

2022 Regular Session

HOUSE BILL NO. 780

BY REPRESENTATIVE MAGEE

HISTORIC PRESERVATION: Provides relative to historic preservation and economic development in downtown Houma

1 AN ACT

2 To enact Part V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 33:4709.31, relative to the city of Houma; to create the Houma
4 Restoration District; to provide relative to the boundaries, purpose, governance, and
5 powers and duties of the district; to provide relative to district funding; to provide
6 for an effective date; 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 V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 33:4709.31, is hereby enacted to read as follows:

13 PART V. HOUMA RESTORATION DISTRICT

14 §4709.31. Houma Restoration District; creation; governing authority; powers; duties

15 A.(1) The Houma Restoration District is hereby created as a special
16 municipal district in Houma and is hereafter referred to in this Section as the
17 "district". The district is created as a body politic and corporate and a political
18 subdivision of the state of Louisiana.

1 (2) The district is comprised of all property on either side of and all property
2 between West/East Park Avenue and West/East Main Street between their
3 intersections with Morgan Street and Grand Caillou Road.

4 (3) The primary purposes of the district are to provide for restoration and
5 preservation of the character of the area within the district, to provide opportunity
6 for cultural events, and to encourage economic development within the district that
7 is consistent with the plan adopted by its board of commissioners.

8 B.(1) The district shall be governed by a board of commissioners appointed
9 as follows:

10 (a) The member of the Louisiana House of Representatives whose district
11 includes all or the greater portion of the restoration district shall appoint one
12 member.

13 (b) The member of the Louisiana Senate whose district includes all or the
14 greater portion of the restoration district shall appoint one member.

15 (c) The president of Terrebonne Parish shall appoint one member.

16 (d) The governing authority of Terrebonne Parish shall appoint one member.

17 (e) The board of directors of the Houma-Terrebonne Chamber of Commerce
18 shall appoint one member.

19 (f) The governing board of the Houma Downtown Development Corporation
20 shall appoint two members.

21 (g) The Houma Historic Preservation District shall appoint two members,
22 one of whom is a representative of a nonprofit organization involved with historic
23 preservation in Houma.

24 (2)(a) Commissioners shall serve six-year terms after initial terms as
25 provided in Subparagraph (b) of this Paragraph.

26 (b) Of the initial appointments, two shall serve one-year terms, two shall
27 serve two-year terms, two shall serve three-year terms, and one shall serve a four-
28 year term as determined by lot at the first meeting of the board.

1 (3) Any vacancy which occurs prior to the expiration of a term shall be filled
2 for the remainder of the unexpired term in the manner of the original appointment.

3 (4) As soon as practical after appointment, the members shall meet at the call
4 of the parish president and elect from their number a chairman and such other
5 officers as they deem appropriate.

6 (5) The board shall adopt rules for the transaction of business and shall keep
7 a record of its resolutions, transactions, findings, and determinations.

8 C.(1) The board shall prepare or cause to be prepared a plan or plans,
9 hereafter referred to as the "plan", specifying the layout and character of
10 development within the district. The plan shall include but not necessarily be limited
11 to the following: the nature and location of enterprises to be located within the
12 district, guidelines for the general character of the external appearance of buildings
13 and facilities within the district to whatever extent and detail the authority or the
14 town may deem appropriate, and plans for transportation into and within the district
15 either by foot, vehicle, watercraft, or any other means.

16 (2) In the development of the plan, the board shall conduct such public
17 hearings, publish such notice with respect thereto, and disseminate such information
18 as the authority, in the exercise of its sound discretion, may deem appropriate or
19 advisable and in the public interest.

20 (3) The plan shall be adopted by a majority vote of the full membership of
21 the board, and after the plan has been adopted, it may be altered or amended only by
22 adoption of a resolution by a majority of the full membership of the board.

23 (4) The board shall provide information to officials of departments, agencies,
24 and instrumentalities of state and local government and to the public at large, in
25 order to foster public awareness and understanding of the objectives of the plan, and
26 in order to stimulate public interest and participation in the orderly, integrated
27 development of the district.

1 D. Pursuant to the purposes for which the district was created, the board
2 may:

3 (1) Accept and receive, in furtherance of its function, funds, grants, and
4 services from the federal government or its agencies, from departments, agencies,
5 and instrumentalities of state, parish, or municipal government, or from private or
6 civic sources.

7 (2) Undertake public works and operate public facilities that will encourage
8 economic development within or encourage residents and tourists to visit the district.

9 (3) Acquire property within the district and enter contracts for lease or
10 conveyance of all or any part of the property located in the district to any private
11 person or entity who will undertake restoration and preservation of such property or
12 contribute to economic development in the area.

13 (4) Issue certificates of appropriateness regarding any work in the erection
14 of any new building or in the alteration of, addition to, painting, repainting, or
15 demolishing of any existing building within the district. Any application for a
16 certificate shall be accompanied by the full plans and specifications thereof, so far
17 as they relate to the proposed appearance, color, texture of materials, and
18 architectural design of the exterior, including the front, sides, rear, and roof of such
19 building, or alteration or addition of any outbuilding, party wall, courtyard, fence,
20 or other dependency thereof.

21 (5) Require approval of signage in the district and may adopt guidelines
22 regulating the appearance, color, size, position, method of attachment, texture of
23 materials, and design of signs in accordance with the character and overall design of
24 the district.

25 E. The district, through its board, may exercise all powers of a political
26 subdivision necessary or convenient for carrying out its objects and purposes,
27 including but not limited to the following:

28 (1) To sue and be sued, and as such, to stand in judgment.

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

1 (3) To acquire by gift, grant, purchase, or lease, and to hold and use any
2 property, real, personal, mixed, tangible, or intangible, or any interest therein,
3 necessary or desirable for carrying out the objects and purposes of the district.

4 (4) To sell, transfer, or convey any property acquired by it, or any interest
5 therein, at any time to accomplish the objects and purposes of the district subject to
6 applicable law. Any such sale, transfer, or conveyance shall provide for a fair and
7 equitable return of revenue to the district.

8 (5) To lease or sublease all or any portion of any property for a term not
9 exceeding ninety-nine years at a fixed or variable rental subject to applicable law.
10 Any such lease entered into shall provide for a fair and equitable return of revenue
11 to the district.

12 (6)(a) To sell, lease for a term of up to ninety-nine years, exchange, or
13 otherwise dispose of or transfer to or with other political corporations of this state
14 or private persons at public or private sale any residential or subdivision land,
15 property, improvements, or portions thereof, including real property, which is, in the
16 opinion of the board of commissioners, appropriate to accomplish the objectives and
17 purposes of the district.

18 (b) Prior to any disposition or transfer of property pursuant to this Paragraph,
19 a majority of the total board membership shall approve the disposition or transfer and
20 fix the price and terms of the sale, lease, exchange, or other contract to be made with
21 reference to the property. Such disposition or transfer shall not require
22 advertisement or public bids nor require any notice to be published in a newspaper
23 or to be posted in any public place.

24 (7) To make and collect reasonable charges for the use of property of the
25 district and for services rendered by the district; and to regulate fees or rentals
26 charged for use of privately owned facilities located on property owned or sold by
27 the district when such facilities are offered for use by the public or by a private
28 industrial, commercial, research, or other economic development entity or activity.

1 (8) To enter into contracts to achieve the district's objectives and purposes,
2 including but not limited to contracts for professional and other services and for the
3 purchase, lease, acquisition, sale, construction, operation, maintenance, and
4 improvements of land, public works, and facilities, as the district may deem
5 necessary or convenient to accomplish the objectives and purposes of the district,
6 subject to R.S. 38:2211 et seq.

7 (9) To plan, develop, regulate, operate, and maintain activities and planned
8 land uses to foster creation of new jobs, economic development, industry, health
9 care, commerce, manufacturing, tourism, relocation of people and businesses to the
10 area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation,
11 housing development, and conservation.

12 (10) To acquire land and improvements to construct, operate, and maintain
13 facilities, improvements, and infrastructure, including buildings, roads, bridges,
14 drainage, and utilities, and to perform other functions and activities on property
15 owned or leased by the district to accomplish the objectives and purposes of the
16 district and to protect the public health and welfare.

17 (11) In its own name and behalf, to incur debt, and issue general obligation
18 bonds, under the authority of and subject to the provisions of Article VI, Section 33
19 of the Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle
20 II of Title 39 of the Louisiana Revised Statutes of 1950, for the establishment,
21 operation, and maintenance of district property or to carry out the other public
22 purposes of this Section, and to issue revenue bonds, borrow money, and issue
23 certificates of indebtedness, notes, and other debt obligations as evidence thereof and
24 provide for the manner and method of repayment.

25 (12) To appoint officers, agents, and employees, prescribe their duties, and
26 fix their compensation.

27 (13) To utilize the services of the executive departments of the state upon
28 mutually agreeable terms and conditions.

1 (14) To adopt bylaws for the regulation of its affairs and the conduct of its
2 business.

3 (15) To do any and all things necessary or proper for the government,
4 regulation, development, and control of the business of the board of commissioners.

5 F.(1) The board of commissioners may, subject to the provisions of this
6 Subsection and other applicable provisions of law, levy ad valorem taxes within the
7 district.

8 (2) The board of commissioners may, subject to the provisions of this
9 Subsection and other applicable provisions of law, levy a sales and use tax at a rate
10 not to exceed one percent. Any such tax shall be in addition to all other sales and use
11 taxes authorized by law and shall be excluded when calculating the combined rate
12 of sales and use taxes levied in the parish pursuant to Article VI, Section 29(B) of
13 the Constitution of Louisiana including but not limited to sales and use taxes
14 authorized by R.S. 47:338.54. Such tax shall be levied upon the sale at retail, the
15 use, lease or rental, the consumption, and the storage for use or consumption, of
16 tangible personal property, and on sales of services, all as defined in Chapter 2 of
17 Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, R.S. 47:301 et seq.,
18 in the district. Sales and use taxes shall be collected at the same time and in the same
19 manner as set forth in Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised
20 Statutes of 1950.

21 (3)(a) No tax may be levied pursuant to Paragraph (1) or (2) of this
22 Subsection unless the levy is authorized by a majority of the electors of the district
23 who vote at an election held for that purpose in accordance with the Louisiana
24 Election Code.

25 (b) A tax proposition submitted to the voters shall state the rate, duration,
26 and purpose of the tax as requested by duly adopted resolution of the governing
27 authority of the district. The rate, duration, and use of any tax shall be as so stated
28 in the proposition authorizing its levy.

1 (4)(a) The board of commissioners may, subject to the provisions of this
 2 Subsection and other applicable provisions of law, incur debt and fund tax revenues
 3 into bonds in the manner provided by Part III of Chapter 4 of Subtitle II of Title 39
 4 of the Louisiana Revised Statutes of 1950.

5 (b) Any proposition submitted to the voters for the issuance of bonds secured
 6 by sales and use taxes shall state the amount of bonds to be issued, and the district
 7 governing authority shall not issue such bonds in an amount exceeding the stated
 8 amount.

9 (5) The district may, on its own initiative, call a special election to submit
 10 to the qualified electors of the district a proposition or propositions authorizing the
 11 levy of a tax or the issuance of bonds or both.

12 Section 2. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 780 Engrossed

2022 Regular Session

Magee

Abstract: Creates and provides for Houma Restoration District.

Proposed law creates the Houma Restoration District as a political subdivision of the state to provide for restoration and preservation of the character of the area within the district, to provide opportunity for cultural events, and to encourage economic development within the district.

Proposed law provides that the district is governed by a board appointed as follows:

- (1) The member of the La. House of Representatives whose district includes all or the greater portion of the restoration district shall appoint one member.
- (2) The member of the La. Senate whose district includes all or the greater portion of the restoration district shall appoint one member.
- (3) The president of Terrebonne Parish shall appoint one member.

- (4) The governing authority of Terrebonne Parish shall appoint one member.
- (5) The board of directors of the Houma-Terrebonne Chamber of Commerce shall appoint one member.
- (6) The governing board of the Houma Downtown Development Corp. shall appoint two members.
- (7) The Houma Historic Preservation District shall appoint two members, one of whom is a representative of a nonprofit organization involved with historic preservation in Houma.

Proposed law requires the board to prepare or cause to be prepared a plan specifying the layout and character of development within the district. Provides that the plan shall be adopted by a majority vote of the full membership of the board, and after the plan has been adopted, it may be altered or amended only by adoption of a resolution by a majority of the full membership of the board.

Proposed law authorizes the board to:

- (1) Accept and receive funds, grants, and services.
- (2) Undertake public works and operate public facilities that will encourage economic development within or encourage residents and tourists to visit the district.
- (3) Acquire property within the district and enter contracts for lease or conveyance of all or any part of the property.
- (4) Issue certificates of appropriateness regarding any work in the erection of any new building or in the alteration of, addition to, painting, repainting, or demolishing of any existing building within the district.
- (5) Require approval of signage in the district and adopt guidelines regulating the appearance, color, size, position, method of attachment, texture of materials, and design of signs.

Proposed law authorizes the district, subject to voter approval, to levy ad valorem taxes and a sales and use tax not exceeding 1%. Authorizes the district to incur debt and fund tax revenue into bonds.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:4709.31)

Summary of Amendments Adopted by House

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

1. Add provision that makes proposed law effective upon signature of governor or lapse of time for gubernatorial action.