

SENATE BILL NO. 88

BY SENATOR CONNICK

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AN ACT

To amend and reenact R.S. 33:9038.31(2) and (3) and to enact R.S. 33:9038.77, relative to special districts; to authorize the creation of a special district; to provide for the governance and the powers and duties of the district, including bond and tax increment finance authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9038.31(2) and (3) are hereby amended and reenacted and R.S. 33:9038.77 is hereby enacted to read as follows:

§9038.31. Definitions

As used in this Part, the following terms shall have the following meanings, unless the context requires otherwise:

* * *

(2) "Issuer" means the local governmental subdivision, economic development district, industrial development board of the municipality or parish authorized and created pursuant to Chapter 7 of Title 51 of the Louisiana Revised Statutes of 1950, a public trust with the municipality or parish as the beneficiary thereof as provided in Chapter 2-A of Code Title II of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, as authorized in this Part, ~~or~~ the Walnut Street Special District, ~~or~~ any Tax Increment Development Corporation activated in a municipality with a population of not less than three thousand three hundred and not more than three thousand three hundred ninety-five persons according to the most recent federal decennial census for the purposes provided for in R.S. 33:9038.68, or any district created pursuant to R.S. 33:9038.70 **or 33:9038.77.**

(3) "Local governmental subdivision" means any municipality or parish or any municipality, parish, local industrial board, a local public trust authorized

1 pursuant to R.S. 33:9038.33(N) or 9038.34(N) having jurisdiction over the
 2 geographical area bounded by the Mississippi River, the Orleans/Jefferson parish
 3 line and the Orleans/Plaquemines parish line, ~~or~~ the Walnut Street Special District,
 4 ~~or~~ any Tax Increment Development Corporation activated in a municipality with a
 5 population of not less than three thousand three hundred and not more than three
 6 thousand three hundred ninety-five persons according to the most recent federal
 7 decennial census for the purposes provided for in R.S. 33:9038.68, or any district
 8 created pursuant to R.S. 33:9038.70 **or 33:9038.77**; but the provisions of this Part
 9 shall not apply to any of the financing of construction, renovations, or improvements
 10 of any convention center, hotel complex, and ancillary facilities within the city of
 11 Shreveport. However, the provisions of this Part shall apply to the parish of Rapides,
 12 only as provided in R.S. 33:9038.41.

13 * * *

14 **§9038.77. Special district in certain parishes**

15 **A. Definitions. As used in this Section, "parish" means any parish with**
 16 **a population between twenty-three thousand and twenty-eight thousand persons**
 17 **according to the latest federal decennial census.**

18 **B. Creation. The governing authority of the parish may, by ordinance,**
 19 **create a special taxing district and political subdivision of the state, hereinafter**
 20 **referred to as the "district".**

21 **C. Boundaries. The ordinance creating the district shall establish its**
 22 **boundaries which shall be within the jurisdictional limits of the parish.**

23 **D. Purpose. The district is created to provide for cooperative economic**
 24 **development between the district, the parish, and the owner or owners of**
 25 **businesses and other property within the district in order to provide for costs**
 26 **related to infrastructure within the district as determined by the board of**
 27 **commissioners of the district.**

28 **E. Governance. (1) In order to provide for the orderly development of**
 29 **the district and effectuation of the purposes of the district, the district shall be**
 30 **administered and governed by a board of commissioners as follows:**

1 **(a) The parish president, or his designee.**

2 **(b) A member of the parish council appointed by the parish president.**

3 **(c) The chairman or director of a port located within the parish.**

4 **(d) An elected school board member located in the parish appointed by**
5 **the superintendent.**

6 **(e) A member of the business community within the district appointed**
7 **by the parish president.**

8 **(2) A majority of the members of the board shall constitute a quorum for**
9 **the transaction of business. The board shall keep minutes of all meetings and**
10 **shall make them available for inspection through the board's secretary. The**
11 **minute books and archives of the district shall be maintained by the board's**
12 **secretary. The monies, funds, and accounts of the district shall be in the official**
13 **custody of the board.**

14 **(3) The board shall adopt bylaws and rules to govern its meetings. The**
15 **members of the board shall serve without salary or per diem and shall be**
16 **entitled to reimbursement for reasonable, actual, and necessary expenses**
17 **incurred in the performance of their duties.**

18 **(4) The domicile of the board shall be established by the board at a**
19 **location within the parish.**

20 **(5) The board shall elect from its own members a president and**
21 **secretary, whose duties shall be common to the offices or as may be provided by**
22 **bylaws adopted by the district. The board shall hold regular meetings and may**
23 **hold special meetings as provided in the bylaws. All meetings shall be public**
24 **meetings subject to the provisions of the Open Meetings Law.**

25 **F. Rights and powers. In addition to the tax increment finance and**
26 **bonding authority provided for in Subsection G of this Section, the district,**
27 **acting by and through its board of commissioners, shall have and exercise all**
28 **powers of a political subdivision and a special district necessary or convenient**
29 **for the carrying out of its objects and purposes including but not limited to the**
30 **following:**

1 (1) To sue and to be sued.

2 (2) To adopt bylaws and rules and regulations.

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

6 (4) For the public purposes of the district, to enter into contracts,
7 agreements, or cooperative endeavors with the state and its political
8 subdivisions or political corporations and with any public or private association,
9 corporation, business entity, or individual.

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

12 (6) To acquire by gift, grant, purchase, or lease, but not by
13 expropriation, such property as may be necessary or desirable for carrying out
14 the objectives and purposes of the district and to mortgage and sell such
15 property.

16 (7) In its own name and on its own behalf, to incur debt and to issue
17 bonds, notes, certificates, and other evidences of indebtedness. For this purpose
18 the district shall be deemed and considered to be an issuer for purposes of R.S.
19 33:9037 and shall, to the extent not in conflict with this Section, be subject to the
20 provisions of R.S. 33:9037.

21 (8) To establish such funds or accounts as are necessary for the conduct
22 of the affairs of the district.

23 (9) To do all things reasonably necessary to accomplish the purposes of
24 this Section.

25 (10) To designate by ordinance any territory within the district as a
26 subdistrict in which shall be exercised, to the exclusion of the remainder of the
27 district, any authority provided to the district by Subsection G of this Section
28 or any other provision of this Section or other law.

29 G. Tax increment financing and bonding authority. (1) To provide for
30 the costs of a project to fund infrastructure within the district, the district shall

1 have such tax increment finance authority and other authority that is provided
2 to local governmental subdivisions in Part II of Chapter 27 of Title 33 of the
3 Louisiana Revised Statutes of 1950, including but not limited to the following:
4 sales tax increment financing and bonding in R.S. 33:9038.34; cooperative
5 endeavor authority in R.S. 33:9038.35; bond authority in R.S. 33:9038.38. The
6 project to fund infrastructure within the district is hereby deemed to be an
7 "economic development project" within the meaning provided for in Part II of
8 Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950. An agreement
9 entered into by the district and any affected tax recipient entity authorizing the
10 use and dedication of the affected tax recipient entity's incremental increase in
11 taxes may include additional public or private entities as parties to such
12 agreement and may include such terms, conditions, and other provisions to
13 which all parties to such agreement consent.

14 (2) Notwithstanding any provision of Part II of Chapter 27 of Title 33 of
15 the Louisiana Revised Statutes of 1950 or any other law to the contrary, any
16 powers, authorities, or duties granted under such laws may be restricted to a
17 subdistrict of the territory which shall be established by ordinance of the board
18 of commissioners of the district.

19 H. Project financing. The district may pledge any taxes collected under
20 the authority of this Section to any economic development project in
21 furtherance of the purposes of the district.

22 I. Term. The district shall dissolve and cease to exist one year after the
23 date all bonds, notes, and other evidences of indebtedness of the district,
24 including refunding bonds, are paid in full as to both principal and interest;
25 however, in no event shall the district exist less than three years.

26 J. Liberal construction. This Section, being necessary for the welfare of
27 the parish and its residents, shall be liberally construed to effect the purposes
28 thereof.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____