

CONFERENCE COMMITTEE REPORT

HB 335

2023 Regular Session

Wilford Carter

June 7, 2023

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 335 by Representative Wilford Carter, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 4 by the Senate Committee on Local and Municipal Affairs (#2619) be rejected.
2. The Senate Committee Amendments Nos. 5 through 9 by the Senate Committee on Local and Municipal Affairs (#2619) be adopted.
3. That the following amendments be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 33:2740.51(D)(1)(introductory paragraph), (d), and (e) and to"

AMENDMENT NO. 2

On page 1, line 2, after "enact" and before "relative to" change "R.S. 33:2740.70.3," to "R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3,"

AMENDMENT NO. 3

On page 1, line 2, change "the city of Lake Charles;" to "economic development in certain municipalities; to provide relative to the governance of the Southside Economic Development District of the City of Monroe;"

AMENDMENT NO. 4

On page 1, between lines 9 and 10, insert the following:

"Section 1. R.S. 33:2740.51(D)(1)(introductory paragraph), (d), and (e) are hereby amended and reenacted and R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3 are hereby enacted to read as follows:

§2740.51. The Southside Economic Development District of the City of Monroe; creation, composition and powers; preparation of plans

* * *

D.(1) The board of commissioners, hereinafter referred to as "the board", shall be composed of ~~seven~~ ten members, all of whom shall be qualified voters of the parish of Ouachita. The board membership shall be reflective of the city's diverse population. The ~~seven~~ ten members shall be appointed as follows:

* * *

(d) Two members shall be appointed by the city council from a list of nominees submitted by the ~~African American Chamber of Commerce Monroe Regional Black Chamber~~ to the council on or before August 1, 2001. The members appointed by the city council as provided in this Subparagraph shall have their principal place of business or profession in, or own property in, the district.

(e) ~~The initial appointments to the board shall be made on or before September 1, 2001~~ One member shall be appointed by the state senator for District No. 34.

(f) One member shall be appointed by the state representative for District No. 16.

(g) One member shall be appointed by the state representative for District No. 17.

* * *

(3) Members may be removed for cause by a two-thirds vote of the membership of the city council.

* * *"

AMENDMENT NO. 5

On page 2, delete lines 9 and 10 in their entirety and insert "intersect with Kayouche Coulee thence northward along Kayouche Coulee to Opelousas Street thence eastward on Opelousas Street to Goodman Road thence northward along Goodman Road to a point where if Goodman Road were extended northward it would intersect with English Bayou thence to the point of commencement."

Respectfully submitted,

Representative Rick Edmonds

Senator Joseph Bouie Jr.

Representative Wilford Dan Carter, Sr.

Senator Regina Ashford Barrow

Representative Adrian Fisher

Senator Jeremy Stine

 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)]

CONFERENCE COMMITTEE REPORT DIGEST
HB 335
2023 Regular Session
Wilford Carter
Keyword and oneliner of the instrument as it left the House

ECONOMIC DEVELOPMENT: Creates the North Lake Charles Economic Development District

Report adopts Senate amendments to:

1. Remove provisions, relative to the North Lake Charles Economic Development District, that provide that an attorney appointed by the mayor shall serve as the attorney for the district's board.
2. Authorize, rather than require, the city of Lake Charles to furnish services and capital improvements to the district through the city and its agencies, commissions, and instrumentalities, subject to the approval of the Lake Charles City Council.
3. Provide for review rather than approval of plans by the city council and remove provisions that prohibit the board from proceeding with a plan without the approval of the council.
4. Remove provisions that prohibit the board from expending any funds pursuant to a budget that has not been approved by the city council.
5. Make changes to the membership of the board of commissioners for the Southside Economic Development District of the City of Monroe.
6. Provide for the removal of board members for the Southside Economic Development District of the City of Monroe.

Report rejects Senate amendments which would have:

1. Specifically authorized the city council to remove members of the Southside Economic Development District of the City of Monroe by providing a notification letter to such members and only after a two-thirds vote for certain members, and authorized legislators to remove and replace their appointed members.

Report amends the bill to:

1. Make changes to the boundaries of the North Lake Charles Economic Development District.
2. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law authorizes the governing authority of the city of Monroe, subject to the approval of the mayor, to create a special district known as the Southside Economic Development District of the City of Monroe. Provides for district boundaries.

Present law provides that the district is governed by a seven-member board of commissioners composed as follows:

- (1) One member appointed by the mayor.
- (2) Three members appointed by the city council.
- (3) One member appointed by the city council from a list of nominees submitted by the Monroe Chamber of Commerce to the council on or before Aug. 1, 2001.
- (4) Two members appointed by the city council from a list of nominees submitted by the African-American Chamber of Commerce to the council on or before Aug. 1, 2001. Both members must have their principal place of business or profession in, or own property in, the district.

Proposed law increases the membership of the district's board from seven to ten and makes changes as follows:

- (1) Changes the entity that submits a list of nominees to the city council prior to the council making two of its appointments from the African-American Chamber of Commerce to the Monroe Regional Black Chamber.
- (2) One member appointed by the state senator for District No. 34.
- (3) One member appointed by the state representative for District No. 16.
- (4) One member appointed by the state representative for District No. 17.

Proposed law does not require the city council to appoint the two members nominated by the Monroe Regional Black Chamber by a certain date. Proposed law otherwise retains present law appointments made by the city council and the mayor.

Proposed law provides that members may be removed for cause by a two-thirds vote of the membership of the city council.

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 five-member board shall be appointed as follows:

- (1) One member appointed by the Lake Charles City Council.
- (2) One member appointed by the state representative for the House of Representatives district which encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the state senator for the Senate district which encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the governing authority of Calcasieu Parish from a list of three names submitted jointly by the members of the governing authority who represent Dist. Nos. 2, 3, 4, and 9.
- (5) One member appointed by the mayor of the city of Lake Charles.

Provides that members serve three-year staggered terms.

Proposed law requires the board to prepare a plan(s) specifying public improvements, facilities, and services proposed to be furnished, constructed, or acquired which may be improvements, facilities, and services provided by the city through its agencies, commissions, and instrumentalities, subject to the approval of the Lake Charles City Council.

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 a written opinion on the plan to the city council. Requires the city council, within 30 days of receipt, to submit a written recommendation to the board as to whether the board should approve the plan. Requires the board to review the recommendation, but authorizes the board to adopt or reject the recommendation.

Proposed law further provides for development of a plan regarding the employment of professional consultants, experts, and advisors. Authorizes the board to submit the plan directly to the city council. Requires the city council, within 30 days of receipt, to submit a written recommendation as to whether the board should approve the plan. Requires the board to review the recommendation, but authorizes the board to adopt or reject the recommendation.

Proposed law provides relative to the powers and duties of the district, 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 gift, grant, purchase, or lease, all property, including servitudes or rights-of-way.
- (4) To receive by gift, grant, or donation, any sum of money, or property, aid, or assistance from the U.S., the state of La., 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) To regulate the imposition of fees and rentals charged by the district for its facilities and for services rendered by it.
- (7) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Proposed law provides that the district shall not have any power of expropriation.

Proposed law authorizes the district to levy a sales and use tax, subject to voter approval, and subject to the approval of the Lake Charles City Council. Requires the district to hold any election regarding the levy of the tax on a date provided for in present law relative to gubernatorial or congressional primary elections (R.S. 18:402(A)(1) or (B)(1)). Provides that the tax rate shall not exceed 1%.

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 proposed law and present law (Part II of Chapter 27 of Title 33) which is derived from any project or projects of the district. Prohibits the use of tax increments without the consent of the particular local governmental

subdivision or tax recipient body and without the approval of a majority of the qualified electors of the city of Lake Charles voting in an election conducted in accordance with the general election laws. Requires the district to hold any election regarding the levy of the use tax increments on a date provided for in present law relative to gubernatorial or congressional primary elections (R.S. 18:402(A)(1) or (B)(1)).

Proposed law specifies that a "tax increment" consists of that portion of any tax, excluding a hotel occupancy tax, levied within the district by a local governmental subdivision or other tax recipient body determined and pledged in the manner provided for in present law (Part II of Chapter 27 of Title 33). Provides that if the proceeds of any tax have been expressly dedicated to another purpose set forth in a proposition approved by the electorate of the local governmental subdivision or other tax recipient body, then the tax proceeds shall not be used as a tax increment until a proposition which authorizes such use is submitted to and approved by the electorate.

(Amends R.S. 33:2740.51(D)(1)(d) and (e); Adds R.S. 33:2740.51(D)(1)(f) and (g) and (3) and 2740.70.3)