

ACT No. 306

2023 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE WILFORD CARTER

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AN ACT

To amend and reenact R.S. 33:2740.51(D)(1)(introductory paragraph), (d), and (e) and to enact R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3, relative to economic development in certain municipalities; to provide relative to the governance of the Southside Economic Development District of the City of Monroe; to create the North Lake Charles Economic Development District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.51(D)(1)(introductory paragraph), (d), and (e) are hereby amended and reenacted and R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3 are hereby enacted to read as follows:

§2740.51. The Southside Economic Development District of the City of Monroe; creation, composition and powers; preparation of plans

* * *

D.(1) The board of commissioners, hereinafter referred to as "the board", shall be composed of ~~seven~~ ten members, all of whom shall be qualified voters of the parish of Ouachita. The board membership shall be reflective of the city's diverse population. The ~~seven~~ ten members shall be appointed as follows:

* * *

1 (d) Two members shall be appointed by the city council from a list of
2 nominees submitted by the ~~African American Chamber of Commerce~~ Monroe
3 Regional Black Chamber ~~to the council on or before August 1, 2001~~. The members
4 appointed by the city council as provided in this Subparagraph shall have their
5 principal place of business or profession in, or own property in, the district.

6 (e) ~~The initial appointments to the board shall be made on or before~~
7 September 1, 2001 One member shall be appointed by the state senator for District
8 No. 34.

9 (f) One member shall be appointed by the state representative for District
10 No. 16.

11 (g) One member shall be appointed by the state representative for District
12 No. 17.

13 * * *

14 (3) Members may be removed for cause by a two-thirds vote of the
15 membership of the city council.

16 * * *

17 §2740.70.3. North Lake Charles Economic Development District

18 A.(1) There is hereby created in the city of Lake Charles a body politic and
19 corporate which shall be known as the North Lake Charles Economic Development
20 District, referred to in this Section as the "district".

21 (2) The district shall be a special district created pursuant to Article VI,
22 Section 19 of the Constitution of Louisiana and political subdivision of the state as
23 defined in Article VI, Section 44 of the Constitution of Louisiana. The district,
24 acting through its governing board, is hereby granted all of the rights, powers,
25 privileges, and immunities accorded by the laws and the Constitution of Louisiana
26 to political subdivisions of the state, subject to the limitations provided in this
27 Section.

28 B. The boundaries of the district shall encompass all of the territory included
29 within the following perimeter: Commencing at the point where Kayouche Coulee
30 intersects with English Bayou thence westward along the southern banks of the

1 English Bayou until the English Bayou intersects with the Calcasieu River westward
2 along the southern banks of Calcasieu River to a point on Calcasieu River southern
3 banks where if Kirkman St. were extended northward it would intersect with
4 Calcasieu River thence southward along Kirkman Street to 12th Street thence east
5 along 12th Street to a point where if 12th Street were extended eastward it would
6 intersect with Kayouche Coulee thence northward along Kayouche Coulee to
7 Opelousas Street thence eastward on Opelousas Street to Goodman Road thence
8 northward along Goodman Road to a point where if Goodman Road were extended
9 northward it would intersect with English Bayou thence to the point of
10 commencement.

11 C.(1) The district shall be governed by a five-member board of
12 commissioners, referred to in this Section as the "board". The board shall provide
13 for the orderly planning, development, acquisition, construction, and effectuation of
14 the services, improvements, and facilities to be furnished by the district, to provide
15 for the representation in the affairs of the district of those persons and interests
16 immediately concerned with and affected by the purposes and development of the
17 district and shall exercise such other powers, duties, and functions as provided in this
18 Section.

19 (2) The members of the board shall be residents and qualified voters of the
20 district. The board membership shall be reflective of the city's diverse population.

21 The five members shall be appointed as follows:

22 (a) The Lake Charles City Council shall appoint one member.

23 (b) The state representative for the House of Representatives district which
24 encompasses all or the greater portion of the area of the district shall appoint one
25 member.

26 (c) The state senator for the Senate district which encompasses all or the
27 greater portion of the area of the district shall appoint one member.

28 (d) The governing authority of Calcasieu Parish shall appoint one member
29 from a list of three names submitted jointly by the members of the governing
30 authority who represent District Nos. 2, 3, 4, and 9.

1 (e) The mayor of the city of Lake Charles shall appoint one member, subject
2 to the approval of the governing authority of the city.

3 (3)(a) Members shall serve three-year terms after serving initial terms as
4 provided in this Subparagraph. Two members shall serve three-year initial terms,
5 two members shall serve two-year initial terms, and one member shall serve a one-
6 year initial term as determined by lot at the first meeting of the board.

7 (b) Any vacancy which occurs prior to the expiration of the term for which
8 a member of the board has been appointed shall be filled by appointment in the same
9 manner as the original appointment for the unexpired term.

10 D.(1) As soon as practical after appointment of all members, the board shall
11 meet. The board shall elect from its number a chairman, vice chairman, a secretary,
12 a treasurer, and such other officers as it may deem appropriate.

13 (2) The minute books and archives of the board shall be maintained by the
14 board's secretary with the help and assistance of and through the council's office.
15 The monies, funds, and accounts of the district in the official custody and control of
16 the board's treasurer shall be deposited, expended, and accounted for, records
17 maintained, and idle funds invested through the department of administration, under
18 the director of administration, and checks issued through the department as in the
19 case of city monies under the plan of government.

20 (3) The duties of the officers shall be fixed by bylaws adopted by the board.
21 The board shall adopt such rules and regulations as it deems necessary or advisable
22 for conducting its business and affairs and, to the extent that funds are available,
23 shall hire such assistants and employees as are needed to assist the board in the
24 performance of its duties. It shall hold regular meetings as shall be provided in the
25 bylaws and may hold special meetings at such time and places within or without the
26 district as may be prescribed in the bylaws.

27 (4) A majority of the members of the board shall constitute a quorum for the
28 transaction of business. The board shall keep minutes of all meetings and shall make
29 them available to the public in conformance with law.

1 (5) The members of the board shall serve without compensation; however,
2 they shall receive a travel allowance as reimbursement for expenses incurred while
3 attending to the business of the board or the district.

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

10 (2) Any plan may specify and encompass any public services, capital
11 improvements, and facilities which the city of Lake Charles 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 city of
15 Lake Charles is then furnishing or providing or may then or in the future be obligated
16 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 also submit the plan to the city planning commission.
21 The planning commission shall review the plan and determine whether or not it is
22 consistent with the comprehensive plan for the city of Lake Charles. The planning
23 commission, within thirty days following receipt of the plan, shall submit to the Lake
24 Charles City Council its written opinion as to whether or not the plan or any portion
25 or detail thereof is inconsistent with the comprehensive plan for the city, together
26 with its written comments and recommendations with respect thereto.

27 (5) After receipt of the plan together with the written comments and
28 recommendations of the city planning commission, the Lake Charles City Council
29 shall review and consider the plan together with the written comments and
30 recommendations. The Lake Charles City Council, within thirty days following the

1 receipt of the plan, shall submit a written recommendation to the board as to whether
2 the board should approve the plan. After receipt of the written recommendation, the
3 board shall review and consider the recommendation. The board may adopt or reject
4 any such recommendation.

5 F.(1)(a) Notwithstanding the provisions of Subsection E of this Section, the
6 board may prepare and submit directly to the Lake Charles City Council a plan or
7 plans setting forth its intention to employ professional consultants, experts, and such
8 other advisors and personnel as it deems necessary or convenient to assist in the
9 preparation of a plan or plans for the orderly and efficient development of services
10 and improvements within the district.

11 (b) The plan shall specify the services proposed to be rendered by such
12 employees, an estimate of the aggregate of the proposed salaries of such employees,
13 and an estimate of the other expenses of the board required for the preparation of
14 such plan or plans.

15 (2) The Lake Charles City Council shall review and consider the plan. The
16 Lake Charles City Council, within thirty days following the receipt of the plan, shall
17 submit a written recommendation to the board as to whether the board should
18 approve the plan. After receipt of the written recommendation, the board shall
19 review and consider the recommendation. The board may adopt or reject any such
20 recommendation.

21 G.(1) All services to be furnished within the district pursuant to any plan
22 finally and conclusively adopted may be furnished, supplied, and administered by
23 the city through its regularly constituted departments, agencies, boards,
24 commissions, and instrumentalities, subject to the approval of the Lake Charles City
25 Council. All capital improvements and facilities to be acquired, constructed, or
26 provided within the district, whether from the proceeds of bonds or otherwise, may
27 likewise be so acquired, constructed, or provided by the city through its regularly
28 constituted departments, agencies, boards, commissions, and instrumentalities,
29 subject to the approval of the Lake Charles City Council, it being the intention hereof

1 to avoid the duplication of administrative and management efforts and expense in the
 2 implementation of any plan adopted for the benefit of the district.

3 (2) In order to provide such services and provide, construct, or acquire such
 4 capital improvements or facilities, the board may enter into intergovernmental local
 5 service contracts with the city.

6 H. The district may acquire, lease, insure, and sell immovable property
 7 within its boundaries in accordance with its plans.

8 I. The district, acting by and through its board of commissioners, shall have
 9 and exercise all powers of a political subdivision necessary or convenient for the
 10 carrying out of its objects and purposes, including but not limited to rights and
 11 powers set out in this Subsection:

12 (1) To sue and be sued.

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

14 (3) To acquire by gift, grant, purchase, or lease all property, including
 15 servitudes or rights of way; to hold and use any franchise or property, immovable,
 16 movable, or mixed, corporeal or incorporeal, or any interest therein, necessary or
 17 desirable for carrying out the objectives and purposes of the district, including but
 18 not limited to the establishment, maintenance, and operation of industrial or
 19 commercial parks.

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

23 (5) To enter into contracts for the purchase, acquisition, construction,
 24 maintenance, and improvement of works and facilities necessary in connection with
 25 the purposes of the district.

26 (6) To regulate the imposition of fees and rentals charged by the district for
 27 its facilities and for services rendered by it.

28 (7) To mortgage properties constructed or acquired and to borrow money and
 29 pledge all or part of its revenues, leases, rents, or other advantages as security for
 30 such loans.

1 (8) To sell immovable property owned by the commission after legal notice
 2 as provided by law for the judicial sale of immovable property.

3 (9) To appoint officers, agents, and employees, prescribe their duties, and fix
 4 their compensation.

5 (10) To contract, upon such terms as it may agree upon, for legal, financial,
 6 engineering, and other professional services necessary or expedient in the conduct
 7 of its affairs.

8 (11) To utilize the services of the executive departments of the state upon
 9 mutually agreeable terms and conditions.

10 (12) To adopt bylaws for the regulation of its affairs and the conduct of its
 11 business.

12 (13) To do any and all things necessary or proper for the government,
 13 regulation, development, and control of the business of the board of commissioners.

14 (14) The district shall have no power of expropriation.

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

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

28 (3) Except where inapplicable, the procedure established by R.S. 47:301 et
 29 seq. shall be followed in the imposition, collection, and enforcement of the tax, and
 30 procedural details necessary to supplement those Sections and to make them

1 applicable to the tax authorized in this Subsection shall be fixed in the resolution
2 imposing the tax.

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

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

8 (6) The district shall have no other power of taxation, except as provided in
9 this Subsection.

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

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

28 (2) For purposes of the tax increment financing authority derived from Part
29 II of Chapter 27 of this Title which is conferred upon the district by this Section, and
30 only for purposes of this Section, "local governmental subdivision" as defined in

1 such Part shall include the parish of Calcasieu and all political subdivisions within
2 the parish.

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

12 (4) Notwithstanding any other provision of law to the contrary, the district
13 shall not levy a hotel occupancy tax within the boundaries of the district. In addition,
14 the district shall not issue revenue bonds payable from an irrevocable pledge and
15 dedication of hotel occupancy tax increments.

16 L. The district shall dissolve and cease to exist one year after the date all
17 bonds, notes, and other evidences of indebtedness of the district, including refunding
18 bonds, are paid in full as to both principal and interest; however, in no event shall the
19 district have an existence of less than three years from the effective date of this
20 Section.

21 M. This Section, being necessary for the welfare of the city and its residents,
22 shall be liberally construed to effect the purposes thereof.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____