

Regular Session, 2009

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: \_\_\_\_\_