

SENATE BILL NO. 759

BY SENATOR THOMPSON

1 AN ACT

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

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

9 Be it enacted by the Legislature of Louisiana:

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

13 **SUBPART B-20. MADISON PARISH ECONOMIC AND**

14 **INDUSTRIAL DEVELOPMENT DISTRICT**

15 **§130.441. Madison Parish Economic and Industrial Development District;**
16 **creation; territorial jurisdiction**

17 **A. The Madison Parish Economic and Industrial Development District,**
18 **hereinafter referred to as the "district", is hereby created and is declared to be**
19 **a body politic and political subdivision of the state, as defined in Article VI,**
20 **Section 44 of the Constitution of Louisiana. Pursuant to Article VI, Sections 19**
21 **and 21 of the Constitution of Louisiana, the district, acting through its board of**
22 **commissioners, hereinafter referred to as the "board", the governing authority**
23 **of said district, is hereby granted all of the rights, powers, privileges, and**
24 **immunities granted to political subdivisions for economic and industrial**
25 **development purposes, including but not limited to the power of taxation, the**
26 **power to incur debt and issue revenue and general obligation bonds, certificates**

1 of indebtedness, bond and certificate anticipation notes, and refunding bonds,
2 subject to the limitations hereinafter provided.

3 B. The district created by this Subpart is established for the primary
4 object and purpose of promoting and encouraging agricultural, economic, and
5 industrial development and tourism opportunities, stimulating the economy
6 through renewed commerce, industry, research, and tourism, and for the
7 utilization and development of natural and human resources of the area by
8 providing job opportunities.

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

11 §130.442. Board of commissioners; members; officers

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

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

20 (2) Preference for board appointment shall be given to individuals with
21 at least five years of experience in one or more of the following areas:

22 (a) Economic development.

23 (b) Public finance or administration.

24 (c) Agriculture.

25 (d) Urban planning.

26 (e) Banking or finance.

27 (f) Public relations.

28 (g) Education.

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

30 (i) Construction.

1 (j) Real estate sales, appraisal, or commercial development.

2 (k) Labor.

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

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

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

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

11 (2) Any member who misses fifty percent of the board's meetings,
12 regular and special, in any calendar year shall be disqualified and removed
13 automatically from office. Such vacated position shall be filled in the same
14 manner as the original appointment for the balance of the vacated term. The
15 former member shall not be eligible for reappointment until expiration of the
16 balance of the vacated term.

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

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

24 F. Members of the board shall serve without compensation. The board
25 may reimburse any member for expenses actually incurred in the performance
26 of his duties.

27 G. The board shall elect yearly from its number a chairman, vice
28 chairman, secretary, and treasurer, and establish their duties in rules adopted
29 by the board. The offices of secretary and treasurer may be held by the same
30 person.

1 H. The board shall meet in regular session once each month and also
2 shall meet in special session as convened by the president or upon written notice
3 of three members.

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

5 J. All actions of the board shall be approved by the affirmative vote of
6 a majority of the members.

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

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

13 §130.443. Powers of district

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

18 (1) To sue and be sued.

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

20 (3) To acquire by purchase or donation any property and to hold,
21 maintain, and use such property, or any interest therein.

22 (4) To sell or transfer any property acquired by it, or any interest
23 therein.

24 (5) To lease or sublease all or any portion of any property at a fixed or
25 variable rental rate without advertisement for public bids.

26 (6) To donate property to the United States or any political subdivision
27 of the state.

28 (7) To enter into contracts for the purchase, acquisition, construction,
29 and improvement of works and facilities necessary in connection with the
30 purposes of the district.

1 (8) In its own name and on its own behalf, to incur debt and to issue
2 general obligation bonds, revenue bonds, certificates, notes, and other evidence
3 of indebtedness, and to levy and cause to be collected certain taxes as provided
4 in this Subpart and as may be provided by general law.

5 (9) To develop, regulate, and operate activities and planned land uses to
6 foster creation of new jobs, agricultural, economic, or industry developments.

7 (10) To develop and regulate the construction, operation, maintenance,
8 and improvement of facilities and infrastructure on property owned or leased
9 by the district.

10 (11) To require and issue licenses with respect to its properties and
11 facilities.

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

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

16 (14) The board may contract with and employ attorneys, clerks,
17 engineers, deputy commissioners, superintendents, a director, and other agents
18 and employees, and shall fix their compensation and terms of employment.

19 B. The district, or any subdistrict created by the board, shall not be
20 deemed to be an instrumentality of the state for purposes of Article X, Section
21 1(A) of the Constitution of Louisiana.

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

23 (2) The district shall publish notice of its intent to create and designate
24 one or more project areas within the boundaries of the district as a subdistrict
25 or subdistricts of the district in the official journal of the district. At least ten
26 days after publication of such notice in the official journal of the district, the
27 board shall conduct a public hearing on the question of creating such subdistrict
28 or subdistricts.

29 (3) Thereafter, upon approval by a majority of the members of the
30 governing authority of Madison Parish, the board may create such subdistrict

1 or subdistricts approved by the governing authority. Each such subdistrict
2 shall constitute a political subdivision of the state and shall be governed by the
3 board. Each subdistrict shall have the same powers as the district and shall be
4 given a name and designated as "Madison Parish Economic and Industrial
5 Development District Subdistrict No. _____".

6 §130.444. Funding of the district

7 A. The board may, when necessary, levy annually within the district an
8 ad valorem tax not to exceed five mills on the assessed value of property within
9 the district, provided that the amount, term, and purpose of said tax, as set
10 forth in a proposition which shall be first approved by a majority of the
11 members of the governing authority of Madison Parish, and shall then be
12 approved by a majority of the qualified electors of the district voting on the
13 proposition at a special election held for that purpose in accordance with the
14 Louisiana Election Code.

15 B.(1) The board may levy and collect a sales and use tax within the
16 boundaries of the district for such purposes and at such rate as provided for in
17 the proposition authorizing its levy, not exceeding one percent, if first approved
18 by a majority of the members of the governing authority of Madison Parish,
19 and then if further approved by a majority of the electors of the district voting
20 on the proposition at an election held for the purpose in accordance with the
21 Louisiana Election Code.

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

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

30 (4) The tax shall be imposed and collected uniformly throughout the

1 district.

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

7 §130.445. Securities

8 Bonds, certificates, or other evidences of indebtedness issued by the
9 district pursuant to this Subpart are deemed to be securities of public entities
10 within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised
11 Statutes of 1950, and shall be subject to defeasance in accordance with the
12 provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950,
13 and may be refunded in accordance with the provisions of Chapters 14-A and
14 15 of Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued
15 as short-term revenue notes of a public entity under Chapter 15-A of Title 39
16 of the Louisiana Revised Statutes of 1950.

17 §130.446. Governmental functions

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

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

26 §130.447. General compliance; enhancement; federal and state aid

27 A. No provisions of this Subpart shall be construed so as to exempt the
28 district from compliance with the provisions of Louisiana laws pertaining to
29 open meetings, public records, fiscal agents, official journals, dual office holding
30 and employment, public bidding for the purchase of supplies and materials and

1 construction of public works, the Code of Governmental Ethics, the right to
2 property in Article I, Section 4 of the Constitution of Louisiana, and the
3 Louisiana Election Code.

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

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

12 D. The district shall have full power to do such things and enter into
13 such contracts and agreements with the United States of America or with any
14 state or federal agency or instrumentality as may be necessary to procure aids
15 and grants to assist such district in carrying out the purposes for which it was
16 created.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____