

ACT No. 282

2023 Regular Session

HOUSE BILL NO. 624

BY REPRESENTATIVE BUTLER

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.

21 (c) Financial and financing assistance.

22 (d) Tax abatement.

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

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

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

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

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

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

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

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

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

27 (3) No rule, regulation, or order shall be adopted by the district which is in
28 conflict with any law, rule, regulation, or order enacted or adopted by the United
29 States of America, the state of Louisiana, or the parish of Evangeline. If the district
30 adopts any such conflicting rule, regulation, or order it shall be void, except that no

1 action by the state of Louisiana, the parish of Evangeline, or any other political
2 subdivision shall abrogate any contract or agreement duly executed by the district.

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

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

15 (b) The governing authority of the parish of Evangeline shall appoint two
16 members.

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

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

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

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

23 (2) The members of the board shall include representatives from the business
24 community, health care, legal and professional services, small business owners,
25 financial institutions, manufacturing or service companies, local and regional
26 educational systems or institutions, and parish and municipal government
27 organizations. The board shall be representative of the parish's population by age,
28 race, and gender to ensure diversity.

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

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

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

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

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

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

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

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

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

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

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

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

- 11 (1) To sue and to be sued.
- 12 (2) To adopt, use, and alter at will a corporate seal.
- 13 (3) To adopt bylaws and rules and regulations.
- 14 (4) To receive by gift, grant, or donation any sum of money, property, aid,
 15 or assistance from the United States, the state of Louisiana, or any political
 16 subdivision thereof, or any person, firm, or corporation.
- 17 (5) To enter into contracts, agreements, or cooperative endeavors with the
 18 state and its political subdivisions or political corporations and with any public or
 19 private association, corporation, business entity, or individual.
- 20 (6) To appoint officers, agents, and employees, prescribe their duties, and fix
 21 their compensation.
- 22 (7) To acquire by purchase, gift, grant, donation, lease, or otherwise such
 23 property as may be necessary or desirable for carrying out the objectives and
 24 purposes of the board.
- 25 (8) To perform any other necessary and ancillary acts to effectuate its
 26 functions, to perform its duties, or to give effect to its powers in accordance with this
 27 Section.

28 D.(1) The board shall prepare or cause to be prepared a plan or plans,
 29 referred to in this Section as the "plan", specifying the public improvements,
 30 facilities, and services proposed to be furnished, constructed, or acquired for the

1 district and shall conduct public hearings, publish notice with respect thereto, and
2 disseminate information as it, in the exercise of its sound discretion, may deem to be
3 appropriate or advisable and in the public interest.

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

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

14 (4) The board shall submit the plan to the governing authority of the parish
15 of Evangeline. The parish governing authority shall review and consider the plan,
16 but the board need not receive approval of the parish governing authority prior to
17 implementing such plan.

18 E.(1) All services to be furnished within the district pursuant to any plan
19 finally and conclusively adopted may be furnished, supplied, and administered by
20 the parish of Evangeline through its regularly constituted departments, agencies,
21 boards, commissions, and instrumentalities. All capital improvements and facilities
22 to be acquired, constructed, or provided within the district may likewise be so
23 acquired, constructed, or provided by the parish of Evangeline through its regularly
24 constituted departments, agencies, boards, commissions, and instrumentalities, it
25 being the intention of this Paragraph to avoid the duplication of administrative and
26 management efforts and expense in the implementation of any plan adopted for the
27 benefit of the district.

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

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

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

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

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

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

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

26 G.(1)(a) In addition to any authority provided to the district by this Section,
27 the district shall have the authority provided to an economic development district by
28 Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 to
29 implement tax increment financing and may issue revenue bonds payable from an
30 irrevocable pledge and dedication of up to the full amount of tax increments

1 available to an economic development district as provided in this Section and in such
2 Part to be derived from any project or projects of the district as provided for in this
3 Section, or parts of such projects, in an amount to be determined as provided for in
4 this Section, in order to finance or refinance any project or projects, or parts thereof,
5 which are consistent with the purposes of the district.

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____