

2020 Regular Session

HOUSE BILL NO. 374

BY REPRESENTATIVES ECHOLS AND JONES

TAX INCREMENT FINANCING: Establishes an economic development district in Morehouse Parish

1 AN ACT

2 To enact R.S. 33:9038.73, relative to economic development in the city of Bastrop; to create
3 the Bastrop Economic Development District; to provide for governance of the
4 district; to provide for its powers and duties, including the power to levy taxes, incur
5 debt, and engage in tax increment financing; 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. 33:9038.73 is hereby enacted to read as follows:

11 §9038.73. Bastrop Economic Development District

12 A. The Bastrop Economic Development District, a special district and
13 political subdivision of the state, hereafter in this Section referred to as the "district",
14 is hereby created in the city of Bastrop.

15 B. The district is comprised of a tract of land situated in Sections 24 & 25,
16 T 21 N - R 5 E, Bastrop, Morehouse Parish, Louisiana, further described as follows:

17 BEGINNING at the southwest corner of the Northwest One Quarter of the
18 Southeast One Quarter of Section 24, T 21 N - R 5 E, Morehouse Parish Louisiana
19 thence run North 00024157" West along the west line of said Northwest One Quarter
20 of the Southeast One Quarter for 563.80 feet to an iron pipe the projection of the east

1 right of way line of the Arkansas, Louisiana & Missouri Railroad; thence run North
2 32°00'38" East along said projection and right of way for 1095.72 feet to point in the
3 west right of way line of East Carter Avenue; thence run South 00009'45" West
4 along said right of way line for 172.99 feet to a point in the south line of the
5 Southwest One Quarter of the Northeast One Quarter; thence run North 89°50'15"
6 West along said south line for 7.94 feet to a point; thence run South 00°09'45" West
7 for 60.02 feet to a point; thence run South 89°50'15" East for 34.34 feet to a point;
8 thence run South 00°39'07" East for 678.28 feet to a cap; thence run South 89°43'41"
9 East for 448.80 feet to an iron pipe in the east line of the Northwest One Quarter of
10 the Southeast One Quarter; thence run South 00°45'06" East along said east line for
11 245.90 feet to an iron pipe at the northwest corner of Lot 12 of Summerlin Place as
12 per Official Plat Book 2, Page 21; thence run South 89°44'52" East along the north
13 line of said Lot 12 for 118.81 feet to an iron pipe at the northeast corner thereof;
14 thence run South 00048'48" East along the east line of said Lot 12 for 304.03 feet to
15 a rebar at the southeast corner thereof and being in the north right of way line of
16 Summerlin Lane; thence run North 89°50'25" West along said right of way line and
17 south line of said Lot 12 for 118.96 feet to a point at the southwest corner of said Lot
18 12; thence run North 00°47'03" West along the west line of said Lot 12 for 27.14 feet
19 to a point; thence run South 89°41'28" West for 115.95 feet to a point; thence run
20 South 00045'52" East for 57.61 feet to a point; thence run South 89°50'25" East for
21 78.89 feet to a point in the west line of Orval Avenue; thence run South 00°43'41"
22 East along said right of way line for 147.67 feet to a point; thence run South
23 89°44'16" West for 78.79 feet to a point; thence run South 00045'52" East for 98.34
24 feet to an iron pipe; thence run North 89°44'16" East for 78.73 feet to an iron pipe
25 in the west right of way line of said Orval Avenue; thence run South 00043'41" East
26 along said right of way line for 49.17 feet to an iron pipe; thence run South 89°44'16"
27 West for 78.70 feet to a cap; thence run North 89°53'40" West for 39.07 feet to a
28 point; thence run North 00°35'20" West for 110.21 feet to an iron pipe; thence run
29 North 89°53'37" West for 147.77 feet to a monument; thence run South 00°36'28"

1 East for 141.04 feet to a point in the projection of the south line of Orval Avenue;
2 thence run South 89°57'07" East along said projection for 30.01 feet to a point;
3 thence run North 89°55'34" East along said projection and the north line of Lot 2 of
4 Block 2 of Fairview Addition to Bastrop as per Official Plat Book 1, Page 21 of the
5 records of Morehouse Parish, Louisiana for 177.08 feet to a monument at the
6 northeast corner of said Lot 2; thence run South 00°42'38" East along the east line
7 of Lots 2, 3 & 6 of Block 2 of said Fairview Addition for 179.77 feet to a point at the
8 southeast corner of said Lot 6; thence run North 89°55'34" East along the north line
9 of Lot 8 of said Block 2 for 177.02 feet to an iron pipe; thence run South 00°41'16"
10 East along the east line of Lots 8 & 9 of said Block 2 for 156.59 feet to an iron pipe;
11 thence run South 00°49'12" East for 59.66 feet to a point at the northeast corner of
12 Block 7 of said Fairview Addition; thence run South 00°49'22" East along the east
13 line of said Block 7 and the projection thereof for 220.42 feet to an iron pipe; thence
14 run South 89°53'29" West for 132.65 feet to an iron pipe in the projection of the east
15 line of Lot 2 of Block 8 of said Fairview Addition; thence run South 00°58'16" East
16 along said east line and the projection thereof for 90.39 feet to an iron pipe at the
17 southeast corner of said Lot 2; thence run North 89°04'34" East along the north line
18 of Lot 4 of said Block 8 for 132.19 feet to a rebar at the northeast corner of said Lot
19 4 being in the west right of way line of Fox Street; thence run South 00°36'46" East
20 along said west right of way line being the east line of Lots 4, 5, 8 & 9 of said Block
21 8 and Lots 1, 4 & 5 of Block 15 of said Fairview Addition for 475.25 feet to a point
22 at the southeast corner of said Lot 5; thence run South 45°32'41" West for 79.61 feet
23 to a point at the northeast corner of Block 1 of the Fox Addition as per Official Plat
24 Book 1, Page 14; thence run South 00°07'46" East along the east line of said Block
25 1 for 400.22 feet to a point in the north right of way line of Charles Avenue; thence
26 run South 89°43'40" West along said right of way line and south line of Lots 15 &
27 16 of said Block 1 for 211.13 feet to a point at the southwest corner of Lot 15; thence
28 run South 00°08'36" East along the projection of the west line of said Block 1 for
29 42.31 feet to a point in the south right of way line of Charles Avenue also being

1 north line of Lot 6 of Block 6 of the Spear Property as per Conveyance Book 61,
2 Page 88 ½; thence run North 89°33'28" East along said right of way line and north
3 line of Lots 6 & 7 of said Block 6 of the Spear Property for 123.08 feet to a point;
4 thence run South 00°21'12.5" East for 149.85 feet to an iron pipe; thence run North
5 89°34'15" East for 100.09 feet to an iron pipe; thence run South 00°15'47" East for
6 149.82 feet to an iron pipe in the south line of Lot 8 also being the north right of way
7 line of John Avenue; thence run South 89°34'17" West along said lot line and right
8 of way line for 99.85 feet to a point; thence run South 00°21'12.5" East for 50.08 feet
9 to a point in the south right of way line of said John Avenue also being in the north
10 line of Lot 4 of said Spear Property; thence run North 89°36'10" East along the north
11 line of Lots 4, 3 & 2 for 199.34 feet to a monument; thence run South 00°27'58" East
12 for 276.76 feet to an aluminum monument in the north right of way line of Colliers
13 Lane and the south line of Lot 2 ; thence run South 89°34'35" West along said right
14 of way line and south line of Lots 2 & 3 for 150.00 feet to a point at the southwest
15 corner of Lot 3; thence run South 63°55'38" West along said right of way line and
16 south line of Lots 4 and 1 and the projection thereof for 213.53 feet to a point; thence
17 run South 64°03'51" West along said right of way line for 443.05 feet to a point;
18 thence run South 89°20'52" West along said right of way line for 502.35 feet to an
19 iron pipe in the western right of way line of Center Street; thence run South 00°36
20 17" East along the west right of way line of Center Street and the east line of Lot 8
21 of Shockney's Addition as per Notarial Book 42, Page 801 of the records of
22 Morehouse Parish, Louisiana for 194.91 feet to a point at the southeast corner of said
23 Lot 8; thence run South 89°0'53" West along the south line of Lots 8, 9 & 10 of said
24 Shockney's Addition and the projection thereof for 195.00 feet to a point; thence run
25 South 00°27'52" East for 144.14 feet to an iron pipe in the north right of way line of
26 East Cypress Avenue; thence run South 89°36'55" West along said right of way line
27 for 189.68 feet to point in the east right of way line of the Missouri Pacific Railroad;
28 thence run North 00°59'51" West along said right of way line for 913.46 feet to an
29 iron pipe; thence run North 89°00'13" East along said right of way line for 25.00 feet

1 to an iron pipe; thence run North 00°59'52" West along said right of way line for
2 164.36 feet to the P.C. of a curve to the left; thence run in a northwesterly direction
3 along said right of way and curve having a Radius of 3066.08 feet, the Chord being
4 North 06°07'05" West 547.18 feet for 547.91 feet to the P.T. of said curve; thence
5 run North 11°14'11" West along said right of way line for 326.95 feet to a point;
6 thence run EAST 296.59 feet to a point; thence run North 34°23'01" East for 316.28
7 feet to a an iron pipe; thence run North 22°19'18" East for 107.05 feet to a point;
8 thence run North 09°20'14" East for 115.80 feet to a point; thence run North
9 00°52'53" West for 654.36 feet to a point; thence run North 00°08'12" West for
10 66.79 feet to a point; thence run South 89°48'05" West for 10.28 feet to a set 1" iron
11 pipe in the west line of the Southwest One Quarter of the Southeast One Quarter of
12 Section 24; thence run North 00°24'57" West along said west line for 132.00 feet to
13 a point and The Point Of Beginning.

14 C. The district is created to provide for cooperative economic development
15 between the district, the city of Bastrop, Morehouse Parish, the state, and the owner
16 or owners of property within the district in order to provide for costs related to
17 infrastructure and other economic development initiatives within the district as
18 determined by the governing authority of the district.

19 D. The district shall be governed by the governing authority of Bastrop.

20 E. The district, acting by and through its governing authority, may exercise
21 all powers of a political subdivision and a special district necessary or convenient for
22 carrying out its objects and purposes including but not limited to the following:

- 23 (1) To sue and to be sued.
- 24 (2) To adopt bylaws and rules and regulations.
- 25 (3) To receive by gift, grant, or donation any sum of money, property, aid
26 or assistance from the United States, the state of Louisiana, or any political
27 subdivision thereof, or any person, firm, or corporation.

1 (4) To enter contracts, agreements, or cooperative endeavors with the state
2 and its political subdivisions or political corporations and with any public or private
3 association, corporation, business entity, or individual.

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

6 (6) To acquire by gift, grant, purchase, or lease property as necessary or
7 desirable for carrying out its objectives and purposes and to mortgage and sell
8 property.

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

13 (8) To establish funds or accounts as necessary for the conduct of its affairs.

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

16 (10) To designate by ordinance any territory within the district as a
17 subdistrict in which shall be exercised, to the exclusion of the remainder of the
18 district, any authority provided to the district by Subsection F of this Section or any
19 other provision of this Section or other law.

20 F.(1) To provide for the costs of a project to fund infrastructure within the
21 district, the district shall have such tax increment finance authority, taxing authority,
22 and other authority that is provided to local governmental subdivisions in Part II of
23 this Chapter, including but not limited to the following: ad valorem tax increment
24 financing and bonding in R.S. 33:9038.33; sales tax increment financing and bonding
25 in R.S. 33:9038.34; cooperative endeavor authority in R.S. 33:9038.35; bond
26 authority in R.S. 33:9038.38; and ad valorem, sales tax, and hotel occupancy tax
27 authority in R.S. 33:9038.39. A project to fund infrastructure within the district is
28 hereby deemed to be an "economic development project" within the meaning
29 provided for in that Part. An agreement entered by the district and any affected tax

1 recipient entity authorizing the use and dedication of the affected tax recipient
2 entity's incremental increase in taxes may include additional public or private entities
3 as parties to such agreement and may include such terms, conditions, and other
4 provisions to which all parties to such agreement consent.

5 (2) Notwithstanding any provision of Part II of this Chapter or any other law
6 to the contrary, any powers, authorities, or duties granted under such laws may be
7 restricted to a subdistrict, the territory of which shall be established by ordinance of
8 the governing authority of the district.

9 G. The district may pledge any taxes collected under the authority of this
10 Section to any economic development project in furtherance of the purposes of the
11 district.

12 H.(1) The district may construct and acquire facilities, including the
13 acquisition of sites and other necessary property or appurtenances thereto within the
14 district, or outside the district if the project is undertaken conjointly with other local
15 units of government, under the authority of the Local Services Law, R.S. 33:1321 et
16 seq. or other authorizing authority and may acquire, construct, improve, operate,
17 maintain, and provide improvements and services necessary therefor, including but
18 not limited to roads, street lighting, bridges, rail facilities, drainage, sewage disposal
19 facilities, solid waste disposal facilities, waterworks, and other utilities and related
20 properties.

21 (2) The district shall also have the authority to sell, lease, or otherwise
22 dispose of, by suitable and appropriate contract, to any enterprise located or existing
23 within the district all or any part of a site, building, or other property owned by the
24 district. In determining the consideration for any contract to lease, sell, or otherwise
25 dispose of lands, buildings, or other property of the district, the governing authority
26 may take into consideration the value of the lands, buildings, or other properties
27 involved as well as the potential value of the economic impact of the enterprise being
28 induced to locate or expand within the district. Such economic impact shall include
29 increased employment, increased use of local labor, wages and salaries to be paid,

1 consumption of local materials, products, and resources, and special tax revenues to
2 be generated by the enterprise acquiring or leasing lands, buildings, or other property
3 from the district. The district may enter into leases.

4 (3) The resolution or ordinance adopted by the governing authority
5 authorizing any lease, sale, or other disposition of lands, buildings, or other property
6 of the district or any attachment thereto shall set forth, in a general way, the terms
7 of the authorized lease, sale, or other disposition, and such resolution or ordinance
8 shall be published as soon as possible in one issue of the official journal of the
9 district. For a period of thirty days from the date of publication of any such
10 resolution or ordinance, any interested person may contest the legality of such
11 resolution or ordinance or the validity of the authorized lease, sale, or other
12 disposition of district property, after which time no one shall have any cause of
13 action to contest the legality of the resolution or ordinance or to draw into question
14 the legality of the authorized lease, sale, or other disposition of district property for
15 any cause whatsoever, and it shall be conclusively presumed thereafter that every
16 legal requirement has been complied with and no court shall have authority to
17 inquire into such matters after the lapse of thirty days.

18 I. The governing authority may levy annually an ad valorem tax, provided
19 that the amount, term, and purpose of said tax, as set out in a proposition submitted
20 to a vote in accordance with the Louisiana Election Code, shall be approved by a
21 majority of the qualified electors of the district voting in an election held for that
22 purpose. All funds derived under this Section may be used for any expenses or
23 purposes of the district.

24 J.(1) The district may levy and cause to be collected a sales and use tax
25 within the boundaries of the district for purposes and at a rate provided by the
26 proposition authorizing its levy, which tax may exceed the limitation set forth in
27 Article VI, Section 29(A) of the Constitution of Louisiana, if the proposition is
28 approved by a majority of the qualified electors of the district voting in the election
29 held for such purpose.

1 (2) An election shall be conducted in accordance with the provisions of the
2 Louisiana Election Code and at the time another election is being conducted
3 throughout the state.

4 (3) The tax shall be levied upon the sale at retail, the use, the lease or rental,
5 consumption, the distribution, and storage for use or consumption of tangible
6 personal property, and upon the sales of services within the district, all as presently
7 defined in R.S. 47:301 et seq.

8 (4) Except where inapplicable, the procedure established by R.S. 47:301 et
9 seq. shall be followed in the imposition, collection, and enforcement of the tax, and
10 procedural details necessary to supplement those Sections and to make them
11 applicable to the tax authorized by this Subsection shall be fixed in the resolution
12 imposing the tax.

13 K.(1) The district may incur debt for any one or more of its lawful purposes
14 set forth in this Section, to issue in its name negotiable bonds, notes, certificates of
15 indebtedness, or other evidences of debt, and to provide for the security and payment
16 thereof. The district may in its own name and behalf incur debt and issue general
17 obligation ad valorem property tax secured bonds under the authority of and subject
18 to the provisions of Article VI, Section 33 of the Constitution of Louisiana, Subpart
19 A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes
20 of 1950, when approved by a majority of the qualified voters of the district who vote
21 in a special election called and conducted under the authority of the Louisiana
22 Election Code. General obligation bonds of the district may be issued for any of the
23 purposes for which the district is created or is authorized to act under any provisions
24 of this Section, all of which purposes are hereby found and declared to be public
25 purposes and functions of the state of Louisiana, which are delegated to the district.

26 (2) The district may, in its own name and behalf, issue revenue bonds for the
27 purposes for which the district is created or is authorized to act under any of the
28 provisions of this Section, including industrial and commercial development revenue

1 bonds. The bonds shall be issued in the manner as provided for in R.S. 39:991
2 through 1001 and R.S. 39:1011 through 1024.

3 (3) The district may, in its own name and behalf, borrow from time to time
4 in the form of certificates of indebtedness. The certificates shall be secured by the
5 dedication and pledge of monies of the district derived from any lawful sources,
6 including fees, lease rentals, service charges, local service agreement payments from
7 one or more other contracting parties, the avails of ad valorem property taxation, or
8 any combination of such sources of income, provided that the term of such
9 certificates shall not exceed ten years and the annual debt service on the amount
10 borrowed shall not exceed the anticipated revenues to be dedicated and pledged to
11 the payment of the certificates of indebtedness, as shall be estimated by the
12 governing authority of the district at the time of the adoption of the resolution
13 authorizing the issuance of such certificates. The estimate of the governing authority
14 referred to in the authorizing resolution shall be conclusive for all purposes of this
15 Section.

16 (4) The district may borrow the amount of the anticipated proceeds of the ad
17 valorem tax authorized by this Section for a period not to exceed ten years and may
18 issue certificates of indebtedness therefor and may dedicate the avails of the tax
19 funded for the payment thereof for the period of time said certificates are
20 outstanding.

21 (5) The governing authority of the district may adopt resolutions or
22 ordinances as necessary for ordering, holding, canvassing, and promulgating the
23 returns of any election required for the issuance of general obligation bonds, or
24 limited tax secured obligations, or for the voting of a property tax millage, which
25 resolutions or ordinances may include covenants for the security and payment of any
26 bonds or other evidence of debt so issued.

27 (6) For a period of thirty days from the date of publication of any resolution
28 or ordinance authorizing the issuance of any bonds, certificates of indebtedness,
29 notes, or other evidence of debt of the district, any interested person may contest the

1 legality of such resolution or ordinance and the validity of such bonds, certificates
 2 of indebtedness, notes, or other evidence of debt issued or proposed to be issued
 3 thereunder and the security of their payment, after which time no one shall have any
 4 cause of action to contest the legality of said resolution or ordinance or to draw in
 5 question the legality of said bonds, certificates of indebtedness, notes, or other
 6 evidence of debt, the security therefor, or the debts represented thereby for any cause
 7 whatever, and it shall be conclusively presumed that every legal requirement has
 8 been complied with, and no court shall have authority to inquire into such matters
 9 after the lapse of thirty days.

10 (7) The issuance and sale of such bonds, certificates of indebtedness, notes,
 11 or other evidence of debt by the district is subject to approval by the State Bond
 12 Commission.

13 (8) Such bonds, certificates of indebtedness, notes, or other evidence of debt
 14 have all the qualities of negotiable instruments under the commercial laws of the
 15 state of Louisiana.

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 374 Engrossed

2020 Regular Session

Echols

Abstract: Creates the Bastrop Economic Development District.

Proposed law creates the Bastrop Economic Development District to provide for cooperative economic development between the district, the city of Bastrop, Morehouse Parish, the state, and the owner or owners of property within the district in order to provide for costs related to infrastructure and other economic development initiatives.

Proposed law specifies the district's boundaries and provides that the governing authority of Bastrop governs the district.

Proposed law authorizes the district to exercise power necessary or convenient for carrying out its objects and purposes including:

- (1) To sue and to be sued.
- (2) To adopt bylaws and rules and regulations.
- (3) To receive gifts, grants, and donations.

- (4) To enter contracts, agreements, or cooperative endeavors.
- (5) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
- (6) To acquire or lease property as necessary or desirable for carrying out the objectives and purposes of the district and to mortgage and sell such property.
- (7) To incur debt.
- (8) To establish funds or accounts as necessary for the conduct of its affairs.
- (9) To designate territory within the district as a subdistrict in which shall be exercised, to the exclusion of the remainder of the district, any authority provided to the district.

Proposed law authorizes the district to fund infrastructure projects through tax increment financing.

Proposed law authorizes the district to construct and acquire facilities and to acquire, construct, improve, operate, maintain, and provide improvements and services necessary therefor, including but not limited to roads, street lighting, bridges, rail facilities, drainage, sewage disposal facilities, solid waste disposal facilities, waterworks, and other utilities and related properties. Authorizes the district to sell, lease, or otherwise dispose of to any enterprise located or existing within the district all or any part of a site, building, or other property owned by the district.

Proposed law authorizes the district to levy ad valorem and sales taxes, subject to voter approval. Authorizes the district, subject to approval of the State Bond Commission, to issue bonds, notes, certificates of indebtedness, or other evidences of debt, and to provide for the security and payment thereof. Provides requirements and procedures regarding such debt.

(Adds R.S. 33:9038.73)