

2015 Regular Session

HOUSE BILL NO. 808

BY REPRESENTATIVE BARRAS

DISTRICTS/ECONOMIC DEVEL: Authorizes the Iberia Economic Development Authority to grant franchises and rights-of-way

1 AN ACT

2 To amend and reenact R.S. 33:130.765(A) and 130.766(A)(2)(b) and (3) and to repeal R.S.
3 33:130.766(A)(2)(d), relative to the Iberia Economic Development Authority; to
4 provide relative to the powers and duties of the authority; to authorize the authority
5 to grant rights-of-way; to provide relative to the disposition of authority property; to
6 provide relative to the adoption of resolutions or ordinances providing for such
7 disposition; to provide relative to publication and public hearing requirements; to
8 remove provisions that require the authority to receive the approval of the Iberia
9 Parish Council prior to disposing of authority property in certain circumstances; and
10 to provide for related matters.

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

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 33:130.765(A) and 130.766(A)(2)(b) and (3) are hereby amended
16 and reenacted to read as follows:

17 §130.765. Powers of the authority

18 A. The authority, acting by and through its board, shall have and exercise all
19 powers of a political subdivision necessary or convenient for the carrying out of its
20 objects and purposes, including but not limited to the following rights and powers:

21 (1) To sue and be sued.

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

2 (3) To acquire by donation, grant, purchase, ~~lease, or otherwise~~ or lease all
3 property, including servitudes or rights of use; to hold and use any ~~franchise or~~
4 property, immovable or movable, corporeal or incorporeal, or any interest therein,
5 necessary or desirable for carrying out the objects and purposes of the authority,
6 including but not limited to the establishment, maintenance, and operation of
7 industrial parks.

8 (4) To receive ~~by grant, donation, or otherwise~~ any sum of money, or
9 property, aid, or assistance from the United States, the state of Louisiana, or any
10 political subdivision thereof, or any person, firm, or corporation.

11 (5) To enter into contracts for the purchase, acquisition, construction,
12 maintenance, and improvement of works and facilities necessary in connection with
13 the purposes of the authority.

14 (6) To grant rights-of-way to erect, construct, lay, operate, and maintain gas,
15 water, sewer, electric, or other utility systems and equipment for the purposes of
16 providing such utilities to persons and entities located within industrial parks,
17 industrial plant buildings, and subordinate and related facilities constructed or
18 acquired by the authority. The authority may select utility service providers, subject
19 to the provisions of R.S. 33:4160.1 and 4160.2 and R.S. 45:123 and all applicable
20 orders of the Louisiana Public Service Commission, for facilities constructed or
21 acquired by the authority.

22 ~~(6)~~(7) In its own name and on its own behalf to incur debt and to issue
23 general obligation bonds, revenue bonds, certificates, notes, and other evidences of
24 indebtedness and to levy and cause to be collected ad valorem taxes as provided in
25 this Subpart and as may be provided by general law.

26 ~~(7)~~(8) To require and issue licenses with respect to its properties and
27 facilities.

28 ~~(8)~~(9) To regulate the imposition of fees and rentals charged by the authority
29 for its facilities and for services rendered by it.

1 property of the authority for less than the fair market value of the property as defined
2 in R.S. 47:2321 ~~without the prior approval of the Iberia Parish Council.~~

3 * * *

4 (3)(a) The resolution or ordinance adopted by the board ~~of commissioners~~
5 authorizing any lease, sale, or other disposition of lands, buildings, or other property
6 of the authority or any attachment thereto shall set forth, in a general way, the terms
7 of the authorized lease, sale, or other disposition, ~~and such resolution or ordinance~~
8 ~~shall be published as soon as possible following its adoption in one issue of the~~
9 ~~official journal of the authority.~~

10 (b) ~~For a period of thirty days from the date of publication of any such~~
11 ~~resolution or ordinance, any interested person may contest its legality or the validity~~
12 ~~of the authorized lease, sale, or other disposition of authority property, after which~~
13 ~~time no one shall have any cause of action to contest such legality or validity, and~~
14 ~~it shall be conclusively presumed thereafter that every legal requirement has been~~
15 ~~complied with, and no court shall have authority to inquire into such matters after the~~
16 ~~lapse of said thirty days. A proposed resolution or ordinance may be placed on the~~
17 ~~agenda of any board meeting and introduced by any board member.~~

18 (c) After a proposed resolution or ordinance has been introduced, copies of
19 it shall be provided to all board members. The title of a proposed resolution or
20 ordinance shall be published once in the official journal of the authority. The notice
21 shall indicate the time and place where the board will consider its adoption.

22 (d) No resolution or ordinance shall be adopted until a public hearing on it
23 has been held. No resolution or ordinance shall be adopted at the meeting at which
24 it is introduced.

25 (e) The board shall publish each resolution or ordinance adopted by the
26 board pursuant to this Paragraph once in the official journal of the authority, within
27 twenty days of its adoption and prior to its effective date.

- (10) To sell immovable property after legal notice.
- (11) To appoint officers, agents, and employees, prescribe duties, and fix compensation.
- (12) To contract for legal, financial, engineering, and other professional services.
- (13) To utilize the services of the executive state departments.
- (14) To do all things necessary for the government, regulation, development, and control of board business.

Proposed law retains present law except removes the authority's power to hold and use any franchise. Additionally grants the authority the power to grant rights-of-way to erect, construct, lay, operate, and maintain gas, water, sewer, electric, or other utility systems and equipment for the purposes of providing such utilities to persons and entities located within industrial parks, industrial plant buildings, and subordinate and related facilities constructed or acquired by the authority. Further authorizes the authority to select utility service providers for facilities constructed or acquired by the authority.

Present law prohibits the board from disposing of any of its property for less than the fair market value of the property without the prior approval of the Iberia Parish Council.

Proposed law instead requires the board to dispose of its property for fair market value.

Present law requires the resolution or ordinance adopted by the board authorizing any lease, sale, or other disposition of property to set forth, in a general way, the terms of the lease, sale, or other disposition.

Proposed law retains present law.

Present law requires that the resolution or ordinance providing for the disposition of property be published as soon as possible following its adoption in one issue of the official journal of the authority. Provides that any interested person, within 30 days of publication, may contest the legality or validity of the disposition and after such time no person shall have any cause of action to contest such legality or validity.

Proposed law removes present law and instead provides that a proposed resolution or ordinance providing for the disposition of property may be placed on the agenda of any board meeting and introduced by any board member. Provides that after it has been introduced, copies of it must be provided to all board members. Requires that the title of a proposed resolution or ordinance be published once in the official journal of the authority and requires that the notice indicate the time and place where the board will consider its adoption. Prohibits a resolution or ordinance from being adopted until a public hearing on it has been held and prohibits a resolution or ordinance from being adopted at the meeting at which it is introduced.

Proposed law requires the board to publish each resolution or ordinance adopted by the board once in the official journal of the authority, within 20 days of its adoption and prior to its effective date. Provides that unless a resolution or ordinance specifies an earlier or later effective date, the resolution or ordinance shall take effect on the 30th day after the meeting in which the resolution or ordinance was adopted.

(Amends R.S. 33:130.765(A) and 130.766(A)(2)(b) and (3); Repeals R.S. 33:130.766(A)(2)(d))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Remove the authority's power granted pursuant to present law to hold and use any franchise. Additionally, remove the authority's power granted pursuant to proposed law to grant franchises and to levy and collect a franchise fee.
2. Add provisions that grant the authority the power to select utility service providers for facilities constructed or acquired by the authority.
3. Remove authority for the district to acquire property by means other than donation, grant, purchase, or lease. Additionally, remove authority for the district to receive property or assistance from any public or private entity by means other than grant or donation.