

**ACT No. 352**

2022 Regular Session

HOUSE BILL NO. 780

BY REPRESENTATIVE MAGEE

1 AN ACT

2 To enact Part V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of 1950,  
3 comprised of R.S. 33:4709.31, relative to the city of Houma; to create the Houma  
4 Restoration District; to provide relative to the boundaries, purpose, governance, and  
5 powers and duties of the district; to provide relative to district funding; to provide  
6 for an effective date; 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 V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of  
12 1950, comprised of R.S. 33:4709.31, is hereby enacted to read as follows:

13 PART V. HOUMA RESTORATION DISTRICT

14 §4709.31. Houma Restoration District; creation; governing authority; powers; duties

15 A.(1) The Houma Restoration District is hereby created as a special  
16 municipal district in Houma and is hereafter referred to in this Section as the  
17 "district". The district is created as a body politic and corporate and a political  
18 subdivision of the state of Louisiana.

19 (2) The district is comprised of all property on either side of and all property  
20 between West/East Park Avenue and West/East Main Street between their  
21 intersections with Morgan Street and Grand Caillou Road.

1                   (3) The primary purposes of the district are to provide for restoration and  
 2                   preservation of the character of the area within the district, to provide opportunity  
 3                   for cultural events, and to encourage economic development within the district that  
 4                   is consistent with the plan adopted by its board of commissioners.

5                   B.(1) The district shall be governed by a board of commissioners appointed  
 6                   as follows:

7                   (a) The member of the Louisiana House of Representatives whose district  
 8                   includes all or the greater portion of the restoration district shall appoint one  
 9                   member.

10                  (b) The member of the Louisiana Senate whose district includes all or the  
 11                  greater portion of the restoration district shall appoint one member.

12                  (c) The president of Terrebonne Parish shall appoint one member.

13                  (d) The governing authority of Terrebonne Parish shall appoint one member.

14                  (e) The board of directors of the Houma-Terrebonne Chamber of Commerce  
 15                  shall appoint one member.

16                  (f) The governing board of the Houma Downtown Development Corporation  
 17                  shall appoint two members.

18                  (g) The Houma Historic Preservation District shall appoint one member who  
 19                  is a representative of a nonprofit organization involved with historic preservation in  
 20                  Houma.

21                  (h) The member of the Terrebonne Parish governing authority whose council  
 22                  district includes all or the greater portion of the district shall appoint one member.

23                  (2)(a) Commissioners shall serve six-year terms after initial terms as  
 24                  provided in Subparagraph (b) of this Paragraph.

25                  (b) Of the initial appointments, two shall serve one-year terms, two shall  
 26                  serve two-year terms, two shall serve three-year terms, and one shall serve a four-  
 27                  year term as determined by lot at the first meeting of the board.

28                  (3) Any vacancy which occurs prior to the expiration of a term shall be filled  
 29                  for the remainder of the unexpired term in the manner of the original appointment.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1                   (4) As soon as practical after appointment, the members shall meet at the call  
 2                   of the parish president and elect from their number a chairman and such other  
 3                   officers as they deem appropriate.

4                   (5) The board shall adopt rules for the transaction of business and shall keep  
 5                   a record of its resolutions, transactions, findings, and determinations.

6                   C.(1) The board shall prepare or cause to be prepared a plan or plans,  
 7                   hereafter referred to as the "plan", specifying the layout and character of  
 8                   development within the district. The plan shall include but not necessarily be limited  
 9                   to the following: the nature and location of enterprises to be located within the  
 10                  district, guidelines for the general character of the external appearance of buildings  
 11                  and facilities within the district to whatever extent and detail the authority or the  
 12                  town may deem appropriate, and plans for transportation into and within the district  
 13                  either by foot, vehicle, watercraft, or any other means.

14                  (2) In the development of the plan, the board shall conduct such public  
 15                  hearings, publish such notice with respect thereto, and disseminate such information  
 16                  as the authority, in the exercise of its sound discretion, may deem appropriate or  
 17                  advisable and in the public interest.

18                  (3) The plan shall be adopted by a majority vote of the full membership of  
 19                  the board, and after the plan has been adopted, it may be altered or amended only by  
 20                  adoption of a resolution by a majority of the full membership of the board.

21                  (4) The board shall provide information to officials of departments, agencies,  
 22                  and instrumentalities of state and local government and to the public at large, in  
 23                  order to foster public awareness and understanding of the objectives of the plan, and  
 24                  in order to stimulate public interest and participation in the orderly, integrated  
 25                  development of the district.

26                  D. Pursuant to the purposes for which the district was created, the board  
 27                  may:

28                  (1) Accept and receive, in furtherance of its function, funds, grants, and  
 29                  services from the federal government or its agencies, from departments, agencies,

1           and instrumentalities of state, parish, or municipal government, or from private or  
2           civic sources.

3                   (2) Undertake public works and operate public facilities that will encourage  
4                   economic development within or encourage residents and tourists to visit the district.

5                   (3) Acquire property within the district and enter contracts for lease or  
6                   conveyance of all or any part of the property located in the district to any private  
7                   person or entity who will undertake restoration and preservation of such property or  
8                   contribute to economic development in the area.

9                   (4) Issue certificates of appropriateness regarding any work in the erection  
10                  of any new building or in the alteration of, addition to, painting, repainting, or  
11                  demolishing of any existing building within the district. Any application for a  
12                  certificate shall be accompanied by the full plans and specifications thereof, so far  
13                  as they relate to the proposed appearance, color, texture of materials, and  
14                  architectural design of the exterior, including the front, sides, rear, and roof of such  
15                  building, or alteration or addition of any outbuilding, party wall, courtyard, fence,  
16                  or other dependency thereof.

17                  (5) Require approval of signage in the district and may adopt guidelines  
18                  regulating the appearance, color, size, position, method of attachment, texture of  
19                  materials, and design of signs in accordance with the character and overall design of  
20                  the district.

21                  E. The district, through its board, may exercise all powers of a political  
22                  subdivision necessary or convenient for carrying out its objects and purposes,  
23                  including but not limited to the following:

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

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

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

29                          (4) To sell, transfer, or convey any property acquired by it, or any interest  
30                          therein, at any time to accomplish the objects and purposes of the district subject to

1 applicable law. Any such sale, transfer, or conveyance shall provide for a fair and  
2 equitable return of revenue to the district.

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

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

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

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

24 (8) To enter into contracts to achieve the district's objectives and purposes,  
25 including but not limited to contracts for professional and other services and for the  
26 purchase, lease, acquisition, sale, construction, operation, maintenance, and  
27 improvements of land, public works, and facilities, as the district may deem  
28 necessary or convenient to accomplish the objectives and purposes of the district,  
29 subject to R.S. 38:2211 et seq.

1           (9) To plan, develop, regulate, operate, and maintain activities and planned  
2           land uses to foster creation of new jobs, economic development, industry, health  
3           care, commerce, manufacturing, tourism, relocation of people and businesses to the  
4           area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation,  
5           housing development, and conservation.

6           (10) To acquire land and improvements to construct, operate, and maintain  
7           facilities, improvements, and infrastructure, including buildings, roads, bridges,  
8           drainage, and utilities, and to perform other functions and activities on property  
9           owned or leased by the district to accomplish the objectives and purposes of the  
10          district and to protect the public health and welfare.

11          (11) In its own name and behalf, to incur debt, and issue general obligation  
12          bonds, under the authority of and subject to the provisions of Article VI, Section 33  
13          of the Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle  
14          II of Title 39 of the Louisiana Revised Statutes of 1950, for the establishment,  
15          operation, and maintenance of district property or to carry out the other public  
16          purposes of this Section, and to issue revenue bonds, borrow money, and issue  
17          certificates of indebtedness, notes, and other debt obligations as evidence thereof and  
18          provide for the manner and method of repayment.

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

21          (13) To utilize the services of the executive departments of the state upon  
22          mutually agreeable terms and conditions.

23          (14) To adopt bylaws for the regulation of its affairs and the conduct of its  
24          business.

25          (15) To do any and all things necessary or proper for the government,  
26          regulation, development, and control of the business of the board of commissioners.

27          F.(1) The board of commissioners may, subject to the provisions of this  
28          Subsection and other applicable provisions of law, levy ad valorem taxes within the  
29          district.

1           (2) The board of commissioners may, subject to the provisions of this  
2           Subsection and other applicable provisions of law, levy a sales and use tax at a rate  
3           not to exceed one percent. Any such tax shall be in addition to all other sales and use  
4           taxes authorized by law and shall be excluded when calculating the combined rate  
5           of sales and use taxes levied in the parish pursuant to Article VI, Section 29(B) of  
6           the Constitution of Louisiana including but not limited to sales and use taxes  
7           authorized by R.S. 47:338.54. Such tax shall be levied upon the sale at retail, the  
8           use, lease or rental, the consumption, and the storage for use or consumption, of  
9           tangible personal property, and on sales of services, all as defined in Chapter 2 of  
10           Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, R.S. 47:301 et seq.,  
11           in the district. Sales and use taxes shall be collected at the same time and in the same  
12           manner as set forth in Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised  
13           Statutes of 1950.

14           (3)(a) No tax may be levied pursuant to Paragraph (1) or (2) of this  
15           Subsection unless the levy is authorized by a majority of the electors of the district  
16           who vote at an election held for that purpose in accordance with the Louisiana  
17           Election Code.

18           (b) A tax proposition submitted to the voters shall state the rate, duration,  
19           and purpose of the tax as requested by duly adopted resolution of the governing  
20           authority of the district. The rate, duration, and use of any tax shall be as so stated  
21           in the proposition authorizing its levy.

22           (4)(a) The board of commissioners may, subject to the provisions of this  
23           Subsection and other applicable provisions of law, incur debt and fund tax revenues  
24           into bonds in the manner provided by Part III of Chapter 4 of Subtitle II of Title 39  
25           of the Louisiana Revised Statutes of 1950.

26           (b) Any proposition submitted to the voters for the issuance of bonds secured  
27           by sales and use taxes shall state the amount of bonds to be issued, and the district  
28           governing authority shall not issue such bonds in an amount exceeding the stated  
29           amount.

1                   (5) The district may, on its own initiative, call a special election to submit  
 2                   to the qualified electors of the district a proposition or propositions authorizing the  
 3                   levy of a tax or the issuance of bonds or both.

4                   G. Nothing in this Section shall be construed in a manner that in any way  
 5                   limits the authority granted by or pursuant to the Terrebonne Parish home rule  
 6                   charter to any official or entity.

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

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_