present law requires that any tax proposition submitted to the voters state the rate, duration, and purpose of the tax as such are requested by resolution of the district governing authority.

Present law authorizes any political subdivision which is authorized to own public facilities to finance or refinance the acquisition, construction, improvement, rehabilitation, repair, or enlargement of such facilities by entering a sale, sale-back, lease, or sublease transaction or other agreement or any combination thereof with any public corporation, joint commission, or public trust provided that any such agreement contains a provision that the political subdivision will make a good faith effort to appropriate funds sufficient to pay all amounts due under the agreement but that failure to do so shall not constitute a default. Provides that the purpose of such agreements shall be to facilitate the issuance of bonds by any public corporation, joint commission, or public trust on behalf of the political subdivision. Provides further with respect to such agreements including provisions for use and control of the facility and title to the facility. Authorizes the state treasurer to withhold state aid funds from the political subdivision and pay such funds to the public corporation, joint commission, or public trust which is party to such agreement if and in the exact amount that the political subdivision fails to make required payments to the public corporation, joint commission, or public trust. Present law authorizes the district to enter such agreements.

Present law authorizes the district to incur debt and fund tax revenues into bonds in accordance with present law. Provides that a proposition authorizing bonds secured by a sales and use tax shall state the amount of bonds to be issued.

Present law provides that the district governing authority shall exercise the authority granted in present law to the extent that revenues for such exercise are approved by the voters, and that the parish shall not exercise any authority which conflicts with the district's authority. Further provides that to the extent that sufficient revenues are not authorized, the parish may exercise its own authority with respect to the acquisition, construction, renovation, operation, or maintenance of a parish courthouse.

Proposed law retains present law as applicable to Avoyelles Parish, the Avoyelles Parish Justice Center District, and the Twelfth Judicial District.

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

(Adds R.S. 33:4715.3(A) and (B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Change the amount of members of the board of commissioners from three to not less than three nor more than seven.
2. Make technical changes.
3. Add clerks of court offices to the list of courtroom facilities that the district is to locate, build, and maintain.
4. Provide that courtroom facilities shall be located anywhere within the boundaries of the judicial district as deemed appropriate by the board of commissioners of the Avoyelles Parish Justice Center District.