

Regular Session, 2009

HOUSE BILL NO. 526

BY REPRESENTATIVE CHANDLER

1 AN ACT

2 To enact Subpart B-6-A of Part IV of Chapter 1 of Title 33 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 33:130.161 through 130.169, relative to  
4 economic development in Grant Parish; to create and provide for the Grant Parish  
5 Economic and Industrial Development District; to provide for the governance,  
6 powers, duties, and funding of the district; to authorize the district to issue bonds and  
7 levy taxes; and to provide for related matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 of the Constitution of  
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Subpart B-6-A of Part IV of Chapter 1 of Title 33 of the Louisiana  
13 Revised Statutes of 1950, comprised of R.S. 33:130.161 through 130.169, is hereby enacted  
14 to read as follows:

15 SUBPART B-6-A. GRANT PARISH ECONOMIC AND INDUSTRIAL  
16 DEVELOPMENT DISTRICT

17 §130.161. Grant Parish Economic and Industrial Development District; creation;  
18 territorial jurisdiction

19 A. There is hereby created a body politic and corporate of the state which  
20 shall be known as the Grant Parish Economic and Industrial Development District,  
21 referred to in this Subpart as the "district".

22 B. The district shall be composed of all of the territory located within the  
23 unincorporated areas of Grant Parish on July 1, 2009.

1           C. The district shall be a political subdivision of the state as defined in  
 2           Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI,  
 3           Sections 19 and 21 of the Constitution of Louisiana, the district is hereby granted all  
 4           of the rights, powers, privileges, and immunities accorded by law and the  
 5           Constitution of Louisiana to political subdivisions of the state, subject to the  
 6           limitations provided in this Subpart.

7           §130.162. Object and purposes

8           The district created by this Subpart shall be established for the primary  
 9           purposes of promoting and encouraging industrial development, stimulating the  
 10          economy through commerce, industry, and research, utilizing and developing the  
 11          area's natural and human resources, and providing job opportunities.

12          §130.163. Board of commissioners; members; officers; employees

13          A. The district shall be governed by a board of commissioners, referred to  
 14          in this Subpart as the "board", consisting of five members appointed by the  
 15          governing authority of Grant Parish.

16          B.(1) Each member appointed to the board shall be a citizen of the United  
 17          States. Each member shall additionally have been domiciled in Grant Parish and a  
 18          qualified voter in Grant Parish for at least one year preceding the date of his  
 19          appointment. Each board member shall remain domiciled in and a qualified voter  
 20          in Grant Parish throughout his term of office.

21          (2) Preference for board appointment shall be given to individuals with at  
 22          least five years of experience in one or more of the following areas:

23                  (a) Economic development.

24                  (b) Public finance or administration.

25                  (c) Senior level management.

26                  (d) Urban planning.

27                  (e) Banking or finance.

28                  (f) Public relations.

29                  (g) Education.

30                  (h) Practice of law, medicine, or other licensed profession.

1                    (i) Construction.

2                    (j) Realtor, appraiser, or commercial developer.

3                    (k) Aviation.

4                    (l) Labor.

5                    C.(1) The members of the board shall serve terms of four years after initial  
6 terms as provided in Paragraph (2) of this Subsection.

7                    (2) One member shall serve an initial term of one year, one shall serve two  
8 years, one shall serve three years, and two shall serve four years, as determined by  
9 lot at the first meeting of the board.

10                   D.(1) Any member may be removed for cause by a majority vote of the  
11 Grant Parish Police Jury.

12                   (2) Any member who misses fifty percent of the board's meetings, regular  
13 and special, in any calendar year shall be disqualified and removed automatically  
14 from office. Such vacated position shall be filled in the same manner as the original  
15 appointment for the balance of the vacated term. The former member shall not be  
16 eligible for reappointment until expiration of the balance of the vacated term.

17                   E.(1) Any vacancy in the membership of the board shall be filled in the same  
18 manner as the original appointment within thirty days after receipt by the police jury  
19 of written notification from the board of the vacancy.

20                   (2) In the event the vacancy is not filled within thirty days after the police  
21 jury's receipt of written notification of the vacancy, the board shall appoint an  
22 interim successor to serve on the board until the position is filled in the same manner  
23 as the original appointment.

24                   F. Members of the board shall serve without compensation. The board may  
25 reimburse any member for expenses actually incurred in the performance of his  
26 duties.

27                   G. The board shall elect yearly from its number a chairman, vice chairman,  
28 secretary, and treasurer and establish their duties in rules adopted by the board. The  
29 offices of secretary and treasurer may be held by the same person.

1           H. The board shall meet in regular session once each month and also shall  
2           meet in special session as convened by the president or upon written notice of three  
3           members.

4           I. A majority of the board members shall constitute a quorum.

5           J. All actions of the board shall be approved by the affirmative vote of a  
6           majority of the members.

7           K. Vote by proxy shall not be permitted. Any member may request a  
8           recorded vote on any resolution or action of the district.

9           L. The board shall cause minutes and a record to be kept of all its  
10          proceedings, and it shall select a newspaper of general circulation within its  
11          territorial jurisdiction as its official journal in which it shall publish its minutes and  
12          in which it shall publish such official notices as are required by law.

13          §130.164. Governmental functions

14          A. The district, or any subdistrict created by the board, shall not be required  
15          to pay any taxes, including but not limited to sales and use taxes, ad valorem,  
16          occupational licensing, income, or any other taxes of any kind or nature, or  
17          assessments upon any property acquired or used by the district under the provisions  
18          of this Subpart, or upon the income therefrom.

19          B.(1) Any bonds issued pursuant to this Subpart and the income therefrom  
20          shall be exempt from taxation by the state and by any parish, municipality, or other  
21          political subdivision of the state.

22          (2) No bonds, other debt obligations, or contracts of the district or of any  
23          subdistrict shall be a charge upon the income, property, or revenue of Grant Parish  
24          or the state of Louisiana.

25          C. The district or any subdistrict created by the board shall not be deemed  
26          to be a public utility and shall not be subject in any respect to the authority, control,  
27          regulation, or supervision of the Louisiana Public Service Commission or any other  
28          regulatory body of the state, or any political subdivision thereof.

1           §130.165. Powers

2                   A. In addition to the powers and duties elsewhere granted in this Subpart, the  
 3           board is hereby granted all powers necessary or convenient for the carrying out of  
 4           its purposes, including but not limited to the following:

5                   (1) To sue and be sued.

6                   (2) To adopt, use, and alter at will a corporate seal.

7                   (3) To acquire by purchase or donation any property and to hold, maintain,  
 8           and use such property, or any interest therein.

9                   (4) To sell or transfer any property acquired by it, or any interest therein.

10                  (5) To lease or sublease all or any portion of any property at a fixed or  
 11           variable rental rate without advertisement for public bids.

12                  (6) To donate property to the United States or any political subdivision of the  
 13           state.

14                  (7) To make and collect reasonable charges for the use of the district's  
 15           property and for services rendered by the district.

16                  (8) To enter into contracts.

17                  (9) To develop, regulate, and operate activities and planned land uses to  
 18           foster creation of new jobs, economic development, and industry.

19                  (10) To develop and regulate the construction, operation, maintenance, and  
 20           improvement of facilities and infrastructure on property owned or leased by the  
 21           district.

22                  (11) To require and issue licenses with respect to its properties and facilities.

23                  (12) To regulate fees or rentals charged for use of privately owned facilities  
 24           located on district property when such facilities are offered for use by the public or  
 25           by a private industrial, commercial, research, or other economic development entity  
 26           or activity.

27                  (13) In its own name and behalf, to incur debt and issue general obligation  
 28           bonds under the authority of and subject to the provisions of Article VI, Section 33  
 29           of the Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle  
 30           II of Title 39 of the Louisiana Revised Statutes of 1950.

1                   (14) To issue revenue bonds, certificates of indebtedness, and certificate  
 2                   anticipation notes, and to provide for the manner and method of repayment.

3                   (15) To mortgage or pledge property, servitudes, and works of the district.

4                   (16) To borrow money and pledge all or part of its revenues, leases, rents,  
 5                   and other advantages as security for such loans.

6                   (17) To appoint officers, agents, and employees, prescribe their duties, and  
 7                   fix their compensation.

8                   B. The district, or any subdistrict created by the board, shall not be deemed  
 9                   to be an instrumentality of the state for purposes of Article X, Section 1(A) of the  
 10                   Constitution of Louisiana.

11                   C. The district may create subdistricts as provided in this Subsection. The  
 12                   district shall publish notice of its intent to create a subdistrict in the official journal  
 13                   of the district. At least ten days after publication of such notice in the official journal  
 14                   of the district, the board shall conduct a public hearing on the question of creating  
 15                   such subdistrict. Thereafter, the board may designate one or more project areas  
 16                   within the boundaries of the district as a subdistrict of the district. Each subdistrict  
 17                   shall constitute a political subdivision of the state and shall be governed by the  
 18                   board. Each subdistrict shall have the same powers as the district and shall be given  
 19                   a name and designated as "Grant Parish Economic and Industrial Development  
 20                   District Subdistrict No. \_\_\_\_\_".

21                   §130.166. Funding of the district

22                   A. The board may levy annually and cause to be collected an ad valorem tax,  
 23                   provided that the amount, term, and purpose of such tax, as set out in a proposition  
 24                   submitted to a vote in accordance with the Louisiana Election Code, is approved by  
 25                   a majority of the qualified electors of the district voting in an election held for that  
 26                   purpose.

27                   B.(1) The board may levy and collect a sales and use tax within the  
 28                   boundaries of the district for such purposes and at such rate as provided by the  
 29                   proposition authorizing its levy, not exceeding one percent, which tax may exceed  
 30                   the limitation set forth in Article VI, Section 29(A) of the Constitution of Louisiana,

1           provided the proposition submitted to a vote in accordance with the Louisiana  
 2           Election Code shall be approved by a majority of the qualified electors of the district  
 3           voting in an election held for that purpose.

4           (2) The tax shall be levied upon the use, lease, rental, consumption,  
 5           distribution, storage, or sale at retail of tangible personal property, and upon the sales  
 6           of services within the district, all as presently defined in Chapter 2 of Subtitle II of  
 7           Title 47 of the Louisiana Revised Statutes of 1950.

8           (3) The tax shall be imposed, collected, and enforced subject to the terms of  
 9           the resolution imposing the tax and the provisions of Chapter 2 of Subtitle II of Title  
 10          47 of the Louisiana Revised Statutes of 1950.

11          (4) The tax shall be imposed and collected uniformly throughout the district.

12          §130.167. Revenue bonds

13           A. In addition to the authority contained in this Subpart, the district, or any  
 14           subdistrict created by the district, may, in order to encourage economic and industrial  
 15           development within the district, issue revenue bonds to acquire, purchase, lease,  
 16           construct, or improve commercial, research, industrial, or other plant sites and  
 17           buildings, or other capital improvements authorized in this Subpart, including energy  
 18           and pollution abatement and control facilities and necessary property and  
 19           appurtenances thereto, and may sell or lease to any enterprise locating or existing  
 20           within the jurisdiction of the district such sites, buildings, or facilities and  
 21           appurtenances thereto, all or severally. The funds derived from the sale of such  
 22           bonds may be disbursed in whole or in part upon delivery of the bonds as shall be  
 23           provided in the contract between the district and the enterprise to be developed.

24           B. Bonds issued under this Section shall be authorized by resolution of the  
 25           board and shall be limited obligations of the district, or any subdistrict created by the  
 26           board, the principal and interest on which shall be payable solely from the income  
 27           and revenue derived from the disposition of the project or facility to be financed by  
 28           the bonds issued pursuant to this Section, or from the income and revenue derived  
 29           from the sale, lease, or other disposition of any existing project or facility acquired,  
 30           constructed, and improved under the provisions of this Subpart; however, in the

1 discretion of the board, the bonds may be additionally secured by mortgage covering  
2 all or part of the project from which the revenues so pledged may be derived. Any  
3 refunding bonds issued pursuant to this Section shall be payable from any source  
4 described above or from the investment of any of the proceeds of the refunding  
5 bonds authorized pursuant to this Section. These bonds shall not constitute an  
6 indebtedness or pledge of the general credit of the district, or any subdistrict created  
7 by the board, within the meaning of any constitutional or statutory limitation of  
8 indebtedness, and shall contain a recital to that effect.

9 C. Bonds issued under this Section shall be issued, sold, and delivered in  
10 accordance with the terms and provisions of a resolution to be adopted by the board.  
11 Bonds of the district, or any subdistrict created by the board, shall be issued in such  
12 form, shall be in such denominations, shall bear interest, and shall mature in such  
13 manner and be executed by one or more members of the board of the body as  
14 provided in the resolutions authorizing their issuance. Such bonds may be subject  
15 to redemption at the option of and in the manner determined by the board in the  
16 resolution authorizing their issuance.

17 D. No bonds or other evidence of indebtedness may be issued under this  
18 Section without the prior approval of the State Bond Commission of the terms and  
19 provisions thereof.

20 §130.168. Securities

21 Bonds, certificates, or other evidence of indebtedness issued by the district,  
22 or any subdistrict created by the board, pursuant to this Subpart are deemed to be  
23 securities of public entities within the meaning of Chapters 13 and 13-A of Title 39  
24 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in  
25 accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised  
26 Statutes of 1950, and may be refunded in accordance with the provisions of Chapters  
27 14-A and 15 of Title 39 of the Louisiana Revised Statutes of 1950, and may also be  
28 issued as short-term revenue notes of a public entity under Chapter 15-A of Title 39  
29 of the Louisiana Revised Statutes of 1950.



1           §130.169. General compliances; enhancement

2                   A. No provision of this Subpart shall be construed so as to exempt the  
3           district, or any subdistrict created by the board, from compliance with the provisions  
4           of Louisiana laws pertaining to open meetings, public records, fiscal agents, official  
5           journals, dual officeholding and employment, public bidding for the purchase of  
6           supplies and materials and construction of public works, the Code of Governmental  
7           Ethics, the Right to Property in Article I, Section 4 of the Constitution of Louisiana,  
8           and the Louisiana Election Code.

9                   B. The financial records of the district, or any subdistrict created by the  
10           board, shall be audited pursuant to R.S. 24:513.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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