

ACT No. 212

Regular Session, 2014

HOUSE BILL NO. 1012

BY REPRESENTATIVES LORUSSO, ADAMS, BILLIOT, STOKES, WILLMOTT, AND
WOODRUFF AND SENATORS APPEL, MARTINY, AND PETERSON

1 AN ACT

2 To amend and reenact R.S. 33:1420.19, relative to Jefferson Parish; to provide relative to
3 a special taxing district located within the parish; to provide relative to the
4 boundaries, purpose, and governance of the district; to provide relative to the powers
5 and duties of the district and its governing board; to provide relative to district
6 funding; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:1420.19. is hereby amended and reenacted to read as follows:

12 §1420.19. Special district in Jefferson Parish

13 A. Definitions. As used in this Section, the following words and phrases
14 shall have the following meanings unless the context otherwise requires:

15 (1) "Board" means the governing board of the district or, if such board has
16 been abolished, the board, body, or commission succeeding to the principal functions
17 thereof or to whom the powers given to the board by this Section have been given
18 by law.

19 (2) "Cost", when used with reference to any project, includes but is not
20 limited to:

21 (a) The expenses of determining the feasibility or practicability of
22 acquisition, construction, or reconstruction.

23 (b) The cost of surveys, estimates, plans, and specifications.

24 (c) The cost of improvements.

25 (d) Engineering, fiscal, and legal expenses and charges.

- 1 (e) The cost of all labor, materials, machinery, and equipment.
- 2 (f) The cost of all lands, rights, servitudes, and franchises acquired.
- 3 (g) Financing charges.
- 4 (h) The creation of initial reserve and debt service funds.
- 5 (i) Working capital.
- 6 (j) Interest charges incurred or estimated to be incurred on money borrowed
 7 prior to and during construction and acquisition and for such reasonable period of
 8 time after completion of construction or acquisition as the board may determine.
- 9 (k) The cost of issuance of bonds pursuant to this Section, including
 10 advertisements and printing.
- 11 (l) The cost of any election held pursuant to this Section and all other
 12 expenses of issuance of bonds.
- 13 (m) The discount, if any, on the sale or exchange of bonds.
- 14 (n) Administrative expenses.
- 15 (o) Such other expenses as may be necessary or incidental to the acquisition,
 16 construction, or reconstruction of any project or to the financing thereof, or to the
 17 development of any lands within the district.
- 18 (3) "District" means a special district limited to the performance of those
 19 specialized functions authorized by this Section; the boundaries of which are
 20 contained wholly within Jefferson Parish; the governing head of which is a body
 21 created, organized, and constituted and authorized to function specifically as
 22 prescribed in this Section for the delivery of business development and improvement
 23 services; and the formation, powers, governing body, operation, duration,
 24 accountability, requirements for disclosure, and termination of which are as required
 25 by general law.
- 26 (4) "District roads" means highways, streets, roads, alleys, sidewalks,
 27 landscaping, storm drains, bridges, and thoroughfares of all kinds and descriptions
 28 situated within the district.

1 (5) "Landowner" means the owner of immovable property as it appears in
 2 the official records of the parish, including a trustee, a private corporation, and an
 3 owner of a condominium unit.

4 (6) "Project" or "plan" means any development, improvement, property,
 5 utility, facility, works, enterprise, or service hereafter undertaken or established
 6 under the provisions of this Section.

7 (7) "Revenue bonds" means obligations of the district which are payable
 8 from revenues derived from sources other than ad valorem taxes on immovable or
 9 movable property and which do not pledge the property, credit, or general tax
 10 revenue of the district.

11 ~~A.B.~~ Creation. The governing authority of the parish of Jefferson is hereby
 12 authorized pursuant to this Part and more specifically by this Section to create, by
 13 ordinance, a special taxing district and political subdivision of the state, referred to
 14 in this Section as the "district".

15 ~~B.C.~~ Boundaries. The district shall be comprised of the property in Jefferson
 16 Parish bounded by Veterans Memorial Boulevard, Causeway Boulevard, West
 17 Esplanade Avenue, and Division Street: and the development sites fronting on the
 18 west side of Division Street.

19 ~~C.D.~~ Purpose. The district shall be established for the primary purpose of
 20 promoting, encouraging, and participating in ~~infrastructure improvements to~~ projects
 21 or plans to stimulate the economy through commerce, industry, and research and for
 22 the utilization and development of natural, physical, and human resources of the
 23 area. The district shall not promote, encourage, or participate in any action to assist
 24 in the development or redevelopment of a hotel including infrastructure located on
 25 a site to be developed for a hotel; however, nothing shall prohibit the district from
 26 providing public infrastructure that benefits the public generally outside the
 27 development site of any hotel.

28 E. Board creation; powers and duties. The board shall be composed of nine
 29 members, all of whom shall be qualified voters of the parish and at least seven of

1 whom shall have their principal place of business in, their principal domicile in, or
2 own property in the district. The board shall be composed as follows:

3 (1) One member shall be appointed by the parish president.

4 (2) One member shall be appointed by the sheriff of Jefferson Parish.

5 (3) Two of the members shall be appointed by the at-large members of the
6 parish council, whereby each at-large councilperson shall appoint one member.

7 (4) Three of the members shall be appointed by the district five
8 councilperson.

9 (5) One member shall be appointed by the state senator representing the area
10 or a majority of the area of the district.

11 (6) One member shall be appointed by the state representative representing
12 the area or a majority of the area of the district.

13 (7) The members of the board initially appointed shall be appointed as
14 follows: three members for two years each, three members for three years each, and
15 three members for four years each, the length of the term for each individual
16 appointed to be determined by lot. They shall serve until their successors have been
17 appointed and qualified.

18 (8) The members of the board thereafter appointed, upon the expiration of
19 the respective terms of the initial appointees, shall be selected and appointed in
20 accordance with the procedures prescribed in this Subsection for the selection and
21 appointment of the original members for the term of five years. Any vacancy which
22 occurs prior to the expiration of the term for which a member of the board has been
23 appointed shall be filled in accordance with the procedures as provided in this
24 Subsection.

25 (9) The board of the district shall exercise the powers granted to the district
26 pursuant to the provisions of this Section. Each member shall hold office for a term
27 of five years and until a successor is chosen and qualifies.

28 (10) As soon as practicable after its appointment, the board shall meet and
29 elect from their number a chairman, a vice chairman, a treasurer, and such other
30 officers as it may deem appropriate. A secretary of the board may be selected from

1 among the members or may be otherwise selected or employed by the board. The
 2 duties of the said officers shall be fixed by bylaws adopted by the board.

3 (11) The board shall adopt such rules and regulations as it deems necessary
 4 or advisable for conducting its business and affairs, and may engage such assistants
 5 and employees as is needed to assist the board in the performance of its duties.

6 (12) It shall hold regular meetings as shall be provided by its bylaws and
 7 may hold special meetings at such time and places within or without the district as
 8 may be prescribed in its rules or regulations.

9 (13) A majority of the members of the board shall constitute a quorum for
 10 the transaction of business.

11 (14) The board shall keep a permanent record book in which shall be
 12 recorded minutes of all meetings, proceedings, and any and all corporate acts. The
 13 record book shall be opened to inspection in accordance with R.S. 44:31 et seq.

14 (15) Each board member may be entitled to receive for his services a per
 15 diem per meeting and such travel expenses as may be authorized in the bylaws of the
 16 district.

17 (16) All meetings of the board shall be conducted in accordance with R.S.
 18 42:11 et seq.

19 (17) The board shall adopt rules of procedure not in conflict with any state
 20 act or parish ordinance.

21 (18) The board may employ and fix the compensation of a district manager.
 22 If employed, the district manager shall have charge and supervision of the works of
 23 the district and shall be responsible for preserving and maintaining any improvement
 24 or facility constructed or erected pursuant to the provisions of this Section, for
 25 maintaining and operating the equipment owned by the district, and for performing
 26 such other duties as may be prescribed by the board. The district manager may hire
 27 or otherwise employ and terminate the employment of such other persons, including,
 28 without limitation, professional, supervisory, and clerical employees, as may be
 29 necessary and authorized by the board. The compensation and other conditions of
 30 employment of the officers and employees of the district shall be as provided by the

1 board. Notwithstanding R.S. 42:1101 et seq., the district manager or a board member
 2 or district employee may be a stockholder, officer, or employee of a landowner.

3 (19) The treasurer of the district shall have charge of the funds of the district.
 4 Such funds shall be disbursed only upon the order of the board by warrant or check
 5 countersigned by the treasurer and by such other person as may be authorized by the
 6 board. The board may give the treasurer such other or additional powers and duties
 7 as the board may deem appropriate. The financial records of the district shall be
 8 audited by an independent certified public accountant at least once a year.

9 (20) The board may select as a depository for its funds any qualified public
 10 depository as defined in R.S. 39:1211 et seq.

11 F. Disclosure of public financing. The district shall take affirmative steps
 12 to provide for the full disclosure of information relating to the public financing and
 13 maintenance of improvements to immovable property undertaken by the district.
 14 Such information shall be made available to all existing residents, and to all
 15 prospective residents, of the district.

16 G. Development activities. In order to effectuate the purposes of this
 17 Section, the board shall have the specific authority provided in Subsection H of this
 18 Section; such authority shall be exercised solely within the district.

19 (1) The board shall collaborate with parish government to prepare,
 20 implement, and maintain a redevelopment plan for the district and a program to
 21 implement the redevelopment plan, which shall be a part of the parish's
 22 comprehensive plan. The program shall address capital improvements and shall
 23 implement the plan in such a manner as to aid and encourage private development
 24 of the area and to promote and coordinate public development. In collaborating with
 25 parish government, the board may conduct studies and may consult with all
 26 departments of Jefferson Parish and other public or private agencies concerned with
 27 matters affecting or affected by the program.

28 (2) After adoption of the development program, the board may implement
 29 any portion thereof in such manner as shall, in its judgment, most likely accomplish
 30 the program. To that end, the district may employ or contract with contractors,

1 engineers, architects, attorneys, underwriters, and other professionals in accordance
 2 with state law.

3 (3) The board shall prepare each year an annual budget in accordance with
 4 the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

5 ~~D.H.~~ Rights and powers. The district, ~~acting by and through the Jefferson~~
 6 ~~Parish Council, referred to in this Section as the "board",~~ shall have and exercise all
 7 powers of a political subdivision and special taxing district necessary or convenient
 8 for the carrying out of its objects and purposes, including but not limited to the
 9 following:

10 (1) To sue and to be sued.

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

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

15 (4) For the public purposes of the district, to enter into contracts, agreements,
 16 or cooperative endeavors with the state and its political subdivisions or political
 17 corporations and with any public or private association, corporation, business entity,
 18 or individual.

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

21 (6) To acquire by gift, grant, purchase, lease, or otherwise such property as
 22 may be necessary or desirable for carrying out the objects and purposes of the district
 23 and to mortgage or sell such property.

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

29 (8) To establish such funds or accounts as are necessary for the conduct of
 30 the affairs of the district.

1 (9) To create or extend a new or existing sales or property tax increment
 2 financing district with the consent of the parish council by ordinance.

3 (10) To determine, order, levy, impose, collect, enforce, and distribute a
 4 parcel fee, ad valorem tax, and/or and other types of special assessments within the
 5 district with the consent of the parish council and subject to the approval of voters
 6 within the district.

7 (11) To charge, collect, and enforce fees and other user charges within the
 8 boundaries of the district.

9 (12) To exercise all of the powers necessary and proper in connection with
 10 any of the powers, duties, or purposes authorized by this Section.

11 I. Revenue. (1) The properties from which each special assessment shall be
 12 collected shall be within the district and may be comprised of all or a portion of the
 13 district as specified by Jefferson Parish ordinances.

14 (2)(a) Subject to the approval of the parish council and electors within the
 15 district, the district may levy an ad valorem tax for such number of years as may be
 16 provided in the proposition authorizing its levy as an assessment for the purpose of
 17 implementing the redevelopment plan or plans and for the operating expenses of the
 18 district.

19 (b) Any ad valorem tax levied by the district shall be subject to homestead
 20 exemption as provided by Article VII, Section 20 of the Constitution of Louisiana.

21 (c) No ad valorem tax may be levied unless authorized by a majority of the
 22 electors within the boundaries of the district who vote at an election held for that
 23 purpose in accordance with the applicable provisions of the Louisiana Election
 24 Code. The parish council shall call any such election.

25 (d) Any tax levied pursuant to the authority of this Section shall be in
 26 addition to all other taxes which other political subdivisions in the parish now or
 27 hereafter may be authorized by law to levy and collect. All services and programs
 28 to be provided from the proceeds of the tax shall be in addition to the services and
 29 programs which are otherwise provided by other governing authorities.

1 ~~E.(1)~~(3) In addition to any other authority provided for in this Section and
 2 pursuant to a cooperative endeavor agreement, the district may issue revenue bonds
 3 payable solely from an irrevocable pledge and dedication of up to the full amount of
 4 any sales tax increment designated by the board to finance or refinance or to pay all
 5 of or a portion of the costs of projects located within the district which will result in
 6 economic development or the maintenance of existing jobs or will achieve other
 7 economic goals that will benefit the parish of Jefferson. The district may also utilize
 8 any sales tax increment designated by the board for any authorized purpose of the
 9 district.

10 ~~(2)~~(4)(a) A sales tax increment may consist of that portion of state sales tax
 11 revenues of the state of Louisiana and any political subdivision whose boundaries are
 12 coterminous with those of the state collected each year on the sale at retail, the use,
 13 the lease or rental, the consumption, and storage for use or consumption of tangible
 14 personal property and on sales of services, all as defined in R.S. 47:301 et seq., or
 15 any other applicable provision of law, as amended, from taxpayers located within the
 16 district which exceeds the sales tax revenues that were collected by such taxing
 17 authorities in the year immediately prior to the year of establishment of the district.

18 (b) Prior to the dedication of any state sales tax increments to be used to pay
 19 for an authorized purpose of the district, the secretary of the Department of
 20 Economic Development shall submit his recommendation of the proposal to the Joint
 21 Legislative Committee on the Budget for review and approval. In addition, any
 22 cooperative endeavor agreement or other agreement providing for the expenditure
 23 of funds collected by the state as state sales tax increments and dedicated to a project
 24 or for the payment of revenue bonds therefor shall be subject to approval by the State
 25 Bond Commission prior to execution by the state.

26 (c)(i) The board shall designate the initial annual baseline collection rate for
 27 the district, which shall be the amount of the sales taxes collected in the district in
 28 the fiscal year most recently completed prior to the establishment of the district. In
 29 addition, a monthly baseline collection rate shall be determined by dividing the
 30 initial annual baseline collection rate by twelve.

1 (ii) The initial annual baseline collection rate and the monthly baseline
 2 collection rate shall be certified by the chief financial officer of Jefferson Parish.
 3 The certification shall also be published one time in the official journal of Jefferson
 4 Parish.

5 (iii) If the amounts of the initial annual baseline collection rate and the
 6 monthly baseline collection rate are not contested within thirty days after ~~the said~~
 7 such publication, then such amounts shall be conclusively presumed to be valid, and
 8 no court shall have any jurisdiction to alter or invalidate the designation of the
 9 amount of either the initial annual baseline collection rate or the monthly baseline
 10 collection rate.

11 (d) The increment of the sales taxes which are to be pledged and dedicated
 12 to the payment of the revenue bonds or otherwise used for district purposes as
 13 provided in this Section shall be the amount of the sales taxes which are collected in
 14 the district each year in excess of the initial annual baseline collection rate. The
 15 pledged sales tax increment may include all or any portion of such excess as
 16 determined by the board.

17 ~~(3)~~(5) Dedication of sales tax increments to pay the revenue bonds or other
 18 use of sales tax increments for district purposes as provided in this Section shall not
 19 impair existing obligations and shall not include tax revenues of a tax authority
 20 previously dedicated for a special purpose unless a majority of the electors within the
 21 territorial jurisdiction of such tax authority voting at an election held for such
 22 purpose approves the use of such tax for the purposes provided for in this
 23 Subsection.

24 (6) In addition to any other authority provided for in this Section and
 25 pursuant to the provisions of R.S. 33:9032 and 9038.33, the district may issue
 26 revenue bonds payable solely from ad valorem tax increments.

27 (7) The governing authority of Jefferson Parish is hereby authorized to
 28 impose and collect a parcel fee within the district subject to and in accordance with
 29 the provisions of this Paragraph:

1 (a) The amount of the fee shall be as requested by duly adopted resolution
 2 of the council. The fee shall be a flat fee per each parcel of land.

3 (b) The fee shall be imposed on each parcel located within the district.

4 (c) For purposes of this Section, "parcel" means a lot, a subdivided portion
 5 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
 6 9:1121.103. Thus with respect to condominiums, the fee collector shall impose the
 7 parcel fee on each lot on which condominiums are situated and not on individual
 8 condominium units.

9 (d) The owner of each parcel shall be responsible for payment of the fee. The
 10 tax collector shall submit the bill for a parcel fee which is to be collected from the
 11 condominium owners to the condominium owners association, and the association
 12 shall pay the fee from funds available for that purpose. The association shall remain
 13 liable for the entire fee until it is paid.

14 (e) The fee shall be imposed only after the question of its imposition has
 15 been approved by a majority of the registered voters of the district voting on the
 16 proposition at an election held for that purpose in accordance with the Louisiana
 17 Election Code. No other election shall be required except as provided by this
 18 Paragraph.

19 (f) The fee shall expire four years from its initial levy.

20 (g) The fee may be renewed as provided in Subparagraph (e) of this
 21 Paragraph.

22 (h) The fee shall be collected at the same time and in the same manner as ad
 23 valorem taxes are collected by the parish.

24 (i) Any parcel fee which is unpaid shall be added to the tax rolls of the parish
 25 and shall be enforced with the same authority and subject to the same penalties and
 26 procedures as unpaid ad valorem taxes.

27 (j) The Jefferson Parish Sheriff's Office shall remit to the district all amounts
 28 collected not more than sixty days after collection. However, the sheriff's office may
 29 retain one percent of the amount collected as a collection fee.

1 J. Exemption from taxes. It is hereby determined that the creation of the
 2 district and the carrying out of its public functions and corporate purposes is, in all
 3 respects, a public and governmental purpose for the benefit of the people of the
 4 state, and for the improvement of their health, safety, welfare, prosperity, and
 5 security, and that such functions and purposes are public purposes and that the
 6 district will be performing an essential governmental function in the exercise of the
 7 powers conferred upon it by this Section. All obligations authorized to be issued by
 8 the district pursuant to the provisions of this Section, together with interest thereof,
 9 income therefrom, and gain upon the sale thereof shall be exempt from all state and
 10 local taxes.

11 K. Dissolution. If the district ceases to exist, any funds of the district shall
 12 be transmitted to the governing authority of Jefferson Parish, and shall be used solely
 13 and exclusively for providing supplemental improvements, maintenance, repair, and
 14 upkeep to the streets and related infrastructure of the Metairie CBD area.

15 F.L. Liberal construction. This Section, being for a public purpose and
 16 necessary for the welfare of the state, Jefferson Parish, and their residents, shall be
 17 liberally construed to effect the purposes thereof.

18 Section 2. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____