
DIGEST

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SB 189 Reengrossed

2025 Regular Session

Jenkins

Proposed law provides for the creation of the "State Land Banking Authority Act".

Proposed law provides for definitions, including "authority" to mean a quasi-public nonprofit entity created by one or more local governments in accordance with the State Land Banking Authority Act.

Proposed law provides that the governing body of a local government may establish a land bank authority in accordance with proposed law. Provides that the land bank authority shall be subject to the provisions of the Nonprofit Corporation Law. Provides that two or more local governments may elect to enter into an intergovernmental cooperation agreement to create a single land bank to act on behalf of the local governments.

Proposed law provides that an ordinance adopted pursuant to proposed law shall include certain information, including the name of the authority, the purpose of the authority, and the powers of the authority.

Proposed law provides that the chief executive or mayor of the incorporating local government, or any other official designated in the ordinance establishing an authority, shall execute and file the articles of incorporation in accordance with the provisions of the Nonprofit Corporation Law and pay applicable filing fees to the secretary of state.

Proposed law allows the governing authority of the incorporating local government amend the articles of incorporation of an authority. Provides that the proposed articles of amendment, adopted by ordinance, may contain any provision that lawfully may be contained in the articles of incorporation at the time of amendment.

Proposed law provides that the governing authority shall take all steps to file the articles of amendments with the secretary of state and provides for effectiveness of the articles of amendments.

Proposed law requires an entity incorporated pursuant to proposed law to follow the provisions of the Nonprofit Corporation Law when amending its articles of incorporation and articles of amendments or electing to terminate its operations.

Proposed law provides that an ordinance that creates an authority shall establish a board to govern the authority and shall include provisions for:

- (1) Appointment of procedures.
- (2) Powers of the board.
- (3) Removal procedures.
- (4) Term lengths.
- (5) Election of a chair.

Proposed law provides that except as limited by the authority's articles of incorporation, an authority has all the powers specified in proposed law.

Proposed law provides that an authority may:

- (1) Adopt, amend, and repeal bylaws for the conduct of business of the authority.
- (2) Sue and be sued.
- (3) Maintain an office at a place the authority designates.
- (4) Borrow money.
- (5) Issue bonds and other obligations for any corporate purpose.
- (6) Invest money of the authority in instruments, obligations, securities, or property.
- (7) Enter into contracts and execute the instruments or agreements necessary or convenient to carry out this part or an ordinance adopted under proposed law.
- (8) Solicit and accept gifts, grants, loans, or other assistance in any form from any public or private source, subject to this subtitle or any ordinance adopted under proposed law.
- (9) Participate in a program of the federal government, the state, a political subdivision of the state, or an intergovernmental entity created under present law.
- (10) Contract for goods and services.
- (11) Study, develop, and prepare reports or plans to assist in the authority's exercise of powers and to monitor and evaluate the authority's progress.
- (12) Contract with public or private entities for services necessary to manage and operate the authority.
- (13) Provide acquisition, management, and sale services to a local government for property owned by the local government.
- (14) Create, own, control, or be a member of a corporation, limited liability company, partnership, or other person, whether operated for profit or not for profit, for the purposes of development property in order to maximize marketability.
- (15) Exercise a power usually possessed by a private corporation in performing similar functions, unless to do so would conflict with present law.
- (16) Insure against losses in connection with the real property, assets, or activity of the authority.
- (17) Design, develop, construct, demolish, rehabilitate, renovate, relocate, and otherwise improve real property or interest in real property.
- (18) Raise revenue by a legal means required to make the operations and activities of the authority self-sustaining.
- (19) Do all things necessary or convenient to carry out the powers expressly granted by this proposed law or by an ordinance adopted under this proposed law.

Proposed law provides that an authority may:

- (1) Acquire real property or rights or interests in real property, directly or through a person or governmental entity, by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the authority considers proper.

- (2) Own property in the authority's name, including tax foreclosed property and adjudicated property without clear title.
- (3) Sell, lease as lessor, transfer, and dispose of the authority's interest in property.
- (4) Procure insurance against loss in connection with the property, assets, or activities of the authority.
- (5) Execute deeds, mortgages, contracts, leases, purchases, or other agreements regarding the property of the authority.

Proposed law provides that property purchased, owned, or sold under proposed law may not be located outside the jurisdiction of the local government in which the authority is located.

Proposed law provides that an authority may quiet title or foreclose on a property in which it holds an interest by:

- (1) Conducting an examination of title to determine the identity of any person possessing a claim or interest in the property.
- (2) Filing a complaint to quiet title.

Proposed law provides that an authority may employ staff and retain consultants and set their compensation.

Proposed law provides that the court may appoint an authority to serve as a receiver in a receivership proceeding filed by a local government.

Proposed law provides that an authority shall:

- (1) Adopt a code of ethics for the authority's directors, officers, and employees.
- (2) Establish policies and procedures requiring.
 - (a) The disclosure of relationships that may create a conflict of interest.
 - (b) Any member of the board with a direct or indirect interest in a matter before the authority to disclose the member's interest to the board before the board takes any action on the matter.
- (3) Comply with the present law (Open Meetings Law).

Proposed law provides that an authority may have the same immunities as the local government that creates the authority.

Proposed law provides that with respect to property held or owned by the authority, the authority may:

- (1) Grant or acquire a license, an easement, or an option.
- (2) Set, charge, and collect rents, fees, and charges for use of the property.
- (3) Pay taxes or special assessments due.
- (4) Take any action, provide any notice, or institute any proceeding required to clear or quiet title in order to establish ownership by and vest title to property in the authority.
- (5) Abate violations of the local and state buildings, fire, health, and related codes.

- (6) Hold, manage, maintain, operate, repair, lease as lessor, secure, prevent the waste or deterioration of, or demolish the property and take all other actions necessary to preserve the value of the property.

Proposed law provides that an authority shall be made a party to, and shall defend any action or proceeding concerning, claims against property held by the authority.

Proposed law provides that property held by an authority shall be inventoried and classified according to title status and suitability for use. Further provides that a clerk of the court may not charge a fee to record a document evidencing the transfer pursuant to proposed law of property to the authority by the state or a local government.

Proposed law provides that after an unsuccessful attempt by the local government to collect an outstanding lien at tax sale and subject to the approval of governing body, or tax collector of the jurisdiction where the property is located, an authority may accept from a person with an interest in tax delinquent property, or tax sale property a deed or assignment conveying that person's interest in the property instead of:

- (1) Foreclosure or sale of the property for delinquent taxes, penalties, and interest.
- (2) Delinquent taxes imposed by a local taxing jurisdiction.

Proposed law provides that after an unsuccessful attempt by the local government to collect outstanding liens that are delinquent and at the discretion of the governing body of the jurisdiction, or the tax collector where the property is located, an authority may accept from the local government with an interest in a tax delinquent property, or tax sale property its interest in the tax liens in the property.

Proposed law provides that conveyance of property by deed instead of foreclosure or transfer of a lien or tax on property pursuant to proposed law may not affect or impair any other lien against the property or any existing recorded or unrecorded interest in the property, including any:

- (1) Easement of right-of-way.
- (2) Future installment of a special assessment.
- (3) Lien recorded by the state.
- (4) Private deed restriction.
- (5) Security interest or mortgage.
- (6) Tax lien of another taxing jurisdiction that does not consent to a release of its lien.

Proposed law provides that a tax lien against property held by or under the control of an authority may be released or abated at any time by:

- (1) Local government with respect to a lien held by the local government.
- (2) Governing body of any taxing jurisdiction other than the state, parish, or municipality with respect to a lien held by the taxing jurisdiction.
- (3) Comptroller with respect to a state tax lien.

Proposed law provides that an authority is exempt from any state or local tax or assessment on the authority's properties or activities or on any revenue from the properties or activities.

Proposed law provides that an authority may bring a civil action to prevent, restrain, or enjoin the unlawful removal of any property from real property held by the authority.

Proposed law provides that property of an authority is public property devoted to an essential public and governmental function and purpose.

Proposed law provides that income of an authority is received for a public and government purpose.

Proposed law provides that an authority is subject to any local:

- (1) Land use controls.
- (2) Permitting processes for construction, demolition, or repair of a property.
- (3) Zoning laws.

Proposed law provides that an authority shall report annually on the activities of the authority to the local government where the authority is located.

Proposed law provides that an authority may:

- (1) Issue bonds to pay the cost of acquiring or improving property.
- (2) Fund or refund the bonds.
- (3) Purchase bonds with any funds available.
- (4) Hold, pledge, cancel, or resell bonds.

Proposed law provides that for each issue of an authority's bonds, the authority shall pass a resolution that:

- (1) Specifies and describes the project for which the proceeds of the bond issuance are intended.
- (2) Generally describes the public purpose and the financing transaction to be accomplished.
- (3) Specifies the maximum principal amount of the bonds that may be issued by the authority.
- (4) Imposes any terms or conditions on the issuance and sale of the bonds that the authority considers appropriate.

Proposed law provides that the bonds shall mature within a period not to exceed 50 years after the date of issue.

Proposed law provides that the corporate trustee under a trust agreement may be a trust company or bank that has the powers of a trust company in or outside of the state. Further provides that an expense incurred out the trust agreement or a resolution may be treated as part of the cost of the operation of a project.

Proposed law provides that notwithstanding any other provision of proposed law, in a proceeding involving the validity or enforceability of a bond or the security for a bond, the determination of an authority under proposed law is conclusive and binding.

Proposed law provides that bonds are securities:

- (1) That may be deposited with and received by a unit of the state or a political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is authorized by law.
- (2) In which any of the following persons or entities may legally and properly invest money, including capital that the person or entity owns or controls:

- (a) An officer or a unit of the state or a political subdivision of the state.
- (b) A bank, a trust company, a savings and loan association, an investment company, or any other person conducting a banking business.
- (c) An insurance company, an insurance association, or any other person conducting an insurance business.
- (d) A personal representative, a guardian, a trustee, or any other fiduciary.
- (e) Any other person.

Proposed law provides that a bond is not:

- (1) A debt or liability of the state or a political subdivision of the state.
- (2) A pledge of the full faith and credit for the state or a political subdivision of the state.

Proposed law provides that an authority may:

- (1) Impose rates, rents, fees, and charges related to project and for the services related to a project.
- (2) Contract with any person or governmental entity to exercise its authority under proposed law.

Proposed law provides that the rates, rents, fees, and charges established by an authority under proposed law shall be imposed and adjusted so that the aggregate amount of the rates, rents, fees, and charges from the project, when added to other available money, is sufficient to:

- (1) Pay for the expense for the project.
- (2) Pay the principal of and the interest on the bonds that the authority issued for the project as they become due and payable.
- (3) Create and maintain reserves required or provided for in a trust agreement.

Proposed law provides that any pledge of revenues and other money under proposed law is valid and binding from the time the pledge is made.

Proposed law provides that proceeds from the sale of bonds and other revenues received under proposed law are trust funds to be held and applied solely as provided in proposed law.

Proposed law provides that an authority may issue bonds to refund outstanding bonds of the authority, including paying:

- (1) Any redemption premium.
- (2) Interest accrued or to accrue to the date of redemption, purchase, or maturity of the bonds.
- (3) Any part of the cost of acquiring or improving property as part of a project.

Proposed law provides that an authority may issue negotiable bond anticipation notes in anticipation of the sale of bonds for any corporate purpose.

Proposed law provides that an authority shall convey title to property relating to a project and release collateral in accordance with proposed law when:

- (1) The principal of an interest on bonds issued to finance or refinance the project, including any refunding bonds, have been fully paid and retired; or adequate provision has been made to fully pay and retire the bonds.
- (2) All other conditions of trust agreement have been satisfied.
- (3) The lien of the trust agreement has been released.

Proposed law provides that on satisfaction of the conditions under proposed law, an authority promptly shall execute any deed, conveyance, release, or document and take any other action necessary to convey title to the property and release collateral free of any lien or encumbrance created through the authority.

Proposed law provides that a bondholder, a holder of any coupons attached to bonds, or a trustee under a trust agreement securing the bonds may sue:

- (1) To protect and enforce rights under state law or a trust agreement.
- (2) To enforce and compel the performance of duties by an authority or its officer, employee, or agent that this subtitle or a trust agreement requires, including imposing rates, rents, fees, and charges that the trust agreement requires to be imposed.

Proposed law provides that the rights under proposed law are subject to any trust agreement.

Effective August 1, 2025.

(Adds R.S. 40:599.1 through 599.32)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Changes the name of the Louisiana Land Bank Authority Act to the State Land Banking Authority Act.
2. Provide that the establishment of a land bank authority, the articles of incorporation, and the articles of amendment are subject to the Nonprofit Corporation Law.
3. Provide for amendments to the articles of incorporation, including the adoption of an ordinance to amend articles and the effectiveness of articles of amendments.
4. Make technical changes.

Senate Floor Amendments to engrossed bill

1. Make technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the reengrossed bill:

1. Make technical changes.