

2022 Regular Session

HOUSE BILL NO. 960

BY REPRESENTATIVE WILFORD CARTER

ECONOMIC DEVELOPMENT: Creates the North Lake Charles Economic Development District

1 AN ACT

2 To enact R.S. 33:2740.70.3, relative to the city of Lake Charles; to create the North Lake  
3 Charles Economic Development District; to provide relative to the boundaries,  
4 purpose, governance, and powers and duties of the district; to provide relative to  
5 district 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. North Lake Charles Economic Development District

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

15 (2) The district shall be a special district created pursuant to Article VI,  
16 Section 19 of the Constitution of Louisiana and political subdivision of the state as  
17 defined in Article VI, Section 44 of the Constitution of Louisiana. The district,  
18 acting through its governing board, is hereby granted all of the rights, powers,  
19 privileges, and immunities accorded by the laws and the Constitution of Louisiana

1 to political subdivisions of the state, subject to the limitations provided in this  
2 Chapter.

3 B. The boundaries of the district shall encompass all of the territory included  
4 within the following perimeter: Bunker Road, Kirby Street, Fitzenreiter Road, and  
5 Interstate 210.

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

14 (2) The members of the board shall be residents and qualified voters of the  
15 district. The board membership shall be reflective of the city's diverse population.  
16 The seven members shall be appointed as follows:

17 (a) The mayor of the city of Lake Charles shall appoint one member, subject  
18 to the approval of the governing authority of the city.

19 (b) The governing authority of the city of Lake Charles shall appoint one  
20 member.

21 (c) The state representative for the House of Representatives district which  
22 encompasses all or the greater portion of the area of the district shall appoint two  
23 members.

24 (d) The state senator for the Senate district which encompasses all or the  
25 greater portion of the area of the district shall appoint one member.

26 (e) The governing board of the Chamber of Commerce Southwest Louisiana  
27 shall appoint one member.

1           (f) The governing board of the Louisiana Chamber of Commerce  
2           Foundation, also known as the "Louisiana Black Chamber of Commerce" shall  
3           appoint one member.

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

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

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

14          (2) The minute books and archives of the board shall be maintained by the  
15          board's secretary with the help and assistance of and through the council's office.  
16          The monies, funds, and accounts of the district in the official custody and control of  
17          the board's treasurer shall be deposited, expended, and accounted for, records  
18          maintained, and idle funds invested through the department of administration, under  
19          the director of administration, and checks issued through the department as in the  
20          case of city monies under the plan of government. An attorney appointed by the  
21          mayor shall serve as the board's regular attorney, and the services of other offices  
22          and departments of the city shall be furnished in accordance with Subsection G of  
23          this Section.

24          (3) The duties of the officers shall be fixed by bylaws adopted by the board.  
25          The board shall adopt such rules and regulations as it deems necessary or advisable  
26          for conducting its business and affairs and, to the extent that funds are available,  
27          shall hire such assistants and employees as are needed to assist the board in the  
28          performance of its duties. It shall hold regular meetings as shall be provided in the

1 bylaws and may hold special meetings at such time and places within or without the  
2 district as may be prescribed in the bylaws.

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

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

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

15 (2) Any plan may specify and encompass any public services, capital  
16 improvements, and facilities which the city of Lake Charles is authorized to  
17 undertake, furnish, or provide under the constitution and laws of the state of  
18 Louisiana, and such specified public services, improvements, and facilities shall be  
19 special and in addition to all services, improvements, and facilities which the city of  
20 Lake Charles is then furnishing or providing or may then or in the future be obligated  
21 to furnish or provide within the district.

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

25 (4) The board shall also submit the plan to the city planning commission.  
26 The planning commission shall review the plan and determine whether or not it is  
27 consistent with the comprehensive plan for the city of Lake Charles. The planning  
28 commission, within thirty days following receipt of the plan, shall submit to the  
29 council its written opinion as to whether or not the plan or any portion or detail

1 thereof is inconsistent with the comprehensive plan for the city, together with its  
2 written comments and recommendations with respect thereto.

3 (5)(a) After receipt of the plan together with the written comments and  
4 recommendations of the city planning commission, the council shall review and  
5 consider the plan together with the written comments and recommendations. The  
6 council, by a majority vote of all its members, may adopt or reject the plan as  
7 originally submitted by the board or alter or modify the plan or any portion or detail  
8 thereof.

9 (b) If the plan as originally submitted by the board is adopted by majority  
10 vote of all of the members of the council, it shall become final and conclusive and  
11 may thereafter be implemented. If the council alters or modifies the plan by a  
12 majority vote of its members, the plan as altered or modified shall be resubmitted to  
13 the board for its concurrence or rejection.

14 (c) The board may concur in the modified plan by a majority vote of all of  
15 its members. If the board votes to concur in the plan as modified by the council, the  
16 plan shall become final and conclusive and may thereafter be implemented. If the  
17 board does not concur in the plan as modified by the council, it shall notify the  
18 council in writing of its decision.

19 (d) Thereafter and as often as the board may deem to be necessary or  
20 advisable, it shall prepare or cause to be prepared a plan or plans and submit them  
21 to the planning commission in accordance with the same procedure prescribed by  
22 this Subsection with respect to the original plan. The planning commission shall  
23 submit such plan, together with their written comments and recommendations, to the  
24 council for its adoption, modification, or rejection in the manner and with the same  
25 effect as provided with respect to the original plan.

26 F.(1)(a) Notwithstanding the provisions of Subsection E of this Section, the  
27 board may prepare and submit directly to the council a plan or plans setting forth its  
28 intention to employ professional consultants, experts, and such other advisors and  
29 personnel as it deems necessary or convenient to assist in the preparation of a plan

1 or plans for the orderly and efficient development of services and improvements  
2 within the district.

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

7 (2)(a) The council shall review and consider such plan within thirty days  
8 following submission to it by the board and shall adopt or reject such plan by a  
9 majority vote of its members.

10 (b) If the council adopts the plan, it is final and conclusive.

11 (c) If the council rejects the plan, it shall notify the board of its action, and  
12 the board may again and from time to time prepare and submit to the council a plan  
13 in accordance with the procedures provided for in this Subsection.

14 G.(1) All services to be furnished within the district pursuant to any plan  
15 finally and conclusively adopted shall be furnished, supplied, and administered by  
16 the city through its regularly constituted departments, agencies, boards,  
17 commissions, and instrumentalities. All capital improvements and facilities to be  
18 acquired, constructed, or provided within the district, whether from the proceeds of  
19 bonds or otherwise, shall likewise be so acquired, constructed, or provided by the  
20 city through its regularly constituted departments, agencies, boards, commissions,  
21 and instrumentalities, it being the intention hereof to avoid the duplication of  
22 administrative and management efforts and expense in the implementation of any  
23 plan adopted for the benefit of the district.

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

27 H. The district may acquire, lease, insure, and sell real property within its  
28 boundaries in accordance with its plans.

1           I. The district may pay the city of Lake Charles, the Chamber of Commerce  
2           Southwest Louisiana, the Greater Southwest Louisiana Black Chamber, or other  
3           contractor for services rendered by each respective entity or persons under a local  
4           services contract between the district and such entity for services rendered in  
5           furtherance of this Section.

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

10           (1) To sue and be sued.

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

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

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

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

24           (6) To require and issue licenses with respect to its properties and facilities.

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

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

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

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

5           (11) 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           (12) To utilize the services of the executive departments of the state upon  
9           mutually agreeable terms and conditions.

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

12          (14) 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          K.(1) In addition to any authority provided to the board in this Section, the  
15          board may levy and collect on developments occurring on and after July 1, 2022,  
16          only, its own hotel occupancy tax which shall be in lieu of other such taxes levied  
17          by other taxing authorities within the district. The funds shall be pledged to and used  
18          to pay revenue bonds issued by the district or for any other financing of the property  
19          of a project, including, but not limited to, loans, mortgages, bonds, or certificates of  
20          indebtedness.

21          (2) The tax may be levied in lieu of the taxes levied within the district by  
22          other taxing authorities through an ordinance adopted by the district's board of  
23          commissioners with the consent of such tax authorities expressed by ordinance or  
24          resolution, but only after the question of the imposition of the hotel occupancy tax  
25          has been submitted to the qualified electors of the city of Lake Charles at an election  
26          to be conducted in accordance with the general election laws of the state of Louisiana  
27          and the majority of those voting in the election have voted in favor of the adoption  
28          of such ordinance. In addition, if the proceeds of the tax of such other tax authorities  
29          has been expressly dedicated to another purpose set forth in a proposition approved



1 by the electorate of such tax authority, then the tax proceeds may not be used for tax  
2 increment finance or other purposes unless a proposition which authorizes such use  
3 is submitted to and approved by such electorate at the election provided for in this  
4 Paragraph.

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

15 (b) Notwithstanding any provision of law to the contrary, any portion of the  
16 tax of any local governmental subdivision or other tax recipient body may only be  
17 used as a tax increment for tax increment finance purposes with the consent of such  
18 local governmental subdivision or other tax recipient body expressed by ordinance  
19 or resolution and upon approval of a majority of the qualified electors of the city of  
20 Lake Charles voting at an election to be conducted in accordance with the general  
21 election laws of the state of Louisiana.

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

27 (3) For purposes of this Section, a tax increment shall consist of either or  
28 both of the following:

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

9           (b) That portion of the hotel occupancy tax collected in the district as  
10          provided for in Paragraph (1) of this Subsection in an amount determined by the  
11          board of commissioners and which is in lieu of other such taxes levied by other  
12          taxing authorities as provided for in that Paragraph.

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

18          N. This Section, being necessary for the welfare of the city and its residents,  
19          shall be liberally construed to effect the purposes thereof.

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 960 Original

2022 Regular Session

Wilford Carter

**Abstract:** Creates the North Lake Charles Economic Development District.

Proposed law creates the North Lake Charles Economic Development District as a political subdivision of the state. Provides for district boundaries.

Proposed law specifies the composition and powers of the board responsible for managing the affairs of the district. Provides that a seven-member board shall be appointed as follows:

- (1) One member appointed by the mayor of Lake Charles, subject to approval by the governing authority of the city.

- (2) One member appointed by the governing authority of the city of Lake Charles.
- (3) Two members appointed by the state representative for the House of Representatives district which encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the state senator for the Senate district which encompasses all or the greater portion of the area of the district.
- (5) One member appointed by the governing board of the Chamber of Commerce Southwest La.
- (6) One member appointed by the governing board of the La. Chamber of Commerce Foundation, also known as the "La. Black Chamber of Commerce".

Provides that members serve three-year staggered terms.

Proposed law requires the board to prepare a plan specifying public improvements, facilities, and services proposed to be furnished, constructed, or acquired which shall be improvements, facilities, and services, which the city is authorized to undertake, furnish, or provide.

Proposed law requires the board to conduct hearings and disseminate information as it deems appropriate or advisable. Provides that any plan developed by the board shall include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities.

Proposed law requires that the board submit the plan to the city planning commission which shall review it for consistency with the comprehensive plan for the city. Requires that the planning commission submit an opinion of such plan to the city council. Provides the city council shall accept, reject, or modify the proposed plan. Provides relative to modifications of the plan which shall be subject to the approval of the board and the city council.

Proposed law further provides for development of a plan regarding the employment of professional consultations, experts, and advisors. Requires that the activities of the district shall be undertaken through the city's departments and agencies.

Proposed law specifically empowers 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 the proposed law and in Part II which is derived from any project or projects of the district in an amount to be determined as follows, in order to finance or refinance any project or projects, or parts thereof, which are consistent with the purposes of the district.

Proposed law specifies that "a tax increment" consists of either or both of the following:

- (1) 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 Part II. However, if the proceeds of such tax have been expressly dedicated to another purpose set forth in a proposition approved by the electorate of such 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 such electorate.
- (2) A portion of its own hotel occupancy tax determined by the board and levied only on developments occurring on and after the effective date of proposed law within the district. The tax may be levied in lieu of the taxes levied within the district by other taxing authorities through an ordinance adopted by the district's board of commissioners with the consent of such tax authorities expressed by ordinance or

resolution only after the tax has been submitted for voter approval and approved at an election to be conducted in accordance with the general election laws of the state. However, if the proceeds of any such tax has been expressly dedicated to another purpose set forth in a proposition approved by the electorate of such tax authority, then the tax proceeds may not be used for tax increment finance purposes until a proposition which authorizes such use is submitted to and approved by such electorate.

(Adds R.S. 33:2740.70.3)