

2023 Regular Session

HOUSE BILL NO. 624

BY REPRESENTATIVE BUTLER

DISTRICTS/ECONOMIC DEVEL: Creates the Evangeline Economic Development Authority in Evangeline Parish

1 AN ACT

2 To enact R.S. 33:2740.70.3, relative to Evangeline Parish; to create the Evangeline
3 Economic Development Authority; to provide relative to the boundaries, purpose,
4 governance, and powers and duties of the district; to provide relative to district
5 funding; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:2740.70.3 is hereby enacted to read as follows:

11 §2740.70.3. Evangeline Economic Development Authority

12 A.(1) The Evangeline Economic Development Authority, referred to in this
13 Section as the "district", is hereby created in the parish of Evangeline. The
14 boundaries of the district shall encompass all of the territory in the parish of
15 Evangeline. The district shall be a political subdivision of the state created for the
16 purpose of performing the functions of an economic and industrial development
17 agency. Such functions may include, without limitation:

18 (a) Public relations, advertising, marketing, and providing and disseminating
19 information.

20 (b) Government relations, ombudsman, and government liaison.

1 (c) Financial and financing assistance.

2 (d) Tax abatement.

3 (e) Planning and coordination for economic development and resource
4 utilization, including such functions as industrial and economic research and
5 industrial programming and solicitation.

6 (f) Industrial training, technical assistance, and technology transfer.

7 (g) The use of public and other legal powers to facilitate development.

8 (h) Promoting transfer mechanisms to take ideas from their point of origin
9 or development to commercially successful utilization by local enterprises.

10 (i) Fostering entrepreneurial activity in the parish and region.

11 (j) Promoting the development of new products, processes, or services or
12 new uses for existing products, processes, or services manufactured or marketed in
13 the parish or region.

14 (k) Supporting market research aimed at identifying new markets for local
15 or regional products and processes, including international markets; determining the
16 characteristics, needs and preferences of those markets; and developing new
17 marketing techniques to exploit those markets.

18 (l) Fostering and supporting economic and industrial development and
19 education in cooperation with private business enterprises, financial institutions,
20 educational institutions, nonprofit institutions and organizations, state government
21 and political subdivisions of the state, the federal government, and other
22 organizations or persons concerned with research, development, education,
23 commercial application, and economic or industrial development in ways which
24 increase the economic base of the parish and region.

25 (2) For the purposes enumerated in Paragraph (1) of this Subsection, the
26 district may engage in whatever activities and projects it deems most appropriate to
27 encourage and assist economic growth and development within its territorial limits
28 in accordance with and pursuant to provisions of this Section.

1 (3) No rule, regulation, or order shall be adopted by the district which is in
2 conflict with any law, rule, regulation, or order enacted or adopted by the United
3 States of America, the state of Louisiana, or the parish of Evangeline. If the district
4 adopts any such conflicting rule, regulation, or order it shall be void, except that no
5 action by the state of Louisiana, the parish of Evangeline, or any other political
6 subdivision shall abrogate any contract or agreement duly executed by the district.

7 B.(1) In order to provide for the orderly planning, development, acquisition,
8 construction, and effectuation of the services, improvements, and facilities to be
9 furnished by the district and to provide for the representation in the affairs of the
10 district of those persons and interests immediately concerned with and affected by
11 the purposes and development of the district, the district shall be managed by a board
12 of commissioners, referred to in this Section as the "board". The board shall be
13 comprised of eleven members all of whom shall be citizens of the United States and
14 residents of the district. The members of the board shall be appointed as follows:

15 (a) The mayors of the municipalities located within the boundaries of the
16 parish of Evangeline shall jointly appoint five members. One of the five members
17 shall be appointed from a list of three nominations submitted to the mayors by the
18 Evangeline Parish Farm Bureau.

19 (b) The governing authority of the parish of Evangeline shall appoint two
20 members.

21 (c) The Evangeline Parish School Board shall appoint one member.

22 (d) The governing board of the Evangeline Parish Chamber of Commerce
23 shall appoint one member.

24 (e) The governing boards of the two hospital providers located in the parish
25 of Evangeline shall jointly appoint one member.

26 (f) South Louisiana Community College shall appoint one member.

27 (2) The members of the board shall include representatives from the business
28 community, health care, legal and professional services, small business owners,
29 financial institutions, manufacturing or service companies, local and regional

1 educational systems or institutions, and parish and municipal government
2 organizations. The board shall be representative of the parish's population by age,
3 race, and gender to ensure diversity.

4 (3) Members shall serve four-year terms after serving initial terms as
5 provided in this Paragraph. Three members shall serve an initial term of two years,
6 four shall serve three years, and four shall serve four years as determined by lot at
7 the first meeting of the board. No member of the board may be appointed for more
8 than two consecutive terms.

9 (4) Vacancies occurring prior to the expiration of a term shall be filled in the
10 manner of the original appointment for the remainder of the unexpired term.

11 (5) Any member may be removed for cause by a majority vote of the
12 remaining board membership. The board may establish criteria for removal of
13 members for cause in its bylaws.

14 (6) Members of the board shall serve without compensation but may receive
15 reimbursement for approved and receipted expenses directly related to the
16 governance of the district.

17 (7) Elected officials are not eligible to serve on the board.

18 (8) The board shall elect from its members a chairman, a vice chairman, a
19 secretary, a treasurer, and such other officers as it may deem necessary. The offices
20 of secretary and treasurer may be held by one person. The duties of the officers shall
21 be fixed by the bylaws adopted by the board.

22 (9) The minute books and archives of the district shall be maintained by the
23 secretary of the board. The monies, funds, and accounts of the district shall be in the
24 official custody of the board.

25 (10) The board shall hold regular meetings as shall be provided in the bylaws
26 and may hold special meetings at such times and places within the district as may be
27 prescribed in the bylaws.

1 (11) A majority of the members of the board shall constitute a quorum for
2 the transaction of business. The board shall keep minutes of all meetings and shall
3 make them available through the secretary of the board.

4 (12) The board shall prescribe rules to govern its meetings and shall maintain
5 suitable offices in the parish of Evangeline.

6 (13) In order to facilitate the performance of its duties required in this
7 Section and to further promote the economic development of the parish and region,
8 the board may establish an advisory board. Such advisory board may be composed
9 of persons or groups in the parish or region which the board believes will be able to
10 contribute and assist in the task of economic and industrial development. The
11 composition of the advisory board and the terms of its members shall be at the
12 discretion of the board.

13 C. The district, through the board, shall have and exercise all powers of a
14 political subdivision necessary or convenient for the carrying out of its objects and
15 purposes, including but not limited to the following:

16 (1) To sue and to be sued.

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

18 (3) To adopt bylaws and rules and regulations.

19 (4) To receive by gift, grant, or donation any sum of money, property, aid,
20 or assistance from the United States, the state of Louisiana, or any political
21 subdivision thereof, or any person, firm, or corporation.

22 (5) To enter into contracts, agreements, or cooperative endeavors with the
23 state and its political subdivisions or political corporations and with any public or
24 private association, corporation, business entity, or individual.

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

27 (7) To acquire by purchase, gift, grant, donation, lease, or otherwise such
28 property as may be necessary or desirable for carrying out the objectives and
29 purposes of the board.

1 (8) To perform any other necessary and ancillary acts to effectuate its
2 functions, to perform its duties, or to give effect to its powers in accordance with this
3 Section.

4 D.(1) The board shall prepare or cause to be prepared a plan or plans,
5 referred to in this Section as the "plan", specifying the public improvements,
6 facilities, and services proposed to be furnished, constructed, or acquired for the
7 district and shall conduct public hearings, publish notice with respect thereto, and
8 disseminate information as it, in the exercise of its sound discretion, may deem to be
9 appropriate or advisable and in the public interest.

10 (2) Any plan may specify and encompass any public services, capital
11 improvements, and facilities which the parish of Evangeline is authorized to
12 undertake, furnish, or provide under the constitution and laws of the state of
13 Louisiana, and such specified public services, improvements, and facilities shall be
14 special and in addition to all services, improvements, and facilities which the parish
15 of Evangeline is then furnishing or providing or may then or in the future be
16 obligated to furnish or provide within the district.

17 (3) Any plan shall include an estimate of the annual and total cost of
18 acquiring, constructing, or providing the services, improvements, or facilities set
19 forth therein.

20 (4) The board shall submit the plan to the governing authority of the parish
21 of Evangeline. The parish governing authority shall review and consider the plan,
22 but the board need not receive approval of the parish governing authority prior to
23 implementing such plan.

24 E.(1) All services to be furnished within the district pursuant to any plan
25 finally and conclusively adopted may be furnished, supplied, and administered by
26 the parish of Evangeline through its regularly constituted departments, agencies,
27 boards, commissions, and instrumentalities. All capital improvements and facilities
28 to be acquired, constructed, or provided within the district may likewise be so
29 acquired, constructed, or provided by the parish of Evangeline through its regularly

1 constituted departments, agencies, boards, commissions, and instrumentalities, it
2 being the intention of this Paragraph to avoid the duplication of administrative and
3 management efforts and expense in the implementation of any plan adopted for the
4 benefit of the district.

5 (2) In order to provide services or provide, construct, or acquire capital
6 improvements or facilities, the board may enter into intergovernmental local service
7 contracts with the parish of Evangeline.

8 F.(1) In addition to the authority provided to the district by this Section, the
9 district may levy and collect a sales and use tax within the boundaries of the district
10 not to exceed one percent.

11 (2) The tax shall be imposed by resolution of the board and shall be levied
12 upon the sale at retail, the use, the lease or rental, the consumption, the distribution,
13 and storage for use or consumption of tangible personal property, and upon the sales
14 of services within the boundaries of the district, all as defined in R.S. 47:301 et seq.
15 However, the resolution imposing the tax shall be adopted only after the proposition
16 authorizing the levy of the tax is approved by a majority of the qualified electors of
17 the district voting on the proposition at an election held for that purpose and
18 conducted in accordance with the Louisiana Election Code and held on a date that
19 corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1). The
20 purpose and rate of the tax shall be as provided in the resolution.

21 (3) Except where inapplicable, the procedure established by R.S. 47:301 et
22 seq. shall be followed in the imposition, collection, and enforcement of the tax, and
23 procedural details necessary to supplement those Sections and to make them
24 applicable to the tax authorized in this Subsection shall be fixed in the resolution
25 imposing the tax.

26 (4) The tax shall be imposed and collected uniformly throughout the
27 jurisdiction of the district.

1 (5) The tax levied pursuant to this Subsection shall be in addition to all other
2 taxes other political subdivisions within the jurisdiction of the district are authorized
3 to levy and collect.

4 (6) Any monies received by the district shall be used exclusively for the
5 benefit of the district.

6 G.(1)(a) In addition to any authority provided to the district by this Section,
7 the district shall have the authority provided to an economic development district by
8 Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 to
9 implement tax increment financing and may issue revenue bonds payable from an
10 irrevocable pledge and dedication of up to the full amount of tax increments
11 available to an economic development district as provided in this Section and in such
12 Part to be derived from any project or projects of the district as provided for in this
13 Section, or parts of such projects, in an amount to be determined as provided for in
14 this Section, in order to finance or refinance any project or projects, or parts thereof,
15 which are consistent with the purposes of the district.

16 (b) Notwithstanding any provision of law to the contrary, any portion of the
17 tax of any local governmental subdivision or other tax recipient body may only be
18 used as a tax increment for tax increment finance purposes with the consent of such
19 local governmental subdivision or other tax recipient body expressed by ordinance
20 or resolution and upon approval of a majority of the qualified electors voting at an
21 election held for that purpose and conducted in accordance with the Louisiana
22 Election Code and held on a date that corresponds with an election date provided by
23 R.S. 18:402(A)(1) or (B)(1).

24 (2) For purposes of the tax increment financing authority derived from Part
25 II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 which is
26 conferred upon the district by this Section, and only for purposes of this Section,
27 "local governmental subdivision" as defined in such Part shall include the parish of
28 Evangeline and all political subdivisions within the parish.

1 (3) For purposes of this Section, a tax increment shall consist of that portion
 2 of any tax levied within the district by a local governmental subdivision or other tax
 3 recipient body determined and pledged in the manner provided for in Part II of
 4 Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950. However, if the
 5 proceeds of such tax have been expressly dedicated to another purpose set forth in
 6 a proposition approved by the electorate of such local governmental subdivision or
 7 other tax recipient body, then the tax proceeds may not be used as a tax increment
 8 until a proposition which authorizes such use is submitted to and approved by such
 9 electorate.

10 H. The district shall dissolve and cease to exist one year after the date all
 11 bonds, notes, and other evidences of indebtedness of the district, including refunding
 12 bonds, are paid in full as to both principal and interest; however, in no event shall the
 13 district have an existence of less than three years from the effective date of this
 14 Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 624 Reengrossed

2023 Regular Session

Butler

Abstract: Creates the Evangeline Economic Development Authority as a political subdivision in Evangeline Parish.

Proposed law creates and provides for the Evangeline Economic Development Authority as a political subdivision in Evangeline Parish for the purpose of performing the functions of an economic and industrial development agency, including but not limited to public relations, advertising, marketing, government relations, financial assistance, industrial and economic research, and industrial programming and solicitation. Provides that the boundaries of the district encompass all of the territory in Evangeline Parish.

Proposed law provides that the district shall be governed by an 11-member board of commissioners composed as follows:

- (1) Five members appointed jointly by the mayors of the municipalities located in Evangeline Parish. One of the five members shall be appointed from a list of three nominations submitted by the Evangeline Parish Farm Bureau.
- (2) Two members appointed by the governing authority of Evangeline Parish.
- (3) One member appointed by the Evangeline Parish School Board.

- (4) One member appointed by the governing board of the Evangeline Parish Chamber of Commerce.
- (5) One member appointed jointly by the governing boards of the two hospital providers located in Evangeline Parish.
- (6) One member appointed by the governing board of South Louisiana Community College.

Provides that members serve four-year staggered terms.

Proposed law provides that the district, through the board, shall have and 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 to be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To adopt bylaws and rules and regulations.
- (4) To receive by gift, grant, or donation any sum of money, property, aid, or assistance from the U.S., the state, or any political subdivision thereof, or any person, firm, or corporation.
- (5) To enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.
- (6) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
- (7) To acquire by purchase, gift, grant, donation, or lease such property as may be necessary or desirable for carrying out the objectives and purposes of the board.

Proposed law authorizes the board to establish an advisory board to assist in the task of economic and industrial development and to determine the composition of the board's membership and terms of its members.

Proposed law requires the board to prepare or cause to be prepared a plan or plans, specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district and to conduct public hearings, publish notice with respect thereto, and disseminate information as it, in the exercise of its sound discretion, may deem to be appropriate or advisable and in the public interest.

Proposed law provides that any plan may specify and encompass any public services, capital improvements, and facilities which Evangeline Parish is authorized to undertake, furnish, or provide under the constitution and laws of the state of Louisiana. Provides that such specified public services, improvements, and facilities shall be special and in addition to all services, improvements, and facilities which the parish is then furnishing or providing or may then or in the future be obligated to furnish or provide within the district.

Proposed law requires any plan to include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein. Requires the board to submit the plan to the parish governing authority and requires the parish governing authority to review and consider the plan. Provides that the board need not receive approval of the parish governing authority prior to implementing the plan.

Proposed law provides that all services to be furnished within the district pursuant to any plan finally and conclusively adopted may be furnished, supplied, and administered by the parish through its regularly constituted departments, agencies, boards, commissions, and instrumentalities. Provides that all capital improvements and facilities to be acquired, constructed, or provided within the district may likewise be so acquired, constructed, or provided by the parish through its regularly constituted departments, agencies, boards, commissions, and instrumentalities to avoid the duplication of administrative and management efforts and expense in the implementation of any plan adopted for the benefit of the district. Authorizes the board to enter into intergovernmental local service contracts with the parish in order to provide services or provide, construct, or acquire capital improvements or facilities.

Proposed law authorizes the district to levy a sales and use tax, subject to voter approval. Requires the district to hold any election regarding the levy of the tax on a date provided for in present law relative to gubernatorial or congressional primary elections (R.S. 18:402(A)(1) of (B)(1)). Provides that the tax rate shall not to exceed 1%.

Proposed law authorizes the district to issue revenue bonds payable from an irrevocable pledge and dedication of up to the full amount of "tax increments" available to an economic development district as provided in proposed law and in present law (Part II of Chapter 27 of Title 33) which is derived from any project or projects of the district. Prohibits the use of tax increments without the consent of the particular local governmental subdivision or tax recipient body and without the approval of a majority of the qualified electors voting at an election held for that purpose and conducted in accordance with the La. Election Code. Requires the district to hold any election regarding the use of tax increments on a date provided for in present law relative to gubernatorial or congressional primary elections (R.S. 18:402(A)(1) of (B)(1)).

Proposed law specifies that a "tax increment" consists of that portion of any tax levied within the district by a local governmental subdivision or other tax recipient body determined and pledged in the manner provided for in present law (Part II of Chapter 27 of Title 33). However, if the proceeds of the tax have been expressly dedicated to another purpose set forth in a proposition approved by the electorate of the local governmental subdivision or other tax recipient body, then the tax proceeds may not be used as a tax increment until a proposition which authorizes such use is submitted to and approved by the electorate.

(Adds R.S. 33:2740.70.3)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove language "or otherwise" regarding methods by which the district may receive property, money, or other assistance.
2. Require the district to hold any election regarding the levy of a sales and use tax and the use of tax increments on a date provided for in present law relative to gubernatorial or congressional primary elections (R.S. 18:402(A)(1) or (B)(1)).