

Regular Session, 2009  
HOUSE BILL NO. 528

# ACT No. 420

BY REPRESENTATIVE CHANDLER

1 AN ACT

2 To enact Subpart B-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 33:130.791 through 130.800, relative to economic  
4 development in LaSalle Parish; to create and provide for the Olla, Urania, Tullos,  
5 Standard Economic and Industrial Development District; to provide for the  
6 governance, powers, duties, and funding of the district; and to provide for related  
7 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-42 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised  
13 Statutes of 1950, comprised of R.S. 33:130.791 through 130.800, is hereby enacted to read  
14 as follows:

15 SUBPART B-42. OLLA, URANIA, TULLOS, STANDARD ECONOMIC AND  
16 INDUSTRIAL DEVELOPMENT DISTRICT

17 §130.791. Olla, Urania, Tullos, Standard Economic and Industrial Development  
18 District; creation; purpose; territorial jurisdiction

19 A. The Olla, Urania, Tullos, Standard Economic and Industrial Development  
20 District, referred to in this Subpart as the "district", is hereby constituted and is  
21 declared to be a body politic and political subdivision of the state of Louisiana, as  
22 defined in Article VI, Section 44 of the Constitution of Louisiana.

23 B. Pursuant to Article VI, Sections 19 and 21 of the Constitution of  
24 Louisiana, the district, acting through its board of commissioners, the governing

1 authority of the district, is hereby granted all of the rights, powers, privileges, and  
 2 immunities granted to or authorized for political subdivisions for industrial,  
 3 commercial, research, and economic development purposes, including but not  
 4 limited to the power of taxation, the power to incur debt and issue revenue and  
 5 general obligation bonds, certificates of indebtedness, bond and certificate  
 6 anticipation notes, and refunding bonds, subject to the limitations provided in this  
 7 Subpart.

8 C. The district shall be established for the primary object and purpose of  
 9 promoting and encouraging industrial development to stimulate the economy through  
 10 commerce, industry, and research and for the utilization and development of natural  
 11 and human resources of the area by providing job opportunities.

12 D. The boundaries of the district shall be as follows: from a point of  
 13 beginning located along the LaSalle Parish border two miles South of the Little River  
 14 Bridge on United States Highway 165; from said point continue in a Easterly  
 15 direction on a line parallel to United States Highway 165 to a point that is two miles  
 16 East of United States Highway 165 along the LaSalle Parish-Caldwell Parish line;  
 17 from said point run westerly along the boundary existing between Caldwell and  
 18 LaSalle Parishes to its intersection with the boundary of Winn Parish; thence  
 19 continue in a southerly direction along the LaSalle Parish boundary to the original  
 20 point of beginning.

21 §130.792. Board of commissioners; members; officers

22 A. The district shall be governed by a board of commissioners, referred to  
 23 in this Subpart as the "board", consisting of six members as follows:

24 (1) One member shall be appointed by the governing authority of the town  
 25 of Olla.

26 (2) One member shall be appointed by the governing authority of the town  
 27 of Tullos.

28 (3) One member shall be appointed by the governing authority of the town  
 29 of Urania.

30 (4) The mayor of the town of Olla.

1                   (5) The mayor of the town of Urania.

2                   (6) The mayor of the town of Tullus.

3                   B. Appointments made pursuant to Paragraphs (A)(1) through (3) of this  
 4                   Section shall be made at a public meeting from a list of nominations submitted by  
 5                   residents of the respective municipality.

6                   C.(1) Members appointed pursuant to Paragraphs (A)(1) through (3) of this  
 7                   Section shall serve terms of four years after initial terms as provided in Paragraph  
 8                   (2) of this Subsection.

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

12                  D. Any vacancy in the membership of the board, occurring either by reason  
 13                  of the expiration of the term or by reason of death, resignation, or otherwise, shall  
 14                  be filled in the manner of the original appointment. If the entity responsible for the  
 15                  appointment of a member fails to fill a vacancy within thirty days, the board shall  
 16                  appoint an interim successor to serve until the position is filled by the appointing  
 17                  entity.

18                  E. Any member of the board may be removed by the entity that originally  
 19                  appointed him for cause.

20                  F. The members of the board shall serve without compensation. The board  
 21                  may reimburse any member for expenses actually incurred in the performance of his  
 22                  duties pursuant to this Subpart.

23                  G. Members of the board individually and members of their immediate  
 24                  families are prohibited from bidding on or entering into any contract, subcontract,  
 25                  or other transaction that is under the supervision or jurisdiction of the district.

26                  H. The board shall elect from among its own members a president, a vice  
 27                  president, a secretary, and a treasurer, whose duties shall be those usual to such  
 28                  offices. At the option of the board, the offices of secretary and treasurer may be held  
 29                  by one person.

1           I. The board shall meet in regular session once each month and shall also  
2           meet in special session as often as the president of the board convenes the board or  
3           on the written request of four members. Four members of the board shall constitute  
4           a quorum.

5           J. The board shall prescribe rules to govern its meetings, may draft and  
6           implement bylaws to control and implement the activities of the board, and shall  
7           maintain suitable offices in the district.

8           §130.793. Powers of district

9           A. The district shall have and exercise all powers of a political subdivision  
10          necessary or convenient for the carrying out of its objects and purposes, including  
11          but not limited to rights and powers set out in this Section:

12                   (1) To sue and be sued.

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

14                   (3) To acquire by gift, grant, purchase, or otherwise, but not by  
15          expropriation, all property, including rights-of-way, and to hold and use any  
16          franchise or property, real, personal, or mixed, tangible or intangible, or any interest  
17          therein, necessary or desirable for carrying out the objects and purposes of the  
18          district, including but not limited to the establishment, maintenance, and operation  
19          of industrial parks.

20                   (4) To enter into contracts for the purchase, acquisition, construction, and  
21          improvement of works and facilities.

22                   (5) In its own name and on its own behalf, to incur debt and to issue general  
23          obligation bonds, revenue bonds, certificates, notes, and other evidence of  
24          indebtedness and to levy and cause to be collected ad valorem taxes as provided in  
25          this Subpart and as may be provided by general law.

26                   (6) To require and issue licenses with respect to its properties and facilities.

27                   (7) To regulate the imposition of fees and rentals charged by the district for  
28          its facilities and services rendered by it.

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

1                   (9) To appoint officers, agents, and employees, prescribe their duties, and fix  
2                   their compensation.

3                   B. The district shall not be deemed to be an instrumentality of the state for  
4                   purposes of Article X, Section 1(A) of the Constitution of Louisiana.

5                   §130.794. Industrial development

6                   A.(1) The district may construct and acquire industrial parks and industrial  
7                   plant buildings, and subordinate and related facilities, including the acquisition of  
8                   sites and other necessary property or appurtenances thereto within the district, or  
9                   outside the district if the project is undertaken conjointly with another state or with  
10                  other units of local government, under the authority of The Local Services Law,  
11                  R.S. 33:1321 et seq., or other authorizing authority, and to acquire, construct,  
12                  improve, operate, maintain, and provide improvements and services necessary  
13                  therefor, including but not limited to roads, street lighting, bridges, rail facilities,  
14                  drainage, sewers, sewerage disposal facilities, solid waste disposal facilities,  
15                  waterworks, and other utilities and related properties.

16                  (2) The district may sell, lease, or otherwise dispose of, by suitable and  
17                  appropriate contract, to any enterprise locating or existing within the district all or  
18                  any part of a site, building, or other property owned by the district. In determining  
19                  the consideration for any contract to lease, sell, or otherwise dispose of lands,  
20                  buildings, or other property of the district, the board may take into consideration the  
21                  value of the lands, buildings, or other properties involved, as well as the potential  
22                  value of the economic impact of the enterprise being induced to locate or expand  
23                  within the district. Such economic impact shall include increased employment,  
24                  increased use of local labor, wages and salaries to be paid, consumption of local  
25                  materials, products, and resources, and special tax revenues to be generated by the  
26                  enterprise acquiring or leasing lands, buildings, or other property from the district.  
27                  In no event, however, and under no circumstances shall the board dispose of any  
28                  property of the district for less than the fair market value of the property as defined  
29                  in R.S. 47:2321 without the prior approval of the State Bond Commission. The  
30                  district shall be empowered to enter into leases having a term, including all renewal

1            terms, not to exceed fifty years in the aggregate. The approval of the State Bond  
 2            Commission shall be conclusive for purposes of compliance with the requirements  
 3            of this Paragraph.

4            (3) The resolution or ordinance adopted by the board authorizing any lease,  
 5            sale, or other disposition of lands, buildings, or other property of the district or any  
 6            attachment thereto shall set forth, in a general way, the terms of the authorized lease,  
 7            sale, or other disposition, and such resolution or ordinance shall be published as soon  
 8            as possible in one issue of the official journal of the district. For a period of thirty  
 9            days from the date of publication of any such resolution or ordinance, any interested  
 10           person may contest the legality of such resolution or ordinance or the validity of the  
 11           authorized lease, sale, or other disposition of district property, after which time no  
 12           one shall have any cause of action to contest the legality of such resolution or  
 13           ordinance or to draw in question the legality of the authorized lease, sale, or other  
 14           disposition of district property for any cause whatsoever, and it shall be conclusively  
 15           presumed thereafter that every legal requirement has been complied with, and no  
 16           court shall have authority to inquire into such matters after the lapse of said thirty  
 17           days.

18           B. The district shall have the following additional powers, together with all  
 19           powers incidental thereto or necessary for the performance of those stated:

20           (1) To acquire, whether by purchase, exchange, gift, lease, or otherwise, but  
 21           not by expropriation, and to construct and improve, maintain, equip, and furnish one  
 22           or more economic development projects, including all real and personal properties  
 23           which the board may deem necessary in connection therewith.

24           (2) To lease or to contract for the use of any or all of its authorized projects  
 25           and to charge and collect rent, fees, or charges therefor, and to terminate any such  
 26           lease or contractual arrangement upon the failure of the lessee or contracting party  
 27           to comply with any of the obligations thereof, all as may be provided for in the lease  
 28           agreement to which the district may become a party.

29           (3) To sell, exchange, donate, and convey any or all of its projects upon such  
 30           terms and conditions as the board may deem advisable, including the power to

1 receive for any such sale the first mortgage note or notes of the purchaser of a project  
 2 representing unpaid installments of the purchase price due by the purchaser to the  
 3 district whenever the board finds any such actions to be in furtherance of the  
 4 purposes for which the district was organized.

5 (4) As security for the payment of the principal of and interest on any bonds,  
 6 notes, or other obligations of the district, and any agreements made in connection  
 7 therewith, to mortgage and pledge any or all of its projects or any part or parts  
 8 thereof, whether then owned or thereafter acquired, and to pledge the revenues and  
 9 receipts therefrom or from any other source.

10 (5)(a) To enter into any cooperative financing of an economic development  
 11 project between or among the district and the state, any of its local governmental  
 12 subdivisions, political corporations or public benefit corporations, the United States  
 13 or its agencies, or any public or private association, corporation, or individual. Said  
 14 methods of financing shall include loan guarantees, land write-downs, grants, lease  
 15 guarantees, or any form of financial subsidy or incentive that complies with the  
 16 provisions of Article VII, Section 14 of the Constitution of Louisiana.

17 (b) To enter into any cooperative development between or among the district  
 18 and the state, any of its local governmental subdivisions, political corporations or  
 19 public benefit corporations, the United States or its agencies, or any public or private  
 20 association, corporation, or individual. Said methods of cooperative development  
 21 shall include but not be limited to any number of joint development agreements such  
 22 as condominiums and cooperative ownership, limited partnerships, and investment  
 23 syndicates not prohibited by the Constitution of Louisiana. Regardless of the method  
 24 of financing, the district shall attempt to obtain the most favorable security available  
 25 in order to protect and ensure recovery of sums loaned or paid pursuant to such  
 26 financing.

27 (c) "Cooperative endeavor" means any form of economic development  
 28 assistance between or among the district and the state, any of its local governmental  
 29 subdivisions, political corporations or public benefit corporations, the United States  
 30 or its agencies, or any public or private association, corporation, or individual. The

1 term "cooperative endeavor" shall include but not be limited to cooperative  
2 financing, cooperative development, or any other form of cooperative economic  
3 development activity.

4 §130.795. Fees and ad valorem tax; borrowing money

5 A. The district may levy annually an ad valorem tax not to exceed ten mills  
6 on the dollar of assessed valuation of all property, provided that the amount, term,  
7 and purpose of such tax, as set out in a proposition submitted to a vote in accordance  
8 with the Louisiana Election Code, shall be approved by a majority of the qualified  
9 electors voting in a special election held for that purpose.

10 B. All funds derived under this Section may be used for any expenses or  
11 purposes of the district. The board shall establish and maintain, in addition to all  
12 necessary and normal accounts, the following special accounts:

13 (1) A revolving loan guarantee fund, to be used to guarantee industrial, port,  
14 harbor, or terminal development loans to the extent permitted by the Constitution of  
15 Louisiana under the following guidelines:

16 (a) Loan guarantees shall be made only when adequate financing for the  
17 project is unavailable through normal lending channels, and the project represents  
18 a sound business venture that is financially and economically feasible.

19 (b) Loan guarantees shall be used to assist an identifiable business concern  
20 to finance plant construction, conversion, or expansion and acquisition of land,  
21 existing structures, machinery, or equipment and to provide operational funds.

22 (c) The terms and rates shall be compatible with loans offered by local  
23 lending institutions, and the guarantee shall never exceed forty percent of the cost  
24 of the total project. In addition, the district shall attempt to obtain the most favorable  
25 security available under the circumstances to protect and ensure the recovery of its  
26 commitment under the guarantee.

27 (d) Loan guarantees shall be evaluated for their economic impact in terms  
28 of the number and types of jobs created or saved, the wage and income levels of the  
29 positions, the likelihood of placement of these positions with persons from specific

1           groups, such as the long-term unemployed, low income, women, or minorities, and  
2           the tax dollars generated.

3           (e) Loan guarantees shall be made to leverage other sources of private and  
4           public capital to attain the greatest economic impact possible with the limited funds  
5           available.

6           (f) Loan guarantees shall be targeted to export industries, manufacturing  
7           firms, and wholesale distribution and service firms.

8           (g) No project shall be considered unless the project will be constructed and  
9           maintained by persons at least eighty percent of whom are residents of LaSalle  
10           Parish, and at least eighty percent of the goods and services for maintenance of the  
11           project are obtained from a supplier domiciled within LaSalle Parish, except where  
12           not reasonably possible to do so without substantial added expense, substantial  
13           inconvenience, or substantial sacrifice in operational efficiency.

14           (h) The lending or underwriting principals shall have such demonstrated  
15           experience, ability, and net worth as would allow for the success, continuation,  
16           security, and solvency of the program. Prudent lending and underwriting standards  
17           shall be applied in order to comply with the primary objectives of this Section.

18           (2) An economic development operational fund, for the development and  
19           attraction of industries to accomplish the following:

20           (a) The operational fund shall be used for operating expenses necessary in  
21           creation of industrial and commercial development, in hiring sufficient staff to  
22           accomplish the purposes set out in this Subpart, and other related expenses.

23           (b) The operational fund may also be utilized in contracting for services as  
24           may be required by the district, including but not limited to planning assistance,  
25           surveys, land use studies, technical services, and other services necessary to  
26           effectuate a unified industrial development plan.

27           (3) An account for the maintenance and operation of a governmental  
28           procurement center to provide necessary information to companies and individuals  
29           engaged in providing services and goods to accomplish the following:

1           (a) Pinpoint and identify potential buying centers, aid in placing the  
2           company on a bidder's list for these centers, and assist companies in obtaining  
3           specifications for their products or services.

4           (b) Provide trained counselors to assist in acquiring solicitation and bid  
5           packages and conduct seminars designed to disseminate other information needed  
6           by the target companies and individuals.

7           §130.796. Sales and use tax authorization

8           A.(1) The district may levy and cause to be collected a sales and use tax  
9           within the boundaries of the district for such purposes and at such rate as may be  
10          provided by the proposition authorizing its levy, not exceeding one-half of one  
11          percent, which tax may exceed the limitation set forth in Article VI, Section 29(A)  
12          of the Constitution of Louisiana, provided that the proposition is approved by a  
13          majority of the qualified electors of the district voting in the election held for such  
14          purpose.

15          (2) Such an election shall be conducted in accordance with the provisions of  
16          the Louisiana Election Code and at the time another election is being conducted  
17          throughout the state.

18          (3) The duration of the tax set forth in the proposition shall not exceed five  
19          years; however, such tax may be renewed for an additional period not to exceed five  
20          years.

21          B.(1) The tax shall be levied upon the sale at retail, the use, the lease or  
22          rental, consumption, distribution, and storage for use or consumption of tangible  
23          personal property, and upon the sales of services within the district, all as presently  
24          defined in R.S. 47:301 et seq.

25          (2) Except where inapplicable, the procedure established by R.S. 47:301 et  
26          seq. shall be followed in the imposition, collection, and enforcement of the tax, and  
27          procedural details necessary to supplement those sections and to make them  
28          applicable to the tax herein authorized shall be fixed in the resolution imposing the  
29          tax.

1           C. The sales and use tax authorized by this Section shall be in addition to all  
2           other taxes which an economic and industrial development district is now or  
3           hereafter authorized to levy and collect.

4           §130.797. Obligations of the district

5           A. The district shall have authority to incur debt for any one or more of its  
6           lawful purposes set forth in this Subpart, to issue in its name negotiable bonds, notes,  
7           certificates of indebtedness, or other evidence of debt and to provide for the security  
8           and payment thereof.

9           B.(1) The district may in its own name and behalf incur debt and issue  
10           general obligation ad valorem property tax secured bonds under the authority of and  
11           subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana,  
12           and Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana  
13           Revised Statutes of 1950, when approved by a majority of the qualified voters who  
14           vote in a special election called and conducted under the authority of the Louisiana  
15           Election Code, including Chapter 6-A of Title 18 of the Louisiana Revised Statutes  
16           of 1950, as amended. General obligation bonds of the district may be issued for any  
17           of the purposes for which the district is created or is authorized to act under any  
18           provisions of this Subpart, all of which purposes are hereby found and declared to  
19           be public purposes and functions of the state of Louisiana, which are delegated to the  
20           district.

21           (2) The district may in its own name and behalf issue revenue bonds for the  
22           purposes for which the district is created or is authorized to act under any of the  
23           provisions of this Subpart, including industrial and commercial development revenue  
24           bonds. Said bonds shall be issued in the manner as provided for in R.S. 39:991  
25           through 1001 and R.S. 39:1011 through 1024.

26           (3) The district may in its own name and behalf borrow from time to time in  
27           the form of certificates of indebtedness. The certificates shall be secured by the  
28           dedication and pledge of monies of the district derived from any lawful sources,  
29           including fees, lease rentals, service charges, local service agreement payments from  
30           one or more other contracting parties, the avails of ad valorem property taxation, or

1           any combination of such sources of income, provided that the term of such  
 2           certificates shall not exceed ten years, and the annual debt service on the amount  
 3           borrowed shall not exceed the anticipated revenues to be dedicated and pledged to  
 4           the payment of the certificates of indebtedness, as shall be estimated by the board of  
 5           the district at the time of the adoption of the resolution authorizing the issuance of  
 6           such certificates. The estimate of the board referred to in the authorizing resolution  
 7           shall be conclusive for all purposes of this Section.

8                     (4) The district may borrow the amount of the anticipated ad valorem tax,  
 9                     not to exceed ten mills, authorized by R.S. 33:130.795 for a period not to exceed ten  
 10                    years and may issue certificates of indebtedness therefor and may dedicate the avails  
 11                    of the tax funded for the payment thereof for the period of time said certificates are  
 12                    outstanding.

13                    (5) The board, as the governing authority of the district, is authorized to  
 14                    adopt all necessary resolutions or ordinances which may be necessary for ordering,  
 15                    holding, canvassing, and promulgating the returns of any election required for the  
 16                    issuance of general obligation bonds, or limited tax secured obligations, or for the  
 17                    voting of a property tax millage, which resolutions or ordinances may include  
 18                    covenants for the security and payment of any bonds or other evidence of debt so  
 19                    issued.

20                    (6) For a period of thirty days from the date of publication of any resolution  
 21                    or ordinance authorizing the issuance of any bonds, certificates of indebtedness,  
 22                    notes, or other evidence of debt of the district, any interested person may contest the  
 23                    legality of such resolution or ordinance and the validity of such bonds, certificates  
 24                    of indebtedness, notes, or other evidence of debt issued or proposed to be issued  
 25                    thereunder and the security of their payment, after which time no one shall have any  
 26                    cause of action to contest the legality of said resolution or ordinance or to draw in  
 27                    question the legality of said bonds, certificates of indebtedness, notes, or other  
 28                    evidence of debt, the security therefor, or the debts represented thereby for any cause  
 29                    whatever, and it shall be conclusively presumed that every legal requirement has

1           been complied with, and no court shall have authority to inquire into such matters  
 2           after the lapse of thirty days.

3                   (7) The issuance and sale of such bonds, certificates of indebtedness, notes,  
 4                   or other evidence of debt by the district shall be subject to approval by the State  
 5                   Bond Commission.

6                   (8) Such bonds, certificates of indebtedness, notes, or other evidence of debt  
 7                   shall have all the qualities of negotiable instruments under the commercial laws of  
 8                   the state of Louisiana.

9           §130.798. Securities

10                   Bonds, certificates, or other evidence of indebtedness issued by the district  
 11                   under this Subpart are deemed to be securities of public entities within the meaning  
 12                   of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950, and  
 13                   shall be subject to defeasance in accordance with the provisions of Chapter 14 of  
 14                   Title 39 of the Louisiana Revised Statutes of 1950, and may be refunded in  
 15                   accordance with the provisions of Chapters 14-A and 15 of Title 39 of the Louisiana  
 16                   Revised Statutes of 1950, and may also be issued as short-term revenue notes of a  
 17                   public entity under Chapter 15-A of Title 39 of the Louisiana Revised Statutes of  
 18                   1950.

19           §130.799. Exemption from taxation

20                   The district and all properties at any time owned by the district and the  
 21                   income therefrom and all bonds, certificates, and other evidence of indebtedness  
 22                   issued by the district under this Subpart and the interest or income therefrom shall  
 23                   be exempt from all taxation by the state of Louisiana.

24           §130.800. General compliances; enhancement

25                   A. No provision of this Subpart shall be construed so as to exempt the  
 26                   district from compliance with the provisions of Louisiana laws pertaining to open  
 27                   meetings, public records, fiscal agents, official journals, dual officeholding and  
 28                   employment, public bidding for the purchase of supplies and materials and  
 29                   construction of public works, the Code of Governmental Ethics, the Right to

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           Property in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana  
2           Election Code.

3           B. The district shall have the power and right to adopt a program or  
4           programs awarding contracts to, and establishing set-aside goals and preference  
5           procedures for the benefit of, businesses owned and operated by socially or  
6           economically disadvantaged persons in accordance with any of the provisions of R.S.  
7           38:2233 and of Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950,  
8           entitled "Louisiana Minority and Women's Business Enterprise Act".

9           C. The financial records of the district shall be audited pursuant to R.S.  
10           24:513.

11           Section 2. This Act shall become effective on July 1, 2009; if vetoed by the governor  
12           and subsequently approved by the legislature, this Act shall become effective on July 1,  
13           2009, or on the day following such approval by the legislature, whichever is later.

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

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

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

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