

ACT No. 261

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

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:

17 BEGINNING at the southwest corner of the Northwest One Quarter of the
18 Southeast One Quarter of Section 24, T 21 N - R 5 E, Morehouse Parish Louisiana
19 thence run North 00024157" West along the west line of said Northwest One Quarter
20 of the Southeast One Quarter for 563.80 feet to an iron pipe the projection of the east
21 right of way line of the Arkansas, Louisiana & Missouri Railroad; thence run North
22 32°00'38" East along said projection and right of way for 1095.72 feet to point in the
23 west right of way line of East Carter Avenue; thence run South 00009'45" West

1 along said right of way line for 172.99 feet to a point in the south line of the
 2 Southwest One Quarter of the Northeast One Quarter; thence run North 89°50'15"
 3 West along said south line for 7.94 feet to a point; thence run South 00°09 45" West
 4 for 60.02 feet to a point; thence run South 89°50'15" East for 34.34 feet to a point;
 5 thence run South 00°39'07" East for 678.28 feet to a cap; thence run South 89°43'41"
 6 East for 448.80 feet to an iron pipe in the east line of the Northwest One Quarter of
 7 the Southeast One Quarter; thence run South 00°45 06" East along said east line for
 8 245.90 feet to an iron pipe at the northwest corner of Lot 12 of Summerlin Place as
 9 per Official Plat Book 2, Page 21; thence run South 89°44'52" East along the north
 10 line of said Lot 12 for 118.81 feet to an iron pipe at the northeast corner thereof;
 11 thence run South 00°48'48" East along the east line of said Lot 12 for 304.03 feet to
 12 a rebar at the southeast corner thereof and being in the north right of way line of
 13 Summerlin Lane; thence run North 89°50'25" West along said right of way line and
 14 south line of said Lot 12 for 118.96 feet to a point at the southwest corner of said Lot
 15 12; thence run North 00°47 03" West along the west line of said Lot 12 for 27.14 feet
 16 to a point; thence run South 89°41'28" West for 115.95 feet to a point; thence run
 17 South 00°45'52" East for 57.61 feet to a point; thence run South 89°50'25" East for
 18 78.89 feet to a point in the west line of Orval Avenue; thence run South 00°43 41"
 19 East along said right of way line for 147.67 feet to a point; thence run South
 20 89°44'16" West for 78.79 feet to a point; thence run South 00°45 52" East for 98.34
 21 feet to an iron pipe; thence run North 89°44'16" East for 78.73 feet to an iron pipe
 22 in the west right of way line of said Orval Avenue; thence run South 00°43'41" East
 23 along said right of way line for 49.17 feet to an iron pipe; thence run South 89°44'16"
 24 West for 78.70 feet to a cap; thence run North 89°53'40" West for 39.07 feet to a
 25 point; thence run North 00°35'20" West for 110.21 feet to an iron pipe; thence run
 26 North 89°53'37" West for 147.77 feet to a monument; thence run South 00°36'28"
 27 East for 141.04 feet to a point in the projection of the south line of Orval Avenue;
 28 thence run South 89°57'07" East along said projection for 30.01 feet to a point;
 29 thence run North 89°55'34" East along said projection and the north line of Lot 2 of
 30 Block 2 of Fairview Addition to Bastrop as per Official Plat Book 1, Page 21 of the
 31 records of Morehouse Parish, Louisiana for 177.08 feet to a monument at the
 32 northeast corner of said Lot 2; thence run South 00°42 38" East along the east line

1 of Lots 2, 3 & 6 of Block 2 of said Fairview Addition for 179.77 feet to a point at the
2 southeast corner of said Lot 6; thence run North 89°55'34" East along the north line
3 of Lot 8 of said Block 2 for 177.02 feet to an iron pipe; thence run South 00°41'16"
4 East along the east line of Lots 8 & 9 of said Block 2 for 156.59 feet to an iron pipe;
5 thence run South 00°49'22" East for 59.66 feet to a point at the northeast corner of
6 Block 7 of said Fairview Addition; thence run South 00°49'22" East along the east
7 line of said Block 7 and the projection thereof for 220.42 feet to an iron pipe; thence
8 run South 89°53'29" West for 132.65 feet to an iron pipe in the projection of the east
9 line of Lot 2 of Block 8 of said Fairview Addition; thence run South 00°58'16" East
10 along said east line and the projection thereof for 90.39 feet to an iron pipe at the
11 southeast corner of said Lot 2; thence run North 89°04'34" East along the north line
12 of Lot 4 of said Block 8 for 132.19 feet to a rebar at the northeast corner of said Lot
13 4 being in the west right of way line of Fox Street; thence run South 00°36'46" East
14 along said west right of way line being the east line of Lots 4, 5, 8 & 9 of said Block
15 8 and Lots 1, 4 & 5 of Block 15 of said Fairview Addition for 475.25 feet to a point
16 at the southeast corner of said Lot 5; thence run South 45°32'41" West for 79.61 feet
17 to a point at the northeast corner of Block 1 of the Fox Addition as per Official Plat
18 Book 1, Page 14; thence run South 00°07'46" East along the east line of said Block
19 1 for 400.22 feet to a point in the north right of way line of Charles Avenue; thence
20 run South 89°43'40" West along said right of way line and south line of Lots 15 &
21 16 of said Block 1 for 211.13 feet to a point at the southwest corner of Lot 15; thence
22 run South 00°08'36" East along the projection of the west line of said Block 1 for
23 42.31 feet to a point in the south right of way line of Charles Avenue also being
24 north line of Lot 6 of Block 6 of the Spear Property as per Conveyance Book 61,
25 Page 88 ½; thence run North 89°33'28" East along said right of way line and north
26 line of Lots 6 & 7 of said Block 6 of the Spear Property for 123.08 feet to a point;
27 thence run South 00°21'125" East for 149.85 feet to an iron pipe; thence run North
28 89°34'15" East for 100.09 feet to an iron pipe; thence run South 00°15'47" East for
29 149.82 feet to an iron pipe in the south line of Lot 8 also being the north right of way
30 line of John Avenue; thence run South 89°34'17" West along said lot line and right
31 of way line for 99.85 feet to a point; thence run South 00°21'125" East for 50.08 feet
32 to a point in the south right of way line of said John Avenue also being in the north

1 line of Lot 4 of said Spear Property; thence run North 89°36'10" East along the north
2 line of Lots 4, 3 & 2 for 199.34 feet to a monument; thence run South 00°27'58" East
3 for 276.76 feet to an aluminum monument in the north right of way line of Colliers
4 Lane and the south line of Lot 2 ; thence run South 89°34'35" West along said right
5 of way line and south line of Lots 2 & 3 for 150.00 feet to a point at the southwest
6 corner of Lot 3; thence run South 63°55'38" West along said right of way line and
7 south line of Lots 4 and 1 and the projection thereof for 213.53 feet to a point; thence
8 run South 64°03'51" West along said right of way line for 443.05 feet to a point;
9 thence run South 89°20'52" West along said right of way line for 502.35 feet to a an
10 iron pipe in the western right of way line of Center Street; thence run South 00°36
11 17" East along the west right of way line of Center Street and the east line of Lot 8
12 of Shockney's Addition as per Notarial Book 42, Page 801 of the records of
13 Morehouse Parish, Louisiana for 194.91 feet to a point at the southeast corner of said
14 Lot 8; thence run South 89°07'53" West along the south line of Lots 8, 9 & 10 of said
15 Shockney's Addition and the projection thereof for 195.00 feet to a point; thence run
16 South 00°27'52" East for 144.14 feet to an iron pipe in the north right of way line of
17 East Cypress Avenue; thence run South 89°36'55" West along said right of way line
18 for 189.68 feet to point in the east right of way line of the Missouri Pacific Railroad;
19 thence run North 00°59'51" West along said right of way line for 913.46 feet to an
20 iron pipe; thence run North 89°00'13" East along said right of way line for 25.00 feet
21 to an iron pipe; thence run North 00°59'52" West along said right of way line for
22 164.36 feet to the P.C. of a curve to the left; thence run in a northwesterly direction
23 along said right of way and curve having a Radius of 3066.08 feet, the Chord being
24 North 06°07'05" West 547.18 feet for 547.91 feet to the P.T. of said curve; thence
25 run North 11°14'11" West along said right of way line for 326.95 feet to a point;
26 thence run EAST 296.59 feet to a point; thence run North 34°23'01" East for 316.28
27 feet to a an iron pipe; thence run North 22°19'18" East for 107.05 feet to a point;
28 thence run North 09°20'14" East for 115.80 feet to a point; thence run North
29 00°52'53" West for 654.36 feet to a point; thence run North 00°08'12" West for
30 66.79 feet to a point; thence run South 89°48'05" West for 10.28 feet to a set 1" iron
31 pipe in the west line of the Southwest One Quarter of the Southeast One Quarter of

1 Section 24; thence run North 00°24'57" West along said west line for 132.00 feet to
 2 a point and The Point Of Beginning.

3 C. The district is created to provide for cooperative economic development
 4 between the district, the city of Bastrop, Morehouse Parish, the state, and the owner
 5 or owners of property within the district in order to provide for costs related to
 6 infrastructure and other economic development initiatives within the district as
 7 determined by the governing authority of the district.

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

9 E. Except for the authority to levy ad valorem property taxes, the district,
 10 acting by and through its governing authority, may exercise all powers of a political
 11 subdivision and a special district necessary or convenient for carrying out its objects
 12 and purposes including but not limited to the following:

13 (1) To sue and to be sued.

14 (2) To adopt bylaws and rules and regulations.

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

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

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

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

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

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

31 (9) To do all things reasonably necessary to accomplish the purposes of this

32 Section.

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

5 F.(1) To provide for the costs of a project to fund infrastructure within the
6 district, the district shall have such tax increment finance authority, taxing authority,
7 as provided in this Paragraph, and other authority that is provided to local
8 governmental subdivisions in Part II of this Chapter, including but not limited to the
9 following: ad valorem tax increment financing and bonding in R.S. 33:9038.33; sales
10 tax increment financing and bonding in R.S. 33:9038.34; cooperative endeavor
11 authority in R.S. 33:9038.35; bond authority in R.S. 33:9038.38; and sales tax and
12 hotel occupancy tax authority in R.S. 33:9038.39. A project to fund infrastructure
13 within the district is hereby deemed to be an economic development project as
14 provided for in Part II of this Chapter. An agreement entered by the district and any
15 affected tax recipient entity authorizing the use and dedication of the affected tax
16 recipient entity's incremental increase in taxes may include additional public or
17 private entities as parties to such agreement and may include such terms, conditions,
18 and other provisions to which all parties to such agreement consent.

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

23 G. The district may pledge any taxes collected under the authority of this
24 Section to any economic development project in furtherance of the purposes of the
25 district.

26 H.(1) The district may construct and acquire facilities, including the
27 acquisition of sites and other necessary property or appurtenances thereto within the
28 district, or outside the district if the project is undertaken conjointly with other local
29 units of government, under the authority of the Local Services Law, R.S. 33:1321 et
30 seq. or other authorizing authority and may acquire, construct, improve, operate,
31 maintain, and provide improvements and services necessary therefor, including but
32 not limited to roads, street lighting, bridges, rail facilities, drainage, sewage disposal

1 facilities, solid waste disposal facilities, waterworks, and other utilities and related
2 properties.

3 (2) The district shall also have the authority to sell, lease, or otherwise
4 dispose of, by suitable and appropriate contract, to any enterprise located or existing
5 within the district all or any part of a site, building, or other property owned by the
6 district. In determining the consideration for any contract to lease, sell, or otherwise
7 dispose of lands, buildings, or other property of the district, the governing authority
8 may take into consideration the value of the lands, buildings, or other properties
9 involved as well as the potential value of the economic impact of the enterprise being
10 induced to locate or expand within the district. Such economic impact shall include
11 increased employment, increased use of local labor, wages and salaries to be paid,
12 consumption of local materials, products, and resources, and special tax revenues to
13 be generated by the enterprise acquiring or leasing lands, buildings, or other property
14 from the district. The district may enter into leases.

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

29 I.(1) The district may levy and cause to be collected a sales and use tax
30 within the boundaries of the district for purposes and at a rate provided by the
31 proposition authorizing its levy, which tax may exceed the limitation set forth in
32 Article VI, Section 29(A) of the Constitution of Louisiana, if the proposition is

1 approved by a majority of the qualified electors of the district voting in the election
2 held for such purpose.

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

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

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

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

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

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

13 (4) The governing authority of the district may adopt resolutions or
14 ordinances as necessary for ordering, holding, canvassing, and promulgating the
15 returns of any election required for the issuance of general obligation bonds, or
16 limited tax secured obligations, which resolutions or ordinances may include
17 covenants for the security and payment of any bonds or other evidence of debt so
18 issued.

19 (5) For a period of thirty days from the date of publication of any resolution
20 or ordinance authorizing the issuance of any bonds, certificates of indebtedness,
21 notes, or other evidence of debt of the district, any interested person may contest the
22 legality of such resolution or ordinance and the validity of such bonds, certificates
23 of indebtedness, notes, or other evidence of debt issued or proposed to be issued
24 thereunder and the security of their payment, after which time no one shall have any
25 cause of action to contest the legality of the resolution or ordinance or to draw in
26 question the legality of the bonds, certificates of indebtedness, notes, or other
27 evidence of debt, the security therefor, or the debts represented thereby for any cause
28 whatever, and it shall be conclusively presumed that every legal requirement has
29 been complied with, and no court shall have authority to inquire into such matters
30 after the lapse of thirty days.

1 (6) The issuance and sale of such bonds, certificates of indebtedness, notes,
2 or other evidence of debt by the district is subject to approval by the State Bond
3 Commission.

4 (7) Such bonds, certificates of indebtedness, notes, or other evidence of debt
5 have all the qualities of negotiable instruments under the commercial laws of the
6 state of Louisiana.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____