

2023 Regular Session

SENATE BILL NO. 155

BY SENATOR CARTER

ECONOMIC DEVELOPMENT. Provides for creation of the Gretna Economic Development District. (gov sig)

1 AN ACT
2 To enact Subpart B-31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 33:130.890 through 130.897 relative to physical
4 development of parishes and municipalities; to provide for creation of the Gretna
5 Economic Development District; to provide relative to governance, term of office
6 of board members, board meetings and compensation; to provide relative to the
7 territorial jurisdiction, purposes, and powers and duties of the district; to provide
8 relative to district funding, including the authority to levy ad valorem taxes; to
9 provide with respect to bonds; to provide with respect to property tax millage; to
10 provide relative to exemption from taxation; to provide for an effective date; and to
11 provide for related matters.

12 Notice of intention to introduce this Act has been published.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Subpart B-31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised
15 Statutes of 1950, comprised of R.S. 33:130.890 through 130.897, is hereby enacted to read
16 as follows:

17 **SUBPART B-31. GRETNA ECONOMIC DEVELOPMENT DISTRICT**

1 §130.890. Gretna Economic Development District; creation; purpose;
2 territorial jurisdiction

3 A. The Gretna Economic Development District, referred to in this
4 Subpart as the "district", is hereby created as a body politic and political
5 subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the
6 Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 21 of the
7 Constitution of Louisiana, the district, acting through its board of
8 commissioners, referred to in this Subpart as the "board", is hereby granted all
9 of the rights, powers, privileges, and immunities granted to political
10 subdivisions for industrial, commercial, research, and economic development
11 purposes, including but not limited to the power of taxation, the power to incur
12 debt and issue revenue and general obligation bonds, certificates of
13 indebtedness, bond and certificate anticipation notes, and refunding bonds,
14 subject to the limitations provided in this Subpart.

15 B. The district is established for the primary objective and purpose of
16 promoting, encouraging, and participating in local commercial development
17 and to stimulate economic growth through public infrastructure investments,
18 public amenities, and other development supportive of the Gretna Downtown
19 and 4th and 5th Street Corridors.

20 C. The territorial limits of the district shall be coterminous with the
21 boundaries of Downtown Historic Gretna and the 4th and 5th Street Corridors.

22 §130.891. Governance of the district

23 A. The district shall be governed by a board of commissioners consisting
24 of nine members selected as follows:

25 (1) Two members shall be appointed by the mayor of Gretna.

26 (2) Three members shall be appointed by the Gretna city council.

27 (3) Two members shall be appointed by the Jefferson parish council.

28 (4) One member shall be appointed by the state senator representing

29 Senate District No. 7.

1 **(5) One member shall be appointed by the Jefferson parish economic**
2 **development commission.**

3 **B. (1)(a) The appointed members shall serve four-year terms after initial**
4 **terms as provided in Subparagraph (b) of this Paragraph.**

5 **(b) Three appointed members shall serve an initial term of one year;**
6 **three shall serve an initial term of two years; and three shall serve an initial**
7 **term of three years. The initial terms of the respective members shall be**
8 **determined by lot conducted at the first meeting of the board.**

9 **C. Any vacancy in the membership of the board of commissioners,**
10 **occurring either by reason of the expiration of the term for which appointed or**
11 **by reason of death, resignation, or otherwise, shall be filled by the governing**
12 **authority of Gretna.**

13 **D. Any member of the board of commissioners may be removed by the**
14 **governing authority of Gretna, but only for cause and on charges preferred**
15 **against him in writing and after public hearing; provided that any member so**
16 **removed shall have the right to appeal his removal to a court of competent**
17 **jurisdiction within ten days of the decision of the governing authority ordering**
18 **his removal.**

19 **E. The members of the board of commissioners shall serve without per**
20 **diem or other compensation. The board of commissioners shall have the power**
21 **to organize and reorganize executive, clerical, and other departments and to fix**
22 **the duties and powers and compensation of all officers, agents, and employees**
23 **of the district. The board of commissioners may reimburse any member for**
24 **expenses actually incurred in the performance of his duties hereunder.**

25 **F. Commissioners individually, and members of each commissioner's**
26 **immediate family are prohibited from bidding on or entering into any contract,**
27 **subcontract, or other transaction that is under the supervision or jurisdiction**
28 **of the district.**

29 **G. Elected officials are prohibited from serving on the board of**

1 commissioners.

2 H. The board of commissioners shall elect from among its own members
3 a president, a vice president, a secretary, and a treasurer, whose duties shall be
4 those usual to such offices. At the option of the board of commissioners, the
5 offices of secretary and treasurer may be held by one person.

6 I. The board of commissioners shall meet in regular session on a
7 quarterly basis and shall also meet in special session when the president of the
8 board convenes them or on the written request of four members. No more than
9 twelve special sessions may be called within any one calendar year. Five
10 members of the board of commissioners shall constitute a quorum.

11 J. The board of commissioners shall prescribe rules to govern its
12 meetings, shall maintain suitable offices in the parish of Jefferson, and may
13 contract with and employ attorneys, clerks, engineers, deputy commissioners,
14 superintendents, and other agents and employees and shall fix their
15 compensation and terms of employment.

16 §130.892. Powers of the district

17 A. The district, acting by and through its board, shall have and exercise
18 all powers of a political subdivision necessary or convenient for the carrying out
19 of its objects and purposes, including but not limited to the following rights and
20 powers:

21 (1) To sue and be sued.

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

23 (3) To acquire by donation, grant, purchase, or lease, all property
24 including servitudes or rights of use; to hold and use any franchise or property,
25 immovable or movable, corporeal or incorporeal, or any interest therein,
26 necessary or desirable for carrying out the objects and purposes of the district,
27 including but not limited to the establishment, maintenance, and operation of
28 industrial parks.

29 (4) To receive by grant, donation, or otherwise any sum of money, or

1 property, aid, or assistance from the United States, the state of Louisiana, or
2 any political subdivision thereof, or any person, firm, or corporation.

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

6 (6) In its own name and on its own behalf to incur debt and to issue
7 general obligation bonds, revenue bonds, certificates, notes, and other evidences
8 of indebtedness and to levy and cause to be collected ad valorem taxes as
9 provided in this Subpart and as may be provided by general law.

10 (7) To require and issue licenses with respect to its properties and
11 facilities.

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

14 B. The district shall not be considered to be an instrumentality of the
15 state for purposes of Article X, Section 1 of the Constitution of Louisiana.

16 §130.893. Funding sources; fees and ad valorem tax; borrowing money

17 A. The board may, when necessary, levy annually an ad valorem tax not
18 to exceed five mills on the dollar of assessed valuation of all property within its
19 territorial limits if the amount, term, and purpose of the tax, as set out in a
20 proposition submitted to a vote in accordance with the Louisiana Election Code,
21 is approved by a majority of the qualified electors within the jurisdiction of the
22 district voting in an election held for that purpose.

23 B. All funds derived under this Section may be used for any expenses or
24 purposes of the district.

25 §130.894. Obligations of the district

26 A. The district may incur debt for any one or more of its lawful purposes
27 set forth in this Subpart, to issue in its name negotiable bonds, notes, certificates
28 of indebtedness, or other evidences of debt and to provide for the security and
29 payment thereof.

1 **B.(1) The district may in its own name and behalf incur debt and issue**
2 **general obligation ad valorem property tax secured bonds under the authority**
3 **of and subject to the provisions of Article VI, Section 33 of the Constitution of**
4 **Louisiana, Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the**
5 **Louisiana Revised Statutes of 1950, when approved by a majority of the**
6 **qualified voters within the jurisdiction of the district who vote in an election**
7 **called and conducted under the authority of the Louisiana Election Code,**
8 **including Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950.**
9 **General obligation bonds of the district may be issued for any of the purposes**
10 **for which the district is created or is authorized to act under any provisions of**
11 **this Subpart, all of which purposes are hereby found and declared to be public**
12 **purposes and functions of the state of Louisiana, which are delegated to the**
13 **district.**

14 **(2) The district may in its own name and behalf issue revenue bonds for**
15 **the purposes for which the district is created or is authorized to act under any**
16 **of the provisions of this Subpart, including industrial and commercial**
17 **development revenue bonds. The bonds shall be issued in the manner as**
18 **provided for in Part XII and Part XIII of Chapter 4 of Subtitle II of Title 39 of**
19 **the Louisiana Revised Statutes of 1950.**

20 **(3) The district may in its own name and behalf borrow from time to**
21 **time in the form of certificates of indebtedness. The certificates shall be secured**
22 **by the dedication and pledge of monies of the district derived from any lawful**
23 **sources, including fees, occupational license revenues, building permit charges**
24 **dedicated to the district, lease rentals, service charges, local service agreement**
25 **payments from one or more other contracting parties, the avails of ad valorem**
26 **property taxation, or any combination of such sources of income, provided that**
27 **the term of such certificates shall not exceed ten years and the annual debt**
28 **service on the amount borrowed shall not exceed the anticipated revenues to be**
29 **dedicated and pledged to the payment of the certificates of indebtedness, as**

1 shall be estimated by the board at the time of the adoption of the resolution
2 authorizing the issuance of such certificates. The estimate of the board referred
3 to in the authorizing resolution shall be conclusive for all purposes of this
4 Section.

5 (4) The district may borrow the amount of the anticipated ad valorem
6 tax, not to exceed five mills, authorized by R.S. 33:130.591.5, for a period not to
7 exceed ten years and may issue certificates of indebtedness therefor and may
8 dedicate the avails of the tax funded for the payment thereof for the period of
9 time the certificates are outstanding.

10 (5) The board may adopt all necessary resolutions or ordinances
11 necessary for ordering, holding, canvassing, and promulgating the returns of
12 any election required for the issuance of general obligation bonds, or limited tax
13 secured obligations, or for the voting of a property tax millage, which
14 resolutions or ordinances may include covenants for the security and payment
15 of any bonds or other evidence of debt so issued.

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

29 (7) The issuance and sale of such bonds, certificates of indebtedness,

1 notes, or other evidence of debt by the district shall be subject to approval by
2 the State Bond District.

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

6 §130.895. Securities

7 Bonds, certificates, or other evidences of indebtedness issued by the
8 district under this Subpart are deemed to be securities of public entities within
9 the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised
10 Statutes of 1950, and shall be subject to defeasance in accordance with the
11 provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950,
12 and may be refunded in accordance with the provisions of Chapters 14-A and
13 15 of Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued
14 as short-term revenue notes of a public entity under Chapter 15-A of Title 39
15 of the Louisiana Revised Statutes of 1950.

16 §130.896. Exemption from taxation

17 The district and all properties at any time owned by the district and the
18 income therefrom and all bonds, certificates, and other evidences of
19 indebtedness issued by the district under this Subpart and the interest or
20 income therefrom shall be exempt from all taxation by the state of Louisiana.

21 §130.897. General compliances; enhancement; budget

22 A. No provision of this Subpart shall be construed so as to exempt the
23 district from compliance with the provisions of Louisiana laws pertaining to
24 open meetings, public records, fiscal agents, official journals, dual officeholding
25 and employment, public bidding for the purchase of supplies and materials, and
26 construction of public works, the code of Governmental Ethics, the Right to
27 Property in Article I, Section 4 of the Constitution of Louisiana, and the
28 Louisiana Election Code.

29 B. The board shall annually prepare a financial statement which shall

1 **be presented to the legislative auditor pursuant to the provisions of R.S. 24:513.**
2 **The legislative auditor shall thereafter publish his findings in the official journal**
3 **of the district.**

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by James Benton.

SB 155 Original DIGEST 2023 Regular Session Carter

Proposed law creates the Gretna Economic Development District as a political subdivision of the state for the primary object and purpose of promoting, encouraging, and participating in local commercial development and to stimulate economic growth through public infrastructure investments, public amenities, and other development supportive of the Gretna Downtown and 4th and 5th Street Corridors. Provides for territorial jurisdiction of the district throughout the parish. Pursuant to constitutional authority, grants the district all rights and powers of political subdivisions for economic development purposes.

Proposed law provides that the district is governed by a board of commissioners comprised as follows:

- (1) Two members shall be appointed by the mayor of Gretna.
- (2) Three members shall be appointed by the Gretna city council.
- (3) Two members shall be appointed by the Jefferson parish council.
- (4) One member shall be appointed by the state senator representing Senate District No. 7.
- (5) One member shall be appointed by the Jefferson parish economic development commission.

Proposed law provides that board members serve without compensation, but may be reimbursed actual expenses. Permits removal of a member for cause upon favorable vote of 2/3 of the members of the parish governing authority.

Proposed law authorizes the district to exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.

- (3) To acquire by donation, grant, purchase, or lease all property including servitudes or rights of use and to hold and use any franchise or property necessary or desirable for carrying out the objects and purposes of the district including but not limited to the establishment, maintenance, and operation of industrial parks.
- (4) To receive by grant, donation, or otherwise any sum of money or property, aid or assistance from the U.S., the state, or any political subdivision thereof, or any person, firm, or corporation.
- (5) To enter into contracts for the purchase, acquisition, construction, maintenance, and improvement of works and facilities necessary in connection with the purposes of the district.
- (6) In its own name and on its own behalf to incur debt and to issue general obligation bonds, revenue bonds, certificates, notes, and other evidences of indebtedness and to levy and cause to be collected ad valorem taxes as provided in proposed law and general law.
- (7) To require and issue licenses with respect to its properties and facilities.
- (8) To do any and all things necessary or proper for the government, regulation, development, and control of the business of the district.

Proposed law provides that the district shall not be deemed to be an instrumentality of the state for purposes of the state civil service provisions of the state constitution.

Proposed law authorizes the district to sell, lease, or otherwise dispose of, by suitable and appropriate contract, to any enterprise locating or existing within the jurisdiction of the district all or any part of a site, building, or other property owned by the district. In determining the consideration for sale of property, authorizes the board to consider its value and the potential economic impact. Prohibits the board from disposing of any property of the district for less than the fair market value without the prior approval of the State Bond Commission.

Proposed law authorizes the district to enter into leases having a term, including all renewal terms, not to exceed 50 years in the aggregate, with provision for rate adjustments. Requires that the resolution or ordinance authorizing any lease, sale, or other disposition of property to set forth, in a general way, the terms of the disposition. Requires publication of any such resolution or ordinance in the official journal of the district. Provides for a 30-day period to contest any such resolution or ordinance.

Proposed law provides that the district shall have the following additional powers and powers incidental thereto:

- (1) To acquire and to construct and improve, maintain, equip, and furnish economic development projects.
- (2) To lease or to contract for the use of any or all of its authorized projects and to charge and collect rent, fees, or charges therefor.
- (3) To sell, exchange, donate, and convey any or all of its projects.
- (4) To mortgage and pledge any or all of its projects and to pledge the revenues and receipts therefrom or from any other source.
- (5) To enter into any cooperative financing of an economic development project or cooperative development.

Proposed law authorizes the board, subject to voter approval, to levy annually an ad valorem tax not to exceed five mills. Provides that all funds from the tax may be used for any expenses or purposes of the district.

Proposed law provides for special accounts to be maintained by the board.

Proposed law authorizes the district, subject to voter approval, to incur debt and issue general obligation ad valorem property tax secured bonds for any district purpose. Authorizes the district to issue revenue bonds for district purposes. Further authorizes the district to borrow from time to time in the form of certificates of indebtedness. Requires that such certificates be secured by the dedication and pledge of monies of the district derived from any lawful sources, provided that the term of such certificates shall not exceed 10 years. Provides that the annual debt service on the amount borrowed shall not exceed the anticipated revenues to be dedicated and pledged to the payment of the certificates of indebtedness, as shall be estimated by the board. Authorizes the district to borrow the amount of the anticipated ad valorem tax, not to exceed five mills for a period not to exceed 10 years and to issue certificates of indebtedness therefor and dedicate the avails of the tax funded for the payment thereof for the period of time the certificates are outstanding.

Proposed law exempts the district, its properties, and income therefrom, and its bonds and interest and income therefrom from state taxation.

Proposed law provides that proposed law shall not be construed to exempt the district from compliance with La. laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials, and construction of public works, the Code of Governmental Ethics, the Right to Property in Const. Art. I, §4, and the La. Election Code.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:130.890-897)