

SENATE BILL NO. 76

BY SENATOR FRED MILLS

1 AN ACT

2 To enact R.S. 33:9038.75, relative to special districts; to authorize the parish of St. Martin
3 to create a special district; to grant such district certain rights and powers, including
4 the power to provide for tax increment financing and incur debt; to provide for
5 governance; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:9038.75 is hereby enacted to read as follows:

9 **§9038.75. St. Martin Special Medical District**

10 **A. Declaration. The legislature hereby finds and declares that a**
11 **cooperative economic development district is necessary to establish the**
12 **framework and governance of medical economic development through**
13 **public-private partnerships, job creation and to continue to improve the health**
14 **outcomes of citizens.**

15 **B. Creation. The governing authority of the parish of St. Martin may**
16 **create a special district and political subdivision of the state, hereinafter**
17 **referred to as the "district".**

18 **C. Boundaries. The district shall be comprised of the following described**
19 **parcels or tracts of land located in St. Martin Parish:**

20 **That certain tract of land, together with all buildings and improvements**
21 **thereon located, and all rights, ways, privileges, and servitudes thereto**
22 **appertaining, and all appurtenances thereof, containing 44.422 acres and being**

1 situated in Section 47, Township 9 South, Range 6 East, St. Martin Parish,
2 Louisiana, the said property being depicted on a plat of survey dated
3 February 20, 2018, prepared by Comeaux Engineering & Consulting; the
4 subject property measuring 499.18 feet on Champagne Boulevard its
5 southwestern line, by 4,023.91 feet on its southeastern line, 3,752.10 feet on its
6 northwestern line, and 566.00 feet on Doyle Melancon Road (Doyle Melancon
7 Extension Road), its northeastern line; the said property being bounded, now
8 or formerly, as follows: on the southwest by Champagne Boulevard; on the
9 northwest by the property of Robert Grant Bienvenu; on the southeast by the
10 properties of Hospital Service District No. 2 of St. Martin Parish, Louisiana,
11 Randy J. Kees, Kyle Lastrapes, Kip Lastrapes, and Charles Papadakes, et al;
12 and on the northeast by Doyle Melancon Road; the subject property having
13 such boundaries and further dimensions as shown and depicted on the plat of
14 survey.

15 **D. Purpose.** The district is created to provide for cooperative economic
16 development within the district, among the district, the owner or owners of
17 business and property within the district and any other interested parties, such
18 development endeavors being related to the provisions and expansion of medical
19 services, renovation, restoration, and related ventures.

20 **E. Governance.** In order to provide for the orderly development of the
21 district and to effectuate the purposes of the district, the district shall be
22 administered and governed by the board of commissioners of the St. Martin
23 Parish Hospital Service District No. 2 and the parish president shall serve as an
24 ex officio member.

25 **F. Rights and powers.** The district, acting by and through its board of
26 commissioners, shall have and exercise all powers of a political subdivision and
27 special taxing district necessary or convenient for the carrying out of its objects
28 and purposes, including but not limited to the following:

29 (a) To sue and be sued.

30 (b) To adopt bylaws and rules and regulations.

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

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

8 (e) To establish public-private partnerships and joint ventures for the
9 benefit of the district and to contract with private concerns who may be granted
10 leases, rights-of-use, or other concessions for contributing private at-risk capital
11 for a particular district project or program.

12 (f) To acquire by gift, grant, purchase, or lease property as may be
13 necessary or desirable for carrying out the objectives and purposes of the
14 district and sell such property.

15 (g) In its own name and on its own behalf, to incur debt and to issue
16 bonds, notes, certificates, and other evidences of indebtedness. For this purpose
17 the district shall be deemed and considered to be an issuer for purposes of R.S.
18 33:9037 and shall, to the extent not in conflict with this Section, be subject to the
19 provisions of R.S. 33:9037. The tax to repay the bonded indebtedness shall be
20 levied through an ordinance adopted by the district's board, only after a special
21 election is held for the purpose of approving the tax by a majority of the electors
22 voting.

23 (h) To establish such funds or accounts as are necessary for the conduct
24 of the affairs of the district.

25 G.(1) For purposes of implementing tax increment financing as provided
26 for in this Part, the board shall have all authorities provided for in R.S.
27 33:9038.33 to implement ad valorem tax increment financing and bonding, in
28 R.S. 33:9038.34 to implement sales tax increment financing, and in R.S.
29 33:9038.35 for cooperative endeavor authority. However, any tax or portion of
30 a tax which has been previously dedicated to another purpose according to a

1 proposition approved by voters shall be used as such a tax increment only if
2 approved by a majority of the voters of the taxing authority levying the tax
3 voting on the proposition in an election held for such purpose. Any election held
4 pursuant to this Section shall be conducted in accordance with the Louisiana
5 Election Code and held on a date that corresponds with an election date
6 provided by R.S. 18:402(A)(1) or (B)(1).

7 (2) The board shall designate the boundaries of a sales tax area and shall
8 designate the local sales taxes, which are to be used in determining the sales tax
9 increments, including state sales tax increments, and the initial annual baseline
10 collection rate for the sales tax area, which shall be the amount of such
11 designated sales taxes collected in the sales tax area in the fiscal year of the
12 district most recently completed prior to the establishment of the sales tax area.
13 In addition, a monthly baseline collection rate shall be determined by dividing
14 the initial annual baseline collection rate by twelve. The initial annual baseline
15 collection rate and the monthly baseline collection rate shall be certified by the
16 chief financial officer or equivalent of the district. The certification shall also be
17 published one time in the official journal of the parish of St. Martin. If the
18 amounts of the initial annual baseline collection rate and the monthly baseline
19 collection rate are not contested within thirty days after such publication, then
20 such amounts shall be conclusively presumed to be valid, and no court shall
21 have any jurisdiction to alter or invalidate the designation of the amount of
22 either the initial annual baseline collection rate or the monthly baseline
23 collection rate.

24 H. The provisions of this Section shall not affect any school system or law
25 enforcement agency for any purpose.

26 I. Liberal construction. This Section, being necessary for the welfare of
27 the parish and its residents, shall be liberally construed to effect the purposes
28 thereof.

29 Section 2. This Act shall become effective upon signature of the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____