

ACT No. 352

2015 Regular Session

HOUSE BILL NO. 715

BY REPRESENTATIVE HALL

1 AN ACT

2 To amend and reenact R.S. 33:2740.50, relative to the Pineville Downtown Development
3 District; to provide relative to the governing board of the district; to change the
4 membership of the board; to provide relative to the powers and duties of the district,
5 including the authority to levy taxes and issue bonds; and to provide for related
6 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. 33:2740.50 is hereby amended and reenacted to read as follows:

12 §2740.50. Pineville Downtown Development District

13 A. Intent. The legislature hereby finds and declares that it is necessary for
14 the public health, safety, and welfare of the city of Pineville that the property value
15 deterioration in the downtown area be halted and that the causes of such deterioration
16 be halted.

17 B. Creation. (1) The Pineville Downtown Development District, ~~hereinafter~~
18 referred to in this Section as the "district", is hereby created for the primary purpose
19 of redevelopment of the central business district. The district shall be a political
20 subdivision of the state as defined in the Constitution of Louisiana.

21 (2) The district shall be comprised of a certain piece, parcel, or lot of ground
22 being, lying, and situated in Sections 2, 10, 11, 16, 17, 18, 19, 20, and 21, Township
23 4 North, Range 1 West of the Louisiana Meridian, District North of Red River, City
24 of Pineville, Rapides Parish, Louisiana; being more particularly described as follows,
25 to wit:

1 Commencing at a point located at the intersection of the centerline of Red
 2 River with the western right-of-way line of Union Pacific Railroad (abandoned), said
 3 point being located in Section 10, Township 4 North, Range 1 West, District North
 4 of Red River, Rapides Parish, Louisiana, and also being the point of beginning of the
 5 tract to be described;

6 Thence proceed in a northeasterly direction, along the western right-of-way
 7 line of said Union Pacific Railroad, a distance of approximately 7,000.00 feet to a
 8 point being South 90 degrees 00 minutes 00 seconds West from the frog of the Union
 9 Pacific Railroad and the Kansas City Southern Railroad/Louisiana and Arkansas
 10 Railroad intersection, said frog being located in Section 2, Township 4 North, Range
 11 1 West, District North of Red River, Rapides Parish, Louisiana.

12 Thence turn right and proceed North 90 degrees 00 minutes 00 seconds East,
 13 a distance of approximately 100.00 feet to a point located on the eastern right-of-way
 14 line of the Kansas City Southern Railroad/Louisiana and Arkansas Railroad.

15 Thence turn right and proceed in a southeasterly direction, along the eastern
 16 right-of-way line of the Kansas City Southern/Louisiana and Arkansas Railroad, a
 17 distance of approximately 12,000.00 feet to a point located near the Pineville
 18 Expressway;

19 Thence turn right and proceed in a southwesterly direction, along the ~~eastern~~
 20 ~~right-of-way line of the Kansas City Southern Railroad/Louisiana and Arkansas~~
 21 ~~Railroad;~~ center line of Highway 167 (Pineville Expressway), a distance of
 22 approximately 5,000.00 feet to a point located in the centerline of Red River, said
 23 point being located in Section 21, Township 4 North, Range 1 West, District North
 24 of Red River, Rapides Parish, Louisiana.

25 Thence turn right and proceed in a northwesterly direction, along the
 26 centerline of the Red River, a distance of approximately 11,000.00 feet to the point
 27 of beginning.

28 ~~(3) The district shall be a political subdivision of the state of Louisiana as~~
 29 ~~defined in Article VI, Paragraph 44(2) of the Constitution of Louisiana and, as such,~~
 30 ~~shall have all of the powers accorded by law to political subdivisions of the state;~~

1 including the power to cooperate with and to engage in cooperative endeavors with
 2 other persons and entities as provided by Article VI, Section 20 and Article VII,
 3 Paragraph 14(C) of the Constitution of Louisiana.

4 C. Governance. (1) ~~The governing authority of the district shall be a board~~
 5 ~~consisting of seven members~~ district shall be governed by a board of seven
 6 commissioners, referred to in this Section as the "board", appointed as follows:

7 ~~(a) The governing authority of Pineville shall appoint three members.~~

8 ~~(b) The Central Cities Development Corporation shall appoint one member.~~

9 ~~(c) The North Rapides Community Enhancement Program shall appoint one~~
 10 ~~member.~~

11 ~~(d) The District One Neighborhood Watch shall appoint one member.~~

12 ~~(e) The governing authority of Rapides Parish shall appoint one member.~~

13 (a) The governing authority of the city of Pineville shall appoint three
 14 members.

15 (b) The governing authority of the parish of Rapides shall appoint one
 16 member.

17 (c) The Central Louisiana Economic Development Alliance shall appoint one
 18 member.

19 (d) The governing board of the Central Louisiana Chamber of Commerce
 20 shall appoint one member.

21 (e) The North Rapides Business and Industry Alliance shall appoint one
 22 member.

23 (2) The appointments made pursuant to Subparagraphs (1)(b) through (e) of
 24 this Subsection shall be subject to confirmation by the governing authority of the city
 25 of Pineville.

26 (3) If any appointing authority fails to make an appointment within thirty
 27 days after notification by the board of a vacancy, the governing authority of the city
 28 of Pineville may appoint a member of its own choosing. Each member of the board
 29 shall be a registered voter of Rapides Parish. The appointing authority may remove
 30 any member for cause.

1 (4) Terms of members shall be four years, except for initial terms which
2 shall be as follows: one shall be appointed for a term of one year, two for a term of
3 two years, two for a term of three years, and two for a term of four years as
4 determined by lot at the first meeting of the board. Vacancies occurring prior to the
5 expiration of a term shall be filled in the manner of the original appointment for the
6 remainder of the unexpired term.

7 (5) The board shall elect a chairman, a vice chairman, and a secretary-
8 treasurer from among its members. Officers shall serve one-year terms but shall be
9 eligible for reelection. The board shall adopt such rules for the transaction of its
10 business as it deems necessary and shall keep a record of its resolutions, transactions,
11 studies, findings, and determinations, which record shall be a public record.

12 (6) The board may employ or contract with an executive director and set his
13 compensation and terms of employment. Notwithstanding any other provision of
14 law to the contrary, the board may establish the term of such contract. The board
15 also may employ such other employees as are necessary to carry out the functions
16 of the district as authorized by the board.

17 D. Redevelopment activities. (1) In order to effectuate the purposes of this
18 Section, the board shall have the specific authority provided in R.S. 33:4625(F)~~;~~
19 except the power of expropriation; such authority shall be exercised solely within the
20 district.

21 (2) The board shall formulate a redevelopment plan or plans for the district
22 and shall submit any such plan to the governing authority of Pineville for review.
23 The board shall formulate a program or programs to implement any redevelopment
24 plan. Such a program shall implement the various plans in such a manner as to aid
25 and encourage private development of the area and to promote and coordinate public
26 development. In formulating such a program, the board may conduct studies and
27 may consult with all departments of the city of Pineville and other public or private
28 agencies concerned with matters affecting or affected by the program.

29 (3) After adoption of the development program, the board may implement
30 any portion thereof in such manner as shall, in its judgment, most likely accomplish

1 said program. To that end, the district may employ or contract with engineers,
 2 architects, attorneys, underwriters, and other professionals necessary for the
 3 financing and implementation of the construction, renovation, maintenance, or
 4 operation of facilities described in the redevelopment plan and may contract in
 5 accordance with law for the construction, renovation, maintenance, or operation of
 6 the facilities.

7 ~~(4) The board shall prepare each year an annual budget in accordance with~~
 8 ~~the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.~~

9 ~~E. Revenues. (1) Subject to the approval of the governing authority of~~
 10 ~~Pineville and district electors as provided in Paragraph (4) of this Subsection, the~~
 11 ~~district may levy an ad valorem tax not exceeding fifteen mills for such number of~~
 12 ~~years as may be provided in the proposition authorizing its levy for the purpose of~~
 13 ~~planning, constructing, acquiring, operating, or maintaining public facilities~~
 14 ~~contemplated by the redevelopment plan and for the operating expenses of the~~
 15 ~~district.~~

16 ~~(2) Subject to the approval of the governing authority of Pineville and~~
 17 ~~district electors as provided in Paragraph (4) of this Subsection, the district may issue~~
 18 ~~general obligation bonds in accordance with the provisions of R.S. 39:551 et seq. for~~
 19 ~~the purpose of constructing, acquiring, or improving any work of public~~
 20 ~~improvement contemplated by the redevelopment plan. As provided by Article VI,~~
 21 ~~Section 33 of the Constitution of Louisiana, the bonds shall have pledged thereto the~~
 22 ~~full faith and credit of the district, and the district shall levy and collect taxes on all~~
 23 ~~property subject to taxation in the district sufficient to pay the bonds in principal,~~
 24 ~~interest, and premium, if any, as the same become due and payable.~~

25 ~~(3) Any ad valorem tax levied by the district, including taxes levied under~~
 26 ~~Paragraph (1) of this Subsection or levied to provide for payment of bonds~~
 27 ~~authorized under Paragraph (2) of this Subsection, being special ad valorem taxes,~~
 28 ~~shall be subject to homestead exemption as provided by Article VII, Section 20 of~~
 29 ~~the Constitution of Louisiana.~~

1 ~~(4) No ad valorem tax may be levied under the provisions of Paragraph (1)~~
 2 ~~of this Subsection nor may any bonds be issued under the provisions of Paragraph~~
 3 ~~(2) of this Subsection unless authorized by a majority of the electors of the district~~
 4 ~~who vote at an election held for that purpose in accordance with the applicable~~
 5 ~~provisions of the Louisiana Election Code. The governing authority of the city of~~
 6 ~~Pineville shall call any such election.~~

7 ~~(5) Any tax levied under authority of this Subsection shall be in addition to~~
 8 ~~all other taxes which other political subdivisions in Rapides Parish are now or~~
 9 ~~hereafter may be authorized by law to levy and collect. All services and programs~~
 10 ~~to be provided from the proceeds of the tax shall be in addition to the services and~~
 11 ~~programs which are otherwise provided by other governing authorities.~~

12 ~~F. The district shall be authorized to enter into agreements with any person~~
 13 ~~or persons, public or private, providing for contributions or payments towards the~~
 14 ~~cost of financing public facilities in the district. The district is hereby authorized to~~
 15 ~~issue bonds secured wholly or partly by the revenues of such agreements and wholly~~
 16 ~~or partly by other revenues that may be received, from time to time, by the district~~
 17 ~~provided the bonds are authorized and issued in the manner provided by R.S.~~
 18 ~~39:1011 et seq.~~

19 ~~G. The financial records of the district shall be audited pursuant to the~~
 20 ~~provisions of R.S. 24:513.~~

21 E. Powers and duties. (1) The district, through the board, shall have all
 22 powers necessary or convenient to carry out and effectuate the purposes and
 23 provisions of this Chapter, including but not limited to the following:

- 24 (a) To sue and be sued and as such to stand in judgment.
- 25 (b) To adopt, use, and alter at will a corporate seal.
- 26 (c) To acquire by gift, grant, purchase, or lease and to hold and use any
 27 property, immovable, movable, mixed, corporeal, or incorporeal, or any interest
 28 therein, necessary or desirable for carrying out the objects and purposes of the
 29 district, and to engage in any action, such as the purchase of insurance, necessary or
 30 desirable for the maintenance or improvement of such property.

1 (d)(i) To sell, lease for a term of up to ninety-nine years, exchange, or
2 otherwise dispose of or transfer to or with other political subdivisions of this state
3 or public or private persons at public or private sale any residential, commercial, or
4 industrial land, property, improvements, or portions thereof, including immovable
5 property, which is, in the opinion of the board, appropriate to accomplish the
6 objectives and purposes of the district.

7 (ii) Prior to any sale, lease, conveyance, disposition, or transfer of property
8 pursuant to this Paragraph, the district shall fix the price and terms of the sale, lease,
9 exchange, or other contract to be made with reference to the property. Such sale,
10 lease, conveyance, disposition, or transfer shall comply with the terms and provisions
11 of this Section.

12 (iii) Any sale of industrial land, as defined by Chapter 8 of Title 51 of the
13 Louisiana Revised Statutes of 1950 and the statutes referenced therein, shall be in
14 accordance with laws providing for the disposition or transfer of such land.

15 (iv) Other than the requirements of this Section, no other law limiting or
16 regulating the form or manner of the sale, lease, conveyance, disposition, or transfer
17 of property by public bodies, including without limitation R.S. 41:1338, shall apply
18 to the sale, lease, conveyance, disposition, or transfer of property by the district. All
19 such sales, leases, conveyance, dispositions, or transfers of property remain subject
20 to the limitations imposed by the Constitution of Louisiana.

21 (e) To convey to the United States, the state, or to any political subdivision
22 of the state any land, property, right-of-way, easement, servitude, or other thing of
23 value, which the district may own or acquire, for use by such governmental entity to
24 accomplish the objectives and purposes of the district, pursuant to the terms of any
25 appropriate cooperative endeavor agreement.

26 (f) To make and collect reasonable charges for the use of property of the
27 district and for services rendered by the district and to regulate fees or rentals
28 charged for use of privately owned facilities located on property owned or sold by
29 the district when such facilities are offered for use by the public or by a private
30 industrial, commercial, research, or other economic development entity or activity.

1 (g) To enter into contracts and agreements with public bodies or public or
2 private entities to achieve the district's objectives and purposes, including but not
3 limited to contracts for professional, legal, and other services and for the purchase,
4 lease, acquisition, sale, construction, operation, maintenance, marketing, and
5 improvement of land, public works, and facilities, as the board may deem necessary
6 or convenient to accomplish the objectives and purposes of the district.

7 (h) To plan, develop, regulate, operate, and maintain activities and planned
8 land uses to foster creation of new jobs, economic development, industry, health
9 care, general public and social welfare, commerce, manufacturing, tourism,
10 relocation of people and businesses to the area, shipbuilding, aviation, military,
11 warehousing, transportation, offices, recreation, housing development, and
12 conservation.

13 (i) To acquire land and improvements to construct, operate, and maintain
14 facilities, improvements, and infrastructure, including buildings, roads, bridges,
15 drainage, and utilities, and to perform other functions and activities on property
16 owned or leased by the district to accomplish the objectives and purposes of the
17 district. However, the district is prohibited from constructing, operating, or
18 maintaining any water, electric, or gas utility facilities which duplicate, curtail,
19 impair, or directly compete with a regulated water, electric, or gas utility facility
20 operating in or adjacent to the property owned or leased by the district.

21 (j) To require and issue licenses.

22 (k) To develop, activate, construct, exchange, acquire, improve, repair,
23 operate, maintain, lease, mortgage, sell, and grant a security device affecting the
24 movable and immovable property, servitudes, facilities, and works within the
25 jurisdiction of the district under such terms and conditions as the board may deem
26 necessary or appropriate for any public purpose, including industrial, residential,
27 subdivision, and commercial development.

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

1 (m) To appoint officers, agents, and employees, prescribe their duties, and
 2 fix their compensation.

3 (n) To undertake and carry out redevelopment projects and related activities.

4 (o) To apply for and accept advances, leases, grants, contributions, and any
 5 other form of financial assistance from the United States, the state of Louisiana,
 6 political subdivisions of the state, or other public bodies, or from any sources, public
 7 or private, for the purposes of this Section, and to give such security as may be
 8 required and to enter into and carry out contracts or agreements in connection
 9 therewith; and to include in any contract for financial assistance with the federal
 10 government such conditions imposed pursuant to federal laws as the board may deem
 11 reasonable and appropriate and which are not inconsistent with the purposes of this
 12 Section.

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

15 F. Revenues. (1) The district, through the board, may levy and collect ad
 16 valorem taxes on all taxable immovable property situated within the boundaries of
 17 the district, if the amount, term, and purpose of such taxes, as set out in propositions
 18 submitted to a vote in accordance with the Louisiana Election Code, is approved by
 19 a majority of the qualified electors residing in the district voting in an election held
 20 for that purpose.

21 (2)(a) The district, through the board, may also levy and collect sales and use
 22 taxes within the boundaries of the district for such purposes and at such rate as
 23 provided by the propositions authorizing their levy, not to exceed in aggregate one
 24 percent, which taxes may not exceed the limitation set forth in the Constitution of
 25 Louisiana, if the proposition submitted to a vote in accordance with the Louisiana
 26 Election Code is approved by a majority of the qualified electors residing in the
 27 district voting in an election held for that purpose.

28 (b) The tax shall be levied upon the sale at retail, the use, the lease or rental,
 29 the consumption, the distribution, and storage for use or consumption of tangible

1 personal property, and upon the sales of services within the boundaries of the district,
 2 all as defined in R.S. 47:301 et seq.

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

8 (d) The tax shall be imposed and collected uniformly throughout the
 9 jurisdiction of the district.

10 (e) Any tax levied under this Paragraph shall be in addition to all other taxes
 11 which the city of Pineville or any other political subdivision within the parish of
 12 Rapides is now or hereafter authorized to levy and collect.

13 G. Bonds. (1) The district may incur debt and issue general obligation bonds
 14 under the authority of and subject to the provisions of Article VI, Section 33 of the
 15 Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle II of
 16 Title 39 of the Louisiana Revised Statutes of 1950, for the acquisition and operation
 17 of district property or to carry out the other public purposes of this Section, and to
 18 issue any other bonds permitted by law, borrow money, and issue certificates of
 19 indebtedness, notes, and other debt obligations as evidence thereof and provide for
 20 the manner and method of repayment in accordance with law.

21 (2) The district may issue revenue bonds to finance the undertaking of a
 22 redevelopment project under this Section, or otherwise to acquire, purchase, lease,
 23 construct, or improve residential, commercial, research, industrial, or other plant
 24 sites and buildings, or other capital improvements, including energy and pollution
 25 abatement and control facilities and necessary property and appurtenances thereto;
 26 and may sell, lease, sublease, or otherwise dispose of by suitable and appropriate
 27 contract to any enterprise locating or existing within the jurisdiction of the district
 28 such sites, buildings, or facilities and appurtenances thereto, all or severally. The
 29 funds derived from the sale of such bonds may be disbursed in whole or in part upon
 30 delivery of the bonds as shall be provided in the contract between the district and the

1 residential, commercial, research, industrial, or other enterprise to be aided,
2 encouraged, or benefited subject to the requirements of this Section.

3 (3) The issuing authority may enter into, amend, or terminate, as it
4 determines to be necessary or appropriate, any ancillary contracts (a) to facilitate the
5 issuance, sale, resale, purchase, repurchase, or payments of bonds, including without
6 limitation bond insurance, letters of credit, and liquidity facilities, or (b) to attempt
7 to hedge risk or achieve a desirable effective interest rate or cash flow, all subject to
8 the approval of the State Bond Commission.

9 (4) Bonds issued under Paragraph (2) of this Subsection shall be authorized
10 by resolution of the board and shall be limited obligations of the issuing authority;
11 the principal and interest, costs of issuance, and other costs incidental thereto shall
12 be payable solely from the income and revenue derived from the sale, lease, or other
13 disposition of the project or facility to be financed by the bonds issued under this
14 Subsection, or from the income and revenue derived from the sale, lease, or other
15 disposition of any existing project or facility acquired, constructed, and improved
16 under the provision of this Subsection, or from any source available for such
17 purpose. However, in the discretion of the issuing authority, the bonds may be
18 additionally secured by mortgage or other security device covering all or part of the
19 project from which the revenues so pledged may be derived. Any refunding bonds
20 issued pursuant to this Subsection shall be payable from any source described above
21 or from the investment of any of the proceeds of the refunding bonds authorized
22 under this Subsection and shall not constitute an indebtedness or pledge of the
23 general credit of the district within the meaning of any constitutional or statutory
24 limitation of indebtedness and shall contain a recital to that effect. Bonds of the
25 district issued under this Subsection shall be issued in such form, shall be in such
26 denominations, shall bear interest, shall mature in such manner, and be executed by
27 one or more members of the board as provided in the resolution authorizing the
28 issuance thereof. Such bonds may be subject to redemption at the option of and in
29 the manner determined by the board in the resolution authorizing the issuance
30 thereof.

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

4 (6) Bonds issued under this Subsection shall be issued, sold, and delivered
5 in accordance with the terms and provisions of a resolution adopted by the board.
6 The board may sell such bonds in such manner, either at public or at private sale, and
7 for such price as it may determine to be in the best interests of the district, subject
8 to the approval of the State Bond Commission. The resolution issuing bonds shall
9 be published in a newspaper of general circulation within the jurisdiction of the
10 district, and for a period of thirty days after the publication, any interested citizen
11 may bring an action to contest the bonds and the security therefor, as provided in the
12 Constitution of Louisiana. If, after the expiration of thirty days, no suit has been
13 filed, the issuance, sale, and security of the bonds shall be incontestable, and no court
14 shall have authority to entertain any action questioning or contesting such matters.

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

23 (8) No bonds, other debt obligations, or contracts of the district shall be a
24 charge upon the income, property, or revenue of the parish of Rapides or the city of
25 Pineville, as appropriate, nor shall any obligations of the district be the obligations
26 of the parish or city.

27 (9) Any bonds issued by the district shall be subject to the provisions of Part
28 XVI of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, pursuant
29 to which the issuance of the bonds may be submitted to the courts for validation.

1 H. Budget. (1) The board shall adopt an annual budget in accordance with
2 the Local Government Budget Act, R.S. 39:1301 et seq.

3 (2) The financial records of the district shall be audited pursuant to the
4 provisions of R.S. 24:513.

5 I. Governmental functions. The exercise by the board of the powers
6 conferred by this Section shall be deemed and held to be essential governmental
7 functions of the state. As the exercise of the powers granted hereby will be in all
8 respects for the benefit of the people of the state, for the increase of commerce and
9 prosperity, and for the improvement of their health and living conditions, the district
10 shall not be required to pay any taxes including but not limited to sales and use taxes,
11 ad valorem taxes, income, or any other taxes of any kind or nature, or assessments
12 upon any property acquired or leased by the district pursuant to the provisions of this
13 Section, or upon the income therefrom, and any bonds issued pursuant to this Section
14 and the income therefrom shall be exempt from taxation by the state and by any
15 parish, municipality, or other political subdivision of the state.

16 Section 2. The terms of the members of the board of commissioners of the Pineville
17 Downtown Development District in office on the effective date of this Act shall terminate
18 on such date; however, such members shall remain in office until the board members are
19 appointed as provided in this Act and take office. The members of the governing board of
20 the Pineville Downtown Development District shall be appointed and shall take office as
21 provided in this Act and shall serve terms of office as provided in this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____