
DIGEST

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HB 808 Engrossed

2015 Regular Session

Barras

Abstract: Relative to the Iberia Economic Development Authority, grants the authority the power to grant rights-of-way.

Present law creates the Iberia Economic Development Authority as a body politic and political subdivision of the state to promote, encourage, and participate in industrial development. Provides that the district's boundaries are coterminous with those of Iberia Parish and provides that the district is governed by a board of commissioners consisting of five members.

Proposed law retains present law.

Present law provides that the authority, through its board, has the following powers:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire property and to hold and use any franchise or property, including the establishment, maintenance, and operation of industrial parks.
- (4) To receive any money, property, aid, or assistance from the U.S. or the state 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.
- (6) 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.
- (7) To require and issue licenses with respect to its properties and facilities.
- (8) To regulate the imposition of fees and rentals for facilities and services.
- (9) To mortgage properties and to borrow money and pledge its revenues, leases, rents, or other advantages as security.

- (10) To sell immovable property after legal notice.
- (11) To appoint officers, agents, and employees, prescribe duties, and fix compensation.
- (12) To contract for legal, financial, engineering, and other professional services.
- (13) To utilize the services of the executive state departments.
- (14) To do all things necessary for the government, regulation, development, and control of board business.

Proposed law retains present law except removes the authority's power to hold and use any franchise. Additionally grants the authority the power 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. Further authorizes the authority to select utility service providers for facilities constructed or acquired by the authority.

Present law prohibits the board from disposing of any of its property for less than the fair market value of the property without the prior approval of the Iberia Parish Council.

Proposed law instead requires the board to dispose of its property for fair market value.

Present law requires the resolution or ordinance adopted by the board authorizing any lease, sale, or other disposition of property to set forth, in a general way, the terms of the lease, sale, or other disposition.

Proposed law retains present law.

Present law requires that the resolution or ordinance providing for the disposition of property be published as soon as possible following its adoption in one issue of the official journal of the authority. Provides that any interested person, within 30 days of publication, may contest the legality or validity of the disposition and after such time no person shall have any cause of action to contest such legality or validity.

Proposed law removes present law and instead provides that a proposed resolution or ordinance providing for the disposition of property may be placed on the agenda of any board meeting and introduced by any board member. Provides that after it has been introduced, copies of it must be provided to all board members. Requires that the title of a proposed resolution or ordinance be published once in the official journal of the authority and requires that the notice indicate the time and place where the board will consider its adoption. Prohibits a resolution or ordinance from being adopted until a public hearing on it has been held and prohibits a resolution or ordinance from being adopted at the meeting at which it is introduced.

Proposed law requires the board to publish each resolution or ordinance adopted by the board once in the official journal of the authority, within 20 days of its adoption and prior to its effective date. Provides that unless a resolution or ordinance specifies an earlier or later effective date, the resolution or ordinance shall take effect on the 30th day after the meeting in which the resolution or ordinance was adopted.

(Amends R.S. 33:130.765(A) and 130.766(A)(2)(b) and (3); Repeals R.S. 33:130.766(A)(2)(d))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Remove the authority's power granted pursuant to present law to hold and use any franchise. Additionally, remove the authority's power granted pursuant to proposed law to grant franchises and to levy and collect a franchise fee.
2. Add provisions that grant the authority the power to select utility service providers for facilities constructed or acquired by the authority.
3. Remove authority for the district to acquire property by means other than donation, grant, purchase, or lease. Additionally, remove authority for the district to receive property or assistance from any public or private entity by means other than grant or donation.