

Regular Session, 2010

SENATE BILL NO. 759

BY SENATOR THOMPSON

SPECIAL DISTRICTS. Creates the Madison Parish Economic and Industrial Development District. (gov sig)

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AN ACT

To enact Subpart B-20 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.441 through 130.447, relative to agricultural, economic, and industrial development in Madison Parish; to create the Madison Parish Economic and Industrial Development District; to provide for the governance, powers, duties, and funding of the district; to authorize the district to issue bonds and levy taxes; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-20 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.441 through 130.447, is hereby enacted to read as follows:

SUBPART B-20. MADISON PARISH ECONOMIC AND INDUSTRIAL DEVELOPMENT DISTRICT

§130.441. Madison Parish Economic and Industrial Development District; creation; territorial jurisdiction

A. The Madison Parish Economic and Industrial Development District,

1 hereinafter referred to as the "district", is hereby created and is declared to be
2 a body politic and political subdivision of the state, as defined in Article VI,
3 Section 44 of the Constitution of Louisiana. Pursuant to Article VI, Sections 19
4 and 21 of the Constitution of Louisiana, the district, acting through its board of
5 commissioners, hereinafter referred to as the "board", the governing authority
6 of said district, is hereby granted all of the rights, powers, privileges, and
7 immunities granted to political subdivisions for economic and industrial
8 development purposes, including but not limited to the power of taxation, the
9 power to incur debt and issue revenue and general obligation bonds, certificates
10 of indebtedness, bond and certificate anticipation notes, and refunding bonds,
11 subject to the limitations hereinafter provided.

12 B. The district created by this Subpart is established for the primary
13 object and purpose of promoting and encouraging agricultural, economic, and
14 industrial development and tourism opportunities, stimulating the economy
15 through renewed commerce, industry, research, and tourism, and for the
16 utilization and development of natural and human resources of the area by
17 providing job opportunities.

18 C. The boundaries of the district shall be all of the territory located
19 within the unincorporated boundaries of Madison Parish as of July 1, 2010.

20 §130.442. Board of commissioners; members; officers

21 A. The district shall be governed by a board of commissioners, referred
22 to in this Subpart as the "board", consisting of five members appointed by the
23 governing authority of Madison Parish.

24 B.(1) Each member appointed to the board shall be a citizen of the
25 United States. Each member shall additionally have been domiciled in Madison
26 Parish and a qualified voter in Madison Parish for at least one year preceding
27 the date of his appointment. Each board member shall remain domiciled in and
28 a qualified voter in Madison Parish throughout his term of office.

29 (2) Preference for board appointment shall be given to individuals with

1 **at least five years of experience in one or more of the following areas:**

2 **(a) Economic development.**

3 **(b) Public finance or administration.**

4 **(c) Agriculture.**

5 **(d) Urban planning.**

6 **(e) Banking or finance.**

7 **(f) Public relations.**

8 **(g) Education.**

9 **(h) Practice of law, medicine, or other licensed profession.**

10 **(i) Construction.**

11 **(j) Realtor, appraiser, or commercial developer.**

12 **(k) Labor.**

13 **(3) Elected officials are prohibited from serving on the board.**

14 **C.(1) The members of the board shall serve terms of three years after the**
15 **initial term as provided in Paragraph (2) of this Subsection.**

16 **(2) One member shall serve an initial term of one year, two shall serve**
17 **two years, and two shall serve three years, as determined by lot at the first**
18 **meeting of the board.**

19 **D.(1) Any member may be removed for cause by a majority vote of the**
20 **Madison Parish Police Jury.**

21 **(2) Any member who misses fifty percent of the board's meetings,**
22 **regular and special, in any calendar year shall be disqualified and removed**
23 **automatically from office. Such vacated position shall be filled in the same**
24 **manner as the original appointment for the balance of the vacated term. The**
25 **former member shall not be eligible for reappointment until expiration of the**
26 **balance of the vacated term.**

27 **E.(1) Any vacancy in the membership of the board shall be filled in the**
28 **same manner as the original appointment within thirty days after receipt by the**
29 **police jury of written notification from the board of the vacancy.**

1 **(2) In the event the vacancy is not filled within thirty days after the police**
2 **jury's receipt of written notification of the vacancy, the board shall appoint an**
3 **interim successor to serve on the board until the position is filled in the same**
4 **manner as the original appointment.**

5 **F. Members of the board shall serve without compensation. The board**
6 **may reimburse any member for expenses actually incurred in the performance**
7 **of his duties.**

8 **G. The board shall elect yearly from its number a chairman, vice**
9 **chairman, secretary, and treasurer and establish their duties in rules adopted**
10 **by the board. The offices of secretary and treasurer may be held by the same**
11 **person.**

12 **H. The board shall meet in regular session once each month and also**
13 **shall meet in special session as convened by the president or upon written notice**
14 **of three members.**

15 **I. A majority of the board members shall constitute a quorum.**

16 **J. All actions of the board shall be approved by the affirmative vote of**
17 **a majority of the members.**

18 **K. Vote by proxy shall not be permitted. Any member may request a**
19 **recorded vote on any resolution or action of the district.**

20 **L. The board shall cause minutes and a record to be kept of all its**
21 **proceedings, and it shall select a newspaper of general circulation within its**
22 **territorial jurisdiction as its official journal in which it shall publish its minutes**
23 **and in which it shall publish such official notices as are required by law.**

24 **§130.443. Powers of district**

25 **A. The district, acting by and through its board, shall have and exercise**
26 **all powers of a political subdivision necessary or convenient for the carrying out**
27 **of its objects and purposes, including but not limited to rights and powers set**
28 **out in this Subpart and including the following rights and powers:**

29 **(1) To sue and be sued.**

- 1 **(2) To adopt, use, and alter at will a corporate seal.**
- 2 **(3) To acquire by purchase or donation any property and to hold,**
3 **maintain, and use such property, or any interest therein.**
- 4 **(4) To sell or transfer any property acquired by it, or any interest**
5 **therein.**
- 6 **(5) To lease or sublease all or any portion of any property at a fixed or**
7 **variable rental rate without advertisement for public bids.**
- 8 **(6) To donate property to the United States or any political subdivision**
9 **of the state.**
- 10 **(7) To enter into contracts for the purchase, acquisition, construction,**
11 **and improvement of works and facilities necessary in connection with the**
12 **purposes of the district.**
- 13 **(8) In its own name and on its own behalf, to incur debt and to issue**
14 **general obligation bonds, revenue bonds, certificates, notes, and other evidence**
15 **of indebtedness and to levy and cause to be collected certain taxes as provided**
16 **in this Subpart and as may be provided by general law.**
- 17 **(9) To develop, regulate, and operate activities and planned land uses to**
18 **foster creation of new jobs, agricultural, economic, or industry developments.**
- 19 **(10) To develop and regulate the construction, operation, maintenance,**
20 **and improvement of facilities and infrastructure on property owned or leased**
21 **by the district.**
- 22 **(11) To require and issue licenses with respect to its properties and**
23 **facilities.**
- 24 **(12) To regulate the imposition of fees and rentals charged by the**
25 **district for its facilities and services rendered by it.**
- 26 **(13) To borrow money and pledge all or part of its revenues, leases,**
27 **rents, or other advantages as security for such loans.**
- 28 **(14) The board may contract with and employ attorneys, clerks,**
29 **engineers, deputy commissioners, superintendents, a director, and other agents**

1 **and employees and shall fix their compensation and terms of employment.**

2 **B. The district, or any subdistrict created by the board, shall not be**
3 **deemed to be an instrumentality of the state for purposes of Article X, Section**
4 **1(A) of the Constitution of Louisiana.**

5 **C.(1) The district may create subdistricts as provided in this Subsection.**

6 **(2) The district shall publish notice of its intent to create and designate**
7 **one or more project areas within the boundaries of the district as a subdistrict**
8 **or subdistricts of the district in the official journal of the district. At least ten**
9 **days after publication of such notice in the official journal of the district, the**
10 **board shall conduct a public hearing on the question of creating such subdistrict**
11 **or subdistricts.**

12 **(3) Thereafter, upon approval by a majority of the members of the**
13 **governing authority of Madison Parish, the board may create such subdistrict**
14 **or subdistricts approved by the governing authority. Each such subdistrict**
15 **shall constitute a political subdivision of the state and shall be governed by the**
16 **board. Each subdistrict shall have the same powers as the district and shall be**
17 **given a name and designated as "Madison Parish Economic and Industrial**
18 **Development District Subdistrict No. ____."**

19 **§130.444. Funding of the district**

20 **A. The board may, when necessary, levy annually within the district an**
21 **ad valorem tax not to exceed five mills on the assessed value of property within**
22 **the district, provided that the amount, term, and purpose of said tax, as set**
23 **forth in a proposition which shall be first approved by a majority of the**
24 **members of the governing authority of Madison Parish, and shall then be**
25 **approved by a majority of the qualified electors of the district voting on the**
26 **proposition at a special election held for that purpose in accordance with the**
27 **Louisiana Election Code.**

28 **B.(1) The board may levy and collect a sales and use tax within the**
29 **boundaries of the district for such purposes and at such rate as provided for in**

1 the proposition authorizing its levy, not exceeding one percent, if first approved
2 by a majority of the members of the governing authority of Madison Parish,
3 and then if further approved by a majority of the electors of the district voting
4 on the proposition at an election held for the purpose in accordance with the
5 Louisiana Election Code.

6 (2) The tax shall be levied upon the sale at retail, the use, the lease or
7 rental, the consumption, the distribution and storage for use or consumption of
8 tangible personal property, and upon the sales of services within the district, all
9 as presently defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana
10 Revised Statutes of 1950.

11 (3) The tax shall be imposed, collected, and enforced subject to the terms
12 of the resolution imposing the tax and the provisions of Chapter 2-D of Subtitle
13 II of Title 47 of the Louisiana Revised Statutes of 1950.

14 (4) The tax shall be imposed and collected uniformly throughout the
15 district.

16 C. Any tax levied under this Section shall be in addition to all other
17 taxes which a parish or any municipality or other political subdivision within
18 the parish of Madison is now or hereafter may be authorized to levy and collect
19 and may exceed the limitation set forth in Article VI, Section 29(A) of the
20 Constitution of Louisiana.

21 §130.445. Securities

22 Bonds, certificates, or other evidences of indebtedness issued by the
23 district pursuant to this Subpart are deemed to be securities of public entities
24 within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised
25 Statutes of 1950, and shall be subject to defeasance in accordance with the
26 provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950,
27 and may be refunded in accordance with the provisions of Chapters 14-A and
28 15 of Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued
29 as short-term revenue notes of a public entity under Chapter 15-A of Title 39

1 of the Louisiana Revised Statutes of 1950.

2 §130.446. Governmental functions

3 A. No bonds, other debt obligations, or contracts of the district or of any
4 subdistrict shall be a charge upon the income, property, or revenue of Madison
5 Parish or the state of Louisiana.

6 B. The district or any subdistrict created by the board shall not be
7 deemed to be a public utility and shall not be subject in any respect to the
8 authority, control, regulation, or supervision of the Louisiana Public Service
9 Commission or any other regulatory body of the state, or any political
10 subdivision thereof.

11 §130.447. General compliance; enhancement; federal and state aid

12 A. No provisions of this Subpart shall be construed so as to exempt the
13 district from compliance with the provisions of Louisiana laws pertaining to
14 open meetings, public records, fiscal agents, official journals, dual office holding
15 and employment, public bidding for the purchase of supplies and materials and
16 construction of public works, the Code of Governmental Ethics, the right to
17 property in Article I, Section 4 of the Constitution of Louisiana, and the
18 Louisiana Election Code.

19 B. The district may adopt a program or programs awarding contracts
20 to, and establishing set-aside goals and preference procedures for the benefit of,
21 businesses owned and operated by socially or economically disadvantaged
22 persons in accordance with any of the provisions of R.S. 38:2233.2 and of
23 Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950, entitled
24 "Louisiana Minority and Women's Business Enterprise Act".

25 C. The financial records of the district shall be subjected to audit
26 pursuant to R.S. 24:513.

27 D. The district shall have full power to do such things and enter into
28 such contracts and agreements with the United States of America or with any
29 state or federal agency or instrumentality as may be necessary to procure aids

1 and grants to assist such district in carrying out the purposes for which it was
2 created.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Proposed law creates the Madison Parish Economic and Industrial Development District as a political subdivision of the state for the primary purpose of promoting and encouraging agricultural, economic, and industrial development and tourism opportunities and for the development of natural and human resources in the district.

Proposed law provides that the boundaries of the district shall be all of the territory located within the unincorporated boundaries of Madison Parish as of 7/1/10.

Proposed law provides for governance of the district by five commissioners who are appointed by the governing authority of Madison Parish.

Proposed law prohibits elected officials from serving on the board.

Proposed law provides for three-year terms for the commissioners, after serving specified initial terms. Further provides for the following with respect to commissioners:

- (1) Qualifications and preferences.
- (2) Removal from the board for cause.
- (3) Filling of vacancies.
- (4) Reimbursement for expenses; prohibits receipt of per diem or salary.
- (5) Selection of officers.
- (6) Rules governing meetings.

Proposed law provides that the powers of the district shall be those of a political subdivision necessary or convenient for carrying out its objects and purposes, including the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter a corporate seal.
- (3) To acquire by purchase or donation any property and the use of such property.
- (4) To enter into contracts for acquisition, construction, and improvement of works and

facilities.

- (5) To incur debt, issue bonds, and levy taxes as specified in proposed law.
- (6) To require and issue licenses.
- (7) To impose and regulate fees and rentals.
- (8) To borrow money and pledge revenues as security for loans.
- (9) Authorizes the board to employ persons and fix compensation and terms of employment.
- (10) To create subdistricts as specified in proposed law upon approval by a majority of the members of the governing authority of Madison Parish.

Proposed law authorizes the board of the district to levy annually within the district a property tax of up to 5 mills, provided that the amount, term, and the purpose of the tax, as set forth in a proposition which must be first approved by a majority of the members of the governing authority of Madison Parish, and then must be approved by a majority of the qualified electors of the district.

Also authorizes the board to levy a sales tax of up to one percent within the district as provided for in the proposition authorizing its levy, if first approved by a majority of the members of the governing authority of Madison Parish, and then if further approved by a majority of the electors of the district.

Requires that proceeds of the tax or taxes be used only for the specified purposes of the district.

Proposed law provides that bonds, certificates, or other evidences of indebtedness issued by the district are deemed to be securities of public entities and subject to defeasance in accordance with present law. Further provides that such bonds may also be issued as short-term revenue notes of a public entity in accordance with present law.

Proposed law provides that the district shall not be construed to be a public utility and shall not be subject to regulation by the La. Public Service Commission or any other state or local regulatory body.

Proposed law provides that the district shall not be exempt from specified laws pertaining to public officials and public entities.

Proposed law authorizes the district to adopt programs for the purpose of awarding contracts to and establishing set-aside goals and preference procedures for the benefit of disadvantaged persons in accordance with R.S. 38:2233.2 and the Louisiana Minority Business Enterprise Act.

Proposed law authorizes the district to enter into agreements with any state or federal agency as may be necessary to procure aids and grants to assist the district in carrying out its purposes.

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

(Adds R.S. 33:130.441 through 130.447)