

2021 Regular Session

HOUSE BILL NO. 647

BY REPRESENTATIVES TRAVIS JOHNSON, BUTLER, DESHOTEL, MCMAHEN,  
MIGUEZ, ROMERO, SELDERS, THOMPSON, AND WHITE

1 AN ACT

2 To enact Part IV of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 3:341 through 347, relative to agricultural research and  
4 sustainability in the delta region of the state; to create and provide for the Delta  
5 Agriculture Research and Sustainability District; to provide for the governance,  
6 powers, duties, and funding of the district; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part IV of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of  
12 1950, comprised of R.S. 3:341 through 347, is hereby enacted to read as follows:

13 PART IV. DELTA AGRICULTURE RESEARCH AND SUSTAINABILITY

14 DISTRICT

15 §341. Delta Agriculture Research and Sustainability District; creation; purpose;  
16 territorial jurisdiction

17 A. The Delta Agriculture Research and Sustainability District, referred to in  
18 this Part as the "district", is hereby constituted and is declared to be a body politic  
19 and political subdivision of the state of Louisiana, as defined in Article VI, Section  
20 44 of the Constitution of Louisiana.

1           B. Pursuant to Article VI, Sections 19 and 21 of the Constitution of  
2           Louisiana, the district, acting through its board of commissioners, the governing  
3           authority of the district, is hereby granted all of the rights, powers, privileges, and  
4           immunities granted to or authorized for political subdivisions for industrial,  
5           commercial, research, and economic development purposes including but not limited  
6           to the power to incur debt and issue revenue and general obligation bonds,  
7           certificates of indebtedness, bond and certificate anticipation notes, and refunding  
8           bonds, subject to the limitations provided in this Part.

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

14          D. The boundaries of the district shall be coterminous with the boundaries  
15          of the parishes of East Carroll and Tensas.

16          §342. Board of commissioners; members; officers

17          A. The district shall be governed by a board of commissioners, referred to  
18          in this Part as the "board", consisting of twenty-six members as follows:

19                  (1) The governor or his designee.

20                  (2) The commissioner of agriculture and forestry or his designee.

21                  (3) The president of the local governing authority for the parish of East  
22          Carroll or his designee.

23                  (4) The president of the local governing authority for the parish of Concordia  
24          or his designee.

25                  (5) The president of the local governing authority for the parish of Madison  
26          or his designee.

27                  (6) The president of the local governing authority for the parish of Tensas  
28          or his designee.

- 1                   (7) The president of Louisiana Tech University or his designee.
- 2                   (8) The president of the University of Louisiana at Monroe or his designee.
- 3                   (9) The president of the Southern University System or his designee.
- 4                   (10) The president of the Louisiana State University System or his designee.
- 5                   (11) The president of Grambling State University or his designee.
- 6                   (12) The state representative for House District 19 or his designee.
- 7                   (13) The state representative for House District 21 or his designee.
- 8                   (14) The state senator for Senate District 32 or his designee.
- 9                   (15) The state senator for Senate District 34 or his designee.
- 10                  (16) The mayor of the city of Tallulah or his designee.
- 11                  (17) The mayor of the town of Lake Providence or his designee.
- 12                  (18) The mayor of the town of Newellton or his designee.
- 13                  (19) The mayor of the town of St. Joseph or his designee.
- 14                  (20) The mayor of the town of Waterproof or his designee.
- 15                  (21) The mayor of the town of Clayton or his designee.
- 16                  (22) The mayor of the town of Ferriday or his designee.
- 17                  (23) The mayor of the town of Vidalia or his designee.
- 18                  (24) The secretary of the Department of Economic Development or his  
 19                  designee as an ex officio nonvoting member.
- 20                  (25) The president of the Louisiana Farm Bureau Federation or his designee  
 21                  as an ex officio nonvoting member.
- 22                  (26) The president of the Louisiana Cotton and Grain Association or his  
 23                  designee as an ex officio nonvoting member.
- 24                  B. Members shall serve during their tenure in the offices listed in Subsection  
 25                  A of this Section.
- 26                  C. Any vacancy in the membership of the board, occurring by reason of  
 27                  death, resignation, or otherwise, shall be filled by the interim or acting person who  
 28                  assumes the duties of the person who held the now-vacant seat until an election can  
 29                  be held or a permanent appointment can be made.

1                   D. The members of the board shall serve without compensation. The board  
 2                   may reimburse any member for expenses actually incurred in the performance of his  
 3                   duties pursuant to this Part.

4                   E. Members of the board individually and members of their immediate  
 5                   families are prohibited from bidding on or entering into any contract, subcontract,  
 6                   or other transaction that is under the supervision or jurisdiction of the district.

7                   F. The board shall elect from among its own members a chairman, vice  
 8                   chairman, secretary, and treasurer, whose duties shall be those usual to such offices.  
 9                   At the option of the board, the offices of secretary and treasurer may be held by one  
 10                  person.

11                  G. The board shall meet in regular session on the second Wednesday at the  
 12                  beginning of each quarter of a calendar year and shall also meet in special session  
 13                  as often as the chairman of the board convenes the board. A majority of the voting  
 14                  members of the board shall constitute a quorum.

15                  H. The board shall prescribe rules to govern its meetings, may draft and  
 16                  implement bylaws to control and implement the activities of the board, and shall  
 17                  maintain suitable offices in the district.

18                  I. The board shall hire a district director to manage the day-to-day operations  
 19                  of the district. The board shall establish the duties and responsibilities and the salary  
 20                  and benefits for the position of district director. The district director shall report  
 21                  directly to the board and, with the approval of the board, may hire an administrative  
 22                  assistant.

23                  §343. Powers of district

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

27                                 (1) To sue and be sued.

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

1           (3) To acquire by gift, grant, or purchase, but not by expropriation, all  
 2           property, including rights-of-way, and to hold and use any franchise or property,  
 3           immovable, movable, corporeal or incorporeal, or any interest therein, necessary or  
 4           desirable for carrying out the objects and purposes of the district, including but not  
 5           limited to the establishment, maintenance, and operation of a board office and  
 6           research facility.

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

9           (5) In its own name and on its own behalf, to incur debt and to issue general  
 10          obligation bonds, revenue bonds, certificates, notes, and other evidence of  
 11          indebtedness.

12          (6) To regulate the imposition of fees and rentals charged by the district for  
 13          its facilities and services rendered by it.

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

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

18          (9) To seek, apply for, or receive any donations, financial assistance, or  
 19          monies by way of public or private grants or investors.

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

22          §344. Obligations of the district

23          A. The district shall have authority to incur debt for any one or more of its  
 24          lawful purposes set forth in this Part, to issue in its name negotiable bonds, notes,  
 25          certificates of indebtedness, or other evidence of debt, and to provide for the security  
 26          and payment thereof.

27          B.(1) The district may in its own name and behalf borrow from time to time  
 28          in the form of certificates of indebtedness. The certificates shall be secured by the  
 29          dedication and pledge of monies of the district derived from any lawful sources,  
 30          including fees, lease rentals, service charges, local service agreement payments from

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

8           (2) The board, as the governing authority of the district, is authorized to  
9           adopt all necessary resolutions or ordinances which may be necessary for ordering,  
10          holding, canvassing, and promulgating the returns of any election required for the  
11          issuance of general obligation bonds, which resolutions or ordinances may include  
12          covenants for the security and payment of any bonds or other evidence of debt so  
13          issued.

14          (3) For a period of thirty days from the date of publication of any resolution  
15          or ordinance authorizing the issuance of any bonds, certificates of indebtedness,  
16          notes, or other evidence of debt of the district, any interested person may contest the  
17          legality of such resolution or ordinance and the validity of such bonds, certificates  
18          of indebtedness, notes, or other evidence of debt issued or proposed to be issued  
19          thereunder and the security of their payment, after which time no one shall have any  
20          cause of action to contest the legality of the resolution or ordinance or to draw into  
21          question the legality of the bonds, certificates of indebtedness, notes, or other  
22          evidence of debt, the security therefor, or the debts represented thereby for any cause  
23          whatever, and it shall be conclusively presumed that every legal requirement has  
24          been complied with, and no court shall have authority to inquire into such matters  
25          after the lapse of thirty days.

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

1                   (5) Such bonds, certificates of indebtedness, notes, or other evidence of debt  
2                   shall have all the qualities of negotiable instruments under the commercial laws of  
3                   the state of Louisiana.

4                   §345. Securities

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

14                  §346. Exemption from taxation

15                  The district and all properties at any time owned by the district and the  
16                  income therefrom and all bonds, certificates, and other evidence of indebtedness  
17                  issued by the district under this Part and the interest or income therefrom shall be  
18                  exempt from all taxation by the state of Louisiana.

19                  §347. General compliances; enhancement

20                  A. No provision of this Part shall be construed to exempt the district from  
21                  compliance with the provisions of Louisiana laws pertaining to open meetings,  
22                  public records, fiscal agents, official journals, dual officeholding and employment,  
23                  public bidding for the purchase of supplies and materials and construction of public  
24                  works, the Code of Governmental Ethics, the Right to Property in Article I, Section  
25                  4 of the Constitution of Louisiana, and the Louisiana Election Code.

26                  B. The district shall have the power and right to adopt a program or  
27                  programs awarding contracts to, and establishing set-aside goals and preference  
28                  procedures for the benefit of, businesses owned and operated by socially or

1           economically disadvantaged persons in accordance with any of the provisions of R.S.  
 2           38:2233 and of Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950,  
 3           entitled "Louisiana Minority and Women's Business Enterprise Act".  
 4           C. The financial records of the district shall be audited pursuant to R.S.  
 5           24:513.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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