

SENATE BILL NO. 730

BY SENATORS THOMPSON AND RISER

1 AN ACT

2 To enact Chapter 4-A of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 38:1401, relative to the creation of the Bunches Bend Protection District; to
4 provide for the purposes, powers, duties, and governance of the district; to provide
5 for the authority to levy taxes under certain conditions; to provide for the issuance
6 of indebtedness; to authorize cooperative endeavors with the owners of certain land;
7 to provide for certain penalties; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 4-A of Title 38 of the Louisiana Revised Statutes of 1950, to be
11 comprised of R.S. 38:1401, is hereby enacted to read as follows:

12 **§1401. Bunches Bend Protection District**

13 **A. Creation. Pursuant to Article VI, Sections 19, 30, and 36 of the**
14 **Constitution of Louisiana, the Bunches Bend Protection District is hereby**
15 **created, effective July 15, 2012, as a special district and political subdivision of**
16 **the state of Louisiana in the parish of East Carroll and is hereby granted all of**
17 **the rights, powers, privileges, and immunities accorded by law and the**
18 **Constitution of Louisiana to political subdivisions of the state, subject to the**
19 **limitations provided in this Section, for the purpose of repairing, improving,**
20 **and maintaining the Wilson Point Levee System in the Bunches Bend area.**

21 **B. The district shall be comprised of the following described tract of land**
22 **situated in a portion of T 22 & 23 N - R 13 E, East Carroll Parish, Louisiana as**
23 **shown on plat D-1724, file number 4539.2 containing approximately 10,599**
24 **acres, and being more particularly described as follows: FROM the southeast**
25 **corner of Section 71, T 22 N – R 13 E, East Carroll Parish, Louisiana run North**
26 **50°43'51" West approximately 1,105 feet to a point at the intersection of the east**
27 **toe of the Mississippi River Main Line Levee and a line 15.00 feet south of the**

1 southern toe of the Old Levee and THE POINT OF BEGINNING; thence run
2 in a northern direction along the east toe of the Mississippi River Main Line
3 Levee approximately 20,263 feet to a point at the intersection of a line 15.00 feet
4 from the toe of the Old Levee on the unprotected side; thence run along the
5 unprotected side and being 15.00 feet from the toe of the Old Levee
6 approximately 79,421 feet to a point and The Point Of Beginning.

7 C. Governance. (1) In order to provide for the orderly development of
8 the district and effectuation of the purposes of the district, the district shall be
9 administered and governed by a board of six commissioners who shall be
10 owners of property in the district or duly designated representatives of entities
11 which own property within the district, as follows:

12 (a) Two shall be appointed by the governor, to serve at his pleasure.

13 (b) One shall be appointed by the member of the Louisiana House of
14 Representatives whose district encompasses all or the greater portion of the
15 area of the district, to serve at his pleasure.

16 (c) One shall be appointed by the member of the Louisiana Senate whose
17 district encompasses all or the greater portion of the area of the district, to serve
18 at his pleasure.

19 (d) Two shall be appointed by the public utilities which own land or
20 property or possess servitudes within the district.

21 (2) The commissioners appointed pursuant to Paragraph (1)(d) shall
22 serve terms of four years beginning July 15, 2012. However, the commissioners
23 may serve until they are reappointed or until their successors are appointed.
24 Any vacancy which occurs shall be filled in the same manner as the original
25 appointment.

26 (3) A majority of the members of the board shall constitute a quorum for
27 the transaction of business and, except as provided for in Subsection E of this
28 Section, the board shall take action by a vote of a majority of the commissioners
29 present. The board shall keep minutes of all meetings and shall make them
30 available for inspection through the board's secretary. The minute books and

1 archives of the district shall be maintained by the board's secretary. The
2 monies, funds, and accounts of the district shall be in the official custody of the
3 board.

4 (4) The board shall adopt bylaws and prescribe rules to govern its
5 meetings. The members of the board shall serve without salary or per diem but
6 shall be entitled to reimbursement for reasonable, actual, and necessary
7 expenses incurred in the performance of their duties.

8 (5) The domicile of the board shall be established by the board at a
9 location within East Carroll Parish.

10 (6) The board shall elect from its own members a president, vice
11 president, secretary and treasurer, whose duties shall be common to such offices
12 or as may be provided by bylaws adopted by the district. At the option of the
13 board or as provided in the bylaws, the offices of secretary and treasurer may
14 be held by one person. The board shall hold such meetings as the president
15 deems necessary, or as called by a written petition of a majority of the members
16 of the board, or may hold special meetings as provided in the bylaws. All such
17 meetings shall be public meetings subject to the provisions of R.S. 42:11 et seq.

18 D. Rights and powers. In addition to the revenue authority provided for
19 in Subsection E of this Section, the district, acting by and through its board of
20 commissioners, shall have and exercise all powers of a political subdivision and
21 a special district necessary or convenient for the carrying out of its objectives
22 and purposes including but not limited to the following:

23 (1) To sue and to be sued.

24 (2) To adopt bylaws and rules and regulations.

25 (3) To receive by gift, grant, donation or otherwise any sum of money,
26 property, aid or assistance from the United States, the state of Louisiana, or any
27 political subdivision thereof, or any person, firm, or corporation.

28 (4) For the public purposes of the district, to enter into contracts,
29 agreements, or cooperative endeavors with the state and its political
30 subdivisions or political corporations and with any public or private association,

1 corporation, business entity, or individual.

2 (5) To appoint officers, agents, and employees, prescribe their duties, and
3 fix their compensation.

4 (6) To acquire by gift, grant, purchase, lease, or otherwise such property
5 as may be necessary or desirable for carrying out the objectives and purposes
6 of the district and to mortgage and sell such property.

7 (7)(a) In its own name and on its own behalf, to incur debt and to issue
8 bonds, notes, certificates, and other evidences of indebtedness. For this purpose
9 the district shall be deemed and considered to be a public entity and shall, to the
10 extent not in conflict with this Section, have the authority and powers with
11 respect to indebtedness provided for in Chapters 13, 13-A, 14, 14-A, 14-B, 15-A
12 and 18 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, and
13 any other provisions of law providing authority to political subdivisions with
14 respect to issuing indebtedness which is not in conflict with this Section.

15 (b) Except for the approval of the State Bond Commission as may be
16 provided for in law, no other approval shall be required for the issuance of
17 indebtedness of the district.

18 (c) For a period of thirty days from the date of publication of any
19 resolution authorizing the issuance of bonds or other indebtedness of the
20 district, any persons in interest shall have the right to contest the legality of the
21 resolution and the legality of the bond issue for any cause, after which time no
22 one shall have any cause or right of action to contest the legality of such
23 resolution or of the bonds authorized thereby for any cause whatsoever. If no
24 suit, action, or proceeding is begun contesting the validity of the bond issue
25 within the thirty days prescribed in this Subparagraph, the authority to issue
26 the bonds and to provide for the payment thereof, and the legality thereof and
27 all of the provisions of the resolution authorizing the issuance of the bonds shall
28 be conclusively presumed, and no court shall have authority to inquire into such
29 matters.

30 (8) To borrow money and pledge all or part of its taxes, fees, or other

1 revenues as security for debt incurred and for furtherance of the purposes of
2 the district.

3 (9) To establish such funds or accounts as are necessary for the conduct
4 of the affairs of the district.

5 (10) To enter onto private property where necessary to perform its duties
6 as provided for in this Section.

7 (11) To do all things reasonably necessary to accomplish the purposes of
8 the district, except that, notwithstanding any other law to the contrary, neither
9 the board nor the district shall have the power of expropriation.

10 E.(1) For the purposes set forth in this Section, the board of
11 commissioners is hereby granted the authority pursuant to Article VI, Sections
12 19, 30, and 36 of the Constitution of Louisiana to levy and collect by resolution
13 or ordinance adopted by a favorable vote of at least two-thirds of the total
14 number of commissioners, which shall include the favorable vote of both of the
15 commissioners appointed by the public utilities which own land or property or
16 possess servitudes within the district, a combination of the following taxes:

17 (a) An ad valorem tax of up to three hundred eleven mills within the
18 district.

19 (b) An annual tax to be imposed on a per acre basis on land within the
20 district not to exceed thirty dollars per acre levied on cropland as defined by the
21 Farm Service Agency of the United States Department of Agriculture and seven
22 dollars per acre levied on all other land.

23 (2)(a) Such combination of taxes shall be levied only after the following:

24 (i) The board of commissioners of the district has adopted an
25 appropriate resolution giving notice of its intention to levy such taxes, which
26 resolution shall include a general description of the taxes to be levied, and notice
27 of this intention shall be published once a week for two weeks in the official
28 journal of the parish governing authority, the first publication to appear at least
29 fourteen days before the public meeting of the board of commissioners at which
30 the board will meet in open and public session to hear any objections to the

1 proposed levy of the tax. The notice of intent so published shall state the date,
 2 time, and place of the public hearing.

3 (ii) At the public meeting held pursuant to this Subparagraph, the
 4 commission shall establish a mail ballot referendum on the imposition of the
 5 proposed tax whereby landowners within the district may inform the board of
 6 their approval or disapproval of such proposed tax. The mail ballot referendum
 7 shall include the following:

8 (aa) A procedure whereby the landowners within the district shall be
 9 mailed to the last known address of such landowners as listed on the ad valorem
 10 tax assessment rolls of the parish the mail ballot provided for in Subitem (bb)
 11 of this Item and written notice of the following:

12 (I) The rate and term of the taxes proposed to be levied.

13 (II) The purposes of such levy.

14 (III) The time period during which the mail balloting shall occur, which
 15 shall in no case be less than thirty days, with the stipulation that no mail ballots
 16 will be accepted that are postmarked after the last day of such time period.

17 (IV) The address to which the ballots are to be mailed.

18 (bb) The form of the mail ballot wherein the landowner shall express his
 19 approval or disapproval of the rate and term of the tax. If the landowner is not
 20 an individual, the voter shall provide written documentation of his authority to
 21 vote on behalf of the entity that is the landowner.

22 (iii) The commission shall not levy any tax pursuant to this Section unless
 23 seventy-five percent of the landowners in the district participating in the mail
 24 ballot approve the rate and term of the tax.

25 (iv) For purposes of this Paragraph, "landowner" means the following:

26 (I) The individual or individuals who own land in the district.

27 (II) A duly authorized representative of any entity that owns land in the
 28 district.

29 (b) The powers and rights conferred by this Subsection shall be in
 30 addition to the powers and rights conferred by any other law. This Subsection,

1 and any provisions of this Section not inconsistent therewith, does and shall be
 2 construed to provide a complete and additional method for the levy of the tax.
 3 No election, proceeding, notice, or approval shall be required for the levy of
 4 such tax except as provided in this Subsection.

5 F. The provisions of R.S. 38:225(A), (B), (D)(1), and (E) shall apply to
 6 the Wilson Point Levee System in the Bunches Bend area and the Bunches Bend
 7 Protection District shall have the authority provided to levee districts in such
 8 provisions of law.

9 G. The property of the district acquired or held for the purposes of this
 10 Section is to be used for an essential public and governmental purpose and such
 11 property shall be exempt from all taxes of the state or any of its local
 12 governmental or political subdivisions. However such exemption shall
 13 terminate when the district sells or otherwise disposes of the property to any
 14 purchaser or transferee not a public body.

15 H. Liberal construction. This Section shall be liberally construed to
 16 effect the purposes of the Section.

17 Section 2. The chief executive of the governing authority of East Carroll Parish shall
 18 call and designate the location of the first meeting of the board of commissioners of the
 19 district at a place to be named by him no later than July 31, 2012. He shall chair the meeting
 20 until the president thereof is elected at such meeting.

21 Section 3. This Act shall become effective upon signature by the governor or, if not
 22 signed by the governor, upon expiration of the time for bills to become law without signature
 23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 25 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____