

RÉSUMÉ DIGEST

ACT 337 (HB 647)

2021 Regular Session

Travis Johnson

New law creates the Delta Agriculture Research and Sustainability District as a political subdivision of the state. Provides that the district is established for the primary object and purpose of promoting and encouraging agricultural research and sustainability to stimulate the economy through commerce, industry, and research and for the utilization and development of natural and human resources of the area by providing job opportunities. Provides for district boundaries. Grants the district rights and powers of political subdivisions provided by the constitution for economic development purposes.

New law provides that the district will be governed by a 26-member board of commissioners as follows:

- (1) The governor or his designee.
- (2) The commissioner of Dept. of Agriculture and Forestry or his designee.
- (3) The president of the local governing authority for the parish of East Carroll or his designee.
- (4) The president of the local governing authority for the parish of Concordia or his designee.
- (5) The president of the local governing authority for the parish of Madison or his designee.
- (6) The president of the local governing authority for the parish of Tensas or his designee.
- (7) The president of Louisiana Tech University or his designee.
- (8) The president of the University of Louisiana at Monroe or his designee.
- (9) The president of the Southern University System or his designee.
- (10) The president of the Louisiana State University System or his designee.
- (11) The president of Grambling State University or his designee.
- (12) The state representative for district 19 or his designee.
- (13) The state representative for district 21 or his designee.
- (14) The state senator for district 32 or his designee.
- (15) The state senator for district 34 or his designee.
- (16) The mayor of the city of Tallulah or his designee.
- (17) The mayor of the town of Lake Providence or his designee.
- (18) The mayor of the town of Newellton or his designee.
- (19) The mayor of the town of St. Joseph or his designee.
- (20) The mayor of the town of Waterproof or his designee.
- (21) The mayor of the town of Clayton or his designee.
- (22) The mayor of the town of Ferriday or his designee.
- (23) The mayor of the town of Vidalia or his designee.

- (24) The secretary of the Dept. of Economic Development or his designee as an ex officio nonvoting member.
- (25) The president of the La. Farm Bureau Federation or his designee as an ex officio nonvoting member.
- (26) The president of the La. Cotton and Grain Association or his designee as an ex officio nonvoting member.

New law provides that members will serve during their tenure in the offices by which they are designated in new law. Provides for vacancies on the board and how they will be filled.

New law requires board members to serve without compensation, except that the board may reimburse any member for actual expenses. Prohibits members of the board, individually, and members of their immediate families from bidding on or entering into any contract or other transaction that is under the supervision or jurisdiction of the district.

New law requires the board to hire a district director to manage the day-to-day operations of the district. Further requires the board to establish the duties and salary of the district director.

New law requires the district director to report directly to the board and, with approval of the board, authorizes the district director to hire an administrative assistant.

New law authorizes the district to exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire, but not by expropriation, all property, including rights-of-way, and to hold and use any franchise or property, necessary or desirable for carrying out the objects and purposes of the district, including establishing, operating, and maintaining a board office and research facilities.
- (4) To enter into contracts for the purchase, acquisition, construction, and improvement of works and facilities.
- (5) To incur debt and to issue general obligation bonds, revenue bonds, certificates, notes, and other evidence of indebtedness.
- (6) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.
- (7) To borrow money and pledge all or part of its revenues, leases, rents, or other advantages as security for such loans.
- (8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
- (9) To seek, apply for, or receive any donations, financial assistance, or monies by way of public or private grants or investors.

New law authorizes the district to borrow from time to time in the form of certificates of indebtedness. Requires that such certificates be secured by the dedication and pledge of monies of the district derived from any lawful sources, provided that the term of such certificates do not exceed 10 years. Provides that the annual debt service on the amount borrowed cannot exceed the anticipated revenues to be dedicated and pledged to the payment of the certificates of indebtedness, as estimated by the board and contained in the resolution adopted by the board for the issuance of such certificates. Provides for a period of 30 days in which any interested person may contest the legality of a resolution or ordinance adopted by the board authorizing the issuance of any bonds, certificates of indebtedness, or notes; and

if no such challenge is issued within the 30-day period then no further cause of action exists and a legal presumption that every legal requirement has been complied with is created and no court has the authority to inquire into such matters. Requires the sale of bonds to be approved by the State Bond Commission and that they shall have the qualities of negotiable instruments under state commercial laws.

New law provides that no provision of new law can be construed so as to exempt the district from compliance with La. laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials and construction of public works, the Code of Governmental Ethics, the Right to Property in the Constitution of La., and the La. Election Code.

New law authorizes the district to adopt a program or programs awarding contracts to, and establishing set-aside goals and preference procedures for the benefit of, businesses owned and operated by socially or economically disadvantaged persons in accordance with new law (R.S. 38:2233 and the La. Minority and Women's Business Enterprise Act). Requires that the financial records of the district be audited pursuant to existing law (R.S. 24:513).

Effective August 1, 2021.

(Adds R.S. 3:341-347)