

2020 Regular Session

HOUSE BILL NO. 374

BY REPRESENTATIVES ECHOLS, BUTLER, CARPENTER, CARRIER, GARY CARTER, WILFORD CARTER, COX, CREWS, DUPLESSIS, FIRMENT, FRIEMAN, GADBERRY, GAINES, HARRIS, ILLG, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LARVADAIN, MACK, MCFARLAND, MINCEY, MOORE, PRESSLY, SCHEXNAYDER, SEABAUGH, THOMPSON, TURNER, AND WHEAT

TAX INCREMENT FINANCING: Establishes an economic development district in Morehouse Parish

1 AN ACT

2 To enact R.S. 33:9038.73, relative to economic development in the city of Bastrop; to create  
3 the Bastrop Economic Development District; to provide for governance of the  
4 district; to provide for its powers and duties, including the power to levy taxes, incur  
5 debt, and engage in tax increment financing; 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. 33:9038.73 is hereby enacted to read as follows:

11 §9038.73. Bastrop Economic Development District

12 A. The Bastrop Economic Development District, a special district and  
13 political subdivision of the state, hereafter in this Section referred to as the "district",  
14 is hereby created in the city of Bastrop.

15 B. The district is comprised of a tract of land situated in Sections 24 & 25,  
16 T 21 N - R 5 E, Bastrop, Morehouse Parish, Louisiana, further described as follows:

1            BEGINNING at the southwest corner of the Northwest One Quarter of the  
2            Southeast One Quarter of Section 24, T 21 N - R 5 E, Morehouse Parish Louisiana  
3            thence run North 00024157" West along the west line of said Northwest One Quarter  
4            of the Southeast One Quarter for 563.80 feet to an iron pipe the projection of the east  
5            right of way line of the Arkansas, Louisiana & Missouri Railroad; thence run North  
6            32°00'38" East along said projection and right of way for 1095.72 feet to point in the  
7            west right of way line of East Carter Avenue; thence run South 00009'45" West  
8            along said right of way line for 172.99 feet to a point in the south line of the  
9            Southwest One Quarter of the Northeast One Quarter; thence run North 89°50'15"  
10           West along said south line for 7.94 feet to a point; thence run South 00°09 45" West  
11           for 60.02 feet to a point; thence run South 89°50'15" East for 34.34 feet to a point;  
12           thence run South 00°39'07" East for 678.28 feet to a cap; thence run South 89°43'41"  
13           East for 448.80 feet to an iron pipe in the east line of the Northwest One Quarter of  
14           the Southeast One Quarter; thence run South 00°45 06" East along said east line for  
15           245.90 feet to an iron pipe at the northwest corner of Lot 12 of Summerlin Place as  
16           per Official Plat Book 2, Page 21; thence run South 89°44'52" East along the north  
17           line of said Lot 12 for 118.81 feet to an iron pipe at the northeast corner thereof;  
18           thence run South 00048'48" East along the east line of said Lot 12 for 304.03 feet to  
19           a rebar at the southeast corner thereof and being in the north right of way line of  
20           Summerlin Lane; thence run North 89°50'25" West along said right of way line and  
21           south line of said Lot 12 for 118.96 feet to a point at the southwest corner of said Lot  
22           12; thence run North 00°47 03" West along the west line of said Lot 12 for 27.14 feet  
23           to a point; thence run South 89°41'28" West for 115.95 feet to a point; thence run  
24           South 00045'52" East for 57.61 feet to a point; thence run South 89°50'25" East for  
25           78.89 feet to a point in the west line of Orval Avenue; thence run South 00°43 41"  
26           East along said right of way line for 147.67 feet to a point; thence run South  
27           89°44'16" West for 78.79 feet to a point; thence run South 00045 52" East for 98.34  
28           feet to an iron pipe; thence run North 89°44'16" East for 78.73 feet to an iron pipe  
29           in the west right of way line of said Orval Avenue; thence run South 00043'41" East

1 along said right of way line for 49.17 feet to an iron pipe; thence run South 89°44'16"  
2 West for 78.70 feet to a cap; thence run North 89°53'40" West for 39.07 feet to a  
3 point; thence run North 00°35'20" West for 110.21 feet to an iron pipe; thence run  
4 North 89°53'37" West for 147.77 feet to a monument; thence run South 00°36'28"  
5 East for 141.04 feet to a point in the projection of the south line of Orval Avenue;  
6 thence run South 89°57'07" East along said projection for 30.01 feet to a point;  
7 thence run North 89°55'34" East along said projection and the north line of Lot 2 of  
8 Block 2 of Fairview Addition to Bastrop as per Official Plat Book 1, Page 21 of the  
9 records of Morehouse Parish, Louisiana for 177.08 feet to a monument at the  
10 northeast corner of said Lot 2; thence run South 00°42'38" East along the east line  
11 of Lots 2, 3 & 6 of Block 2 of said Fairview Addition for 179.77 feet to a point at the  
12 southeast corner of said Lot 6; thence run North 89°55'34" East along the north line  
13 of Lot 8 of said Block 2 for 177.02 feet to an iron pipe; thence run South 00°41'16"  
14 East along the east line of Lots 8 & 9 of said Block 2 for 156.59 feet to an iron pipe;  
15 thence run South 00°49'12" East for 59.66 feet to a point at the northeast corner of  
16 Block 7 of said Fairview Addition; thence run South 00°49'22" East along the east  
17 line of said Block 7 and the projection thereof for 220.42 feet to an iron pipe; thence  
18 run South 89°53'29" West for 132.65 feet to an iron pipe in the projection of the east  
19 line of Lot 2 of Block 8 of said Fairview Addition; thence run South 00°58'16" East  
20 along said east line and the projection thereof for 90.39 feet to an iron pipe at the  
21 southeast corner of said Lot 2; thence run North 89°04'34" East along the north line  
22 of Lot 4 of said Block 8 for 132.19 feet to a rebar at the northeast corner of said Lot  
23 4 being in the west right of way line of Fox Street; thence run South 00°36'46" East  
24 along said west right of way line being the east line of Lots 4, 5, 8 & 9 of said Block  
25 8 and Lots 1, 4 & 5 of Block 15 of said Fairview Addition for 475.25 feet to a point  
26 at the southeast corner of said Lot 5; thence run South 45°32'41" West for 79.61 feet  
27 to a point at the northeast corner of Block 1 of the Fox Addition as per Official Plat  
28 Book 1, Page 14; thence run South 00°07'46" East along the east line of said Block  
29 1 for 400.22 feet to a point in the north right of way line of Charles Avenue; thence

1        run South 89°43'40" West along said right of way line and south line of Lots 15 &  
2        16 of said Block 1 for 211.13 feet to a point at the southwest corner of Lot 15; thence  
3        run South 00°08'36" East along the projection of the west line of said Block 1 for  
4        42.31 feet to a point in the south right of way line of Charles Avenue also being  
5        north line of Lot 6 of Block 6 of the Spear Property as per Conveyance Book 61,  
6        Page 88 ½; thence run North 89°33'28" East along said right of way line and north  
7        line of Lots 6 & 7 of said Block 6 of the Spear Property for 123.08 feet to a point;  
8        thence run South 00°21'125" East for 149.85 feet to an iron pipe; thence run North  
9        89°34'15" East for 100.09 feet to an iron pipe; thence run South 00°15'47" East for  
10       149.82 feet to an iron pipe in the south line of Lot 8 also being the north right of way  
11       line of John Avenue; thence run South 89°34'17" West along said lot line and right  
12       of way line for 99.85 feet to a point; thence run South 00°21'125" East for 50.08 feet  
13       to a point in the south right of way line of said John Avenue also being in the north  
14       line of Lot 4 of said Spear Property; thence run North 89°36'10" East along the north  
15       line of Lots 4, 3 & 2 for 199.34 feet to a monument; thence run South 00°27'58" East  
16       for 276.76 feet to an aluminum monument in the north right of way line of Colliers  
17       Lane and the south line of Lot 2 ; thence run South 89°34'35" West along said right  
18       of way line and south line of Lots 2 & 3 for 150.00 feet to a point at the southwest  
19       corner of Lot 3; thence run South 63°55'38" West along said right of way line and  
20       south line of Lots 4 and 1 and the projection thereof for 213.53 feet to a point; thence  
21       run South 64°03'51" West along said right of way line for 443.05 feet to a point;  
22       thence run South 89°20'52" West along said right of way line for 502.35 feet to a an  
23       iron pipe in the western right of way line of Center Street; thence run South 00°03'36  
24       17" East along the west right of way line of Center Street and the east line of Lot 8  
25       of Shockney's Addition as per Notarial Book 42, Page 801 of the records of  
26       Morehouse Parish, Louisiana for 194.91 feet to a point at the southeast corner of said  
27       Lot 8; thence run South 89°0'53" West along the south line of Lots 8, 9 & 10 of said  
28       Shockney's Addition and the projection thereof for 195.00 feet to a point; thence run  
29       South 00°27'52" East for 144.14 feet to an iron pipe in the north right of way line of

1        East Cypress Avenue; thence run South 89°36'55" West along said right of way line  
2        for 189.68 feet to point in the east right of way line of the Missouri Pacific Railroad;  
3        thence run North 00°59'51" West along said right of way line for 913.46 feet to an  
4        iron pipe; thence run North 89°00'13" East along said right of way line for 25.00 feet  
5        to an iron pipe; thence run North 00°59'52" West along said right of way line for  
6        164.36 feet to the P.C. of a curve to the left; thence run in a northwesterly direction  
7        along said right of way and curve having a Radius of 3066.08 feet, the Chord being  
8        North 06°07'05" West 547.18 feet for 547.91 feet to the P.T. of said curve; thence  
9        run North 11°14'11" West along said right of way line for 326.95 feet to a point;  
10       thence run EAST 296.59 feet to a point; thence run North 34°23'01" East for 316.28  
11       feet to a an iron pipe; thence run North 22°19'18" East for 107.05 feet to a point;  
12       thence run North 09°20'14" East for 115.80 feet to a point; thence run North  
13       00°52'53" West for 654.36 feet to a point; thence run North 00°08'12" West for  
14       66.79 feet to a point; thence run South 89°48'05" West for 10.28 feet to a set 1" iron  
15       pipe in the west line of the Southwest One Quarter of the Southeast One Quarter of  
16       Section 24; thence run North 00°24'57" West along said west line for 132.00 feet to  
17       a point and The Point Of Beginning.

18                C. The district is created to provide for cooperative economic development  
19        between the district, the city of Bastrop, Morehouse Parish, the state, and the owner  
20        or owners of property within the district in order to provide for costs related to  
21        infrastructure and other economic development initiatives within the district as  
22        determined by the governing authority of the district.

23                D. The district shall be governed by the governing authority of Bastrop.

24                E. The district, acting by and through its governing authority, may exercise  
25        all powers of a political subdivision and a special district necessary or convenient for  
26        carrying out its objects and purposes including but not limited to the following:

- 27                (1) To sue and to be sued.
- 28                (2) To adopt bylaws and rules and regulations.

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

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

7           (5) To appoint officers, agents, and employees, prescribe their duties, and fix  
8           their compensation.

9           (6) To acquire by gift, grant, purchase, or lease property as necessary or  
10          desirable for carrying out its objectives and purposes and to mortgage and sell  
11          property.

12          (7) In its own name and on its own behalf, to incur debt and to issue bonds,  
13          notes, certificates, and other evidences of indebtedness. For this purpose the district  
14          is deemed and shall be considered an issuer for purposes of R.S. 33:9037 and is, to  
15          the extent not in conflict with this Section, subject to the provisions of R.S. 33:9037.

16          (8) To establish funds or accounts as necessary for the conduct of its affairs.

17          (9) To do all things reasonably necessary to accomplish the purposes of this  
18          Section.

19          (10) To designate by ordinance any territory within the district as a  
20          subdistrict in which shall be exercised, to the exclusion of the remainder of the  
21          district, any authority provided to the district by Subsection F of this Section or any  
22          other provision of this Section or other law.

23          F.(1) To provide for the costs of a project to fund infrastructure within the  
24          district, the district shall have such tax increment finance authority, taxing authority,  
25          and other authority that is provided to local governmental subdivisions in Part II of  
26          this Chapter, including but not limited to the following: ad valorem tax increment  
27          financing and bonding in R.S. 33:9038.33; sales tax increment financing and bonding  
28          in R.S. 33:9038.34; cooperative endeavor authority in R.S. 33:9038.35; bond  
29          authority in R.S. 33:9038.38; and ad valorem, sales tax, and hotel occupancy tax

1 authority in R.S. 33:9038.39. A project to fund infrastructure within the district is  
2 hereby deemed to be an economic development project as provided for in Part II of  
3 this Chapter. An agreement entered by the district and any affected tax recipient  
4 entity authorizing the use and dedication of the affected tax recipient entity's  
5 incremental increase in taxes may include additional public or private entities as  
6 parties to such agreement and may include such terms, conditions, and other  
7 provisions to which all parties to such agreement consent.

8 (2) Notwithstanding any provision of Part II of this Chapter or any other law  
9 to the contrary, any powers, authorities, or duties granted under such laws may be  
10 restricted to a subdistrict, the territory of which shall be established by ordinance of  
11 the governing authority of the district.

12 G. The district may pledge any taxes collected under the authority of this  
13 Section to any economic development project in furtherance of the purposes of the  
14 district.

15 H.(1) The district may construct and acquire facilities, including the  
16 acquisition of sites and other necessary property or appurtenances thereto within the  
17 district, or outside the district if the project is undertaken conjointly with other local  
18 units of government, under the authority of the Local Services Law, R.S. 33:1321 et  
19 seq. or other authorizing authority and may acquire, construct, improve, operate,  
20 maintain, and provide improvements and services necessary therefor, including but  
21 not limited to roads, street lighting, bridges, rail facilities, drainage, sewage disposal  
22 facilities, solid waste disposal facilities, waterworks, and other utilities and related  
23 properties.

24 (2) The district shall also have the authority to sell, lease, or otherwise  
25 dispose of, by suitable and appropriate contract, to any enterprise located or existing  
26 within the district all or any part of a site, building, or other property owned by the  
27 district. In determining the consideration for any contract to lease, sell, or otherwise  
28 dispose of lands, buildings, or other property of the district, the governing authority  
29 may take into consideration the value of the lands, buildings, or other properties

1 involved as well as the potential value of the economic impact of the enterprise being  
2 induced to locate or expand within the district. Such economic impact shall include  
3 increased employment, increased use of local labor, wages and salaries to be paid,  
4 consumption of local materials, products, and resources, and special tax revenues to  
5 be generated by the enterprise acquiring or leasing lands, buildings, or other property  
6 from the district. The district may enter into leases.

7 (3) The resolution or ordinance adopted by the governing authority  
8 authorizing any lease, sale, or other disposition of lands, buildings, or other property  
9 of the district or any attachment thereto shall set forth, in a general way, the terms  
10 of the authorized lease, sale, or other disposition, and such resolution or ordinance  
11 shall be published as soon as possible in one issue of the official journal of the  
12 district. For a period of thirty days from the date of publication of any such  
13 resolution or ordinance, any interested person may contest the legality of such  
14 resolution or ordinance or the validity of the authorized lease, sale, or other  
15 disposition of district property, after which time no one shall have any cause of  
16 action to contest the legality of the resolution or ordinance or to draw into question  
17 the legality of the authorized lease, sale, or other disposition of district property for  
18 any cause whatsoever, and it shall be conclusively presumed thereafter that every  
19 legal requirement has been complied with and no court shall have authority to  
20 inquire into such matters after the lapse of thirty days.

21 I. The governing authority may levy annually an ad valorem tax, provided  
22 that the amount, term, and purpose of the tax, as set out in a proposition submitted  
23 to a vote in accordance with the Louisiana Election Code, shall be approved by a  
24 majority of the qualified electors of the district voting in an election held for that  
25 purpose. All funds derived under this Section may be used for any expenses or  
26 purposes of the district.

27 J.(1) The district may levy and cause to be collected a sales and use tax  
28 within the boundaries of the district for purposes and at a rate provided by the  
29 proposition authorizing its levy, which tax may exceed the limitation set forth in



1 Article VI, Section 29(A) of the Constitution of Louisiana, if the proposition is  
2 approved by a majority of the qualified electors of the district voting in the election  
3 held for such purpose.

4 (2) An election shall be conducted in accordance with the provisions of the  
5 Louisiana Election Code and at the time another election is being conducted  
6 throughout the state.

7 (3) The tax shall be levied upon the sale at retail, the use, the lease or rental,  
8 consumption, the distribution, and storage for use or consumption of tangible  
9 personal property, and upon the sales of services within the district, all as presently  
10 defined in R.S. 47:301 et seq.

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

16 K.(1) The district may incur debt for any one or more of its lawful purposes  
17 set forth in this Section, to issue in its name negotiable bonds, notes, certificates of  
18 indebtedness, or other evidences of debt, and to provide for the security and payment  
19 thereof. The district may in its own name and on its own behalf incur debt and issue  
20 general obligation ad valorem property tax secured bonds under the authority of and  
21 subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana,  
22 Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised  
23 Statutes of 1950, when approved by a majority of the qualified voters of the district  
24 who vote in a special election called and conducted under the authority of the  
25 Louisiana Election Code. General obligation bonds of the district may be issued for  
26 any of the purposes for which the district is created or is authorized to act under any  
27 provisions of this Section, all of which purposes are hereby found and declared to be  
28 public purposes and functions of the state of Louisiana, which are delegated to the  
29 district.

1           (2) The district may in its own name and on its own behalf issue revenue  
2           bonds for the purposes for which the district is created or is authorized to act under  
3           any of the provisions of this Section, including industrial and commercial  
4           development revenue bonds. The bonds shall be issued in the manner as provided  
5           for in R.S. 39:991 through 1001 and R.S. 39:1011 through 1024.

6           (3) The district may in its own name and on its own behalf borrow from time  
7           to time in the form of certificates of indebtedness. The certificates shall be secured  
8           by the dedication and pledge of monies of the district derived from any lawful  
9           sources, including fees, lease rentals, service charges, local service agreement  
10           payments from one or more other contracting parties, the avails of ad valorem  
11           property taxation, or any combination of such sources of income, provided that the  
12           term of such certificates shall not exceed ten years and the annual debt service on the  
13           amount borrowed shall not exceed the anticipated revenues to be dedicated and  
14           pledged to the payment of the certificates of indebtedness, as shall be estimated by  
15           the governing authority of the district at the time of the adoption of the resolution  
16           authorizing the issuance of such certificates. The estimate of the governing authority  
17           referred to in the authorizing resolution shall be conclusive for all purposes of this  
18           Section.

19           (4) The district may borrow the amount of the anticipated proceeds of the ad  
20           valorem tax authorized by this Section for a period not to exceed ten years and may  
21           issue certificates of indebtedness therefor and may dedicate the avails of the tax  
22           funded for the payment thereof for the period of time said certificates are  
23           outstanding.

24           (5) The governing authority of the district may adopt resolutions or  
25           ordinances as necessary for ordering, holding, canvassing, and promulgating the  
26           returns of any election required for the issuance of general obligation bonds, or  
27           limited tax secured obligations, or for the voting of a property tax millage, which  
28           resolutions or ordinances may include covenants for the security and payment of any  
29           bonds or other evidence of debt so issued.

1           (6) For a period of thirty days from the date of publication of any resolution  
2           or ordinance authorizing the issuance of any bonds, certificates of indebtedness,  
3           notes, or other evidence of debt of the district, any interested person may contest the  
4           legality of such resolution or ordinance and the validity of such bonds, certificates  
5           of indebtedness, notes, or other evidence of debt issued or proposed to be issued  
6           thereunder and the security of their payment, after which time no one shall have any  
7           cause of action to contest the legality of the resolution or ordinance or to draw in  
8           question the legality of the bonds, certificates of indebtedness, notes, or other  
9           evidence of debt, the security therefor, or the debts represented thereby for any cause  
10           whatever, and it shall be conclusively presumed that every legal requirement has  
11           been complied with, and no court shall have authority to inquire into such matters  
12           after the lapse of thirty days.

13           (7) The issuance and sale of such bonds, certificates of indebtedness, notes,  
14           or other evidence of debt by the district is subject to approval by the State Bond  
15           Commission.

16           (8) Such bonds, certificates of indebtedness, notes, or other evidence of debt  
17           have all the qualities of negotiable instruments under the commercial laws of the  
18           state of Louisiana.

---

#### 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 374 Reengrossed

2020 Regular Session

Echols

**Abstract:** Creates the Bastrop Economic Development District.

Proposed law creates the Bastrop Economic Development District to provide for cooperative economic development between the district, the city of Bastrop, Morehouse Parish, the state, and the owner or owners of property within the district in order to provide for costs related to infrastructure and other economic development initiatives.

Proposed law specifies the district's boundaries and provides that the governing authority of Bastrop governs the district.

Proposed law authorizes the district to exercise power necessary or convenient for carrying out its objects and purposes including:

- (1) To sue and to be sued.
- (2) To adopt bylaws and rules and regulations.
- (3) To receive gifts, grants, and donations.
- (4) To enter contracts, agreements, or cooperative endeavors.
- (5) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
- (6) To acquire or lease property as necessary or desirable for carrying out the objectives and purposes of the district and to mortgage and sell such property.
- (7) To incur debt.
- (8) To establish funds or accounts as necessary for the conduct of its affairs.
- (9) To designate territory within the district as a subdistrict in which shall be exercised, to the exclusion of the remainder of the district, any authority provided to the district.

Proposed law authorizes the district to fund infrastructure projects through tax increment financing.

Proposed law authorizes the district to construct and acquire facilities and to acquire, construct, improve, operate, maintain, and provide improvements and services necessary therefor, including but not limited to roads, street lighting, bridges, rail facilities, drainage, sewage disposal facilities, solid waste disposal facilities, waterworks, and other utilities and related properties. Authorizes the district to sell, lease, or otherwise dispose of to any enterprise located or existing within the district all or any part of a site, building, or other property owned by the district.

Proposed law authorizes the district to levy ad valorem and sales taxes, subject to voter approval. Authorizes the district, subject to approval of the State Bond Commission, to issue bonds, notes, certificates of indebtedness, or other evidences of debt, and to provide for the security and payment thereof. Provides requirements and procedures regarding such debt.

(Adds R.S. 33:9038.73)