

SENATE BILL NO. 617

BY SENATOR AMEDEE

AN ACT

To enact R.S. 33:4690.13, relative to Ascension Parish; to authorize the parish governing authority to create road infrastructure development districts; to provide relative to the authority of such districts to undertake new residential road projects and to finance them by levying taxes and assessments and incurring debt; to provide relative to taxes, assessments, and debt; to provide for general powers and duties of a district; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4690.13 is hereby enacted to read as follows:

§4690.13. Ascension Parish Road Infrastructure Development Districts

A. Findings and purpose. (1) At the request of the governing authority of Ascension Parish, the legislature finds that the traditional method of financing new residential road infrastructure developments by separate taxes or assessments for each individual road improvement project, though very appropriate in many cases, may not be the best way to provide for multiple road improvement projects in a relatively small geographic area. The legislature finds that an effective alternative method of financing new road infrastructure improvements in a small geographic area is to finance the entire undertaking as a single package. It is the purpose of this Section to authorize the levy of ad valorem taxes and non ad valorem assessments for financing only new residential road infrastructure improvement projects in Ascension Parish.

(2) The legislature further finds that given the complexity of such projects and the geographic compactness of the areas contemplated for such development, the governing authority of Ascension Parish may wish to create special taxing districts having the authority to plan and execute the new residential road infrastructure development projects and to levy the ad valorem

1 taxes and non ad valorem assessments authorized by this Section. Even if the
2 governing authority of the parish serves as the governing authority of the
3 district, there are proven political and legal advantages to the use of special
4 taxing districts for carrying out governmental functions. It is further the
5 purpose of this Section to authorize the governing authority of Ascension Parish
6 to create special taxing districts authorized to do those things necessary, as
7 prescribed in this Section, to finance, execute, and maintain new residential
8 road infrastructure development projects such as those described in this
9 Subsection.

10 B. Creation. Without limiting any authority of the governing authority
11 of the parish of Ascension as provided in the government home rule charter, the
12 governing authority may create special taxing districts for new residential
13 developments within the parish for the purpose of new residential road
14 infrastructure improvement projects subject to the provisions of this Section.
15 The parish governing authority may not create such a district until it has held
16 two public hearings on the issue. Any such district shall be a political
17 subdivision of the state as defined in Article VI, Section 44 of the Constitution
18 of Louisiana and shall have all authority granted by the constitution, the home
19 rule charter of Ascension Parish, and this Section. The parish governing
20 authority shall serve as the governing authority of any such special district. The
21 parish governing authority may, at its discretion, require as a condition of
22 creation of the road infrastructure development district that title to, control of,
23 and responsibility for maintenance of any or all road infrastructure projects
24 within the district be transferred to the parish governing authority in
25 accordance with its existing ordinances and practices.

26 C. Special powers. The district may, subject to applicable regulatory
27 jurisdiction and permitting authority of other public entities and officials,
28 finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or
29 extend, equip, operate, and maintain systems, facilities, and basic road
30 infrastructures for the following:

1 (1) Bridges or culverts that may be needed across or in any drain, ditch,
2 canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or
3 cut, and roadways over levees and embankments, and may construct any and
4 all of such works and improvements across, through, or over any public right-
5 of-way, highway, grade, fill, or cut.

6 (2) District roads equal to or exceeding parish specifications and street
7 lights.

8 D. Taxing authority. (1)(a) The governing authority of a special taxing
9 district created as provided in this Section may levy and collect, in the same
10 manner and at the same time as all other ad valorem taxes in the parish are
11 levied and collected, a special ad valorem tax, not to exceed fifteen mills, upon
12 all taxable, immovable property situated within the boundaries of the district.
13 The ad valorem tax provided for herein shall be in addition to all other ad
14 valorem taxes provided for by law.

15 (b) The proceeds of the tax authorized by this Paragraph may be used
16 only for road projects within the district.

17 (2)(a) To maintain, operate, and preserve the facilities and road projects
18 of the district, the district governing authority may levy a maintenance special
19 assessment. The district governing authority shall determine the amount of the
20 assessment based upon a report of the district's engineer and shall assess lands
21 benefitted by the road improvement, such assessments to be apportioned in
22 proportion to the benefits received by each tract of land. Benefits received shall
23 be determined on a pro rata basis by the amount of road frontage on each lot.
24 Assessments shall be collected and enforced by the tax collector in the same
25 manner and at the same time as ad valorem taxes. Maintenance special
26 assessments shall be a lien on the property against which assessed until paid.

27 (b) Any non ad valorem assessments shall be sent to the assessor's office
28 no later than April thirtieth for each new district for an assessment for the
29 following fiscal year and shall not exceed two hundred dollars per year per lot.

30 (3) The tax and assessment authorized by the provisions of this

1 Subsection shall be levied by ordinance of the governing authority of the district
2 only after the governing authority of the district has called a special election
3 submitting the proposition for the levy of any such tax or assessment to the
4 qualified electors of the district and the proposition has received a favorable
5 vote of a majority of the qualified electors voting in the election; however, if
6 there are no qualified electors in the district as certified by the registrar of
7 voters, no such election shall be required. The powers and rights conferred by
8 this Subsection shall be in addition to the powers and rights conferred by any
9 other general or special law. No other election shall be required for the levy of
10 any such tax or assessment except as provided in this Paragraph.

11 E. General powers and duties. The governing authority of the district
12 shall have the following additional powers and duties:

13 (1) To adopt bylaws for the regulation of its affairs and the conduct of
14 its business.

15 (2) To adopt an official seal and alter the seal at its pleasure.

16 (3) To maintain an office at such place as it may designate and to occupy
17 space for such purposes as may be made available by the parish governing
18 authority.

19 (4) To sue and to be sued.

20 (5) To receive, administer, and comply with the conditions and
21 requirements respecting any gift, grant, guarantee, subsidy, or donation of any
22 property or money.

23 (6) To acquire, by any lawful means, property, including rights-of-way,
24 and to hold and use any franchise or property, whether immovable, movable or
25 mixed, corporeal or incorporeal, necessary or desirable for carrying out the
26 objects and purposes of the district.

27 (7) To borrow money and issue bonds or obligations of the district in the
28 manner provided by this Section and to refund the same.

29 (8) To make and execute contracts and other instruments necessary in
30 the exercise of the powers and functions of the district under this Section.

1 (9) To pledge or assign any monies, fees, charges, or other revenues and
2 any proceeds derived by the district from the sale of bonds and other contracts
3 or rights of the district.

4 (10) To employ such employees, to make use of such persons as the
5 parish governing authority may make available to the district for its use, and
6 to employ or otherwise retain the services of accountants, financial advisors,
7 underwriters, attorneys, engineers, and such other consultants as may be
8 required, in the judgment of the governing authority, and to fix and pay their
9 compensation.

10 (11) To exercise any and all other powers necessary to accomplish the
11 purposes set forth herein.

12 (12) Nothing in this Section shall be construed as to vest or confer the
13 power of expropriation on the parish governing authority or any special taxing
14 district.

15 F. Authority to incur debt. (1) For any of its lawful purposes, the
16 district governing authority may issue bonds secured by and payable from a
17 pledge of the proceeds of the ad valorem taxes and the non ad valorem
18 assessments authorized by this Section. The bonds shall have such form,
19 characteristics, and details and shall be issued in accordance with this
20 Subsection and all other laws applicable to the issuance of bonds by political
21 subdivisions including but not limited to Article VI, Section 35 of the
22 Constitution of Louisiana and Part IV of Chapter 11 and Chapters 13, 13-A, 14,
23 and 14-A of Title 39 of the Louisiana Revised Statutes of 1950.

24 (2) The district governing authority shall authorize the issuance of bonds
25 by adoption of a resolution. It may not adopt a resolution authorizing the
26 issuance of general obligation bonds until a proposition authorizing the funding
27 of the tax or assessment into bonds and stating the purpose or purposes for
28 which the bonds will be issued is approved by a majority of the qualified district
29 electors voting on the proposition at an election held for that purpose and
30 conducted in accordance with the Louisiana Election Code.

1 (3) The bonds shall be of such series, bear such date or dates, be serial
2 or term bonds, mature at such time or times no later than thirty years from
3 their date, bear interest at such rate or rates payable on such date or dates, be
4 in such denomination, be in such form, carry such registration and
5 exchangeability provisions, be payable in such medium of payment and at such
6 place or places, be subject to such terms of redemption, and be entitled to such
7 priorities on the tax or assessment as the resolution authorizing such bonds may
8 provide.

9 (4) The bonds shall be executed in the name of the district by the manual
10 or facsimile signatures of such official or officials as may be designated in the
11 resolution authorizing their issuance. If any officer whose manual or facsimile
12 signature appears on any bond ceases to be such officer before the delivery of
13 such bonds, such signature nevertheless shall be valid and sufficient for all
14 purposes as if he had remained in office until such delivery. The resolution may
15 provide for authentication of the bonds by the fiscal agent thereunder.

16 (5) The commissioners, officers, or employees of the district or any other
17 person executing the bonds of the district, while acting within the scope of their
18 authority, shall not be personally liable for the bonds nor be subject to any
19 personal liability or accountability by reason of the issuance, sale, and delivery
20 thereof.

21 (6) The holders of any bonds issued hereunder shall have such rights
22 and remedies as may be provided in the resolution authorizing the issuance of
23 the bonds, including but not by way of limitation, appointment of a trustee for
24 bondholders and any other available civil action to compel compliance with the
25 terms and provisions of the bonds and the resolution.

26 (7)(a) Until all bonds issued pursuant to this Subsection have been
27 retired as to principal and interest or irrevocable provision otherwise made for
28 their complete redemption and payment in principal, interest, and redemption
29 premium if any, neither the legislature, the district, nor any other authority
30 may act to do any of the following:

1 (i) Impair any obligation of contract for the benefit of the holders of the
2 bonds.

3 (ii) Discontinue or decrease the tax or assessment or permit to be
4 discontinued or decreased the tax or assessment in anticipation of the collection
5 of which such bonds have been issued.

6 (iii) Make any change in the allocation and dedication of the proceeds
7 of such tax that would diminish the amount of the tax revenues to be received
8 by the district.

9 (b) There is hereby vested in the holders of such bonds a contract right
10 in the provisions of this Subsection.

11 (8) Bonds issued pursuant to this Subsection shall have all the qualities
12 of negotiable paper and shall constitute negotiable instruments under applicable
13 state law. They shall not be invalid for any irregularity or defect in the
14 proceedings for the issuance and sale thereof and shall be incontestable in the
15 hands of bona fide purchasers or holders for value.

16 (9) All bonds and the income therefrom shall be exempt from taxation
17 by the state and any political subdivision thereof. The bonds shall be legal and
18 authorized investments for banks, savings banks, insurance companies,
19 homestead and building and loan associations, trustees, and other fiduciaries
20 and may be used for deposit with any officer, board, or political subdivision of
21 the state in any case where, by present or future laws, deposit of security is
22 required.

23 (10) All bonds issued shall be advertised for sale on sealed bids. The
24 district may reject any and all bids. If the bonds are not sold pursuant to the
25 advertisement, they may be sold by the commission at private sale within sixty
26 days after the date advertised for the reception of sealed bids, but no private
27 sale shall be made at a price less than the highest bid received. If not so sold,
28 the bonds shall be readvertised as prescribed by this Paragraph.

29 (11) The proceeds derived from the sale of bonds shall be used
30 exclusively by the issuer for the purpose or purposes for which the bonds are

1 authorized to be issued, but the purchasers of the bonds shall not be obligated
 2 to see to the application thereof.

3 (12) The governing authority of a special taxing district shall require all
 4 developers to notify potential buyers of any property located within a new
 5 residential road infrastructure development of all potential taxes and fees.

6 G. Exceptions. The provisions of this Section shall not be applicable to
 7 the financing of any road infrastructure projects on any property in which the
 8 ownership of multiple adjacent parcels of the property resides with a single
 9 extended family or was inherited from a single family.

10 H. Termination of Section. This Section shall cease to be effective on
 11 August 1, 2024.

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____