

SENATE BILL NO. 348

BY SENATOR CRAVINS

AN ACT

To enact R.S. 33:2740.39, relative to special districts; to create the Opelousas Downtown Development District; to provide for the purpose and governance of the district; to provide for its rights, powers, and duties, including the authority to tax, subject to the approval of the district voters; to provide for the boundaries of the district; to provide for an effective date; 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. R.S. 33:2740.39 is hereby enacted to read as follows:

§2740.39. Opelousas Downtown Development District

A. There is hereby created a body politic and corporate of the state which shall exist in perpetuity and be known as the Opelousas Downtown Development District, hereinafter referred to as the "district." The district shall be composed of the existing Historic District, bordered to the north by the EW Railroad, to the south by Bertheaud Street, to the west by the NS Railroad, and to the east by Lombard Street. The district shall be a political subdivision of the state as defined in the Constitution of Louisiana. The district, acting through its board of commissioners as the governing authority of the district, is hereby

1 granted all of the rights, powers, privileges, and immunities accorded by laws
2 and the Constitution of Louisiana to political subdivisions of the state, including
3 but not limited to the power to incur debt and issue revenue and general
4 obligation bonds, to issue certificates of indebtedness, to issue bonds and
5 certificate anticipation notes, to issue refunding bonds, and the power of
6 taxation, subject to the limitations hereinafter provided.

7 B. The district is created for the objectives and purposes of:

8 (1) Reversing the deterioration in property value in the district to ensure
9 the public health, safety and welfare of the city of Opelousas, and to strengthen
10 downtown as the city's center of commercial, civic and cultural activity.

11 (2) Accepting title from or contracting with the city of Opelousas
12 concerning any or all real and personal property and improvements owned or
13 acquired by the city of Opelousas.

14 (3) Acquiring land, real and personal property, and improvements from
15 any other sources, entities, or persons.

16 (4) Utilizing any land, real or personal property, and improvements to
17 enhance economic benefits generated in the city of Opelousas through
18 diversified activities, including but not limited to:

19 (a) Planning land use and development to foster creation of new jobs,
20 economic development, industry, health care, commerce, manufacturing,
21 tourism, relocation of people and businesses to the area, shipbuilding, aviation,
22 military, warehousing, transportation, offices, recreation, housing development,
23 conservation, residential development, and subdivision development.

24 (b) Constructing, operating, and maintaining facilities, improvements,
25 and infrastructure, including buildings, roads, bridges, drainage, and utilities.

26 (c) Planning, developing, building, constructing, operating, regulating,
27 maintaining, selling, and transferring any residential or subdivision land, real
28 and personal property, and improvements.

29 C.(1) The district shall be governed by a board of commissioners,
30 hereinafter referred to as the "board," consisting of seven members. The

1 members shall be appointed as follows:

2 (a) One member appointed by the Opelousas Chamber of Commerce.

3 (b) One member appointed by the St. Landry Economic Industrial
4 Development District.

5 (c) One member appointed by the banking profession within the district.

6 (d) One member appointed by the building/development profession
7 within the district.

8 (e) One member appointed by the Opelousas Office of Community
9 Development.

10 (f) Two members appointed by the mayor of the city of Opelousas.

11 (2) The city's Community Development Director shall serve as interim
12 Downtown Development Director until January 2006.

13 (3) Each member appointed to the board shall be a citizen of the United
14 States, a domiciliary of and a qualified voter in the city of Opelousas for at least
15 one year preceding the date of appointment, and shall remain a domiciliary of
16 and a qualified voter in the city of Opelousas during the entirety of the term of
17 office.

18 (4)(a) The initial appointees shall draw lots to determine their terms of
19 office as follows:

20 (i) One member shall serve a two year term.

21 (ii) One member shall serve a three year term.

22 (iii) One member shall serve a four year term.

23 (iv) Two members shall serve a five year term.

24 (v) Two members shall serve a six year term.

25 (b)The term of office of members of the board shall be four years.

26 (5) Any member who misses fifty percent of the board's meetings,
27 regular or special, in any calendar year shall be disqualified and removed
28 automatically from office and that person's position shall be vacant, as of the
29 first day of the next calendar month. Such vacated position shall be filled by
30 appointment of the mayor and confirmed by the town council for the balance

1 of the vacated term. The former member shall not be eligible for reappointment
2 until expiration of the balance of the vacated term.

3 (6) Any vacancy in the membership of the board occurring by reason of
4 the expiration of the term of office, death, resignation, disqualification, or
5 otherwise shall be filled by appointment of the mayor and confirmed by the
6 town council within sixty days after receipt of written notification of the
7 vacancy. In the event that the mayor and council fail to fill the vacancy within
8 sixty days after receipt of written notification of the vacancy, the board shall
9 appoint an interim successor to serve on the board until the position is filled by
10 mayor and council.

11 (7) Members of the board shall serve without compensation, shall have
12 the power to organize and reorganize the executive, administrative, clerical, and
13 other departments and forces of the district, and to fix the duties, powers, and
14 compensation of all employees, agents, and consultants of the district. The
15 board may reimburse any member for expenses actually incurred with the
16 authorization of the board in the performance of duties on behalf of the district.

17 (8) The board shall elect yearly from its number, a chairman, vice
18 chairman, secretary, and treasurer and shall establish their duties as may be
19 regulated by rules adopted by the board. The offices of secretary and treasurer
20 may be held by the same person. The board shall meet in regular session once
21 each month and also shall meet in special session as convened by the chairman
22 or upon written notice of three members. A majority of the commission
23 members, not including vacancies, shall constitute a quorum. All actions of the
24 board shall be approved by the affirmative vote of a majority of the members
25 present and voting. However, no action of the board shall be authorized on the
26 following matters unless approved by a majority of the total board
27 membership:

28 (a) Adoption of bylaws and other rules and regulations for conduct of the
29 district's business.

30 (b) Hiring or firing of the district's administrator.

1 (c) The incurring of funded, general, or bonded debt.

2 (d) Levying of taxes and call for any tax or other election.

3 (e) Adoption or amendment of the annual budget.

4 (f) Sale, lease, or alienation of real property or improvements.

5 (9) Vote by proxy shall not be permitted. Any member may request a
6 recorded vote on any resolution or action of the district.

7 (10) The hiring or firing of the district's administrator shall be
8 authorized by a super majority of two-thirds of the total board membership.

9 (11) 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 all official notices as are required by law.

13 (12) All meetings of the board shall be subject to state laws relative to
14 open meetings, including R.S. 42:5.

15 D. The exercise by the board of the powers conferred shall be deemed
16 and held to be an essential governmental function of the state. As the exercise
17 of the powers granted hereby will be in all respects for the benefit of the people
18 of the state, for the increase of their commerce and prosperity, and for the
19 improvement of their health and living conditions, the district shall not be
20 required to pay any taxes, including but not limited to sales and use taxes, ad
21 valorem, occupational licensing, income, or any other taxes of any kind or
22 nature, or assessments upon any property acquired or used by the district under
23 the provisions of this Section, or upon the income therefrom, and any property
24 acquired or used by the district under the provisions of this Section and the
25 income therefrom. Any bonds, certificates, or other evidences of indebtedness
26 issued by the district and the income therefrom shall be exempt from taxation
27 by the state and by any parish, municipality, or other political subdivision of the
28 state. The district shall not be deemed to be a public utility and shall not be
29 subject in any respect to the authority, control, regulation, or supervision of the
30 Louisiana Public Service Commission.

1 E. In addition to the powers and duties elsewhere granted in this Section,
2 the board is hereby granted and shall have and may exercise all powers
3 necessary or convenient for the carrying out of its objectives and purposes,
4 including but not limited to the following:

5 (1) To sue and be sued, and as such, to stand in judgment.

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

7 (3) To acquire by gift, grant, purchase, lease, or otherwise and to hold
8 and use any property, real, personal, mixed, tangible, or intangible, or any
9 interest therein, necessary or desirable for carrying out the objects and
10 purposes of the district.

11 (4) To sell, transfer, or convey any property acquired by it, or any
12 interest therein, at any time to accomplish the objects and purposes of the
13 district subject to applicable law. Any such sale, transfer, or conveyance shall
14 provide for a fair and equitable return of revenue to the district.

15 (5) To lease or sublease all or any portion of any property for a term not
16 exceeding ninety-nine years at a fixed or variable rental subject to applicable
17 law. Any such lease entered into shall provide for a fair and equitable return of
18 revenue to the district.

19 (6)(a) To sell, lease for a term of up to ninety-nine years, exchange, or
20 otherwise dispose of or transfer to or with other political corporations of this
21 state or private persons at public or private sale any residential or subdivision
22 land, property, improvements, or portions thereof, including real property,
23 which is, in the opinion of the board of commissioners, appropriate to
24 accomplish the objectives and purposes of the district.

25 (b) Prior to any disposition or transfer of property pursuant to this
26 Paragraph, a majority of the total board membership shall approve the
27 disposition or transfer and fix the price and terms of the sale, lease, exchange,
28 or other contract to be made with reference to the property. Such disposition
29 or transfer shall not require advertisement or public bids nor require any notice
30 to be published in a newspaper or to be posted in any public place.

1 (c) Any sale of industrial land shall be in accordance with laws providing
2 for the disposition or transfer of such land.

3 (7) To convey to the United States, the state, or to any political
4 subdivision of the state, any land, property, right-of-way, easement, servitude,
5 or other thing of value, which the district may own or acquire, for use by said
6 governmental entity to accomplish the objectives and purposes of the district.

7 (8) To make and collect reasonable charges for the use of property of the
8 district and for services rendered by the district; and to regulate fees or rentals
9 charged for use of privately owned facilities located on property owned or sold
10 by the district when such facilities are offered for use by the public or by a
11 private industrial, commercial, research, or other economic development entity
12 or activity.

13 (9) To enter into contracts to achieve the district's objectives and
14 purposes, including but not limited to contracts for professional and other
15 services and for the purchase, lease, acquisition, sale, construction, operation,
16 maintenance, and improvements of land, public works, and facilities, as the
17 district may deem necessary or convenient to accomplish the objectives and
18 purposes of the district, subject to the Public Bid Law, R.S. 38:2211 et seq.

19 (10) To plan, develop, regulate, operate, and maintain activities and
20 planned land uses to foster creation of new jobs, economic development,
21 industry, health care, commerce, manufacturing, tourism, relocation of people
22 and businesses to the area, shipbuilding, aviation, military, warehousing,
23 transportation, offices, recreation, housing development, and conservation.

24 (11) To acquire land and improvements to construct, operate, and
25 maintain facilities, improvements, and infrastructure, including buildings,
26 roads, bridges, drainage, and utilities, and to perform other functions and
27 activities on property owned or leased by the district to accomplish the
28 objectives and purposes of the district and to protect the public health and
29 welfare.

30 (12) In its own name and behalf, to incur debt, and issue general

1 obligation bonds, under the authority of and subject to the provisions of Article
2 VI, Section 33 of the Constitution of Louisiana, and Subpart A of Part III of
3 Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, for
4 the establishment, operation, and maintenance of district property or to carry
5 out the other public purposes of this Section, and to issue revenue bonds,
6 borrow money, and issue certificates of indebtedness, notes, and other debt
7 obligations as evidence thereof and provide for the manner and method of
8 repayment.

9 (13) To require and issue licenses.

10 (14) To levy annually and cause to be collected an ad valorem tax,
11 provided that the amount, term, and purpose of said tax, as set out in a
12 proposition submitted to a vote in accordance with the Louisiana Election Code,
13 shall be approved by a majority of the qualified electors voting in an election
14 held for that purpose.

15 (15)(a) To levy and collect a sales and use tax within the boundaries of
16 the district for such purposes and at such rate as provided by the proposition
17 authorizing its levy, not exceeding one percent, which tax may exceed the
18 limitation set forth in the Constitution of Louisiana, provided the proposition
19 submitted to a vote in accordance with the Louisiana Election Code shall be
20 approved by a majority of the qualified electors voting in an election held for
21 that purpose.

22 (b) 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
24 of tangible personal property, and upon the sales of services within the district,
25 all as presently defined in R.S. 47:301 et seq.

26 (c) Except where inapplicable, the procedure established by R.S. 47:301
27 et seq. shall be followed in the imposition, collection, and enforcement of the tax,
28 and procedural details necessary to supplement those Sections and to make
29 them applicable to the tax herein authorized shall be fixed in the resolution
30 imposing the tax.

1 (d) The tax shall be imposed and collected uniformly throughout the
2 district.

3 (e) Any tax levied under this Paragraph shall be in addition to all other
4 taxes which the parish or any other political subdivision within St. Landry
5 Parish are now or hereafter authorized to levy and collect.

6 (16) To develop, activate, construct, exchange, acquire, improve, repair,
7 operate, maintain, lease, mortgage, sell, and grant a security device affecting the
8 movable and immovable property, servitudes, facilities, and works within the
9 district under such terms and conditions as the district may deem necessary or
10 appropriate for any public purpose, including industrial, residential,
11 subdivision, and commercial development.

12 (17) After notice and public hearing, to designate one or more project
13 areas within the boundaries of the district, each of which designated project
14 areas shall constitute a political subdivision of the state, governed by the board
15 with the power to incur debt, issue certificates, issue revenue and general
16 obligation bonds, as well as refunding bonds, and levy sales and use taxes within
17 its boundaries, in the same manner and on the same conditions as the district
18 is authorized to do within the boundaries of the district. Each designated area
19 shall be given a name and designated as "Opelousas Downtown Development
20 Subdistrict No. ".

21 (18) To borrow money and to pledge or grant a security device affecting
22 all or part of its revenues, leases, rents, and other advantages as security for
23 such loans.

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

26 F.(1) In addition to the authority contained herein or granted by other
27 law, the district and any subdistrict of the district may issue revenue bonds to
28 acquire, purchase, lease, construct, or improve housing, residential
29 development, subdivision development, commercial, research, industrial, or
30 other plant sites and buildings, or other capital improvements authorized in this

1 Section, including energy and pollution abatement, and control facilities and
2 necessary property and appurtenances thereto; and may sell, lease, sublease, or
3 otherwise dispose of by suitable and appropriate contract to any enterprise
4 locating or existing within the jurisdiction of the district, or the respective
5 subdistrict, such sites, buildings, or facilities and appurtenances thereto, all or
6 severally. The funds derived from the sale of such bonds may be disbursed in
7 whole or in part upon delivery of the bonds as shall be provided in the contract
8 between the district, or respective subdistrict, and the residential, commercial,
9 research, industrial, or other enterprise to be aided, encouraged, or benefitted.

10 (2) Bonds issued under this Section shall be authorized by resolution of
11 the district, or respective subdistrict, and shall be limited obligations of the
12 district, or respective subdistrict, the principal of and interest on which shall be
13 payable solely from the income and revenue derived from the sale, lease, or
14 other disposition of the project or facility to be financed by the bonds issued
15 hereunder, or from the income and revenue derived from the sale, lease, or
16 other disposition of any existing project or facility acquired, constructed, and
17 improved under the provision of this Section. However, in the discretion of the
18 district, or respective subdistrict, the bonds may be additionally secured by
19 mortgage or other security device covering all or part of the project from which
20 the revenues so pledged may be derived. Any refunding bonds issued pursuant
21 to this Subsection shall be payable from any source described above or from the
22 investment of any of the proceeds of the refunding bonds authorized under this
23 Section and shall not constitute an indebtedness or pledge of the general credit
24 of the district, or respective subdistrict, within the meaning of any constitutional
25 or statutory limitation of indebtedness and shall contain a recital to that effect.
26 Bonds of the district, or respective subdistrict, shall be issued in such form, shall
27 be in such denominations, shall bear interest, shall mature in such manner, and
28 shall be executed by one or more members of the board of the body as provided
29 in the resolution authorizing the issuance thereof. The bonds may be subject to
30 redemption at the option of and in the manner determined by the board in the

1 resolution authorizing the issuance thereof.

2 (3) No bonds or other evidences of indebtedness may be issued under this
3 Subsection without the prior approval of the State Bond Commission of the
4 terms and provisions thereof.

5 (4) Bonds issued under this Subsection shall be issued, sold, and
6 delivered in accordance with the terms and provisions of a resolution adopted
7 by the board. The resolution shall be published in a newspaper of general
8 circulation within the jurisdiction of the district, or respective subdistrict, and
9 for a period of thirty days after said publication, any interested citizen may
10 bring an action to contest the bonds and the security therefor, as provided in the
11 Constitution of Louisiana. If, after the expiration of thirty days, no suit has been
12 filed, the issuance, sale, and security of the bonds shall be incontestable, and no
13 court shall have authority to entertain any action questioning or contesting such
14 matters.

15 (5) Bonds, certificates, or other evidences of indebtedness issued by the
16 district or any subdistrict of the district, under this Section are deemed to be
17 securities of public entities within the meaning of Chapters 13 and 13-A of Title
18 39 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance
19 in accordance with the provisions of Chapter 14 of Title 39 of the Louisiana
20 Revised Statutes of 1950, and may also be issued as short term revenue notes of
21 a public entity under Chapter 15-A of Title 39 of the Louisiana Revised Statutes
22 of 1950.

23 G. No bonds, other debt obligations, or contracts of the district shall be
24 a charge upon the income, property, or revenue of the city of Opelousas; nor
25 shall any obligations of the district be obligations of the city of Opelousas.

26 H. The board shall be the appropriate governing body for all purposes
27 provided in the Louisiana Enterprise Zone Act, R.S. 51:1781 et seq., within the
28 area comprised of property owned and formerly owned by the district, and shall
29 have the power to perform all acts specified by applicable laws and regulations
30 to achieve such purpose.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____