

ACT No. 337

2021 Regular Session

HOUSE BILL NO. 647

BY REPRESENTATIVES TRAVIS JOHNSON, BUTLER, DESHOTEL, MCMAHEN,
MIGUEZ, ROMERO, SELDERS, THOMPSON, AND WHITE

1 AN ACT

2 To enact Part IV of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 3:341 through 347, relative to agricultural research and
4 sustainability in the delta region of the state; to create and provide for the Delta
5 Agriculture Research and Sustainability District; to provide for the governance,
6 powers, duties, and funding of the district; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part IV of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 3:341 through 347, is hereby enacted to read as follows:

13 PART IV. DELTA AGRICULTURE RESEARCH AND SUSTAINABILITY

14 DISTRICT

15 §341. Delta Agriculture Research and Sustainability District; creation; purpose;
16 territorial jurisdiction

17 A. The Delta Agriculture Research and Sustainability District, referred to in
18 this Part as the "district", is hereby constituted and is declared to be a body politic
19 and political subdivision of the state of Louisiana, as defined in Article VI, Section
20 44 of the Constitution of Louisiana.

1 B. Pursuant to Article VI, Sections 19 and 21 of the Constitution of
 2 Louisiana, the district, acting through its board of commissioners, the governing
 3 authority of the district, is hereby granted all of the rights, powers, privileges, and
 4 immunities granted to or authorized for political subdivisions for industrial,
 5 commercial, research, and economic development purposes including but not limited
 6 to the power to incur debt and issue revenue and general obligation bonds,
 7 certificates of indebtedness, bond and certificate anticipation notes, and refunding
 8 bonds, subject to the limitations provided in this Part.

9 C. The district shall be established for the primary object and purpose of
 10 promoting and encouraging agricultural research and sustainability to stimulate the
 11 economy through commerce, industry, and research and for the utilization and
 12 development of natural and human resources of the area by providing job
 13 opportunities.

14 D. The boundaries of the district shall be coterminous with the boundaries
 15 of the parishes of East Carroll and Tensas.

16 §342. Board of commissioners; members; officers

17 A. The district shall be governed by a board of commissioners, referred to
 18 in this Part as the "board", consisting of twenty-six members as follows:

- 19 (1) The governor or his designee.
- 20 (2) The commissioner of agriculture and forestry or his designee.
- 21 (3) The president of the local governing authority for the parish of East
 22 Carroll or his designee.
- 23 (4) The president of the local governing authority for the parish of Concordia
 24 or his designee.
- 25 (5) The president of the local governing authority for the parish of Madison
 26 or his designee.
- 27 (6) The president of the local governing authority for the parish of Tensas
 28 or his designee.

- 1 (7) The president of Louisiana Tech University or his designee.
- 2 (8) The president of the University of Louisiana at Monroe or his designee.
- 3 (9) The president of the Southern University System or his designee.
- 4 (10) The president of the Louisiana State University System or his designee.
- 5 (11) The president of Grambling State University or his designee.
- 6 (12) The state representative for House District 19 or his designee.
- 7 (13) The state representative for House District 21 or his designee.
- 8 (14) The state senator for Senate District 32 or his designee.
- 9 (15) The state senator for Senate District 34 or his designee.
- 10 (16) The mayor of the city of Tallulah or his designee.
- 11 (17) The mayor of the town of Lake Providence or his designee.
- 12 (18) The mayor of the town of Newellton or his designee.
- 13 (19) The mayor of the town of St. Joseph or his designee.
- 14 (20) The mayor of the town of Waterproof or his designee.
- 15 (21) The mayor of the town of Clayton or his designee.
- 16 (22) The mayor of the town of Ferriday or his designee.
- 17 (23) The mayor of the town of Vidalia or his designee.
- 18 (24) The secretary of the Department of Economic Development or his
 19 designee as an ex officio nonvoting member.
- 20 (25) The president of the Louisiana Farm Bureau Federation or his designee
 21 as an ex officio nonvoting member.
- 22 (26) The president of the Louisiana Cotton and Grain Association or his
 23 designee as an ex officio nonvoting member.
- 24 B. Members shall serve during their tenure in the offices listed in Subsection
 25 A of this Section.
- 26 C. Any vacancy in the membership of the board, occurring by reason of
 27 death, resignation, or otherwise, shall be filled by the interim or acting person who
 28 assumes the duties of the person who held the now-vacant seat until an election can
 29 be held or a permanent appointment can be made.

1 D. The members of the board shall serve without compensation. The board
2 may reimburse any member for expenses actually incurred in the performance of his
3 duties pursuant to this Part.

4 E. Members of the board individually and members of their immediate
5 families are prohibited from bidding on or entering into any contract, subcontract,
6 or other transaction that is under the supervision or jurisdiction of the district.

7 F. The board shall elect from among its own members a chairman, vice
8 chairman, secretary, and treasurer, whose duties shall be those usual to such offices.
9 At the option of the board, the offices of secretary and treasurer may be held by one
10 person.

11 G. The board shall meet in regular session on the second Wednesday at the
12 beginning of each quarter of a calendar year and shall also meet in special session
13 as often as the chairman of the board convenes the board. A majority of the voting
14 members of the board shall constitute a quorum.

15 H. The board shall prescribe rules to govern its meetings, may draft and
16 implement bylaws to control and implement the activities of the board, and shall
17 maintain suitable offices in the district.

18 I. The board shall hire a district director to manage the day-to-day operations
19 of the district. The board shall establish the duties and responsibilities and the salary
20 and benefits for the position of district director. The district director shall report
21 directly to the board and, with the approval of the board, may hire an administrative
22 assistant.

23 §343. Powers of district

24 A. The district shall have and exercise all powers of a political subdivision
25 necessary or convenient for the carrying out of its objects and purposes, including
26 but not limited to rights and powers set out in this Section:

27 (1) To sue and be sued.

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

1 (3) To acquire by gift, grant, or purchase, but not by expropriation, all
2 property, including rights-of-way, and to hold and use any franchise or property,
3 immovable, movable, corporeal or incorporeal, or any interest therein, necessary or
4 desirable for carrying out the objects and purposes of the district, including but not
5 limited to the establishment, maintenance, and operation of a board office and
6 research facility.

7 (4) To enter into contracts for the purchase, acquisition, construction, and
8 improvement of works and facilities.

9 (5) In its own name and on its own behalf, to incur debt and to issue general
10 obligation bonds, revenue bonds, certificates, notes, and other evidence of
11 indebtedness.

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

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

16 (8) To appoint officers, agents, and employees, prescribe their duties, and fix
17 their compensation.

18 (9) To seek, apply for, or receive any donations, financial assistance, or
19 monies by way of public or private grants or investors.

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

22 §344. Obligations of the district

23 A. The district shall have authority to incur debt for any one or more of its
24 lawful purposes set forth in this Part, to issue in its name negotiable bonds, notes,
25 certificates of indebtedness, or other evidence of debt, and to provide for the security
26 and payment thereof.

27 B.(1) The district may in its own name and behalf borrow from time to time
28 in the form of certificates of indebtedness. The certificates shall be secured by the
29 dedication and pledge of monies of the district derived from any lawful sources,
30 including fees, lease rentals, service charges, local service agreement payments from

1 one or more other contracting parties, or any combination of such sources of income,
2 provided that the term of such certificates shall not exceed ten years and the annual
3 debt service on the amount borrowed shall not exceed the anticipated revenues to be
4 dedicated and pledged to the payment of the certificates of indebtedness, as shall be
5 estimated by the board of the district at the time of the adoption of the resolution
6 authorizing the issuance of such certificates. The estimate of the board referred to
7 in the authorizing resolution shall be conclusive for all purposes of this Section.

8 (2) The board, as the governing authority of the district, is authorized to
9 adopt all necessary resolutions or ordinances which may be necessary for ordering,
10 holding, canvassing, and promulgating the returns of any election required for the
11 issuance of general obligation bonds, which resolutions or ordinances may include
12 covenants for the security and payment of any bonds or other evidence of debt so
13 issued.

14 (3) For a period of thirty days from the date of publication of any resolution
15 or ordinance authorizing the issuance of any bonds, certificates of indebtedness,
16 notes, or other evidence of debt of the district, any interested person may contest the
17 legality of such resolution or ordinance and the validity of such bonds, certificates
18 of indebtedness, notes, or other evidence of debt issued or proposed to be issued
19 thereunder and the security of their payment, after which time no one shall have any
20 cause of action to contest the legality of the resolution or ordinance or to draw into
21 question the legality of the bonds, certificates of indebtedness, notes, or other
22 evidence of debt, the security therefor, or the debts represented thereby for any cause
23 whatever, and it shall be conclusively presumed that every legal requirement has
24 been complied with, and no court shall have authority to inquire into such matters
25 after the lapse of thirty days.

26 (4) The issuance and sale of such bonds, certificates of indebtedness, notes,
27 or other evidence of debt by the district shall be subject to approval by the State
28 Bond Commission.

1 (5) Such bonds, certificates of indebtedness, notes, or other evidence of debt
2 shall have all the qualities of negotiable instruments under the commercial laws of
3 the state of Louisiana.

4 §345. Securities

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

14 §346. Exemption from taxation

15 The district and all properties at any time owned by the district and the
16 income therefrom and all bonds, certificates, and other evidence of indebtedness
17 issued by the district under this Part and the interest or income therefrom shall be
18 exempt from all taxation by the state of Louisiana.

19 §347. General compliances; enhancement

20 A. No provision of this Part shall be construed to exempt the district from
21 compliance with the provisions of Louisiana laws pertaining to open meetings,
22 public records, fiscal agents, official journals, dual officeholding and employment,
23 public bidding for the purchase of supplies and materials and construction of public
24 works, the Code of Governmental Ethics, the Right to Property in Article I, Section
25 4 of the Constitution of Louisiana, and the Louisiana Election Code.

26 B. The district shall have the power and right to adopt a program or
27 programs awarding contracts to, and establishing set-aside goals and preference
28 procedures for the benefit of, businesses owned and operated by socially or

1 economically disadvantaged persons in accordance with any of the provisions of R.S.
2 38:2233 and of Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950,
3 entitled "Louisiana Minority and Women's Business Enterprise Act".
4 C. The financial records of the district shall be audited pursuant to R.S.
5 24:513.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____