

SENATE FLOOR AMENDMENTS

2026 Regular Session

Amendments proposed by Senator Edmonds to Engrossed Senate Bill No. 485 by Senator Edmonds

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 33:3078 and to enact R.S. 33:3077(8)" to "R.S. 33:3076 and
3 3078 and to enact R.S. 33:3077(8) and 3080.1"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "George;" insert the following:

6 "to provide for municipal fiscal authority; to provide relative to powers of certain
7 municipalities in certain circumstances; to provide relative to new development; to provide
8 relative to the sharing of the cost of certain public facilities; to provide for certain charges
9 to be adopted by ordinance;"

10 AMENDMENT NO. 3

11 On page 1, line 6, after "definitions;" insert "to provide for legislative findings and purpose;
12 to provide relative to procedures, limitations, termination, applicability, and severability; to
13 provide relative to accounting and credits; to provide relative to review of public facility
14 charges;"

15 AMENDMENT NO. 4

16 On page 1, line 7, change "adjudication" to "application"

17 AMENDMENT NO. 5

18 On page 1, line 9, after "Section 1." delete the remainder of the line and insert "R.S. 33:3076
19 and 3078 are hereby amended and reenacted and R.S. 33:3077(8) and 3080.1 are"

20 AMENDMENT NO. 6

21 On page 1, between lines 10 and 11, insert the following:

22 "§3076. Legislative findings; purpose
23 A. The legislature hereby finds and determines that in the event the lawsuit
24 challenging the incorporation of the city of St. George within East Baton Rouge
25 Parish is unsuccessful, a state of emergency will exist in the municipality until cash
26 flow can be developed through the levy and collection of municipal sales and use
27 taxes to fund the expenses of municipal government. As a result of the foregoing, the
28 legislature determines it essential and necessary to authorize the continuation of the
29 parish tax within the area incorporated, to authorize the continuation of the provision
30 of services by the parish within the area incorporated, and to create a financial
31 assistance district and provide for it a source of revenue in order that it may engage
32 in cooperative endeavors, enter into contracts for the provision of essential public
33 services, and raise revenue to assist the municipality in funding the delivery of
34 essential public services to its citizens and to assist the municipality in preventing
35 cash flow difficulties.

36 **B. The legislature further finds and declares that:**

37 **(1) A municipality governed by the applicable laws of the state of**
38 **Louisiana and located within a larger parish may experience immediate**
39 **development related demands on roads, drainage, water, and wastewater**
40 **facilities following incorporation.**

1 (2) A charge imposed pursuant to this Section shall be limited to the
2 allocation of costs attributable to new development and imposed only in
3 accordance with this Section.

4 B. This Section shall apply only to a municipality that meets all of the
5 following criteria:

6 (1) Incorporated on or after January 1, 2010.

7 (2) Governed by applicable state law and not operating under a home
8 rule charter.

9 (3) Located wholly or partially within a parish having a population in
10 excess of three hundred thousand according to the most recent federal decennial
11 census.

12 C. For purposes of this Section, the following terms have the following
13 meanings:

14 (1) "Development" means the construction, reconstruction,
15 redevelopment, conversion, structural alteration, relocation, or enlargement of
16 any structure or use of land which increases the demand for public facilities.
17 "Development" shall not include ordinary maintenance, repair, or
18 reconstruction of a structure destroyed by casualty, provided that the
19 maintenance, repair, or reconstruction of a structure does not increase demand
20 for public facilities beyond the demand in existence immediately prior to the
21 casualty.

22 (2) "Public facilities" means capital improvements for roads, bridges,
23 intersections, traffic control systems, drainage, storm water and flood control
24 systems, water supply and distribution systems, and wastewater collection,
25 treatment, pumping, and disposal systems, including associated land,
26 rights-of-way, design, engineering, and infrastructure directly related to
27 capacity expansion.

28 (3) "Public facilities charge" means a monetary condition imposed
29 pursuant to this Section to fund or recoup the costs of capacity expanding public
30 facilities.

31 (4) "Qualified professional" means a professional engineer licensed in
32 the state of Louisiana or another person with demonstrable expertise in
33 infrastructure planning, finance, or impact analysis relevant to public facilities
34 charges.

35 (5) "Service area" means a geographic area within which the benefits of
36 a public facility are reasonably expected to be available to a development paying
37 the charge.

38 D.(1) Prior to adopting or amending any ordinance imposing a public
39 facilities charge, the municipality shall adopt a capital improvement plan or
40 professional study prepared or approved by a qualified professional.

41 (2) The plan or study pursuant to this Subsection shall:

42 (a) Identify existing capacity and projected demand attributable to the
43 development.

44 (b) Identify capital improvements required to accommodate the
45 development.

46 (c) Establish service areas, if applicable.

47 (d) Establish a reasonable methodology for determining the
48 proportionate share of costs attributable to the development.

49 (3) Prior to adopting or amending an ordinance imposing a public
50 facilities charge, the municipality shall hold at least one public hearing. Notice
51 of the hearing shall be published in the official journal of the municipality at
52 least fifteen days prior to the hearing, and the capital improvement plan or
53 professional study shall be made available for public inspection before the
54 hearing.

55 (4) A public facilities charge shall apply only to a development
56 application that is submitted after the effective date of the ordinance.

57 E.(1) A public facilities charge shall bear a reasonable relationship to the
58 need for public facilities created by the development.

59 (2) A public facilities charge shall not exceed the proportionate share of
60 the costs of public facilities attributable to the development.

61 (3) A charge imposed pursuant to this Section shall not be used to fund
62 operations or maintenance.

1 (4) A charge imposed pursuant to this Section shall not be used to
2 remedy an existing deficiency except to the extent attributable to new
3 development.

4 (5) A charge imposed pursuant to this Section shall be reduced as
5 necessary to avoid duplicating recovery for the same public facility cost from
6 the same development. The charge may be reduced to account for fees imposed
7 by other governmental entities for the same public facility capacity.

8 (6) A public facilities charge may include automatic intermittent
9 adjustments based on a recognized construction cost index.

10 F. The ordinance shall provide for credits or offsets for the value of any
11 land, construction, or improvements provided or funded by a developer that
12 serve the same public facilities or service area for which the charge is imposed.

13 G.(1) Revenue collected pursuant to this Section shall be deposited in a
14 separate interest bearing account by facility category and, if applicable, by
15 service area.

16 (2) Revenue and interest earned shall be used only for the public facilities
17 and service area for which it is collected.

18 (3) Revenue shall be expended or encumbered within eight years of
19 collection or within a shorter period established by ordinance. The revenue, if
20 not expended or encumbered within the applicable period, shall be subject to
21 refund pursuant to procedures established by ordinance, including refund
22 application procedures, methodology for any pro rata calculations, and
23 deadlines for refund transfers.

24 H. The municipality shall establish procedures for administrative review
25 of a public facilities charge and has the right of judicial review in accordance
26 with applicable law.

27 I. Notwithstanding any provision of law to the contrary, a municipality,
28 upon meeting the requirements provided in this Section, may prepare or
29 commission the capital improvement plan or professional study, hold the
30 hearing, and adopt an implementing ordinance in accordance with this Section
31 to become effective on January 1, 2027. No public facilities charge shall be
32 assessed prior to January 1, 2027.

33 J. The authority granted by this Section shall terminate on January 1,
34 2029."

35 AMENDMENT NO. 16

36 On page 3, after line 4, insert the following:

37 "Section 4. The provisions of this Act are severable. If any provision or item of
38 this Act, or the application thereof, is held invalid, such invalidity shall not affect the
39 other provisions, items, or applications of this Act and the Act shall be given effect
40 without the invalid provision, item, or application pursuant to R.S. 24:175."