

2015 Regular Session

SENATE BILL NO. 193

BY SENATOR THOMPSON

SPECIAL DISTRICTS. Authorizes the Walnut Street Special District as a tax increment finance district in the city of Monroe. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:9038.31(2) and (3) and to enact R.S. 33:9038.68, relative to
3 special districts; to create the Walnut Street Special District; to provide for the
4 governance and the powers and duties of the district, including tax, bond, and tax
5 increment finance authority; and to provide for related matters.

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

7 Be it enacted by the Legislature of Louisiana:

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

10 §9038.31. Definitions

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

13 * * *

14 (2) "Issuer" means the local governmental subdivision, economic
15 development district, industrial development board of the municipality or parish
16 authorized and created pursuant to Chapter 7 of Title 51 of the Louisiana Revised
17 Statutes of 1950, ~~or~~ a public trust with the municipality or parish as the beneficiary

1 administered and governed by a board of commissioners as follows:

2 (a) The mayor of the city of Monroe, or his designee.

3 (b) The chair of the Monroe City Council, or his designee.

4 (c) The President/CEO of the Monroe-West Monroe Convention and
5 Visitor's Bureau of Ouachita Parish, or his designee.

6 (d) Any person who is an owner of property within the district, or an
7 authorized representative of an entity which is an owner of property within the
8 district, if such person or authorized representative applies to the board for
9 membership on the board, or that person's or representative's designee.

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

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

20 (4) The domicile of the board shall be established by the board at a
21 location within the city of Monroe.

22 (5) The board shall elect from its own members a president and
23 secretary, whose duties shall be common to such offices or as may be provided
24 by bylaws adopted by the district. The board shall hold regular meetings and
25 may hold special meetings as provided in the bylaws. All such meetings shall be
26 public meetings subject to the provisions of R.S. 42:4.1 et seq.

27 E. Rights and powers. In addition to the taxing, tax increment finance,
28 and bonding authority provided for in Subsection F of this Section, the district,
29 acting by and through its board of commissioners, shall have and exercise all

1 powers of a political subdivision and a special district necessary or convenient
2 for the carrying out of its objects and purposes including but not limited to the
3 following:

4 (1) To sue and to be sued.

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

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

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

13 (5) Appoint officers, agents, and employees, prescribe their duties, and
14 fix their compensation.

15 (6) To acquire by gift, grant, purchase, lease, or otherwise such property
16 as may be necessary or desirable for carrying out the objectives and purposes
17 of the district and to mortgage and sell such property.

18 (7) In its own name and on its own behalf to incur debt and to issue
19 bonds, notes, certificates, and other evidences of indebtedness. For this purpose
20 the district shall be deemed and considered to be an issuer for purposes of R.S.
21 33:9037 and shall, to the extent not in conflict with this Section, be subject to the
22 provisions of R.S. 33:9037.

23 (8) Establish such funds or accounts as are necessary for the conduct of
24 the affairs of the district.

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

27 (10) To designate by ordinance any territory within the district as a
28 subdistrict in which shall be exercised, to the exclusion of the remainder of the
29 district, any authority provided to the district by Subsection F of this Section or

1 any other provision of this Section or other law.

2 F.(1) To provide for the costs of a project to fund infrastructure within
3 the district, the district shall have such tax increment finance authority, taxing
4 authority, and other authority that is provided to local governmental
5 subdivisions in Part II of Chapter 27 of Title 33 of the Louisiana Revised
6 Statutes of 1950, including but not limited to: ad valorem tax increment
7 financing and bonding in R.S. 33:9038.33; sales tax increment financing and
8 bonding in R.S. 33:9038.34; cooperative endeavor authority in R.S. 33:9038.35;
9 bond authority in R.S. 33:9038.38; and ad valorem, sales tax, and hotel
10 occupancy tax authority in R.S. 33:9038.39. The project to fund infrastructure
11 within the district is hereby deemed to be an "economic development project"
12 within the meaning provided for in that Part.

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

18 G. The district may pledge any taxes collected under the authority of this
19 Section to any economic development project in furtherance of the purposes of
20 the district. Such financing may include but shall not be limited to loans,
21 mortgages, the issuance of bonds, or the issuance of certificates of indebtedness.

22 H. 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, under no event shall the district have an existence of less than three
26 years.

27 I. Liberal Construction. This Section, being necessary for the welfare of
28 the city of Monroe and its residents, shall be liberally construed to effect the
29 purposes thereof.

ad valorem tax and sales tax increment financing and to issue revenue bonds backed by a pledge of the tax increments to finance all or any part of an "economic development project".

Present law authorizes such "local governmental subdivisions" to enter into a joint venture or cooperative endeavor for a public purpose with a federal, state, or local governmental agency or with a private or public firm, partnership, corporation, or other entity.

Present law authorizes such "local governmental subdivisions" to issue revenue bonds and other bonds and forms of indebtedness.

Present law authorizes such "local governmental subdivisions" to levy an ad valorem tax of up to 5 mills and two percent of sales tax after the governing authority of the district gives notice and meets in open and public session to hear any objections and the favorable vote of a majority of the electors of the district voting in an election.

Such tax increase may be levied only after the governing authority of the district has called a special election submitting the proposition for the levy of such taxes to the qualified electors of the district and the proposition has received the favorable vote of a majority of the electors voting in the election; however, in the event there are no qualified electors in the district as certified by the registrar of voters, no such election shall be required.

Proposed law defines the Walnut Street Special District as an "issuer" and a "local governmental subdivision for purposes of utilizing such TIF authority in present law."

Proposed law specifically grants to the district all the ad valorem, sales tax, and occupancy tax increment finance and bonding authority, and the ad valorem and sales tax levy authority granted to "local governmental subdivisions" as described above, and deems the project to fund infrastructure within the district to be an "economic development project" within the meaning of the TIF laws.

The district may also pledge any taxes collected under the authority of this Section to any economic development project in furtherance of the purposes of the district. Such financing may include but shall not be limited to loans, mortgages, the issuance of bonds, or the issuance of certificates of indebtedness.

The district must dissolve and cease to exist one year after the date all indebtedness of the district is paid in full as to both principal and interest; however, under no event can the district have an existence of less than three years.

Proposed law must be liberally construed to effect its purposes.

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

(Amends R.S. 33:9038.31(2) and (3); adds R.S. 33:9038.68)