

2015 Regular Session

HOUSE BILL NO. 808

BY REPRESENTATIVE BARRAS

1 AN ACT

2 To amend and reenact R.S. 33:130.765(A) and 130.766(A)(2)(b) and (3) and to repeal R.S.  
3 33:130.766(A)(2)(d), relative to the Iberia Economic Development Authority; to  
4 provide relative to the powers and duties of the authority; to authorize the authority  
5 to grant rights-of-way; to provide relative to the disposition of authority property; to  
6 provide relative to the adoption of resolutions or ordinances providing for such  
7 disposition; to provide relative to publication and public hearing requirements; to  
8 remove provisions that require the authority to receive the approval of the Iberia  
9 Parish Council prior to disposing of authority property in certain circumstances; and  
10 to provide for related matters.

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

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 33:130.765(A) and 130.766(A)(2)(b) and (3) are hereby amended  
16 and reenacted to read as follows:

17 §130.765. Powers of the authority

18 A. The authority, acting by and through its board, shall have and exercise all  
19 powers of a political subdivision necessary or convenient for the carrying out of its  
20 objects and purposes, including but not limited to the following rights and powers:

21 (1) To sue and be sued.

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

1           (3) To acquire by donation, grant, purchase, ~~lease, or otherwise~~ or lease all  
 2           property, including servitudes or rights of use; to hold and use any ~~franchise or~~  
 3           property, immovable or movable, corporeal or incorporeal, or any interest therein,  
 4           necessary or desirable for carrying out the objects and purposes of the authority,  
 5           including but not limited to the establishment, maintenance, and operation of  
 6           industrial parks.

7           (4) To receive ~~by grant, donation, or otherwise~~ any sum of money, or  
 8           property, aid, or assistance from the United States, the state of Louisiana, or any  
 9           political subdivision thereof, or any person, firm, or corporation.

10          (5) To enter into contracts for the purchase, acquisition, construction,  
 11          maintenance, and improvement of works and facilities necessary in connection with  
 12          the purposes of the authority.

13          (6) To grant rights-of-way to erect, construct, lay, operate, and maintain gas,  
 14          water, sewer, electric, or other utility systems and equipment for the purposes of  
 15          providing such utilities to persons and entities located within industrial parks,  
 16          industrial plant buildings, and subordinate and related facilities constructed or  
 17          acquired by the authority. The authority may select utility service providers, subject  
 18          to the provisions of R.S. 33:4160.1 and 4160.2 and R.S. 45:123 and all applicable  
 19          orders of the Louisiana Public Service Commission, for facilities constructed or  
 20          acquired by the authority.

21          ~~(6)~~(7) In its own name and on its own behalf to incur debt and to issue  
 22          general obligation bonds, revenue bonds, certificates, notes, and other evidences of  
 23          indebtedness and to levy and cause to be collected ad valorem taxes as provided in  
 24          this Subpart and as may be provided by general law.

25          ~~(7)~~(8) To require and issue licenses with respect to its properties and  
 26          facilities.

27          ~~(8)~~(9) To regulate the imposition of fees and rentals charged by the authority  
 28          for its facilities and for services rendered by it.

1           ~~(9)~~(10) To mortgage properties constructed or acquired and to borrow money  
2           and pledge all or part of its revenues, leases, rents, or other advantages as security  
3           for such loans.

4           ~~(10)~~(11) To sell immovable property owned by the authority after legal  
5           notice as provided by law for the judicial sale of immovable property.

6           ~~(11)~~(12) To appoint officers, agents, and employees, prescribe their duties,  
7           and fix their compensation.

8           ~~(12)~~(13) To contract, upon such terms as it may agree upon, for legal,  
9           financial, engineering, and other professional services necessary or expedient in the  
10          conduct of its affairs.

11          ~~(13)~~(14) To utilize the services of the executive departments of the state  
12          upon mutually agreeable terms and conditions.

13          ~~(14)~~(15) To do any and all things necessary or proper for the government,  
14          regulation, development, and control of the business of the district.

15   \*         \*         \*

16          §130.766. Industrial development

17                           A.

18   \*         \*         \*

19                           (2)

20   \*         \*         \*

21           (b) In determining the consideration for any contract to lease, sell, or  
22           otherwise dispose of lands, buildings, or other property of the authority, the board  
23           of commissioners may take into consideration the value of the lands, buildings, or  
24           other properties involved as well as the potential value of the economic impact of the  
25           enterprise being induced to locate or expand within the authority. Such economic  
26           impact shall include increased employment, increased use of local labor, wages and  
27           salaries to be paid, consumption of local materials, products, and resources, and  
28           special tax revenue to be generated by the enterprise acquiring or leasing lands,  
29           buildings, or other property from the authority. The board shall not dispose of any

1 property of the authority for less than the fair market value of the property as defined  
2 in R.S. 47:2321 ~~without the prior approval of the Iberia Parish Council.~~

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4 (3)(a) The resolution or ordinance adopted by the board ~~of commissioners~~  
5 authorizing any lease, sale, or other disposition of lands, buildings, or other property  
6 of the authority or any attachment thereto shall set forth, in a general way, the terms  
7 of the authorized lease, sale, or other disposition, ~~and such resolution or ordinance~~  
8 ~~shall be published as soon as possible following its adoption in one issue of the~~  
9 ~~official journal of the authority.~~

10 (b) ~~For a period of thirty days from the date of publication of any such~~  
11 ~~resolution or ordinance, any interested person may contest its legality or the validity~~  
12 ~~of the authorized lease, sale, or other disposition of authority property, after which~~  
13 ~~time no one shall have any cause of action to contest such legality or validity, and~~  
14 ~~it shall be conclusively presumed thereafter that every legal requirement has been~~  
15 ~~complied with, and no court shall have authority to inquire into such matters after the~~  
16 ~~lapse of said thirty days. A proposed resolution or ordinance may be placed on the~~  
17 ~~agenda of any board meeting and introduced by any board member.~~

18 (c) After a proposed resolution or ordinance has been introduced, copies of  
19 it shall be provided to all board members. The title of a proposed resolution or  
20 ordinance shall be published once in the official journal of the authority. The notice  
21 shall indicate the time and place where the board will consider its adoption.

22 (d) No resolution or ordinance shall be adopted until a public hearing on it  
23 has been held. No resolution or ordinance shall be adopted at the meeting at which  
24 it is introduced.

25 (e) The board shall publish each resolution or ordinance adopted by the  
26 board pursuant to this Paragraph once in the official journal of the authority, within  
27 twenty days of its adoption and prior to its effective date.

