

2024 Regular Session

HOUSE BILL NO. 182

BY REPRESENTATIVE TRAVIS JOHNSON

DISTRICTS/ECONOMIC DEVEL: Creates the Ferriday Downtown Entertainment District

1 AN ACT

2 To enact R.S. 33:2740.70.6, relative to the town of Ferriday; to create the Ferriday
3 Downtown Entertainment District; to provide relative to the boundaries, purpose,
4 governance, and powers and duties of the district; to provide relative to district
5 funding; to provide for an effective date; 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. 33:2740.70.6 is hereby enacted to read as follows:

11 §2740.70.6. Ferriday Downtown Entertainment District

12 A. There is hereby created within the town of Ferriday, as more specifically
13 provided in Subsection B of this Section, a body politic and corporate which shall
14 be known as the Ferriday Downtown Entertainment District, referred to in this
15 Section as the "district". The district shall be a political subdivision of the state as
16 defined in the Constitution of Louisiana.

17 B. The boundaries of the district shall include the area within the following
18 perimeter: Texas Avenue, EE Wallace Boulevard, Mickey Gilley Avenue, and First
19 Street.

1 C. The district is created to provide for cooperative economic and
2 community development among the district, the city, the state, and the owners of
3 property in the district, to enhance the development of and improvement to the
4 property within the area of the district, and to expand the entertainment and leisure
5 activities within the district.

6 D.(1) In order to provide for the orderly development of the district and
7 effect the purposes of the district, the district shall be administered and governed by
8 a seven-member board of commissioners, referred to in this Section as the "board",
9 composed as follows:

10 (a) The mayor of the town of Ferriday shall appoint two members.

11 (b) The governing authority of the town of Ferriday shall appoint two
12 members.

13 (c) The chief executive officer of Concordia Bank & Trust shall appoint one
14 member.

15 (d) The chief executive officer of Delta Bank shall appoint one member.

16 (e) A representative of the Delta Museum appointed by the governing board
17 of the museum.

18 (2) Members shall serve three-year terms after serving initial terms as
19 provided in this Paragraph. Three members shall serve three-year initial terms, two
20 members shall serve two-year initial terms, and two members shall serve one-year
21 initial terms as determined by lot at the first meeting of the board.

22 (3) Any vacancy which occurs prior to the expiration of the term for which
23 a member of the board has been appointed shall be filled by appointment in the same
24 manner as the original appointment for the unexpired term.

25 (4) The board shall elect from its members a chairman, a vice chairman, a
26 secretary-treasurer, and other officers as it deems necessary. The duties of the
27 officers shall be fixed by the bylaws adopted by the board.

1 (5) The minute books and archives of the district shall be maintained by the
2 secretary-treasurer of the board. The monies, funds, and accounts of the district shall
3 be in the official custody of the board.

4 (6) The board shall adopt rules and regulations as it deems necessary or
5 advisable for conducting its business affairs. Rules and regulations of the board
6 relative to the notice and conduct of meetings shall conform to applicable law. The
7 board shall hold regular meetings as provided for in the bylaws and may hold special
8 meetings at such times and places within the district as prescribed in the bylaws.

9 (7) A majority of the members of the board constitutes a quorum for the
10 transaction of business. The board shall keep minutes of all meetings and shall make
11 them available through the secretary-treasurer of the board.

12 (8) The members of the board shall serve without compensation but shall be
13 reimbursed for reasonable out-of-pocket expenses directly related to the governance
14 of the district.

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

18 (1) To sue and be sued.

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

20 (3) To acquire by gift, grant, purchase, or lease all property, including rights-
21 of-way; to hold and use any franchise or property, immovable or movable, corporeal
22 or incorporeal, or any interest therein, necessary or desirable for carrying out the
23 objects and purposes of the district.

24 (4) To receive by gift, grant, or donation, any sum of money, including rural
25 development funds, or property, aid, or assistance from the United States, the state
26 of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

27 (5) To enter into contracts for the purchase, lease, acquisition, construction,
28 and improvement of works and facilities necessary in connection with the purposes

1 of the district and to mortgage its properties and enter into leases and other
2 agreements on terms the board approves.

3 (6) To require and issue licenses with respect to properties and facilities
4 owned by the district.

5 (7) To regulate the imposition of fees and rentals charged by the district for
6 facilities owned and services rendered by it and to impose fees on the use or
7 occupancy of any other property within but not owned by the district with the
8 consent of the owner of such property.

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

11 (9) To enter into cooperative endeavor agreements with any other party,
12 public or private, to accomplish the purposes of this Section.

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

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

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

1 G.(1) In addition to the authority provided to the district by this Section, the
2 district may levy and collect a sales and use tax within the boundaries of the district
3 not to exceed two-tenths of a percent.

4 (2) The tax shall be imposed by resolution of the board and shall be levied
5 upon the sale at retail, the use, the lease or rental, the consumption, the distribution,
6 and the storage for use or consumption of tangible personal property, and upon the
7 sales of services within the boundaries of the district, all as defined in R.S. 47:301
8 et seq. However, the resolution imposing the tax shall be adopted only after the
9 proposed tax is approved by a majority of the qualified electors of the district voting
10 on the proposition at an election held for that purpose and conducted in accordance
11 with the Louisiana Election Code and held on a date that corresponds with an
12 election date provided by R.S. 18:402(A)(1), (B)(1), or (C)(1). The purpose and rate
13 of the tax shall be as provided in the resolution.

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

19 (4) The tax shall be imposed and collected uniformly throughout the
20 jurisdiction of the district.

21 (5) The tax levied pursuant to this Subsection shall be in addition to all other
22 taxes other political subdivisions within the jurisdiction of the district are authorized
23 to levy and collect.

24 (6) The district shall have no other power of taxation, except as provided in
25 this Subsection.

26 H.(1)(a) In addition to any authority provided to the district by this Section,
27 the district shall have the authority provided to an economic development district by
28 Part II of Chapter 27 of this Title to implement tax increment financing and may
29 issue revenue bonds payable from an irrevocable pledge and dedication of up to the

1 full amount of tax increments available to an economic development district as
2 provided in this Section and in that Part to be derived from any project or projects
3 of the district as provided for in this Section, or parts of the projects, in an amount
4 to be determined as provided for in this Section, in order to finance or refinance any
5 project or projects, or parts thereof, which are consistent with the purposes of the
6 district.

7 (b) Notwithstanding any provision of law to the contrary, any portion of the
8 tax of any local governmental subdivision or other tax recipient body may be used
9 as a tax increment for tax increment finance purposes only with the consent of the
10 local governmental subdivision or other tax recipient body expressed by ordinance
11 or resolution and upon approval of a majority of the qualified electors of the town
12 of Ferriday voting at an election held for that purpose and conducted in accordance
13 with the Louisiana Election Code.

14 (2) For purposes of the tax increment financing authority derived from Part
15 II of Chapter 27 of this Title which is conferred upon the district by this Section, and
16 only for purposes of this Section, "local governmental subdivision" as defined in
17 such Part shall include the parish of Concordia and all political subdivisions within
18 the parish.

19 (3) For purposes of this Section, a tax increment shall consist of that portion
20 of any tax, excluding a hotel occupancy tax, levied within the district by a local
21 governmental subdivision or other tax recipient body determined and pledged in the
22 manner provided for in Part II of Chapter 27 of this Title. However, if the proceeds
23 of any tax have been expressly dedicated to another purpose set forth in a proposition
24 approved by the electorate of the local governmental subdivision or other tax
25 recipient body, then the tax proceeds shall not be used as a tax increment until a
26 proposition which authorizes the use is submitted to and approved by the electorate.

27 (4) Notwithstanding any other provision of law to the contrary, the district
28 shall not levy a hotel occupancy tax within the boundaries of the district. In addition,

1 the district shall not issue revenue bonds payable from an irrevocable pledge and
 2 dedication of hotel occupancy tax increments.

3 I. This Section, being necessary for the welfare of the city and its residents,
 4 shall be liberally construed to effect the purposes thereof.

5 Section 2. This Act shall become effective on July 1, 2024; if vetoed by the governor
 6 and subsequently approved by the legislature, this Act shall become effective on July 1,
 7 2024, 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 182 Reengrossed

2024 Regular Session

Travis Johnson

Abstract: Creates the Ferriday Downtown Entertainment District as a political subdivision of the state for purposes of cooperative economic development.

Proposed law creates the Ferriday Downtown Entertainment District as a political subdivision of the state for purposes of cooperative economic development. Provides for district boundaries.

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

- (1) Two members appointed by the mayor of the town of Ferriday.
- (2) Two members appointed by the governing authority of the town of Ferriday.
- (3) One member appointed by the chief executive officer of Concordia Bank & Trust.
- (4) One member appointed by the chief executive officer of Delta Bank.
- (5) One member appointed by the governing board of the Delta Museum.

Provides that members serve three-year staggered terms.

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, including rural development funds, 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, lease, 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 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 the town is authorized to provide pursuant to the constitution and laws of the state.

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

Proposed law authorizes the district to levy a sales and use tax, subject to voter approval, not to exceed 0.2%.

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 town of Ferriday voting in an election conducted in accordance with the general election laws on a date provided for gubernatorial, congressional, or municipal primary elections.

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.

Effective July 1, 2024.

(Adds R.S. 33:2740.70.6)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Require the tax proposition to appear on ballots at an election held on a date that corresponds with the dates of gubernatorial, congressional, or municipal and ward primary elections.

The House Floor Amendments to the engrossed bill:

1. Add two members to the board.
2. Remove provision for the dissolution of the district after debts are paid.