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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Riley Boudreaux.

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## DIGEST

Thompson (SB 730)

Proposed law creates the Bunches Bend Protection District effective July 15, 2012, as a special district and political subdivision of the state for the purpose of repairing, improving, and maintaining the Wilson Point Levee System in the Bunches Bend area.

Proposed law specifies the area of so-called Bunches Bend that will be within the district.

Proposed law provides for the district to be administered by a board of six commissioners who shall be owners of property in the district or duly designated representatives of entities which own property within the district, as follows:

1. Two who are appointed by the governor, to serve at his pleasure.
2. One appointed by the member of the House whose district encompasses all or the greater portion of the area of the district, to serve at his pleasure.
3. One appointed by the member of the Senate whose district encompasses all or the greater portion of the area of the district, to serve at his pleasure.
4. Two appointed by the public utilities which own land and/or property or possess servitudes within the district.

The members of the board serve without salary or per diem but are entitled to reimbursement for reasonable, actual, and necessary expenses incurred in the performance of their duties.

A majority of the members of the board constitute a quorum for the transaction of business and, except as provided below for voting on taxes levied by the district, the board takes action by a vote of a majority of the commissioners present.

Proposed law authorizes the board of commissioners to levy and collect by resolution or ordinance adopted by a favorable vote of at least two-thirds of the total number of commissioners, which must include the favorable vote of both of the commissioners appointed by the public utilities, a combination of the following taxes:

1. An ad valorem tax of up to 311 mills within the district.
2. An annual tax to be imposed on a per acre basis on land within the district not to exceed \$30 per acre levied on cropland as defined by the Farm Service Agency of the USDA and \$7 per acre levied on all other land.

Such combination of taxes can be levied only after the following:

1. The board of commissioners of the district adopts an appropriate resolution giving notice of its intention to levy such taxes, which resolution must include a general description of the taxes to be levied, and notice of this intention must be published once a week for two weeks in the official journal of the parish governing authority, the first publication to appear at least 14 days before the public meeting of the board at which it will meet in open and public session to hear any objections to the proposed levy of the tax. The notice must state the date, time, and place of the public hearing.
2. At the public meeting, the commission is required to establish a mail ballot referendum on the imposition of the proposed tax whereby landowners within the district may inform the board of their approval or disapproval of the proposed tax. The mail ballot referendum must include the following:
  - (a) A procedure whereby the landowners within the district are mailed to their last known address as listed on the ad valorem tax assessment rolls of the parish the mail ballot below and written notice of the following:
    - (i) The rate and term of the taxes proposed to be levied.
    - (ii) The purposes of such levy.
    - (iii) The time period during which the mail balloting must occur which can in no case be less than 30 days, with the stipulation that no mail ballots will be accepted which are postmarked after the last day of the time period.
    - (iv) The address to which the ballots are to be mailed.
  - (b) The form of the mail ballot wherein the landowner expresses his approval or disapproval of the rate and term of the tax. If the landowner is not an individual, the voter is required to provide written documentation of his authority to vote on behalf of the entity which is the landowner.
3. The commission cannot levy any tax unless 75% of the landowners in the district participating in the mail ballot approve the rate and term of the tax.

"Landowner" is defined as:

1. The individual or individuals who own land in the district.
2. A duly authorized representative of any entity which owns land in the district.

Proposed law grants to the district those powers usually provided to such districts to do all things reasonably necessary to accomplish the purposes of the district. In particular, the district may:

1. In its own name and on its own behalf incur debt and issue bonds, notes, certificates and other evidences of indebtedness. For this purpose the district is deemed and considered to be a "public entity", and to the extent not in conflict with the proposed law, has the authority and powers with respect to indebtedness provided for in Chapters 13, 13-A, 14, 14-A, 14-B, 15-A and 18 of Subtitle III of Title 39 of the Louisiana Revised Statutes and any other provisions of law providing authority to political subdivisions with respect to issuing indebtedness which is not in conflict with the proposed law.
2. Except for the approval of the State Bond Commission, no other approval is required for the issuance of indebtedness of the district.
3. For a period of 30 days from the date of publication of any resolution authorizing the issuance of indebtedness of the district, any persons in interest are allowed to contest the legality of the resolution and the legality of the bond issue for any cause, but after that time no one has cause or right of action to contest their legality.
4. Enter onto private property where necessary to perform its duties as provided for in proposed law.
5. However, neither the board nor the district has the power of expropriation.

Proposed law provides that the provisions of R.S. 38:225(A), (B), (D)(1), and (E) apply to the Wilson Point Levee System and the Bunches Bend Protection District has the authority provided to levee districts in such provisions of law.[Those provisions essentially prohibit certain activities on or near the levees to be of repaired, improved and maintained and provide a penalty of not more than \$100 dollars for each violation or, in the case of willful and wanton violations, imprisonment for not more than six months, or both. In addition, the district would be authorized to bring a civil action for damages and/or injunctive relief, including but not limited to the issuance of a mandatory injunction. In any suit for the issuance of an injunction, proof of irreparable harm would not be necessary.]

Proposed law provides that the two commissioners appointed by the public utilities which own land and/or property or possess servitudes within the district serve terms of four years beginning July 15, 2012. However, the commissioners serve until they are reappointed or until their successors are appointed. Any vacancy which occurs is to be filled in the same manner as the original appointment.

The board elects from officers from its own members. The board holds such meetings as the president deems necessary, or as called by a written petition of a majority of the members of the board, or may hold special meetings as provided in the bylaws. All such meetings are public meetings subject to the provisions of R.S. 42:4.1 et seq.

The board is required to keep minutes of all meetings and make them available for inspection through the board's secretary. The board must adopt bylaws and prescribe rules to govern its meetings. The domicile of the board is to be established by the board at a location within East

Carroll Parish.

Proposed law requires the chief executive of the governing authority of East Carroll Parish to call and designate the location of the first meeting of the board of commissioners of the district at a place to be named by him no later than July 31, 2012. He chairs the meeting until the president thereof is elected at the meeting.

Proposed law provides that the property of the district acquired or held for the purposes of the proposed law is exempt from all taxes of the state or any of its local governmental or political subdivisions; provided, however, that the exemption terminates when the district sells, or otherwise disposes of the property to any purchaser or transferee not a public body.

Proposed law provides that it shall be liberally construed to effect the purposes of the proposed law.

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

(Adds R.S. 38:1401)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Reduces the millage which may be levied by the district from 750 mills to 311 mills.
2. Specifies that the annual tax to be imposed on a per acre basis on land within the district cannot exceed \$7 per acre on land which is not cropland as defined by the Farm Service Agency of USDA.
3. Specifies the area of so-called Bunches Bend that will be within the district.
4. Deletes specific authority to enter into cooperative endeavor agreements with owners of the levee concerning certain matters.
5. Includes Const. Art. VI, Sec. 36 as another source of authority for the grant of powers to the district.