

Regular Session, 2009

HOUSE BILL NO. 647

BY REPRESENTATIVE DOWNS

DISTRICTS/SPECIAL: Authorizes the governing authority of Lincoln Parish to create the Lincoln Parish G.I.S. District

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

1 property ownership, population, demographics, political boundaries, emergency  
2 service areas, land use, streets, addresses, roads, bridges, utilities, easements,  
3 servitudes, rights-of-way, topography, subdivisions, flood plains, and subdivision  
4 restrictions.

5 (2) If created and established pursuant to this Section, the district shall be a  
6 political subdivision of the state of Louisiana, as defined in Article VI, Section 44  
7 of the Constitution of Louisiana, and shall be known as the Lincoln Parish  
8 Geographic Information System District, referred to in this Subpart as the "district".

9 (3) The district may also assist with homeland security and emergency  
10 preparedness as well as the technical aspects and support of the various computer  
11 systems of political subdivisions and other public entities within Lincoln Parish,  
12 including but not limited to advice and support on any hardware, software,  
13 networking, or other such information technology issues.

14 (4) No other provision of this Subpart shall be effective or operative unless  
15 the district is created and established by the Lincoln Parish Police Jury pursuant to  
16 this Section.

17 B. The boundaries of the district shall be coterminous with the boundaries  
18 of Lincoln Parish.

19 §130.792. Board of commissioners; membership

20 A.(1) The district shall be governed by a board of commissioners, referred  
21 to in this Subpart as the "board", consisting of members as provided in this  
22 Subsection.

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

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

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

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

27 (d) One member appointed by the governing authority of the Lincoln Parish  
28 Communications District.

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

1           (f) One member appointed by the governing authority of the Lincoln Parish  
2           Fire Protection District.

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

4           (3) The governing authority of Lincoln Parish may appoint up to four  
5           additional members of the board. Each such additional member shall represent a  
6           political subdivision or other entity with an interest in the purpose of the district, and  
7           only one member may be appointed to represent any particular subdivision or entity.  
8           The parish governing authority may establish criteria that a subdivision or entity  
9           must meet in order to have a representative on the board.

10           B.(1) Board members serving pursuant to Subparagraphs (A)(2)(b), (c), (d),  
11           and (f) of this Section shall serve four-year terms after initial terms as provided for  
12           in this Paragraph. One member shall serve an initial term of one year; one member  
13           shall serve an initial term of two years; one member shall serve an initial term of  
14           three years; and one member shall serve an initial term of four years, all as  
15           determined by lot at the first meeting of the board.

16           (2)(a) Each board member serving pursuant to Subparagraphs (A)(2)(a), (e),  
17           and (g) of this Section shall serve during his term of office.

18           (b) Any designee serving on the board shall serve at the pleasure of the  
19           designating authority.

20           (3) Board members serving pursuant to Paragraph (A)(3) of this Section shall  
21           serve at the pleasure of the appointing authority.

22           C. Any vacancy which occurs prior to the expiration of the term for which  
23           a member of the board has been appointed shall be filled for the remainder of the  
24           unexpired term in the same manner as the original appointment.

25           D. Members shall be eligible for reappointment.

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

1        §130.793. Board officers; meetings; quorum; rules; report

2                A. The board shall elect from its members a chair, a vice chair, a secretary,  
3        and a treasurer. The board may combine such offices or elect other officers as it may  
4        deem necessary.

5                B. The board shall keep minutes of all meetings and shall make them  
6        available through the secretary of the board to residents of the district. The minute  
7        books and archives of the district shall be maintained by the secretary of the board.  
8        The monies, funds, and accounts of the district shall be in the official custody of the  
9        board.

10              C. The board may adopt bylaws or such other rules and regulations as it  
11        deems necessary or advisable for conducting its business affairs.

12              D. The board shall hold regular meetings at least quarterly and may hold  
13        special meetings at such times and places within the district as may be prescribed by  
14        the board.

15              E. A majority of the members of the board shall constitute a quorum for the  
16        transaction of business.

17        §130.794. Powers and duties

18              A. The district shall have and exercise all powers of a political subdivision  
19        necessary or convenient for the purpose of funding the district and carrying out its  
20        objects and purposes, including but not limited to the following:

21                    (1) To incur debt.

22                    (2) To sue and be sued.

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

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

25                    (5) 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.

1           (6) To enter into contracts, agreements, or cooperative endeavors with the  
2           state and its political subdivisions or political corporations and with any public or  
3           private association, corporation, business entity, or individual.

4           (7) To elect officers and appoint agents and employees, prescribe their  
5           duties, and fix their compensation.

6           (8) To acquire property by purchase, gift, grant, donation, lease, or  
7           otherwise.

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

9           (10) To establish committees or subcommittees.

10           (B) The district shall not be deemed to be an instrumentality of the state for  
11           purposes of Article X, Section 1(A) of the Constitution of Louisiana.

12           §130.795. Funding sources; ad valorem tax; sales and use tax

13           A. The board may levy annually and cause to be collected an ad valorem tax,  
14           provided that the amount, term, and purpose of such tax, as set out in a proposition  
15           submitted to a vote in accordance with the Louisiana Election Code, shall be  
16           approved by a majority of the qualified electors voting on the proposition at an  
17           election held for that purpose.

18           B.(1) The board may levy and collect a sales and use tax within the  
19           boundaries of the district for such purposes and at such rate as provided by the  
20           proposition authorizing its levy, not exceeding one percent, which tax may exceed  
21           the limitation set forth in Article VI, Section 29(A) of the Constitution of Louisiana,  
22           provided the proposition submitted to a vote in accordance with the Louisiana  
23           Election Code, shall be approved by a majority of the qualified electors voting on the  
24           proposition at an election held for that purpose.

25           (2) The tax shall be levied upon the sale at retail, the use, the lease or rental,  
26           the consumption, the distribution, and storage for use or consumption of tangible  
27           personal property, and upon the sales of services within the district, all in accordance  
28           with Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

1           (3) Except where inapplicable, the procedure established in Chapter 2-D of  
 2           Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall be followed in  
 3           the imposition, collection, and enforcement of the tax, and procedural details  
 4           necessary to supplement such provisions and to make them applicable to the tax  
 5           authorized by this Subsection shall be fixed in the ordinance imposing the tax.

6           §130.796. Budget.

7           A. The board shall adopt an annual budget in accordance with the Local  
 8           Government Budget Act, R.S. 39:1301, et seq.

9           B. The district shall be subject to audit by the legislative auditor pursuant to  
 10          R.S. 24:513.

11          §130.797. Lincoln Parish information technology

12           If the governing authority of Lincoln Parish creates a district as authorized  
 13          by this Subpart, it shall provide for the transfer of all duties, obligations, property,  
 14          and employees of the Lincoln Parish Information Technology Department or the  
 15          successor of that department and any parish agency responsible for geographic  
 16          information systems to the district.

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.

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#### 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)]

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Downs

HB No. 647

**Abstract:** Authorizes the governing authority of Lincoln Parish to create a geographic information system district.

Proposed law authorizes the governing authority of Lincoln Parish to create and establish, as a political subdivision, a geographic information system district for the development and application of information systems. Provides relative to district boundaries and the membership, terms, meetings, and powers and duties of the district's board of

commissioners. Provides for a seven-member board comprised of specified ex officio members and appointees of specified political subdivisions in the parish. Authorizes the parish governing authority to provide for up to four additional members representing other political subdivisions or entities. Authorizes the board to levy annually an ad valorem tax and to levy and collect a sales and use tax, not to exceed 1%, all subject to voter approval. Requires the board to adopt an annual budget and provides that the district shall be subject to audit by the legislative auditor. Provides that the district, if created, shall succeed the Lincoln Parish Information Technology Department and the Lincoln Parish agency responsible for geographic information systems.

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

(Adds R.S. 33:130.791-130.797)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Clarifies that appointed board members shall serve four-year staggered terms. Provides that designees shall serve at the pleasure of the designating authority. Further provides that the additional four board members appointed by the Lincoln Parish governing authority shall serve at the pleasure of the governing authority.