

SENATE BILL NO. 250

BY SENATOR BOUDREAUX AND REPRESENTATIVE DUSTIN MILLER

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AN ACT

To amend and reenact R.S. 33:2740.39(A), (B)(2), and (C)(1), (2), (3), (5), and (6) and to enact R.S. 33:9038.32(F), relative to the Opelousas Downtown Development District; to provide for the governance of the district; to provide for the purpose, authority, rights, powers, and duties of the district and its governing authority, including economic development and taxing authority; to provide with respect to boundaries; to provide for the levy of sales taxes; to provide for an election; to provide authority to create economic development districts; 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. 33:2740.39(A), (B)(2), and (C)(1), (2), (3), (5), and (6) are hereby amended and reenacted and R.S. 33:9038.32(F) is hereby enacted to read as follows:

§2740.39. Opelousas Downtown Development District

A. There is hereby created a body politic and corporate of the state which shall exist in perpetuity and be known as the Opelousas Downtown Development District, hereinafter referred to as the "district." ~~The district shall be composed of the existing Historic District, bordered to the north by the EW Railroad, to the south by Bertheaud Street, to the west by the NS Railroad, and to the east by Lombard Street~~ **boundaries of the district shall include the following perimeter: beginning at I-49, Exit 19 Ramp where ramp crosses over E. Grolee Street; then proceeding south along I-49 S. Service Road to the intersection of E. Laurent Street; then proceeding west to the intersection of Vincent Street; then proceeding north to the intersection of E. South Street; then proceeding west to the intersection of S. King Street; then proceeding south to the intersection of E. Madison Street;**

1           then proceeding west to the intersection of S. Walnut Street; then proceeding  
2           south to the intersection of Leonard Street; then proceeding east to the  
3           intersection of Edith Street; then proceeding south to the intersection of  
4           Creswell Lane; then proceeding west to the intersection of Joyce Drive; then  
5           proceeding south to the intersection of Abdalla Blvd.; then proceeding south to  
6           Hemlock Drive; then proceeding south to the intersection of Heather Drive;  
7           then proceeding west to the intersection of Heather Drive and the eastern  
8           boundary line of the Parcel No. 10579100; then continuing south approximately  
9           210 feet along the eastern boundary to the southeast property corner of Parcel  
10           No. 10579100 located in the southeast quadrant of the S. Union Street and  
11           Heather Drive intersection; then proceeding west approximately 400 feet along  
12           the southern boundary of Parcel No. 10579100 to the intersection with South  
13           Union Street; then proceeding south along South Union Street for  
14           approximately 140 feet to the intersection with the southern boundary line of  
15           Parcel No. 101858300 located in the southwest quadrant of the S. Union Street  
16           and Heather Drive intersection; then proceeding west approximately 525 feet  
17           along the southern boundary to the southwest property corner of Parcel No.  
18           101858300; then proceeding north for approximately 800 feet along Parcel No.  
19           101858300 and 0105789500 western boundary line to northwest property corner  
20           located in the northwest quadrant of the S. Union Street and Heather Drive  
21           intersection; then proceeding east along the northern boundary of Parcel No.  
22           0105789500 for approximately 850 feet to the western right-of-way line of S.  
23           Union Street; then proceeding in a northern direction along the western  
24           right-of-way line of S. Union Street for approximately 3,300 feet to the southern  
25           boundary of Parcel No. 9110421578; then proceeding west along the southern  
26           boundary of Parcel No. 9110421578 to the intersection with Bayou Tesson; then  
27           proceeding north along Bayou Tesson to the intersection with the northern  
28           boundary of Parcel No. 9110421578; then proceeding east along the northern  
29           boundary of Parcel No. 9110421578 to the intersection with the western right-  
30           of-way line of S. Union Street; then proceeding in a northern direction along the

1           western right-of-way line of S. Union Street to the intersection with E.  
2           Bertheaud Ave.; then proceeding west to the intersection of S. Court Street;  
3           then proceeding north to the intersection of W. South Street; then proceeding  
4           west to the intersection of S. Bullard Street; then proceeding north to the  
5           intersection of W. Bellevue Street; then proceeding east to the intersection of S.  
6           Court Street; then proceeding north to Redmond Street; then continuing north  
7           to the intersection of E. Martin Luther King Jr. Drive; then proceeding east to  
8           the intersection of Main Street; then continuing east to the projected  
9           intersection of E. Martin Luther King Jr. Drive and Cherokee Drive; then  
10           proceeding north along Cherokee Drive until intersection with Natchez Blvd.;  
11           then proceeding west along Natchez Blvd. to the intersection with a line located  
12           350 feet east and parallel to Main Street; then proceeding south along said line  
13           running parallel to Main Street to the intersection of E. Prudhomme Lane; then  
14           proceeding west to the eastern right-of-way line of Main Street; then proceeding  
15           south along the eastern right-of-way line of Main Street to the intersection of E.  
16           Church Street; then proceeding east to the intersection of N. Union Street; then  
17           proceeding south to the intersection of Perry Lane; then proceeding east to the  
18           intersection of N. Walnut Street; then proceeding south to the intersection of E.  
19           Bellevue Street; then proceeding east to the intersection of N. Cane Street; then  
20           proceeding north to the intersection of E. Grolee Street; then proceeding east  
21           on E. Grolee Street until street crosses under I-49, Exit 19 Ramp. The district  
22           shall be a political subdivision of the state as defined in the Constitution of  
23           Louisiana. The district, acting through its board of commissioners as the governing  
24           authority of the district, is hereby granted all of the rights, powers, privileges, and  
25           immunities accorded by laws and the Constitution of Louisiana to political  
26           subdivisions of the state, including but not limited to the power to incur debt and  
27           issue revenue and general obligation bonds, to issue certificates of indebtedness, to  
28           issue bonds and certificate anticipation notes, to issue refunding bonds, and the  
29           power of taxation, subject to the limitations hereinafter provided.

30           B. The district is created for the objectives and purposes of:

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(2) Accepting title from or contracting with the city of Opelousas or the parish of St. Landry concerning any or all ~~real and personal~~ immovable and movable property and improvements owned or acquired by the city of Opelousas or the parish of St. Landry.

\* \* \*

C.(1) The district shall be governed by a board of commissioners, hereinafter referred to as the "board," consisting of seven members. The members shall be appointed as follows:

(a) One member appointed by the ~~Opelousas Chamber of Commerce~~ mayor of the city of Opelousas from the office of the City of Opelousas Tourism, the Opelousas Historic District, or the Opelousas Main Street, Inc.

(b) One member appointed by the St. Landry Economic Industrial Development District, who shall be an active member of the St. Landry Parish Economic Industrial Development District and reside within the city of Opelousas.

(c) One member appointed by the ~~banking profession within~~ member of the Louisiana Senate who represents the area which comprises the district.

(d) One member appointed by the ~~building/development profession within~~ member of the Louisiana House of Representatives who represents the area which comprises the district.

(e) One member appointed by the ~~Opelousas Office of Community Development~~ city council of Opelousas who owns property in the district and has general experience in business management.

(f) ~~Two members appointed by the mayor of the city of Opelousas~~ One member appointed from the membership of Vision St. Landry.

(g) One member appointed by the St. Landry Parish president with experience in the profession of engineering or community planning.

(2)(a) ~~The city's Community Development Director shall serve as interim Downtown Development Director until January 2006~~ The St. Landry Parish

1 Economic and Industrial Development District director or his designee shall  
 2 serve as interim Downtown Development director until the district is financially  
 3 able to permanently hire a director. The interim director shall be responsible  
 4 for all administrative duties such as but not limited to the daily operation as  
 5 authorized by this Section.

6 (b) Notwithstanding any provisions of law to the contrary, eight percent  
 7 of the district's annual revenue shall be paid to the St. Landry Parish Economic  
 8 and Industrial Development District.

9 (3)(a) Each member appointed to the board shall be a citizen of the United  
 10 States, a domiciliary of and a qualified voter in the ~~city of Opelousas~~ for at least one  
 11 year preceding the date of appointment, parish of St. Landry and shall remain a  
 12 domiciliary of and a qualified voter in the ~~city of Opelousas~~ parish of St. Landry  
 13 during the entirety of the term of office.

14 (b) No elected official shall be a member of the board during his service  
 15 in elective office.

16 \* \* \*

17 (5) Any member who misses fifty percent of the board's meetings, regular or  
 18 special, in any calendar year shall be disqualified and removed automatically from  
 19 office and that person's position shall be vacant, as of the first day of the next  
 20 calendar month. ~~Such~~ The vacated position shall be filled by appointment of the  
 21 ~~mayor and confirmed by the town council~~ entity that appointed the member for  
 22 the balance of the vacated term. The former member shall not be eligible for  
 23 reappointment until expiration of the balance of the vacated term.

24 (6) Any vacancy in the membership of the board occurring by reason of the  
 25 expiration of the term of office, death, resignation, disqualification, or otherwise  
 26 shall be filled by appointment of the ~~mayor and confirmed by the town council~~ entity  
 27 that appointed the member within sixty days after receipt of written notification  
 28 of the vacancy. In the event that the ~~mayor and council fail~~ entity that appointed  
 29 the member fails to fill the vacancy within sixty days after receipt of written  
 30 notification of the vacancy, the board shall appoint an interim successor to serve on

1 the board ~~until the position is filled by mayor and council.~~

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3 §9038.32. Creation of economic development district

4 \* \* \*

5 **F. The board of commissioners of the Opelousas Downtown Development**  
6 **District may establish by resolution an economic development district or**  
7 **districts wholly within the boundaries of the city of Opelousas, following the**  
8 **procedures set forth in this Section, to carry out the purposes of this Part. The**  
9 **board of commissioners shall be the governing authority of the district or**  
10 **districts and shall have all of the powers and authority granted to economic**  
11 **development districts generally in this Part, including specifically the power to**  
12 **levy taxes in the manner provided by R.S. 33:9038.39.**

13 Section 2. The boundaries of the district shall forever be referenced by original  
14 parcel numbers as of the effective date of this Act.

15 Section 3. This Act shall become effective upon signature by the governor or, if not  
16 signed by the governor, upon expiration of the time for bills to become law without signature  
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_