

SENATE BILL NO. 611

BY SENATOR DORSEY AND REPRESENTATIVES AUSTIN BADON, BARROW,  
HENRY BURNS, BURRELL, HONORE, HUTTER, GIROD  
JACKSON, MICHAEL JACKSON, LEBAS, MONICA, NORTON,  
SMILEY, STIAES AND WILLIAMS

1 AN ACT

2 To enact R.S. 33:9038.64, relative to cooperative and economic development in East Baton  
3 Rouge Parish; to create the River Park Development District, a political subdivision  
4 of the state of Louisiana; to provide for the boundaries of the district; to provide for  
5 the governance of the district; to provide for the authority, powers, duties, and  
6 function of the governing body; to provide for the levy and collection of taxes and  
7 special assessments within the district; to provide for the authority to create  
8 subdistricts within the district; to authorize the district to issue and sell bonds; to  
9 authorize the district to engage in tax increment financing; to provide for the duration  
10 of the district; and to provide for related matters.

11 Notice of intention to introduce this Act has been published.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:9038.64 is hereby enacted to read as follows:

14 **§9038.64. River Park Development District**

15 **A. Creation. There is hereby created in the city of Baton Rouge, parish**  
16 **of East Baton Rouge, hereinafter referred to as the "city-parish", the River**  
17 **Park Development District, a body politic and corporate of the state, referred**  
18 **to in this Section as the "district". The district shall be a political subdivision**  
19 **of the state and the district is hereby granted all of the rights, powers, privileges**  
20 **and immunities accorded by law and the Constitution of Louisiana to political**  
21 **subdivisions of the state, subject to the limitations provided in this Section.**

22 **B. Boundaries. The district shall be comprised of the following described**  
23 **parcels or tracts of land located in the city-parish, referred to in this Section as**  
24 **the "property":**

25 **That certain tract or parcel of land containing 59.666 acres and**

1 comprised of three (3) contiguous tracts of land situated in Sections 40, 42 and  
2 44, Township 7 South, Range 1 West, Greensburg District of Louisiana, Parish  
3 of East Baton Rouge, State of Louisiana, fronting on the Mississippi River,  
4 being more particularly described as follows:

5 TRACT I: That certain tract or parcel of land and all the rights, ways,  
6 privileges, servitudes, advantages and appurtenances hereto belonging or in  
7 anywise appertaining, including all accretion, alluvion, batture and sandbars,  
8 resulting from reliction or dereliction, the opening of new channels or the  
9 changes of water courses of the Mississippi River, situated in Section 42 and 44,  
10 Township 7 South, Range 1 West, Greensburg District of Louisiana, Parish of  
11 East Baton Rouge, State of Louisiana, fronting on the Mississippi River, being  
12 more particularly described as follows:

13 Commencing at the intersection of the common boundary between  
14 Sections 42 and 44, T7S-R1W, East Baton Rouge Parish, and the western  
15 boundary of the Illinois Central Right of Way; thence proceed North 6° 45' 0"  
16 East a distance of 251.25' to the POINT OF BEGINNING; thence proceed  
17 South 87/ 50' 0" West a distance of 742.50 feet to the mean low water line of the  
18 Mississippi River; thence proceed North 01/ 18' 11" West along the mean low  
19 water line of the Mississippi River to the Northern boundary of the property;  
20 thence proceed North 87/ 50' 0" East a distance of 812.87 feet to a point and  
21 corner; thence proceed South 6/ 45'0" West a distance of 502.25 feet to the  
22 POINT OF BEGINNING. All as more particularly shown on a survey entitled  
23 "Map Showing an As-Built Survey of Tract B-1, an 8.9 ± Acre Tract, & a 9.290  
24 Acre Tract Located in Section 42 & 44 T-7-S R-1-W Greensburg Land District  
25 East Baton Rouge Parish Louisiana for Louisiana Casino Cruises, Inc." dated  
26 April 11, 2001 and made by Chenevert Songy Rodi Soderberg, Inc.

27 TRACT II: Tract B-1, Hunnington Heights, containing 5.176 acres,  
28 located in Section 42, Township 7 South, Range 1 West, GLD, East Baton Rouge  
29 Parish, Louisiana, more particularly described and having such measurements  
30 as dimensions and being subject to such servitudes as are shown on the map

1 entitled "Map Showing Resubdivision of Tract 'A' & Tract 'B' into Tract 'A-1'  
 2 & Tract 'B-1', Hunnington Heights, located in Section 42, Township 7 South,  
 3 Range 1 West, GLD, East Baton Rouge Parish, Louisiana", prepared by Tatum  
 4 Engineering Consultants, dated September 15, 1998.

5 TRACT III: That certain lot or parcel of ground together with all  
 6 building and improvements located thereon, and all of the rights, ways,  
 7 privileges, servitudes, prescriptions, appurtenances and advantages thereunto  
 8 belonging, or in anywise appertaining, containing 36.3 acres more or less,  
 9 located in Sections 40 and 42 Township 7-S, Range 1-W Greensburg Land  
 10 District, East Baton Rouge Parish, Louisiana and being more particularly  
 11 described as follows: Commence at the intersection of the Section 40 and 42  
 12 section line and the western boundary of the Illinois Central Rail Road Right  
 13 of Way; thence proceed N06/45'00"E a distance of 543.9' to a point and corner;  
 14 thence proceed N07/33'30"W a distance of 595.90' to a point and corner; thence  
 15 proceed S88/00'00"W a distance of 938.80' to the low water line of the  
 16 Mississippi River to a point and corner; thence meander the low water line of  
 17 the Mississippi River southerly to a point which is S00/52'52"W a distance of  
 18 approximately 1846.40' for a point and corner; thence proceed N87/50'01"E a  
 19 distance of 177.77' to a point and corner; thence proceed N02/10'00"W a  
 20 distance of 370.00' to a point and corner; thence proceed S82/12'42"E a distance  
 21 of 768.77' to a point and corner; thence proceed N06/45'00"E a distance of  
 22 479.16' to the point of beginning. All as more particularly shown on a Map  
 23 Showing Resubdivision of Tract "A-1 into Tracts "A-1-A" and A-1-B" Located  
 24 in Section 40 and 42, T-7-S, R-1-W, Greensburg Land District, East Baton  
 25 Rouge Parish Louisiana for River Park Development, LLC and River Yaun,  
 26 LLC, dated January 3, 2008, made by Pyburn & Odom MCA, Karam J.  
 27 Thomas, P.L.S.

28 C. Purpose. The district is created to provide for cooperative economic  
 29 and community development among the district, the city-parish, the state and  
 30 the owners of property in the district, in order to assist in the redevelopment of,

1 and dramatic improvement to, the property within the area of the district.

2 D. Governance. (1) In order to provide for the orderly development of  
3 the district and effectuation of the purposes of the district, the district shall be  
4 administered and governed by a board of commissioners, referred to in this  
5 Section as the "board", comprised as follows:

6 (a) The mayor-president of the city-parish shall appoint two persons,  
7 subject to the concurrence of a majority of the city-parish council then present  
8 and then voting.

9 (b) The member of the Louisiana House of Representatives whose  
10 district encompasses all or the greater portion of the area of the district shall  
11 appoint one person.

12 (c) The member of the Louisiana Senate whose district encompasses all  
13 or the greater portion of the area of the district shall appoint one person.

14 (d) The Executive Director of the Downtown Development District or his  
15 designee.

16 (2) Each member appointed to the board shall be a citizen of the United  
17 States. At all times, at least one member of the board shall own property within  
18 the district or be the representative of a private entity that owns property  
19 within the district.

20 (3)(a) Members of the board serving pursuant to Subparagraphs (1)(a)  
21 through (c) of this Subsection shall serve terms of five years after the initial  
22 terms as provided in Subparagraph (b) of this Paragraph.

23 (b) One member shall serve a term that shall expire on December 31,  
24 2011; one member shall serve a term that shall expire on December 31, 2012;  
25 one member shall serve a term that shall expire on December 31, 2013; and one  
26 member shall serve a term that shall expire on December 31, 2014 as  
27 determined by lot at the first meeting of the board.

28 (c) The executive director of the Downtown Development District shall  
29 serve during his term of office. Any designee of the director shall serve at the  
30 pleasure of the director.

1           (4) Upon expiration of the term of any member of the board, such  
2           member shall continue to serve until reappointed or a successor is duly  
3           appointed. Any vacancy in the membership of the board, occurring either by  
4           reason of death, resignation, or otherwise, shall be filled in the manner of the  
5           original appointment. If such appointment to fill a vacancy does not take place  
6           within sixty days, the board shall appoint an interim successor to serve until the  
7           position is filled by the appointing entity.

8           (5) Any member of the board may be removed by a three-fourths vote  
9           of the remaining membership of the board for cause, which cause may include  
10           failure to attend at least one-half of the meetings of the board in a calendar  
11           year.

12           (6) The members of the board shall serve without salary or per diem.  
13           The board may reimburse any member for reasonable, actual and necessary  
14           expenses incurred in the performance of his duties pursuant to this Section.

15           (7) The board shall elect from its members a president, a vice president,  
16           a secretary, and a treasurer, whose duties shall be those common to such offices.  
17           At the option of the board, the offices of secretary and treasurer may be held by  
18           one person.

19           (8) The board shall meet in regular session once each month and shall  
20           also meet in special session as often as the president of the board convenes the  
21           board or upon the written request of three members. A majority of the  
22           members of the board of commissioners shall constitute a quorum for the  
23           transaction of business. All such meetings shall be public meetings subject to  
24           the provisions of R.S. 42:4.1 et seq. The board shall keep minutes of all  
25           meetings and shall make them available for inspection through the board's  
26           secretary or secretary-treasurer, who shall also maintain the minute books and  
27           archives of the district. The monies, funds, and accounts of the district shall be  
28           in the official custody of the board.

29           (9) The domicile of the board shall be established by the board at a  
30           location within the district. The official journal of the district shall be the

1 official journal of the city-parish.

2 E. Rights and powers. The district, acting by and through its board, shall  
3 have and exercise all powers of a political subdivision necessary or convenient  
4 for the carrying out of its objects and purposes, including but not limited to the  
5 following:

6 (1) To sue and to be sued.

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

8 (3) To acquire by gift, grant, purchase, or otherwise all property,  
9 including rights of way; to hold and use any franchise or property, real,  
10 personal, or mixed, tangible or intangible, or any interest therein, necessary or  
11 desirable for carrying out the objects and purposes of the district, including but  
12 not limited to the establishment, maintenance, and operation of industrial  
13 parks, ports, harbors, and terminals.

14 (4) To enter into contracts for the purchase, acquisition, construction,  
15 and improvement of works and facilities necessary in connection with the  
16 purposes of the district.

17 (5) In its own name and on its own behalf to incur debt and to issue  
18 revenue bonds, special assessment bonds, certificates, notes, and other evidences  
19 of indebtedness and to levy and cause to be collected certain taxes as provided  
20 in this Section and as may be provided by general law.

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

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

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

27 (9) To exercise any and all of the powers granted to an economic  
28 development district as if the district were an economic development district  
29 established pursuant to Part II of Chapter 27 of Title 33 of the Louisiana  
30 Revised Statutes of 1950, including but not limited to the powers of tax

1 increment financing pursuant to R.S. 33:9038.33 and 33:9038.34 and the power  
2 to levy taxes within the district pursuant to R.S. 33:9038.39, provided that any  
3 such powers exercised by the district shall be subject to the provisions of Part  
4 II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950.

5 (10) To exercise any and all of the powers granted to a community  
6 development district as if the district were a community development district  
7 established pursuant to Chapter 27-B of Title 33 of the Louisiana Revised  
8 Statutes of 1950, including but not limited to the power to levy special  
9 assessments on property within the district pursuant to R.S. 33:9039.29,  
10 provided that any such powers exercised by the district shall be subject to the  
11 provisions of Chapter 27-B of Title 33 of the Louisiana Revised Statutes of 1950.

12 F. Levy of Taxes. (1) It is expressly provided that any taxes levied by  
13 the district, or any subdistrict created by the district, may exceed the limitation  
14 set forth by Article VI, Section 29(A) of the Constitution of Louisiana and shall  
15 be imposed, collected and enforced subject to the terms of the resolution  
16 imposing the tax and the provisions of Chapter 2 of Subtitle II of Title 47 of the  
17 Louisiana Revised Statutes of 1950.

18 (2) Any taxes or assessments of any type to be levied by the district, or  
19 any subdistrict created by the district, shall be levied only after the board has  
20 adopted an appropriate resolution giving notice of its intention to levy such  
21 taxes or assessments, which resolution shall include a general description of the  
22 taxes or assessments to be levied, and notice of this intention shall be published  
23 once a week for two weeks in the official journal of the district, the first  
24 publication to appear at least fourteen days before the public meeting of the  
25 board at which the board will meet in open and public session to hear any  
26 objections to the proposed taxes or assessments. The notice of intent so  
27 published shall state the date, time, and place of the public hearing. Such taxes  
28 or assessments may be levied only after the board has called a special election  
29 submitting the proposition for the levy of such taxes or assessments to the  
30 qualified electors of the district or subdistrict, as applicable, and the proposition

1 has received the favorable vote of a majority of the electors voting in the  
2 election; however, in the event there are no qualified electors in the district or  
3 subdistrict, as applicable, as certified by the registrar of voters, no such election  
4 shall be required. The powers and rights conferred by this Section shall be in  
5 addition to the powers and rights conferred by any other general or special law.  
6 This Section does and shall be construed to provide a complete and additional  
7 method for the levy of any taxes or assessments. No election, proceeding, notice,  
8 or approval shall be required for the levy of such taxes or assessments except  
9 as provided herein.

10 (3) In the event that a tax under this Section is proposed for the district  
11 or for a subdistrict where there are no qualified electors, such tax shall not  
12 become effective unless and until it is approved by the city-parish council.

13 G. Creation of Subdistricts. The district may create subdistricts as  
14 provided in this Section. The district shall publish notice of its intent to create  
15 a subdistrict in the official journal of the district. At least ten days after  
16 publication of such notice in the official journal of the district, the board shall  
17 conduct a public hearing on the question of creating such subdistrict.  
18 Thereafter, the board may designate one or more areas within the boundaries  
19 of the district as a subdistrict of the district. Each subdistrict shall constitute  
20 a political subdivision of the state and shall be governed by the board. Each  
21 subdistrict shall have the same powers as the district and shall be given a name  
22 and designated as "River Park Development District Subdistrict No." or such  
23 other suitable name as the board may designate.

24 H. Bonds of the District. (1) The district, or any subdistrict created by  
25 the district, is hereby authorized and empowered to issue and sell from time to  
26 time bonds, notes, renewal notes, refunding bonds, interim certificates,  
27 certificates of indebtedness, certificates of participation, debentures, warrants,  
28 commercial paper, or other obligations or evidences of indebtedness to provide  
29 funds for and to fulfill and achieve its public purpose or corporate purposes, as  
30 set forth in this Section, including but not limited to the payment of all or a



1 portion of the costs of a project, to provide amounts necessary for any corporate  
2 purposes, including necessary and incidental expenses in connection with the  
3 issuance of the obligations, the payment of principal and interest on the  
4 obligations of the district, the establishment of reserves to secure such  
5 obligations, and all other purposes and expenditures of the district incident to  
6 and necessary or convenient to carry out its public functions or corporate  
7 purposes, and any credit enhancement for said obligations.

8 (2) Except as may otherwise be provided by the board, all obligations  
9 issued by the district, or any subdistrict created by the district, shall be  
10 negotiable instruments and payable solely from the revenues of the district or  
11 subdistrict, as applicable, as determined by the board, or from any other  
12 sources whatsoever, that may be available to the district or subdistrict, as  
13 applicable, but shall not be secured by the full faith and credit of the state or the  
14 city-parish.

15 (3) Obligations shall be authorized, issued, and sold by a resolution or  
16 resolutions of the board. Such bonds or obligations may be of such series, bear  
17 such date or dates, mature at such time or times, bear interest at such rate or  
18 rates, including variable, adjustable, or zero interest rates, be payable at such  
19 time or times, be in such denominations, be sold at such price or prices, at  
20 public or private negotiated sale, after advertisement as is provided for in R.S.  
21 39:1426, be in such form, carry such registration and exchangeability privileges,  
22 be payable at such place or places, be subject to such terms of redemption, and  
23 be entitled to such priorities on the income, revenue, and receipts of, or  
24 available to, the district or subdistrict, as applicable, as may be provided by the  
25 board in the resolution or resolutions providing for the issuance and sale of the  
26 bonds or obligations of the district.

27 (4) The obligations of the district, or any subdistrict created by the  
28 district, shall be signed by such officers of the board by either manual or  
29 facsimile signatures as shall be determined by resolution or resolutions of the  
30 board, and shall have impressed or imprinted thereon the seal of the district, or

1 a facsimile thereof.

2 (5) Any obligations of the district, or any subdistrict created by the  
3 district, may be validly issued, sold, and delivered, notwithstanding that one or  
4 more of the officers of the board signing such obligations, or whose facsimile  
5 signature or signatures may be on the obligations, shall have ceased to be such  
6 officer of the board at the time such obligations shall actually have been  
7 delivered.

8 (6) Obligations of the district, or any subdistrict created by the district,  
9 may be sold in such manner and from time to time as may be determined by the  
10 district to be most beneficial, subject to approval of the State Bond Commission,  
11 and the district may pay all expenses, premiums, fees, or commissions, which  
12 it may deem necessary or advantageous in connection with the issuance and sale  
13 thereof.

14 (7) The board may authorize the establishment of a fund or funds for the  
15 creation of a debt service reserve, a renewal and replacement reserve, or such  
16 other funds or reserves as the board may approve with respect to the financing  
17 and operation of any project funded with the proceeds of such bonds and as  
18 may be authorized by any bond resolution, trust agreement, indenture of trust  
19 or similar instrument or agreement pursuant to the provisions of which the  
20 issuance of bonds or other obligations of the district or subdistrict may be  
21 authorized.

22 (8) Any cost, obligation, or expense incurred for any of the purposes or  
23 powers of the district specified in this Section shall be a part of the project costs  
24 and may be paid or reimbursed as such out of the proceeds of bonds or other  
25 obligations issued by the district or subdistrict; provided however, no portion  
26 of any state sales taxes made directly available to the district pursuant to an  
27 agreement with the state shall be used by the district to pay the costs of  
28 constructing or operating any privately-owned hotel located within the district,  
29 without the consent of the Joint Legislative Committee on the Budget or its  
30 successor.

1           (9) For a period of thirty days from the date of publication of the  
2           resolution authorizing the issuance of bonds hereunder, any persons in interest  
3           shall have the right to contest the legality of the resolution and the legality of the  
4           bond issue for any cause, after which time no one shall have any cause or right  
5           of action to contest the legality of said resolution or of the bonds authorized  
6           thereby for any cause whatsoever. If no suit, action, or proceeding is begun  
7           contesting the validity of the bond issue within the thirty days herein  
8           prescribed, the authority to issue the bonds and to provide for the payment  
9           thereof, and the legality thereof and all of the provisions of the resolution  
10           authorizing the issuance of the bonds shall be conclusively presumed, and no  
11           court shall have authority to inquire into such matters.

12           (10) Neither the members of the board nor any person executing the  
13           bonds shall be personally liable for the bonds or be subject to any personal  
14           liability by reason of the issuance thereof. No earnings or assets of the district,  
15           or any subdistrict created by the district, shall accrue to the benefit of any  
16           private persons. However, the limitation of liability provided for in this  
17           Paragraph shall not apply to any gross negligence or criminal negligence on the  
18           part of any member of the board or person executing the bonds.

19           (11) All obligations authorized to be issued by the district, or any  
20           subdistrict created by the district, pursuant to the provisions of this Section,  
21           together with interest thereof, income therefrom, and gain upon the sale thereof  
22           shall be exempt from all state and local taxes.

23           (12) The state and all public officers, any parish, municipality, or other  
24           subdivision or instrumentality of the state, any political subdivision, any bank,  
25           banker, trust company, savings bank and institution, building and loan  
26           association, savings and loan association, investment company or any person  
27           carrying on a banking or investment business, any insurance company or  
28           business, insurance association, and any person carrying on an insurance  
29           business, and any executor, administrator, curator, trustee, and other fiduciary,  
30           and any retirement system or pension fund may legally invest any sinking funds

1 monies, or other funds belonging to them or within their control in any bonds  
 2 or other obligations issued by the district, or any subdistrict created by the  
 3 district, pursuant to the provisions of this Section, and such bonds or other  
 4 obligations shall be authorized security for all public deposits. It is the purpose  
 5 of this Section to authorize such persons, firms, corporations, associations,  
 6 political subdivisions and officers, or other entities, public or private, to use any  
 7 funds owned or controlled by them, including but not limited to sinking,  
 8 insurance, investment, retirement, compensation, pension and trust funds, and  
 9 funds held on deposit, for the purchase of any such bonds or other obligations  
 10 of the district or subdistrict, and that any such bonds shall be authorized  
 11 security for all public deposits. However, nothing contained in this Section with  
 12 regard to legal investments or security for public deposits shall be construed as  
 13 relieving any such person, firm, corporation, or other entity from any duty of  
 14 exercising reasonable care in selecting securities.

15 I. Term. The district shall dissolve and cease to exist upon the later to  
 16 occur of either one year after the date on which all loans, bonds, notes, and  
 17 other evidences of indebtedness of the district, including refunding bonds, are  
 18 paid in full as to both principal and interest, or fifty years from the effective  
 19 date of this Section.

20 J. Liberal Construction. This Section, being necessary for the welfare  
 21 of the state, the city-parish and its residents, shall be liberally construed to  
 22 effect the purposes thereof.

23 K. Severability. The provisions of this Section are severable. It is  
 24 intended that if any provision of this Section should be adjudged invalid or  
 25 unenforceable, then such provision shall be ineffective to the extent of such  
 26 invalidity or unenforceability without invalidating the remaining provisions of  
 27 this Section.

28 Section 2. This Act shall become effective upon signature by the governor or, if not  
 29 signed by the governor, upon expiration of the time for bills to become law without signature  
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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