

2023 Regular Session

HOUSE BILL NO. 295

BY REPRESENTATIVE WILFORD CARTER

DISTRICTS/REDEVELOPMENT: Provides relative to the Lake Charles North
Redevelopment Authority

1 AN ACT

2 To amend and reenact R.S. 33:4720.191(G)(12)(introductory paragraph) and (H)(21), and
3 to enact R.S. 33:4720.191(G)(9)(f), relative to the Lake Charles North
4 Redevelopment Authority; to provide relative to the powers and duties of the
5 authority; to provide relative to the authority's funding; to authorize the authority to
6 levy a sales and use tax; to provide for effectiveness; and to provide for related
7 matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:4720.191(G)(12)(introductory paragraph) and (H)(21) are hereby
13 amended and reenacted and R.S. 33:4720.191(G)(9)(f) is hereby enacted to read as follows:

14 §4720.191. Lake Charles North Redevelopment Authority

15 * * *

16 G.

17 * * *

1 (9) All actions of the board shall be approved by the affirmative vote of a
2 majority of the members of the board present and voting; however, no action of the
3 board shall be authorized on the following matters unless approved by a majority of
4 the total board membership:

5 * * *

6 (f) The levying of a sales and use tax pursuant to Paragraph (H)(21) of this
7 Section.

8 * * *

9 ~~(12) Any of the following actions or proposals, which have been approved~~
10 ~~by the board, shall be submitted to the Lake Charles City Council for review and~~
11 ~~such action may be rejected and rendered of no force and effect by a two-thirds vote~~
12 ~~of the membership of the council within thirty days of the proposed action being~~
13 ~~submitted to the Lake Charles City Council~~ Any action or proposal provided for in
14 this Paragraph, prior to approval by the board, shall be submitted to the Lake Charles
15 City Council for review. The Lake Charles City Council, within thirty days
16 following receipt of the action or proposal, shall submit a written recommendation
17 to the board as to whether the board should approve any such action or proposal.
18 After receipt of the written recommendation, the board shall review and consider the
19 recommendation. The board may adopt or reject any such recommendation
20 regarding the following actions or proposals:

21 * * *

22 H. The authority, through the board, shall have all powers necessary or
23 convenient to carry out and effectuate the purposes and provisions of this Chapter,
24 including but not limited to the following:

25 * * *

26 (21)(a) ~~The authority shall have no power of taxation~~ To levy and collect a
27 sales and use tax within the boundaries of the authority not to exceed one percent.

28 (b) The tax shall be imposed by resolution of the board and shall be levied
29 upon the sale at retail, the use, the lease or rental, the consumption, the distribution,

1 and storage for use or consumption of tangible personal property, and upon the sales
2 of services within the boundaries of the authority, all as defined in R.S. 47:301 et
3 seq. However, the resolution imposing the tax shall be adopted only after the
4 proposed tax is approved by the Lake Charles City Council and by a majority of the
5 qualified electors voting on the proposition at an election held for that purpose and
6 conducted in accordance with the Louisiana Election Code. The purpose and rate of
7 the tax shall be as provided in the resolution.

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

13 (d) The tax shall be imposed and collected uniformly throughout the
14 jurisdiction of the authority.

15 (e) The tax levied pursuant to this Paragraph shall be in addition to all other
16 taxes other political subdivisions within the jurisdiction of the authority are
17 authorized to levy and collect.

18 (f) The authority shall have no other power of taxation, except as provided
19 in this Paragraph.

20 * * *

21 Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor
22 and subsequently approved by the legislature, this Act shall become effective on July 1,
23 2023, or on the day following such approval by the legislature, whichever is later.

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 295 Original

2023 Regular Session

Wilford Carter

Abstract: Provides relative to the powers and duties of the Lake Charles North Redevelopment Authority.

Present law creates and provides for the Lake Charles North Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas. Provides that the authority is a special district and political subdivision of the state. Provides that the authority shall be comprised of specified territory in the city of Lake Charles. Provides that the authority is governed by a five-member board of commissioners (board).

Proposed law retains present law.

Present law provides that the authority, through the board, shall have all powers necessary or convenient to carry out its objectives and purposes, including but not limited to the following:

- (1) To sue and be sued and as such to stand in judgment.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire, hold, and use any property. Provides that the authority shall not have any power to expropriate, except that power which is granted by the appropriate governing authority.
- (4) To convey to the U.S., the state, or to any political subdivision of the state any property or other thing of value for use by the governmental entity, pursuant to the terms of any appropriate cooperative endeavor agreement.
- (5) To make and collect reasonable charges for the use of property of the authority and for services rendered by the authority and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the authority when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (6) To require and issue licenses.
- (7) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for such loans.
- (8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Proposed law retains present law.

Present law provides that the authority shall have no power of taxation. Proposed law instead authorizes the authority to levy a sales and use tax, subject to voter approval, and subject to the approval of the Lake Charles City Council. Provides that the tax rate shall not to exceed 1%. Requires that the tax be imposed and collected uniformly throughout the jurisdiction of the authority. Provides that the tax shall be in addition to all other taxes other political subdivisions within the boundaries of the authority are authorized to levy and collect. Provides that the authority has no other power of taxation.

Present law provides that all actions of the board shall be approved by the affirmative vote of a majority of the members present and voting. Provides however, that no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the authority's business.

- (2) Hiring or firing of any employee or contractor of the authority. Provides that this function may by majority vote be delegated by the board to a specified officer or committee of the authority, under such terms and conditions, and to the extent, that the board may specify.
- (3) The incurring of debt.
- (4) Adoption or amendment of the annual budget.
- (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with an assessed value of more than \$20,000.

Proposed law retains present law and additionally requires the approval of a majority of the total board membership prior to the levy of a sales and use tax authorized by proposed law.

Present law additionally requires that certain specified actions or proposals of the authority, including but not limited to the following, be submitted to the governing authority of the city of Lake Charles and authorizes the governing authority to reject any such action or proposal upon two-thirds vote of its membership:

- (1) To adopt bylaws and other rules and regulations for conduct of the authority's business.
- (2) To incur debt.
- (3) To amend or adopt the annual budget.
- (4) To acquire, sell, lease, encumber, or alienate real property, improvements, or personal property with an assessed value of more than \$20,000 twenty thousand dollars.
- (5) To plan, develop, regulate, operate, and maintain activities and planned land uses to foster creation of new jobs, economic development, industry, health care, general public and social welfare, commerce, manufacturing, tourism, relocation of people and businesses to the area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation, housing development, and conservation.
- (6) To construct, operate, and maintain facilities, improvements, and infrastructure, including buildings, roads, bridges, drainage, and utilities, and to perform other functions and activities on property owned or leased by the authority.
- (7) To undertake and carry out redevelopment projects and related activities.

Proposed law instead requires the board, prior to approval, to submit the action or proposal to the Lake Charles City Council for review. Requires the council, within 30 days of receipt, to give a written recommendation as to whether the board should approve the action or proposal. Requires the board to review the recommendation, but authorizes the board to approve or reject the recommendation.

Effective July 1, 2023.

(Amends R.S. 33:4720.191(G)(12)(intro para.) and (H)(21); Adds R.S. 33:4720.191(G)(9)(f))