

2017 Regular Session

SENATE BILL NO. 250

BY SENATOR BOUDREAUX AND REPRESENTATIVE DUSTIN MILLER

SPECIAL DISTRICTS. Provides for the boundaries and governance of the Opelousas Downtown Development District and authorizes the district to create economic development districts. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:2740.39(A), (B)(2), and (C)(1), (2), (3), (5), and (6) and to

3 enact R.S. 33:9038.32(F), relative to the Opelousas Downtown Development

4 District; to provide for the governance of the district; to provide for the purpose,

5 authority, rights, powers, and duties of the district and its governing authority,

6 including economic development and taxing authority; to provide with respect to

7 boundaries; to provide for the levy of sales taxes; to provide for an election; to

8 provide authority to create economic development districts; and to provide for

9 related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:2740.39(A), (B)(2), and (C)(1), (2), (3), (5), and (6) are hereby

13 amended and reenacted and R.S. 33:9038.32(F) is hereby enacted to read as follows:

14 §2740.39. Opelousas Downtown Development District

15 A. There is hereby created a body politic and corporate of the state which

16 shall exist in perpetuity and be known as the Opelousas Downtown Development

17 District, hereinafter referred to as the "district." The ~~district shall be composed of the~~

1 existing Historic District, bordered to the north by the EW Railroad, to the south by
2 Bertheaud Street, to the west by the NS Railroad, and to the east by Lombard Street
3 boundaries of the district shall include the following perimeter: beginning at
4 I-49, Exit 19 Ramp where ramp crosses over E. Grolee Street; then proceeding
5 south along I-49 S. Service Road to the intersection of E. Laurent Street; then
6 proceeding west to the intersection of Vincent Street; then proceeding north to
7 the intersection of E. South Street; then proceeding west to the intersection of
8 S. King Street; then proceeding south to the intersection of E. Madison Street;
9 then proceeding west to the intersection of S. Walnut Street; then proceeding
10 south to the intersection of East Leonard Ave; then proceeding east to the
11 intersection of Edith Street; then proceeding south to the intersection of
12 Creswell Lane; then proceeding west to the intersection of Joyce Drive; then
13 proceeding south to the intersection of Abdalla Blvd.; then proceeding south to
14 Hemlock Drive; then proceeding south to the intersection of Heather Drive;
15 then proceeding west to the intersection of Heather Drive and the eastern
16 boundary line of the Parcel No. 10579100; then continuing south approximately
17 210 feet along the eastern boundary to the southeast property corner of Parcel
18 No. 10579100 located in the southeast quadrant of the S. Union Street and
19 Heather Drive intersection; then proceeding west approximately 400 feet along
20 the southern boundary of Parcel No. 10579100 to the intersection with South
21 Union Street; then proceeding south along South Union Street for
22 approximately 140 feet to the intersection with the southern boundary line of
23 Parcel No. 101858300 located in the southwest quadrant of the S. Union Street
24 and Heather Drive intersection; then proceeding west approximately 525 feet
25 along the southern boundary to the southwest property corner of Parcel No.
26 101858300; then proceeding north for approximately 800 feet along Parcel No.
27 101858300 and 0105789500 western boundary line to northwest property corner
28 located in the northwest quadrant of the S. Union Street and Heather Drive
29 intersection; then proceeding east along the northern boundary of Parcel No.

1 0105789500 for approximately 850 feet to the western right-of-way line of S.
2 Union Street; then proceeding in a northern direction along the western
3 right-of-way line of S. Union Street for approximately 4,500 feet to intersection
4 of E. Bertheaud Ave.; then proceeding west to the intersection of S. Court
5 Street; then proceeding north to the intersection of W. South Street; then
6 proceeding west to the intersection of S. Bullard Street; then proceeding north
7 to the intersection of W. Bellevue Street; then proceeding east to the intersection
8 of S. Court Street; then proceeding north to Redmond Street; then continuing
9 north to the intersection of E. Martin Luther King Jr. Drive; then proceeding
10 east to the intersection of Main Street; then continuing east to the projected
11 intersection of E. Martin Luther King Jr. Drive and Cherokee Drive; then
12 proceeding north along Cherokee Drive until intersection with Natchez Blvd.;
13 then proceeding west along Natchez Blvd. to the intersection with a line located
14 350 feet east and parallel to Main Street; then proceeding south along said line
15 running parallel to Main Street to the intersection of E. Prudhomme Lane; then
16 proceeding west to the eastern right-of-way line of Main Street; then proceeding
17 south along the eastern right-of-way line of Main Street to the intersection of E.
18 Church Street; then proceeding east to the intersection of N. Union Street; then
19 proceeding south to the intersection of Perry Lane; then proceeding east to the
20 intersection of N. Walnut Street; then proceeding south to the intersection of E.
21 Bellevue Street; then proceeding east to the intersection of N. Cane Street; then
22 proceeding north to the intersection of E. Grolee Street; then proceeding east
23 on E. Grolee Street until street crosses under I-49, Exit 19 Ramp. The district
24 shall be a political subdivision of the state as defined in the Constitution of
25 Louisiana. The district, acting through its board of commissioners as the governing
26 authority of the district, is hereby granted all of the rights, powers, privileges, and
27 immunities accorded by laws and the Constitution of Louisiana to political
28 subdivisions of the state, including but not limited to the power to incur debt and
29 issue revenue and general obligation bonds, to issue certificates of indebtedness, to

1 issue bonds and certificate anticipation notes, to issue refunding bonds, and the
2 power of taxation, subject to the limitations hereinafter provided.

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

4 * * *

5 (2) Accepting title from or contracting with the city of Opelousas **or the**
6 **parish of St. Landry** concerning any or all real and personal property and
7 improvements owned or acquired by the city of Opelousas **or the parish of St.**
8 **Landry.**

9 * * *

10 C.(1) The district shall be governed by a board of commissioners, hereinafter
11 referred to as the "board," consisting of seven members. The members shall be
12 appointed as follows:

13 (a) One member appointed by the ~~Opelousas Chamber of Commerce~~ **mayor**
14 **of the city of Opelousas from the office of the City of Opelousas Tourism, the**
15 **Opelousas Historic District, or the Opelousas Mainstreet, Inc.**

16 (b) One member appointed by the St. Landry Economic Industrial
17 Development District, **who shall be an active member of the St. Landry**
18 **Economic Industrial Development District and reside within the city of**
19 **Opelousas.**

20 (c) One member appointed by the ~~banking profession within~~ **member of the**
21 **Louisiana Senate who represents the area which comprises** the district.

22 (d) One member appointed by the ~~building/development profession within~~
23 **member of the Louisiana House of Representatives who represents the area**
24 **which comprises** the district.

25 (e) One member appointed by the ~~Opelousas Office of Community~~
26 ~~Development~~ **city council of Opelousas who owns property in the district and has**
27 **general experience in business management.**

28 (f) ~~Two members appointed by the mayor of the city of Opelousas~~ **One**
29 **member appointed from the membership of Vision St. Landry.**

1 (g) One member appointed by the St. Landry Parish President with
2 experience in the profession of engineering or community planning.

3 (2)(a) ~~The city's Community Development Director shall serve as interim~~
4 ~~Downtown Development Director until January 2006~~ The St. Landry Parish
5 Economic and Industrial Development District Director or his designee shall
6 serve as interim Downtown Development Director until the district is financially
7 able to permanently hire a director. The interim director shall be responsible
8 for all administrative duties such as but not limited to the daily operation as
9 authorized by this Section.

10 (b) Notwithstanding any provisions of law to the contrary, eight percent
11 of the district's annual revenue shall be paid to the St. Landry Parish Economic
12 and Industrial Development District.

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 one~~
15 ~~year preceding the date of appointment,~~ parish of St. Landry and shall remain a
16 domiciliary of and a qualified voter in the ~~city of Opelousas~~ parish of St. Landry
17 during the entirety of the term of office.

18 * * *

19 (5) Any member who misses fifty percent of the board's meetings, regular or
20 special, in any calendar year shall be disqualified and removed automatically from
21 office and that person's position shall be vacant, as of the first day of the next
22 calendar month. Such vacated position shall be filled by appointment of the ~~mayor~~
23 ~~and confirmed by the town council~~ entity that appointed the member for the
24 balance of the vacated term. The former member shall not be eligible for
25 reappointment until expiration of the balance of the vacated term.

26 (6) Any vacancy in the membership of the board occurring by reason of the
27 expiration of the term of office, death, resignation, disqualification, or otherwise
28 shall be filled by appointment of the ~~mayor and confirmed by the town council~~ entity
29 that appointed the member within sixty days after receipt of written notification

1 of the vacancy. In the event that the ~~mayor and council fail~~ **entity that appointed**
 2 **the member fails** to fill the vacancy within sixty days after receipt of written
 3 notification of the vacancy, the board shall appoint an interim successor to serve on
 4 the board ~~until the position is filled by mayor and council.~~

* * *

6 §9038.32. Creation of economic development district

* * *

8 **F. The board of commissioners of the Opelousas Downtown Development**
 9 **District may establish by resolution an economic development district or**
 10 **districts wholly within the boundaries of the city of Opelousas, following the**
 11 **procedures set forth in this Section, to carry out the purposes of this Part. The**
 12 **board of commissioners shall be the governing authority of the district or**
 13 **districts and shall have all of the powers and authority granted to economic**
 14 **development districts generally in this Part, including specifically the power to**
 15 **levy taxes in the manner provided by R.S. 33:9038.39.**

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

The original instrument was prepared by Michael Bell. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Dawn Romero Watson.

DIGEST

SB 250 Engrossed 2017 Regular Session Boudreaux

Present law specifies the composition and powers of the board responsible for managing the affairs of the Opelousas Downtown Development District.

Present law provides for the boundaries of the district to be the existing Historic District.

Proposed law provides different and expanded boundaries of the district.

Present law provides that a seven-member board shall be appointed as follows:

- (1) One member appointed by the Opelousas Chamber of Commerce.

- (2) One member appointed by the St. Landry Economic Industrial Development District.
- (3) One member appointed from the banking profession within the district.
- (4) One member appointed from the building/development profession within the district.
- (5) One member appointed from the Opelousas Office of Community Development.
- (6) Two members appointed by the mayor of the city of Opelousas.

Proposed law provides that a seven-member board shall be appointed as follows:

- (1) One member appointed by the mayor of the city of Opelousas from the office of the City of Opelousas Tourism, the Opelousas Historic District, or the Opelousas Mainstreet, Inc.
- (2) One member appointed by the St. Landry Parish Economic and Industrial Development District who is an active member of the district and resides within the city of Opelousas.
- (3) One member appointed by the member of the Louisiana Senate who represents the area which comprises the district.
- (4) One member appointed by the member of the Louisiana House of Representatives who represents the area which comprises the district.
- (5) One member appointed by the city council of Opelousas who owns property in the district and has general experience in business management.
- (6) One member appointed from the membership of Vision St. Landry.
- (7) One member appointed by the president for the parish of St. Landry who has experience in the profession of engineering or community planning.

Present law provides that each member appointed to the board shall be a citizen of the United States and a domiciliary and qualified voter in the city of Opelousas for at least one year preceding the date of appointment.

Proposed law provides each member appointed to the board shall be a citizen of the United States and a domiciliary of and a qualified voter in the parish of St. Landry.

Proposed law provides for the St. Landry Parish Economic and Industrial Development District Director or his designee to serve as interim Downtown Development Director until the district is financially able to permanently hire a director. Further, proposed law provides that eight percent of the district's annual revenue is to be paid to the St. Landry Parish Economic and Industrial Development District.

Present law authorizes the district to levy and collect a sales and use tax, not exceeding one percent, as set out in a proposition submitted to a vote in accordance with the Louisiana Election Code, and approved by a majority of the qualified electors voting in an election held for that purpose.

Present law authorizes a local government subdivision to establish, by ordinance, an economic development district with the authority to levy ad valorem taxes, up to two percent of sales taxes or up to two percent of hotel occupancy taxes or any combination of such taxes subject to the limitations and prohibitions of the Louisiana Constitution and provided that the levy is approved by qualified voters of the district in an election. Authorizes the districts to use or engage in tax incremental financing of projects.

Present law defines a "local governmental subdivision", with certain exceptions and qualifications, as any municipality or parish or any municipality, parish, local industrial board, or local public trust.

Proposed law authorizes the board of commissioners of the Opelousas Downtown Development District to establish by resolution an economic development district or districts within the boundaries of the city of Opelousas. Provides that the board of commissioners shall be the governing authority of the district or districts and shall have all the powers and authority granted to economic development districts created by local governmental subdivisions.

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

(Amends R.S. 33:2740.39(A), (B)(2), and (C)(1), (2), (3), (5), and (6); adds R.S. 33:9038.32(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Changes proposed law boundaries of Opelousas Downtown Development District.
2. Removes proposed law provisions that would have removed requirement of election for district to impose sales tax if there were no electors in district and would have required proceeds of an additional sales tax be used by the district for infrastructure costs, economic development or payment of bonds.
3. Adds provisions authorizing Opelousas Downtown Development District to create economic development districts with TIF authority.