

Regular Session, 2014

SENATE BILL NO. 387

BY SENATOR LAFLEUR

MUNICIPALITIES. Provides relative to local governing authorities and special districts.
(gov sig)

1 AN ACT
2 To enact Part XVI of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 33:1420.21, relative to special districts; to provide for powers and
4 authority in certain instances; to provide for an effective date; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part XVI of Chapter 2 of Title 33 of the Louisiana Revised Statutes of
8 1950, to be comprised of R.S. 33:1420.21 is hereby enacted to read as follows:

9 **PART XVI. SPECIAL DISTRICTS-MISCELLANEOUS PROVISIONS**

10 **§1420.21. Powers when same governance**

11 **A. Notwithstanding any other provision of law to the contrary, when the**
12 **governing authority of a parish or municipality also serves as the governing**
13 **authority of the special district authorized by state law to be created by it or by**
14 **the parish or municipality's home rule charter, the special district shall have the**
15 **same powers as that of the parish or municipality, including the power of**
16 **taxation and the power to incur debt and issue bonds.**

17 **B. The provisions of this Section shall apply only when the members of**

1 **the governing authority of the parish or municipality and of the special district**
 2 **are identical in number and in name.**

3 **C. Notwithstanding the provisions of this Section, the governing**
 4 **authority of the parish or municipality and the governing authority of the**
 5 **special district shall independently follow any notice requirements applicable**
 6 **to any actions taken by such entity.**

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

The original instrument was prepared by Michael Bell. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Cathy R. Wells.

DIGEST

LaFleur (SB 387)

Present law authorizes parishes and municipalities to establish various special districts for a variety of purposes including road development, recreation, economic development, water, sewerage, etc.

Present law provides many instances wherein the governing authority of the parish or municipality that created the special district also serves as the governing authority to the special district.

Proposed law provides that notwithstanding any other provision of present law, when the governing authority of a parish or municipality also serves as the governing authority of the special district, the special district shall have the same powers as that of the parish or municipality, including the power of taxation and the power to incur debt and issue bonds.

Proposed law limits its application to instances where the members of the governing authority of the parish or municipality and of the special district are identical in number and in name.

Proposed law requires governing authorities of a parish or municipality and the governing authority of a special district to independently follow any notice requirements applicable to any actions taken by such entity.

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

(Adds R.S. 33:1420.21)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Adds limitation of proposed law applicability.

Senate Floor Amendments to engrossed bill

1. Requires governing authorities to independently follow any notice requirements applicable to any actions taken by such entity.