

2023 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE WILFORD CARTER

ECONOMIC DEVELOPMENT: Creates the North Lake Charles Economic Development District

1 AN ACT

2 To enact R.S. 33:2740.70.3, relative to the city of Lake Charles; to create the North Lake
3 Charles Economic Development District; to provide relative to the boundaries,
4 purpose, governance, and powers and duties of the district; to provide relative to
5 district funding; 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 §2740.70.3. North Lake Charles Economic Development District

11 A.(1) There is hereby created in the city of Lake Charles a body politic and
12 corporate which shall exist in perpetuity and shall be known as the North Lake
13 Charles Economic Development District, referred to in this Section as the "district".

14 (2) The district shall be a special district created pursuant to Article VI,
15 Section 19 of the Constitution of Louisiana and political subdivision of the state as
16 defined in Article VI, Section 44 of the Constitution of Louisiana. The district,
17 acting through its governing board, is hereby granted all of the rights, powers,
18 privileges, and immunities accorded by the laws and the Constitution of Louisiana
19 to political subdivisions of the state, subject to the limitations provided in this
20 Section.

1 B. The boundaries of the district shall encompass all of the territory included
2 within the following perimeter: Commencing at the point where Kayouche Coolie
3 intersects with English Bayou thence westward along the southern banks of the
4 English Bayou until the English Bayou intersects with the Calcasieu River westward
5 along the southern banks of Calcasieu River to a point on Calcasieu River southern
6 banks where if Kirkman St. were extended northward it would intersect with
7 Calcasieu River thence southward along Kirkman Street to 12th Street thence east
8 along 12th Street to a point where if 12th Street were extended eastward it would
9 intersect with Kayouche Coolie thence north following Kayouche Coolie to the point
10 of commencement.

11 C.(1) The district shall be governed by a five-member board of
12 commissioners, referred to in this Section as the "board". The board shall provide
13 for the orderly planning, development, acquisition, construction, and effectuation of
14 the services, improvements, and facilities to be furnished by the district, to provide
15 for the representation in the affairs of the district of those persons and interests
16 immediately concerned with and affected by the purposes and development of the
17 district and shall exercise such other powers, duties, and functions as provided in this
18 Section.

19 (2) The members of the board shall be residents and qualified voters of the
20 district. The board membership shall be reflective of the city's diverse population.
21 The five members shall be appointed as follows:

22 (a) The Lake Charles City Council shall appoint one member.

23 (b) The state representative for the House of Representatives district which
24 encompasses all or the greater portion of the area of the district shall appoint one
25 member.

26 (c) The state senator for the Senate district which encompasses all or the
27 greater portion of the area of the district shall appoint one member.

1 (d) The governing board of the Louisiana Chamber of Commerce
2 Foundation, also known as the "Louisiana Black Chamber of Commerce", "the Lake
3 Charles Branch", shall appoint one member.

4 (e) The members of the governing authority of Calcasieu Parish who
5 represent District Nos. 2, 3, 4, and 9 shall jointly appoint one member upon approval
6 of three of the four members.

7 (3)(a) Members shall serve three-year terms after serving initial terms as
8 provided in this Subparagraph. Two members shall serve three-year initial terms,
9 two members shall serve two-year initial terms, and one member shall serve a one-
10 year initial term as determined by lot at the first meeting of the board.

11 (b) Any vacancy which occurs prior to the expiration of the term for which
12 a member of the board has been appointed shall be filled by appointment in the same
13 manner as the original appointment for the unexpired term.

14 D.(1) As soon as practical after appointment of all members, the board shall
15 meet. The board shall elect from its number a chairman, vice chairman, a secretary,
16 a treasurer, and such other officers as it may deem appropriate.

17 (2) The minute books and archives of the board shall be maintained by the
18 board's secretary with the help and assistance of and through the council's office.
19 The monies, funds, and accounts of the district in the official custody and control of
20 the board's treasurer shall be deposited, expended, and accounted for, records
21 maintained, and idle funds invested through the department of administration, under
22 the director of administration, and checks issued through the department as in the
23 case of city monies under the plan of government. An attorney appointed by the
24 mayor shall serve as the board's regular attorney, and the services of other offices
25 and departments of the city shall be furnished in accordance with Subsection G of
26 this Section.

27 (3) The duties of the officers shall be fixed by bylaws adopted by the board.
28 The board shall adopt such rules and regulations as it deems necessary or advisable
29 for conducting its business and affairs and, to the extent that funds are available,

1 shall hire such assistants and employees as are needed to assist the board in the
2 performance of its duties. It shall hold regular meetings as shall be provided in the
3 bylaws and may hold special meetings at such time and places within or without the
4 district as may be prescribed in the bylaws.

5 (4) A majority of the members of the board shall constitute a quorum for the
6 transaction of business. The board shall keep minutes of all meetings and shall make
7 them available to the public in conformance with law.

8 (5) The members of the board shall serve without compensation; however,
9 they shall receive a travel allowance as reimbursement for expenses incurred while
10 attending to the business of the board or the district.

11 E.(1) The board shall prepare or cause to be prepared a plan or plans
12 specifying the public improvements, facilities, and services proposed to be furnished,
13 constructed, or acquired for the district and shall conduct such public hearings,
14 publish such notice with respect thereto, and disseminate such information as it, in
15 the exercise of its sound discretion, may deem to be appropriate or advisable and in
16 the public interest.

17 (2) Any plan may specify and encompass any public services, capital
18 improvements, and facilities which the city of Lake Charles is authorized to
19 undertake, furnish, or provide under the constitution and laws of the state of
20 Louisiana, and such specified public services, improvements, and facilities shall be
21 special and in addition to all services, improvements, and facilities which the city of
22 Lake Charles is then furnishing or providing or may then or in the future be obligated
23 to furnish or provide within the district.

24 (3) Any plan shall include an estimate of the annual and total cost of
25 acquiring, constructing, or providing the services, improvements, or facilities set
26 forth therein.

27 (4) The board shall also submit the plan to the city planning commission.
28 The planning commission shall review the plan and determine whether or not it is
29 consistent with the comprehensive plan for the city of Lake Charles. The planning

1 commission, within thirty days following receipt of the plan, shall submit to the Lake
2 Charles City Council its written opinion as to whether or not the plan or any portion
3 or detail thereof is inconsistent with the comprehensive plan for the city, together
4 with its written comments and recommendations with respect thereto.

5 (5) After receipt of the plan together with the written comments and
6 recommendations of the city planning commission, the Lake Charles City Council
7 shall review and consider the plan together with the written comments and
8 recommendations. The Lake Charles City Council, within thirty days following the
9 receipt of the plan, shall submit a written recommendation to the board as to whether
10 the board should approve the plan. After receipt of the written recommendation, the
11 board shall review and consider the recommendation. The board may adopt or reject
12 any such recommendation.

13 F.(1)(a) Notwithstanding the provisions of Subsection E of this Section, the
14 board may prepare and submit directly to the Lake Charles City Council a plan or
15 plans setting forth its intention to employ professional consultants, experts, and such
16 other advisors and personnel as it deems necessary or convenient to assist in the
17 preparation of a plan or plans for the orderly and efficient development of services
18 and improvements within the district.

19 (b) The plan shall specify the services proposed to be rendered by such
20 employees, an estimate of the aggregate of the proposed salaries of such employees,
21 and an estimate of the other expenses of the board required for the preparation of
22 such plan or plans.

23 (2) The Lake Charles City Council shall review and consider such plan. The
24 Lake Charles City Council, within thirty days following the receipt of the plan, shall
25 submit a written recommendation to the board as to whether the board should
26 approve the plan. After receipt of the written recommendation, the board shall
27 review and consider the recommendation. The board may adopt or reject any such
28 recommendation.

1 G.(1) All services to be furnished within the district pursuant to any plan
2 finally and conclusively adopted shall be furnished, supplied, and administered by
3 the city through its regularly constituted departments, agencies, boards,
4 commissions, and instrumentalities. All capital improvements and facilities to be
5 acquired, constructed, or provided within the district, whether from the proceeds of
6 bonds or otherwise, shall likewise be so acquired, constructed, or provided by the
7 city through its regularly constituted departments, agencies, boards, commissions,
8 and instrumentalities, it being the intention hereof to avoid the duplication of
9 administrative and management efforts and expense in the implementation of any
10 plan adopted for the benefit of the district.

11 (2) In order to provide such services and provide, construct, or acquire such
12 capital improvements or facilities, the board may enter into intergovernmental local
13 service contracts with the city.

14 H. The district may acquire, lease, insure, and sell real property within its
15 boundaries in accordance with its plans.

16 I. The district, acting by and through its board of commissioners, shall have
17 and exercise all powers of a political subdivision necessary or convenient for the
18 carrying out of its objects and purposes, including but not limited to rights and
19 powers set out in this Subsection:

20 (1) To sue and be sued.

21 (2) To adopt, use, and alter at will a corporate seal.

22 (3) To acquire by gift, grant, purchase, lease, or otherwise, all property,
23 including servitudes or rights of way; to hold and use any franchise or property,
24 immovable, movable, or mixed, corporeal or incorporeal, or any interest therein,
25 necessary or desirable for carrying out the objectives and purposes of the district,
26 including but not limited to the establishment, maintenance, and operation of
27 industrial or commercial parks.

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

4 (5) To enter into contracts for the purchase, acquisition, construction,
5 maintenance, and improvement of works and facilities necessary in connection with
6 the purposes of the district.

7 (6) To require and issue licenses with respect to its properties and facilities.

8 (7) To regulate the imposition of fees and rentals charged by the district for
9 its facilities and for services rendered by it.

10 (8) To mortgage properties constructed or acquired and to borrow money and
11 pledge all or part of its revenues, leases, rents, or other advantages as security for
12 such loans.

13 (9) To sell immovable property owned by the commission after legal notice
14 as provided by law for the judicial sale of immovable property.

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

17 (11) To contract, upon such terms as it may agree upon, for legal, financial,
18 engineering, and other professional services necessary or expedient in the conduct
19 of its affairs.

20 (12) To utilize the services of the executive departments of the state upon
21 mutually agreeable terms and conditions.

22 (13) To adopt bylaws for the regulation of its affairs and the conduct of its
23 business.

24 (14) To do any and all things necessary or proper for the government,
25 regulation, development, and control of the business of the board of commissioners.

26 J. (1) In addition to the authority provided to the district by this Section, the
27 district may levy and collect a sales and use tax within the boundaries of the district
28 not to exceed one percent.

1 (2) The tax shall be imposed by resolution of the board and shall be levied
2 upon the sale at retail, the use, the lease or rental, the consumption, the distribution,
3 and storage for use or consumption of tangible personal property, and upon the sales
4 of services within the boundaries of the district, all as defined in R.S. 47:301 et seq.
5 However, the resolution imposing the tax shall be adopted only after the proposed
6 tax is approved by the Lake Charles City Council and by a majority of the qualified
7 electors voting on the proposition at an election held for that purpose and conducted
8 in accordance with the Louisiana Election Code. The purpose and rate of the tax
9 shall be as provided in the resolution.

10 (3) 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 in this Subsection shall be fixed in the resolution
14 imposing the tax.

15 (4) The tax shall be imposed and collected uniformly throughout the
16 jurisdiction of the district.

17 (5) The tax levied pursuant to this Subsection shall be in addition to all other
18 taxes other political subdivisions within the jurisdiction of the district are authorized
19 to levy and collect.

20 (6) The district shall have no other power of taxation, except as provided in
21 this Subsection.

22 K.(1)(a) In addition to any authority provided to the district by this Section,
23 the district shall have the authority provided to an economic development district by
24 Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 to
25 implement tax increment financing and may issue revenue bonds payable from an
26 irrevocable pledge and dedication of up to the full amount of tax increments
27 available to an economic development district as provided in this Section and in such
28 Part to be derived from any project or projects of the district as provided for in this
29 Section, or parts of such projects, in an amount to be determined as provided for in

1 this Section, in order to finance or refinance any project or projects, or parts thereof,
2 which are consistent with the purposes of the district.

3 (b) Notwithstanding any provision of law to the contrary, any portion of the
4 tax of any local governmental subdivision or other tax recipient body may only be
5 used as a tax increment for tax increment finance purposes with the consent of such
6 local governmental subdivision or other tax recipient body expressed by ordinance
7 or resolution and upon approval of a majority of the qualified electors of the city of
8 Lake Charles voting at an election to be conducted in accordance with the general
9 election laws of the state of Louisiana.

10 (2) For purposes of the tax increment financing authority derived from Part
11 II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 which is
12 conferred upon the district by this Section, and only for purposes of this Section,
13 "local governmental subdivision" as defined in such Part shall include the parish of
14 Calcasieu and all political subdivisions within the parish.

15 (3) For purposes of this Section, a tax increment shall consist of that portion
16 of any tax, excluding a hotel occupancy tax, levied within the district by a local
17 governmental subdivision or other tax recipient body determined and pledged in the
18 manner provided for in Part II of Chapter 27 of Title 33 of the Louisiana Revised
19 Statutes of 1950. However, if the proceeds of such tax have been expressly
20 dedicated to another purpose set forth in a proposition approved by the electorate of
21 such local governmental subdivision or other tax recipient body, then the tax
22 proceeds may not be used as a tax increment until a proposition which authorizes
23 such use is submitted to and approved by such electorate.

24 (4) Notwithstanding any other provision of law to the contrary, the district
25 shall not levy a hotel occupancy tax within the boundaries of the district. In addition,
26 the district shall not issue revenue bonds payable from an irrevocable pledge and
27 dedication of hotel occupancy tax increments.

28 L. The district shall dissolve and cease to exist one year after the date all
29 bonds, notes, and other evidences of indebtedness of the district, including refunding

1 bonds, are paid in full as to both principal and interest; however, in no event shall the
2 district have an existence of less than three years from the effective date of this
3 Section.
4 M. This Section, being necessary for the welfare of the city and its residents,
5 shall be liberally construed to effect the purposes thereof.

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 335 Original

2023 Regular Session

Wilford Carter

Abstract: Creates the North Lake Charles Economic Development District.

Proposed law creates the North Lake Charles Economic Development District as a political subdivision of the state. Provides for district boundaries.

Proposed law specifies the composition and powers of the board responsible for managing the affairs of the district. Provides that a five-member board shall be appointed as follows:

- (1) One member appointed by the Lake Charles City Council.
- (2) One member appointed by the state representative for the House of Representatives district which encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the state senator for the Senate district which encompasses all or the greater portion of the area of the district.
- (4) One member appointed by the governing board of the La. Chamber of Commerce Foundation, also known as the "La. Black Chamber of Commerce", "Lake Charles Branch".
- (5) One member appointed jointly by the members of the governing authority of Calcasieu Parish who represent Dist. Nos. 2, 3, 4, and 5, upon approval of three of the four members.

Provides that members serve three-year staggered terms.

Proposed law requires the board to prepare a plan(s) specifying public improvements, facilities, and services proposed to be furnished, constructed, or acquired which shall be improvements, facilities, and services, which the city is authorized to undertake, furnish, or provide.

Proposed law requires the board to conduct hearings and disseminate information as it deems appropriate or advisable. Provides that any plan developed by the board shall include an estimate of the annual and total cost of acquiring, constructing, or providing the services, improvements, or facilities.

Proposed law requires that the board submit the plan to the city planning commission which shall review it for consistency with the comprehensive plan for the city. Requires that the planning commission submit an opinion on the plan to the city council. Requires the

council, within 30 days of receipt, to give a written recommendation to the board as to whether the board should approve the plan. Requires the board to review the recommendation, but authorizes the board to approve or reject the recommendation.

Proposed law further provides for development of a plan regarding the employment of professional consultations, experts, and advisors. Requires that the services of the district be undertaken through the city's departments and agencies. Authorizes the board to submit the plan directly to the city council. Requires the council, within 30 days of receipt, to give a written recommendation to the board as to whether the board should approve the plan. Requires the board to review the recommendation, but authorizes the board to approve or reject the recommendation.

Proposed law provides relative to the powers and duties of the district, including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire by gift, grant, purchase, lease, or otherwise, all property, including servitudes or rights of way.
- (4) To receive by gift, grant, donation, or otherwise any sum of money, or property, aid, or assistance from the U.S., the state of La., or any political subdivision thereof, or any person, firm, or corporation.
- (5) To enter into contracts for the purchase, acquisition, construction, maintenance, and improvement of works and facilities necessary in connection with the purposes of the district.
- (6) To require and issue licenses with respect to its properties and facilities.
- (7) To regulate the imposition of fees and rentals charged by the district for its facilities and for services rendered by it.
- (8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

Proposed law authorizes the district to levy a sales and use tax, subject to voter approval, and subject to the approval of the Lake Charles City Council. Provides that the tax rate shall not to exceed 1%. Proposed law specifically empowers the district to issue revenue bonds payable from an irrevocable pledge and dedication of up to the full amount of "tax increments", excluding hotel tax increments, available to an economic development district as provided in the proposed law and in present law (Part II of Chapter 27 of Title 33) which is derived from any project or projects of the district.

Proposed law specifies that a "tax increment" consists of that portion of any tax, excluding hotel occupancy tax, levied within the district by a local governmental subdivision or other tax recipient body determined and pledged in the manner provided for in present law (Part II of Chapter 27 of Title 33). However, if the proceeds of the tax have been expressly dedicated to another purpose set forth in a proposition approved by the electorate of the local governmental subdivision or other tax recipient body, then the tax proceeds may not be used as a tax increment until a proposition which authorizes such use is submitted to and approved by the electorate.

(Adds R.S. 33:2740.70.3)