

Bond Case Briefs

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BOND VALIDATION - LOUISIANA

Louisiana Local Government Facilities and Community Development Authority v. All Taxpayers

Supreme Court of Louisiana - April 17, 2015 - So.3d - 2015-0417 (La. 4/17/15)

The Louisiana Local Government Environmental Facilities and Community Development Authority (LCDA) filed a motion for judgment pursuant to the Bond Validation Act seeking to validate the issuance of certain municipal bonds.

The District Court denied the motion, expressing concerns over publication of notice. On appeal, the Court of Appeal found the district court erred in finding proper notice was not given. Nonetheless, the majority of the Court of Appeal, over two dissents, affirmed the District Court's judgment on different grounds, finding LCDA did not introduce into the record the resolution authorizing the issuance of the bonds.

The Supreme Court of Louisiana reversed, finding that the LCDA's motion to validate was not defective because it failed to introduce the resolution into the record.

The Court noted that the legislature chose not to specify what evidence a governmental entity must introduce to meet its burden of proof under the Bond Validation Act and that it was not the function of the judicial branch in a civilian legal system to legislate by inserting provisions into statutes where the legislature had chosen not to do so.