

2020 Regular Session

HOUSE BILL NO. 374

BY REPRESENTATIVES ECHOLS, BUTLER, CARPENTER, CARRIER, GARY CARTER, WILFORD CARTER, COX, CREWS, DUPLESSIS, FIRMENT, FRIEMAN, GADBERRY, GAINES, HARRIS, ILLG, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LARVADAIN, MACK, MCFARLAND, MINCEY, MOORE, PRESSLY, SCHEXNAYDER, SEABAUGH, THOMPSON, TURNER, AND WHEAT

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  
21 right of way line of the Arkansas, Louisiana & Missouri Railroad; thence run North  
22 32°00'38" East along said projection and right of way for 1095.72 feet to point in the  
23 west right of way line of East Carter Avenue; thence run South 00009'45" West

1           along said right of way line for 172.99 feet to a point in the south line of the  
2           Southwest One Quarter of the Northeast One Quarter; thence run North 89°50'15"  
3           West along said south line for 7.94 feet to a point; thence run South 00°09 45" West  
4           for 60.02 feet to a point; thence run South 89°50'15" East for 34.34 feet to a point;  
5           thence run South 00°39'07" East for 678.28 feet to a cap; thence run South 89°43'41"  
6           East for 448.80 feet to an iron pipe in the east line of the Northwest One Quarter of  
7           the Southeast One Quarter; thence run South 00°45 06" East along said east line for  
8           245.90 feet to an iron pipe at the northwest corner of Lot 12 of Summerlin Place as  
9           per Official Plat Book 2, Page 21; thence run South 89°44'52" East along the north  
10          line of said Lot 12 for 118.81 feet to an iron pipe at the northeast corner thereof;  
11          thence run South 00°48'48" East along the east line of said Lot 12 for 304.03 feet to  
12          a rebar at the southeast corner thereof and being in the north right of way line of  
13          Summerlin Lane; thence run North 89°50'25" West along said right of way line and  
14          south line of said Lot 12 for 118.96 feet to a point at the southwest corner of said Lot  
15          12; thence run North 00°47 03" West along the west line of said Lot 12 for 27.14 feet  
16          to a point; thence run South 89°41'28" West for 115.95 feet to a point; thence run  
17          South 00°45'52" East for 57.61 feet to a point; thence run South 89°50'25" East for  
18          78.89 feet to a point in the west line of Orval Avenue; thence run South 00°43 41"  
19          East along said right of way line for 147.67 feet to a point; thence run South  
20          89°44'16" West for 78.79 feet to a point; thence run South 00°45 52" East for 98.34  
21          feet to an iron pipe; thence run North 89°44'16" East for 78.73 feet to an iron pipe  
22          in the west right of way line of said Orval Avenue; thence run South 00°43'41" East  
23          along said right of way line for 49.17 feet to an iron pipe; thence run South 89°44'16"  
24          West for 78.70 feet to a cap; thence run North 89°53'40" West for 39.07 feet to a  
25          point; thence run North 00°35'20" West for 110.21 feet to an iron pipe; thence run  
26          North 89°53'37" West for 147.77 feet to a monument; thence run South 00°36'28"  
27          East for 141.04 feet to a point in the projection of the south line of Orval Avenue;  
28          thence run South 89°57'07" East along said projection for 30.01 feet to a point;  
29          thence run North 89°55'34" East along said projection and the north line of Lot 2 of  
30          Block 2 of Fairview Addition to Bastrop as per Official Plat Book 1, Page 21 of the  
31          records of Morehouse Parish, Louisiana for 177.08 feet to a monument at the  
32          northeast corner of said Lot 2; thence run South 00°42 38" East along the east line

1           of Lots 2, 3 & 6 of Block 2 of said Fairview Addition for 179.77 feet to a point at the  
2           southeast corner of said Lot 6; thence run North 89°55'34" East along the north line  
3           of Lot 8 of said Block 2 for 177.02 feet to an iron pipe; thence run South 00°41'16"  
4           East along the east line of Lots 8 & 9 of said Block 2 for 156.59 feet to an iron pipe;  
5           thence run South 00°49'22" East for 59.66 feet to a point at the northeast corner of  
6           Block 7 of said Fairview Addition; thence run South 00°49'22" East along the east  
7           line of said Block 7 and the projection thereof for 220.42 feet to an iron pipe; thence  
8           run South 89°53'29" West for 132.65 feet to an iron pipe in the projection of the east  
9           line of Lot 2 of Block 8 of said Fairview Addition; thence run South 00°58'16" East  
10           along said east line and the projection thereof for 90.39 feet to an iron pipe at the  
11           southeast corner of said Lot 2; thence run North 89°04'34" East along the north line  
12           of Lot 4 of said Block 8 for 132.19 feet to a rebar at the northeast corner of said Lot  
13           4 being in the west right of way line of Fox Street; thence run South 00°36'46" East  
14           along said west right of way line being the east line of Lots 4, 5, 8 & 9 of said Block  
15           8 and Lots 1, 4 & 5 of Block 15 of said Fairview Addition for 475.25 feet to a point  
16           at the southeast corner of said Lot 5; thence run South 45°32'41" West for 79.61 feet  
17           to a point at the northeast corner of Block 1 of the Fox Addition as per Official Plat  
18           Book 1, Page 14; thence run South 00°07'46" East along the east line of said Block  
19           1 for 400.22 feet to a point in the north right of way line of Charles Avenue; thence  
20           run South 89°43'40" West along said right of way line and south line of Lots 15 &  
21           16 of said Block 1 for 211.13 feet to a point at the southwest corner of Lot 15; thence  
22           run South 00°08'36" East along the projection of the west line of said Block 1 for  
23           42.31 feet to a point in the south right of way line of Charles Avenue also being  
24           north line of Lot 6 of Block 6 of the Spear Property as per Conveyance Book 61,  
25           Page 88 ½; thence run North 89°33'28" East along said right of way line and north  
26           line of Lots 6 & 7 of said Block 6 of the Spear Property for 123.08 feet to a point;  
27           thence run South 00°21'125" East for 149.85 feet to an iron pipe; thence run North  
28           89°34'15" East for 100.09 feet to an iron pipe; thence run South 00°15'47" East for  
29           149.82 feet to an iron pipe in the south line of Lot 8 also being the north right of way  
30           line of John Avenue; thence run South 89°34'17" West along said lot line and right  
31           of way line for 99.85 feet to a point; thence run South 00°21'125" East for 50.08 feet  
32           to a point in the south right of way line of said John Avenue also being in the north

1 line of Lot 4 of said Spear Property; thence run North 89°36'10" East along the north  
2 line of Lots 4, 3 & 2 for 199.34 feet to a monument; thence run South 00°27'58" East  
3 for 276.76 feet to an aluminum monument in the north right of way line of Colliers  
4 Lane and the south line of Lot 2 ; thence run South 89°34'35" West along said right  
5 of way line and south line of Lots 2 & 3 for 150.00 feet to a point at the southwest  
6 corner of Lot 3; thence run South 63°55'38" West along said right of way line and  
7 south line of Lots 4 and 1 and the projection thereof for 213.53 feet to a point; thence  
8 run South 64°03'51" West along said right of way line for 443.05 feet to a point;  
9 thence run South 89°20'52" West along said right of way line for 502.35 feet to a an  
10 iron pipe in the western right of way line of Center Street; thence run South 00°36  
11 17" East along the west right of way line of Center Street and the east line of Lot 8  
12 of Shockney's Addition as per Notarial Book 42, Page 801 of the records of  
13 Morehouse Parish, Louisiana for 194.91 feet to a point at the southeast corner of said  
14 Lot 8; thence run South 89°07'53" West along the south line of Lots 8, 9 & 10 of said  
15 Shockney's Addition and the projection thereof for 195.00 feet to a point; thence run  
16 South 00°27'52" East for 144.14 feet to an iron pipe in the north right of way line of  
17 East Cypress Avenue; thence run South 89°36'55" West along said right of way line  
18 for 189.68 feet to point in the east right of way line of the Missouri Pacific Railroad;  
19 thence run North 00°59'51" West along said right of way line for 913.46 feet to an  
20 iron pipe; thence run North 89°00'13" East along said right of way line for 25.00 feet  
21 to an iron pipe; thence run North 00°59'52" West along said right of way line for  
22 164.36 feet to the P.C. of a curve to the left; thence run in a northwesterly direction  
23 along said right of way and curve having a Radius of 3066.08 feet, the Chord being  
24 North 06°07'05" West 547.18 feet for 547.91 feet to the P.T. of said curve; thence  
25 run North 11°14'11" West along said right of way line for 326.95 feet to a point;  
26 thence run EAST 296.59 feet to a point; thence run North 34°23'01" East for 316.28  
27 feet to a an iron pipe; thence run North 22°19'18" East for 107.05 feet to a point;  
28 thence run North 09°20'14" East for 115.80 feet to a point; thence run North  
29 00°52'53" West for 654.36 feet to a point; thence run North 00°08'12" West for  
30 66.79 feet to a point; thence run South 89°48'05" West for 10.28 feet to a set 1" iron  
31 pipe in the west line of the Southwest One Quarter of the Southeast One Quarter of

1           Section 24; thence run North 00°24'57" West along said west line for 132.00 feet to  
 2           a point and The Point Of Beginning.

3           C. The district is created to provide for cooperative economic development  
 4           between the district, the city of Bastrop, Morehouse Parish, the state, and the owner  
 5           or owners of property within the district in order to provide for costs related to  
 6           infrastructure and other economic development initiatives within the district as  
 7           determined by the governing authority of the district.

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

9           E. Except for the authority to levy ad valorem property taxes, the district,  
 10          acting by and through its governing authority, may exercise all powers of a political  
 11          subdivision and a special district necessary or convenient for carrying out its objects  
 12          and purposes including but not limited to the following:

13                   (1) To sue and to be sued.

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

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

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

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

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

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

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

31                   (9) To do all things reasonably necessary to accomplish the purposes of this

32           Section.

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

5           F.(1) To provide for the costs of a project to fund infrastructure within the  
 6           district, the district shall have such tax increment finance authority, taxing authority,  
 7           as provided in this Paragraph, and other authority that is provided to local  
 8           governmental subdivisions in Part II of this Chapter, including but not limited to the  
 9           following: ad valorem tax increment financing and bonding in R.S. 33:9038.33; sales  
 10          tax increment financing and bonding in R.S. 33:9038.34; cooperative endeavor  
 11          authority in R.S. 33:9038.35; bond authority in R.S. 33:9038.38; and sales tax and  
 12          hotel occupancy tax authority in R.S. 33:9038.39. A project to fund infrastructure  
 13          within the district is hereby deemed to be an economic development project as  
 14          provided for in Part II of this Chapter. An agreement entered by the district and any  
 15          affected tax recipient entity authorizing the use and dedication of the affected tax  
 16          recipient entity's incremental increase in taxes may include additional public or  
 17          private entities as parties to such agreement and may include such terms, conditions,  
 18          and other provisions to which all parties to such agreement consent.

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

23          G. The district may pledge any taxes collected under the authority of this  
 24          Section to any economic development project in furtherance of the purposes of the  
 25          district.

26          H.(1) The district may construct and acquire facilities, including the  
 27          acquisition of sites and other necessary property or appurtenances thereto within the  
 28          district, or outside the district if the project is undertaken conjointly with other local  
 29          units of government, under the authority of the Local Services Law, R.S. 33:1321 et  
 30          seq. or other authorizing authority and may acquire, construct, improve, operate,  
 31          maintain, and provide improvements and services necessary therefor, including but  
 32          not limited to roads, street lighting, bridges, rail facilities, drainage, sewage disposal

1 facilities, solid waste disposal facilities, waterworks, and other utilities and related  
2 properties.

3 (2) The district shall also have the authority to sell, lease, or otherwise  
4 dispose of, by suitable and appropriate contract, to any enterprise located or existing  
5 within the district all or any part of a site, building, or other property owned by the  
6 district. In determining the consideration for any contract to lease, sell, or otherwise  
7 dispose of lands, buildings, or other property of the district, the governing authority  
8 may take into consideration the value of the lands, buildings, or other properties  
9 involved as well as the potential value of the economic impact of the enterprise being  
10 induced to locate or expand within the district. Such economic impact shall include  
11 increased employment, increased use of local labor, wages and salaries to be paid,  
12 consumption of local materials, products, and resources, and special tax revenues to  
13 be generated by the enterprise acquiring or leasing lands, buildings, or other property  
14 from the district. The district may enter into leases.

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

29 I.(1) The district may levy and cause to be collected a sales and use tax  
30 within the boundaries of the district for purposes and at a rate provided by the  
31 proposition authorizing its levy, which tax may exceed the limitation set forth in  
32 Article VI, Section 29(A) of the Constitution of Louisiana, if the proposition is

1 approved by a majority of the qualified electors of the district voting in the election  
2 held for such purpose.

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

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

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

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

28 (2) The district may in its own name and on its own behalf issue revenue  
29 bonds for the purposes for which the district is created or is authorized to act under  
30 any of the provisions of this Section, including industrial and commercial  
31 development revenue bonds. The bonds shall be issued in the manner as provided  
32 for in R.S. 39:991 through 1001 and R.S. 39:1011 through 1024.

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

13           (4) The governing authority of the district may adopt resolutions or  
14           ordinances as necessary for ordering, holding, canvassing, and promulgating the  
15           returns of any election required for the issuance of general obligation bonds, or  
16           limited tax secured obligations, which resolutions or ordinances may include  
17           covenants for the security and payment of any bonds or other evidence of debt so  
18           issued.

19           (5) For a period of thirty days from the date of publication of any resolution  
20           or ordinance authorizing the issuance of any bonds, certificates of indebtedness,  
21           notes, or other evidence of debt of the district, any interested person may contest the  
22           legality of such resolution or ordinance and the validity of such bonds, certificates  
23           of indebtedness, notes, or other evidence of debt issued or proposed to be issued  
24           thereunder and the security of their payment, after which time no one shall have any  
25           cause of action to contest the legality of the resolution or ordinance or to draw in  
26           question the legality of the bonds, certificates of indebtedness, notes, or other  
27           evidence of debt, the security therefor, or the debts represented thereby for any cause  
28           whatever, and it shall be conclusively presumed that every legal requirement has  
29           been complied with, and no court shall have authority to inquire into such matters  
30           after the lapse of thirty days.

1                   (6) The issuance and sale of such bonds, certificates of indebtedness, notes,  
2                   or other evidence of debt by the district is subject to approval by the State Bond  
3                   Commission.

4                   (7) Such bonds, certificates of indebtedness, notes, or other evidence of debt  
5                   have all the qualities of negotiable instruments under the commercial laws of the  
6                   state of Louisiana.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_