2015 Regular Session

ACT No. 363

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.

HB NO. 808 ENROLLED

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

(4) To receive by grant, donation, or otherwise any sum of money, or property, aid, or assistance from the United States, the state of Louisiana, or any

political subdivision thereof, or any person, firm, or corporation.

- (5) To enter into contracts for the purchase, acquisition, construction, maintenance, and improvement of works and facilities necessary in connection with the purposes of the authority.
- (6) To grant rights-of-way to erect, construct, lay, operate, and maintain gas, water, sewer, electric, or other utility systems and equipment for the purposes of providing such utilities to persons and entities located within industrial parks, industrial plant buildings, and subordinate and related facilities constructed or acquired by the authority. The authority may select utility service providers, subject to the provisions of R.S. 33:4160.1 and 4160.2 and R.S. 45:123 and all applicable orders of the Louisiana Public Service Commission, for facilities constructed or acquired by the authority.
- (6)(7) In its own name and on its own behalf to incur debt and to issue general obligation bonds, revenue bonds, certificates, notes, and other evidences of indebtedness and to levy and cause to be collected ad valorem taxes as provided in this Subpart and as may be provided by general law.
- (7)(8) To require and issue licenses with respect to its properties and facilities.
- (8)(9) To regulate the imposition of fees and rentals charged by the authority for its facilities and for services rendered by it.

HB NO. 808 ENROLLED

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.
1	(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

impact shall include increased employment, increased use of local labor, wages and

salaries to be paid, consumption of local materials, products, and resources, and

special tax revenue to be generated by the enterprise acquiring or leasing lands,

buildings, or other property from the authority. The board shall not dispose of any

26

27

28

29

HB NO. 808 ENROLLED

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

3 * *

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

- (b) For a period of thirty days from the date of publication of any such resolution or ordinance, any interested person may contest its legality or the validity of the authorized lease, sale, or other disposition of authority property, after which time no one shall have any cause of action to contest such legality or validity, and it shall be conclusively presumed thereafter that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of said thirty days. A proposed resolution or ordinance may be placed on the agenda of any board meeting and introduced by any board member.
- (c) After a proposed resolution or ordinance has been introduced, copies of it shall be provided to all board members. The title of a proposed resolution or ordinance shall be published once in the official journal of the authority. The notice shall indicate the time and place where the board will consider its adoption.
- (d) No resolution or ordinance shall be adopted until a public hearing on it has been held. No resolution or ordinance shall be adopted at the meeting at which it is introduced.
- (e) The board shall publish each resolution or ordinance adopted by the board pursuant to this Paragraph once in the official journal of the authority, within twenty days of its adoption and prior to its effective date.

1	(f) Unless a resolution or ordinance specifies an earlier or later effective
2	date, the resolution or ordinance shall take effect on the thirtieth day after the
3	meeting in which the resolution or ordinance was adopted.
4	* * *
5	Section 2. R.S. 33:130.766(A)(2)(d) is hereby repealed in its entirety.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

ENROLLED

HB NO. 808

APPROVED: