

ACT No. 212

Regular Session, 2012

HOUSE BILL NO. 835

BY REPRESENTATIVE MILLER

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AN ACT

To amend and reenact R.S. 13:5121(2), 5124(B), and 5125, relative to bond validation suits; to provide for an online database for posting notice of filing bond validation suits; to provide for the information to be posted thereon; to provide for proof of posting; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5121(2), 5124(B), and 5125 are hereby amended and reenacted to read as follows:

§ 5121. Definitions.

* * *

(2) "Governmental unit" means the ~~State~~ state of Louisiana, municipalities, parishes, parish and municipal school boards and districts, levee boards and districts, housing authorities, bridge authorities, community improvement agencies, redevelopment agencies, all other political subdivisions of the state, public trusts, corporations, districts, boards, authorities, agencies, and units of local government and nonprofit corporations created by or governed by the governing authorities of parishes or municipalities, any special service districts, such as water, sewerage, garbage, and lighting districts created by or pursuant to legislative acts and any other districts, boards, authorities, and agencies of the ~~State~~ state of Louisiana authorized to issue bonds.

* * *

§5124. Service by publication of motion for judgment; parties defendant; notification

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1 B. The party filing a motion for judgment shall also cause notification of ~~said~~
 2 the filing to be made upon the State Bond Commission and the attorney general by
 3 mailing a certified copy of the motion for judgment by registered or certified mail,
 4 with return receipt requested. The State Bond Commission shall establish and
 5 maintain on its website an online database of such motions for judgment and shall
 6 post to such database within two days of receipt the caption of the motion for
 7 judgment, including the parties, the docket number, judicial district, and parish in
 8 which the motion for judgment is filed. The State Bond Commission may remove
 9 from an online database on its website such motions and captions after three years
 10 from their initial posting on the website. No judgment can be rendered until the
 11 party filing a motion for judgment files in the record an affidavit of the individual
 12 who mailed the motion for judgment to the State Bond Commission and attorney
 13 general, showing that it was properly addressed, with sufficient postage affixed, and
 14 the date it was deposited in the United States mail, to which shall be attached the
 15 return receipt thereon.

16 §5125. Contesting issuance of bonds or action taken with respect to source of
 17 payment therefor; notice and hearing; service on member of governing body

18 Any person, corporation, or association desiring to contest or enjoin the
 19 issuance of any such bonds or action taken providing for a new or different source
 20 of payment for outstanding bonds shall proceed by motion for judgment brought in
 21 the court having jurisdiction as provided in R.S. 13:5123. Upon the filing of any
 22 such motion for judgment, the court shall enter an order within five days following
 23 such filing requiring the publication of the motion in some newspaper published in
 24 or having general circulation in such governmental unit two times within a period of
 25 fifteen consecutive calendar days from the date of the issuance of the order
 26 specifying the dates for publication thereof, with the first publication as ~~hereinabove~~
 27 provided in this Section to be not later than eight days from and after the date of the
 28 issuance of the order, and at the same time fix a time and place for hearing the
 29 proceeding, which time and place shall be published with the motion for judgment.
 30 The date fixed for the hearing shall be at least ten days, but not more than thirteen

1 days, after the second publication of such motion for judgment. In addition to such
2 publication, the plaintiff must secure personal service at least five days prior to the
3 second publication of the motion for judgment on at least one member of the
4 governing body of the governmental unit whose actions or proceedings are sought
5 to be contested or enjoined-; and must cause notification of the motion for judgment
6 to be made upon the State Bond Commission and the attorney general by mailing a
7 certified copy of the motion for judgment by registered or certified mail, with return
8 receipt requested. The State Bond Commission shall post to its online database
9 within two days of receipt the caption of the motion for judgment, including the
10 parties, the docket number, judicial district, and parish in which the motion for
11 judgment is filed. The State Bond Commission may remove from an online database
12 on its website such motions and captions after three years from their initial posting
13 on the website.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____