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DIGEST

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SB 192 Reengrossed

2015 Regular Session

Johns

Present law authorizes the governing authority of the city of Lake Charles to create, by ordinance, a special taxing district and political subdivision of the state. Provides that the district is comprised of the area west of Lakeshore Drive commencing at South Board Du Lac Drive on the south to the north boundary of Veterans Park on the north and any area described in present law, which provides for development of the lakefront in the city.

Proposed law instead provides that the district is comprised of all or a portion of the area of land described in present law. Otherwise retains present law.

Present law provides that the district has as its purpose cooperative economic development between the city of Lake Charles, Lake Charles Facilities, Inc., or the district, in order to provide for the renovation, restoration, and development of a hotel within a certain area of the district and the utilization of sales tax increment financing of the costs and expenses associated with infrastructure improvements constructed in accordance with the Downtown Plan for commercial and residential development of property located in the district.

Proposed law clarifies that the purpose of the district includes financing costs and expenses associated with development in the district. Deletes reference to Lake Charles Facilities, Inc. and requires that the site plan for any hotel constructed immediately adjacent to the Lake Charles Civic Center set forth the elevation and design of the hotel and designate the parking area. Proposed law further requires that the site plan be approved prior to construction by the governing authority of the city of Lake Charles. Specifies that the utilization of sales tax increment financing must be in accordance with the terms and conditions of the voter referendum held on March 5, 2007.

Proposed law provides that "costs and expenses" include costs of construction, renovation, or relocation of a hotel and related improvements, public buildings and other public structures, and any other costs associated with an economic development project as provided in present law (R.S. 33:9035.1).

Present law makes reference to the Southwest Louisiana Convention and Visitors Bureau.

Proposed law refers to the bureau as the Lake Charles/Southwest Louisiana Convention and Visitors Bureau.

Present law authorizes the district to levy a hotel occupancy tax in order to provide funds for the purposes of the district. Prohibits a hotel in the city from advertising room rates to the general public at below market rates.

Proposed law clarifies present law by providing that a hotel cannot advertise room rates that are below market rates for comparable hotels as reflected in the information received by the bureau. Authorizes the district, if this information is not available, to use data collected by any other public agency which regularly creates or receives data regarding room rates for comparable hotels in the parish.

Present law authorizes the district to incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness. Authorizes the district to pledge the taxes collected pursuant to present law to any financing of the hotel property and to pay revenue bonds from an irrevocable pledge and dedication of up to the full amount of hotel occupancy tax increments to finance or refinance any project or projects, or parts thereof, which are consistent with the purposes of the district.

Proposed law retains present law but removes authority granted to the district to retire any bonded indebtedness of Lake Charles Facilities, Inc. Proposed law additionally provides that any ordinance or resolution adopted by the district authorizing the pledge of tax increments collected to secure bonds, debt obligations, or any other authorized financing shall be published at least twice in the official journal of the city of Lake Charles within 10 days after adoption. Requires that the notice advise the public that any person in interest has 30 days from the date of last publication to contest the legality of the ordinance or resolution. Provides that after 30 days, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution.

(Amends R.S. 33:9038.57(B), (C), (F)(1) and (2)(c), and (G)(2), (I), and (J); Adds R.S. 33:9038.57(K))

Summary of Amendments Adopted by the Senate

Senate Floor Amendments to engrossed bill

1. Makes technical changes.

Summary of Amendments Adopted by House

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

1. Add a requirement that any ordinance or resolution adopted by the district authorizing the pledge of tax increments to secure debt be published in the official journal of the city of Lake Charles. Additionally provide a procedure for and limitation on contesting the legality of any such ordinance or resolution.