

ACT No. 247

Regular Session, 2014

HOUSE BILL NO. 582

BY REPRESENTATIVE JONES

1 AN ACT

2 To enact R.S. 33:2740.32, relative to the city of Morgan City; to create the Morgan City
3 Development District; to provide for the governing authority thereof; to provide for
4 its powers and duties; to provide relative to the levy and collection of taxes by the
5 governing authority of the district; to provide relative to bonds and other
6 indebtedness 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. R.S. 33:2740.32 is hereby enacted to read as follows:

12 §2740.32. Morgan City Development District

13 A. There is hereby created a body politic and corporate which shall exist in
14 perpetuity and be known as Morgan City Development District, hereafter in this
15 Section referred to as the "district". The district shall be composed of all of the
16 territory located within the city of Morgan City, as now incorporated or hereafter
17 annexed or as acquired by the city of Morgan City. The district shall be a political
18 subdivision of the state as defined in the Constitution of Louisiana. The district,
19 acting through its board of commissioners as the governing authority of the district,
20 is hereby granted all of the rights, powers, privileges, and immunities accorded by
21 laws and the Constitution of Louisiana to political subdivisions of the state, including
22 but not limited to the power to incur debt and issue revenue and general obligation
23 bonds, to issue certificates of indebtedness, to issue bonds and certificate anticipation
24 notes, to issue refunding bonds, and the power of taxation, subject to the limitations
25 hereinafter provided.

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

2 (1) Accepting title from or contracting with the city of Morgan City
3 concerning any or all immovable and movable property and improvements owned
4 or acquired by the city of Morgan City.

5 (2) Acquiring land, immovable and movable property, and improvements
6 from any other sources, entities, or persons.

7 (3) Utilizing any land, immovable and movable property, and improvements
8 to enhance economic benefits generated in the city of Morgan City through
9 diversified activities, including but not limited to:

10 (a) Planning land use and development to foster creation of new jobs,
11 economic development, industry, health care, commerce, manufacturing, tourism,
12 relocation of people and businesses to the area, shipbuilding, aviation, military,
13 warehousing, transportation, offices, recreation, housing development, conservation,
14 residential development, and subdivision development.

15 (b) Constructing, operating, and maintaining facilities, improvements, and
16 infrastructure, including buildings, roads, bridges, drainage, and utilities.

17 (c) Planning, developing, building, constructing, operating, regulating,
18 maintaining, selling, and transferring any residential or subdivision land, real and
19 personal property, and improvements.

20 C.(1) The district shall be governed by a board of commissioners, hereafter
21 in this Section referred to as the "board", consisting of five members appointed by
22 the mayor of the city of Morgan City and confirmed by the city council.

23 (2) Each member appointed to the board shall be a citizen of the United
24 States, a domiciliary of and a qualified voter in the city of Morgan City for at least
25 one year preceding the date of appointment, and shall remain a domiciliary of and
26 a qualified voter in the city of Morgan City during the entirety of the term of office.

27 (3) The term of office of members of the board shall be four years. All
28 initial appointees shall serve four-year terms.

1 (4) Any member who misses fifty percent of the board's meetings, regular
2 or special, in any calendar year shall be disqualified and removed automatically from
3 office and his position shall be vacant as of the first day of the next calendar month.
4 Such vacated position shall be filled by appointment of the mayor and confirmed by
5 the city council for the balance of the vacated term. The former member shall not
6 be eligible for reappointment until expiration of the balance of the vacated term.

7 (5) The mayor may remove any board member for any reason, including but
8 not limited to failure to attend board meetings, subject to the approval of the other
9 four board members. The removal process shall proceed to completion unless four
10 board members object to the removal of the member by the second regular board
11 meeting after the removal action was first initiated.

12 (6) Any vacancy in the membership of the board occurring by reason of the
13 expiration of the term of office, death, resignation, disqualification, or otherwise
14 shall be filled by appointment of the mayor and confirmed by the city council within
15 sixty days after receipt of written notification of the vacancy. If the mayor and
16 council fail to fill the vacancy within sixty days after receipt of written notification
17 of the vacancy, the board shall appoint an interim successor to serve on the board
18 until the position is filled by the mayor and council.

19 (7) Members of the board shall serve without compensation, shall have the
20 power to organize and reorganize the executive, administrative, clerical, and other
21 departments and forces of the district, and to fix the duties, powers, and
22 compensation of all employees, agents, and consultants of the district. The board
23 may reimburse any member for expenses actually incurred with the authorization of
24 the board in the performance of duties on behalf of the district.

25 (8) The board shall elect yearly from its number, a chairman, vice chairman,
26 secretary, and treasurer and shall establish their duties as may be regulated by rules
27 adopted by the board. The offices of secretary and treasurer may be held by the
28 same person. The board shall meet in regular session once each month and also shall
29 meet in special session as convened by the chairman or upon written notice of three
30 members. A majority of the commission members, not including vacancies, shall

1 constitute a quorum. All actions of the board shall be approved by the affirmative
 2 vote of a majority of the members present and voting; however, no action of the
 3 board shall be authorized on the following matters unless approved by a majority of
 4 the total board membership:

5 (a) Adoption of bylaws and other rules and regulations for conduct of the
 6 district's business.

7 (b) Hiring or firing of the district's administrator.

8 (c) The incurring of funded, general, or bonded debt.

9 (d) Levy of taxes and call for any tax or other election.

10 (e) Adoption or amendment of the annual budget.

11 (f) Sale, lease, or alienation of real property or improvements.

12 (9) Vote by proxy is not permitted. Any member may request a recorded
 13 vote on any resolution or action of the district.

14 (10) The board shall cause minutes and a record to be kept of all its
 15 proceedings, and it shall select a newspaper of general circulation within its
 16 territorial jurisdiction as its official journal in which it shall publish its minutes and
 17 in which it shall publish all official notices as are required by law.

18 (11) All meetings of the board shall be subject to state laws relative to open
 19 meetings including R.S. 42:14.

20 D. The exercise by the board of the powers conferred shall be deemed and
 21 held to be an essential governmental function of the state. As the exercise of the
 22 powers granted hereby will be in all respects for the benefit of the people of the state,
 23 for the increase of their commerce and prosperity, and for the improvement of their
 24 health and living conditions, the district shall not be required to pay any taxes,
 25 including but not limited to sales and use taxes, ad valorem, occupational licensing,
 26 income, or any other taxes of any kind or nature, or assessments upon any property
 27 acquired or used by the district under the provisions of this Section, or upon the
 28 income therefrom. Any bonds, certificates, or other evidences of indebtedness issued
 29 by the district and the income therefrom shall be exempt from taxation by the state
 30 and by any parish, municipality, or other political subdivision of the state. The

1 district shall not be deemed to be a public utility and shall not be subject in any
 2 respect to the authority, control, regulation, or supervision of the Louisiana Public
 3 Service Commission.

4 E. In addition to the powers and duties elsewhere granted in this Section, the
 5 board is hereby granted and shall have and may exercise all powers necessary or
 6 convenient for the carrying out of its objectives and purposes, including but not
 7 limited to the following:

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

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

10 (3) To acquire by gift, grant, purchase, or lease and to hold and use any
 11 property, immovable, movable, mixed, corporeal, or incorporeal, or any interest
 12 therein, necessary or desirable for carrying out the objects and purposes of the
 13 district.

14 (4) To sell, transfer, or convey any property acquired by it, or any interest
 15 therein, at any time to accomplish the objects and purposes of the district subject to
 16 applicable law. Any such sale, transfer, or conveyance shall provide for a fair and
 17 equitable return of revenue to the district.

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

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

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

7 (c) Any sale of industrial land shall be in accordance with laws providing for
 8 the disposition or transfer of such land.

9 (7) To convey to the United States, the state, or to any political subdivision
 10 of the state any land, property, right-of-way, easement, servitude, or other thing of
 11 value that the district may own or acquire for use by said governmental entity to
 12 accomplish the objectives and purposes of the district.

13 (8) To make and collect reasonable charges for the use of property of the
 14 district and for services rendered by the district and to regulate fees or rentals
 15 charged for use of privately owned facilities located on property owned or sold by
 16 the district when such facilities are offered for use by a public or by a private
 17 industrial, commercial, research, or other economic development entity or activity.

18 (9) To enter into contracts to achieve the district's objectives and purposes,
 19 including but not limited to contracts for professional and other services and for the
 20 purchase, lease, acquisition, sale, construction, operation, maintenance, and
 21 improvements of land, public works, and facilities, as the district may deem
 22 necessary or convenient to accomplish the objectives and purposes of the district,
 23 subject to R.S. 38:2211 et seq.

24 (10) To plan, develop, regulate, operate, and maintain activities and planned
 25 land uses to foster creation of new jobs, economic development, industry, health
 26 care, commerce, manufacturing, tourism, relocation of people and businesses to the
 27 area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation,
 28 housing development, and conservation.

1 (11) To acquire land and improvements by gift, grant, purchase, or lease to
2 construct, operate, and maintain facilities, improvements, and infrastructure,
3 including buildings, roads, bridges, drainage, and utilities, and to perform other
4 functions and activities on property owned or leased by the district to accomplish the
5 objectives and purposes of the district and to protect the public health and welfare.

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

14 (13) To require and issue licenses.

15 (14) To levy annually and cause to be collected an ad valorem tax, provided
16 that the amount, term, and purpose of said tax, as set out in a proposition submitted
17 to a vote in accordance with the Louisiana Election Code, has been approved by a
18 majority of the qualified electors voting in an election held for that purpose.

19 (15)(a) To levy and collect a sales and use tax within the boundaries of the
20 district for such purposes and at such rate not exceeding one percent, as provided by
21 the proposition authorizing its levy, which tax may exceed the limitation set forth in
22 the Constitution of Louisiana, provided the proposition submitted to a vote in
23 accordance with the Louisiana Election Code, has been approved by a majority of
24 the qualified electors voting in an election held for that purpose.

25 (b) The tax shall be levied upon the sale at retail, the use, the lease or rental,
26 the consumption, the distribution, and storage for use or consumption of tangible
27 personal property, and upon the sales of services within the district, all as presently
28 defined in R.S. 47:301 et seq.

1 (c) Except where inapplicable, the procedure established by R.S. 47:301 et
2 seq., shall be followed in the imposition, collection, and enforcement of the tax, and
3 procedural details necessary to supplement those Sections and to make them
4 applicable to the tax authorized by this Paragraph shall be fixed in the resolution
5 imposing the tax.

6 (d) The tax shall be imposed and collected uniformly throughout the district.

7 (e) Any tax levied under this Paragraph shall be in addition to all other taxes
8 which the parish or any other political subdivision within St. Mary and St. Martin
9 parishes are now or hereafter authorized to levy and collect.

10 (16) To develop, activate, construct, exchange, acquire, improve, repair,
11 operate, maintain, lease, mortgage, sell, and grant a security device affecting the
12 movable and immovable property, servitudes, facilities, and works within the district
13 under such terms and conditions as the district may deem necessary or appropriate
14 for any public purpose, including industrial, residential, subdivision, and commercial
15 development.

16 (17) After notice and public hearing to designate one or more project areas
17 within the boundaries of the district, each of which designated project areas shall
18 constitute a political subdivision of the state, governed by the board with the power
19 to incur debt, issue certificates, issue revenue and general obligation bonds, as well
20 as refunding bonds, and levy sales and use taxes within its boundaries, in the same
21 manner and on the same conditions as the district is authorized to do within the
22 boundaries of the district. Each designated area shall be given a name and
23 designated as "Morgan City Development Subdistrict No. ____".

24 (18) To borrow money and to pledge or grant a security device affecting all
25 or part of its revenues, leases, rents, and other advantages as security for such loans.

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

1 F.(1) In addition to the authority granted by this Section or by other law, the
2 district and any subdistrict of the district may issue revenue bonds to acquire,
3 purchase, lease, construct, or improve housing, residential development, subdivision
4 development, commercial, research, industrial, or other plant sites and buildings, or
5 other capital improvements authorized in this Section, including energy and pollution
6 abatement and control facilities and necessary property and appurtenances thereto;
7 and may sell, lease, sublease, or otherwise dispose of by suitable and appropriate
8 contract to any enterprise locating or existing within the jurisdiction of the district,
9 or the respective subdistrict, such sites, buildings, or facilities and appurtenances
10 thereto, all or severally. The funds derived from the sale of such bonds may be
11 disbursed in whole or in part upon delivery of the bonds as shall be provided in the
12 contract between the district, or respective subdistrict, and the residential,
13 commercial, research, industrial, or other enterprise to be aided, encouraged, or
14 benefitted.

15 (2) Bonds issued under this Section shall be authorized by resolution of the
16 district, or respective subdistrict, and shall be limited obligations of the district or
17 respective subdistrict, the principal of and interest on which shall be payable solely
18 from the income and revenue derived from the sale, lease, or other disposition of the
19 project or facility to be financed by the bonds or from the income and revenue
20 derived from the sale, lease, or other disposition of any existing project or facility
21 acquired, constructed, and improved under the provision of this Section; however,
22 in the discretion of the district or respective subdistrict, the bonds may be
23 additionally secured by mortgage or other security device covering all or part of the
24 project from which the revenues so pledged may be derived. Any refunding bonds
25 issued pursuant to this Subsection shall be payable from any source described in this
26 Paragraph or from the investment of any of the proceeds of the refunding bonds
27 authorized under this Section and shall not constitute an indebtedness or pledge of
28 the general credit of the district or respective subdistrict within the meaning of any
29 constitutional or statutory limitation of indebtedness and shall contain a recital to that
30 effect. Bonds of the district or respective subdistrict shall be issued in such form,

1 shall be in such denominations, shall bear interest, shall mature in such manner, and
 2 be executed by one or more members of the board of the body as provided in the
 3 resolution authorizing the issuance thereof. Such bonds may be subject to
 4 redemption at the option of and in the manner determined by the board in the
 5 resolution authorizing the issuance thereof.

6 (3) No bonds or other evidences of indebtedness may be issued under this
 7 Subsection without the prior approval of the State Bond Commission of the terms
 8 and provisions thereof.

9 (4) Bonds issued under this Subsection shall be issued, sold, and delivered
 10 in accordance with the terms and provisions of a resolution adopted by the board.
 11 The resolution shall be published in a newspaper of general circulation within the
 12 jurisdiction of the district or respective subdistrict, and for a period of thirty days
 13 after said publication, any interested citizen may bring an action to contest the bonds
 14 and the security therefor, as provided in the Constitution of Louisiana. If, after the
 15 expiration of thirty days, no suit has been filed, the issuance, sale, and security of the
 16 bonds shall be incontestable, and no court shall have authority to entertain any action
 17 questioning or contesting such matters.

18 (5) Bonds, certificates, or other evidences of indebtedness issued by the
 19 district or any subdistrict of the district under this Section are deemed to be securities
 20 of public entities within the meaning of Chapters 13 and 13-A of Title 39 of the
 21 Louisiana Revised Statutes of 1950, and shall be subject to defeasance in accordance
 22 with the provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of
 23 1950, and may also be issued as short-term revenue notes of a public entity under
 24 Chapter 15-A of Title 39 of the Louisiana Revised Statutes of 1950.

25 G. No bonds, other debt obligations, or contracts of the district shall be a
 26 charge upon the income, property, or revenue of the city of Morgan City; nor shall
 27 any obligations of the district be obligations of the city of Morgan City.

1 H. The board shall be the appropriate governing body for all purposes
 2 provided in the Louisiana Enterprise Zone Act, R.S. 51:1781 et seq., within the area
 3 comprised of property owned and formerly owned by the district, and shall have the
 4 power to perform all acts specified by applicable laws and regulations to achieve such
 5 purpose.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____