
DIGEST

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HB 200 Engrossed

2015 Regular Session

Harrison

Abstract: Relative to the Terrebonne Economic Development Authority, provides relative to membership of the authority's governing board and provides for the powers and duties of the authority and its governing board.

Present law creates and provides for the Terrebonne Economic Development Authority as a political subdivision of the state for the primary object and purpose of promoting, encouraging, and participating in industrial development to stimulate the economy through commerce, industry, and research and for the utilization and development of natural, physical, and human resources of the area by providing job opportunities. Provides that district boundaries are coterminous with the boundaries of Terrebonne Parish.

Proposed law retains present law except provides that the purpose of the district is for business development rather than industrial development.

Present law grants the authority all of the rights, powers, privileges, and immunities granted to political subdivisions for industrial, commercial, research, and economic development purposes, including but not limited to the power of taxation, the power to incur debt and issue bonds, subject to limitations provided in present law.

Proposed law removes the powers granted for industrial, commercial, and research, purposes. Proposed law otherwise retains present law.

Present law provides that the board of commissioners of the authority is composed of 11 voting members and one nonvoting member as follows:

- (1) Two members appointed by the Terrebonne Parish Council, one of whom is appointed at large from the parish and one of whom is an African-American selected by the council from a list of two names nominated by the Terrebonne Chapter of the National Association for the Advancement of Colored People.
- (2) One member appointed by the Terrebonne Parish president.
- (3) Three members appointed by the Terrebonne Parish Council, one of whom is an African-American, selected by the council from a list of six names nominated by the Houma-Terrebonne Chamber of Commerce.

- (4) Three members appointed by the Terrebonne Parish Council, one of whom is a woman, selected by the council from a list of six names nominated by the South Central Industrial Association.
- (5) One member appointed by the Terrebonne Parish Council from a list of two names nominated by the superintendent of the Terrebonne Parish school system.
- (6) One member appointed by the Terrebonne Parish Council from a list of two names nominated by the chancellor of L.E. Fletcher Technical Community College.
- (7) The president of Nicholls State University or his designee who is a nonvoting member and is not counted for purposes of a quorum.

Proposed law instead provides that the authority is governed by a board of nine members as follows:

- (1) Two members appointed by the governing authority of Terrebonne Parish, both of whom are Black or African American.
- (2) One member appointed by the president of Terrebonne Parish.
- (3) Three members appointed by governing board of the South Central Industrial Association and confirmed by the governing authority of Terrebonne Parish.
- (4) Three members appointed by the governing board of the Houma-Terrebonne Chamber of Commerce and confirmed by the governing authority of Terrebonne Parish.

Proposed law provides that board members appointed pursuant to (2) through (4) above may be removed with or without cause by the appointing authority and with cause by a two-thirds vote of the remaining board membership. Provides that board members appointed pursuant to (1) above may be removed with or without cause by a two-thirds vote of the governing authority of Terrebonne Parish.

Present law provides that board members serve three-year staggered terms. Requires board members to serve without compensation but authorizes reimbursement. Proposed law retains present law.

Present law requires all voting members to be citizens of the U.S. and qualified voters residing within the limits of the authority. Requires 10 of the 11 voting members to be either a proprietor, partner, or officer of a business within the limits of the authority. Proposed law instead requires all members to be citizens of the U.S., qualified voters residing within the boundaries of the authority, and either a proprietor, partner, or officer of a business within the boundaries of the authority.

Present law requires the Terrebonne Parish Council to fill a vacancy if the nominating entity fails to nominate a successor within 60 days of the vacancy. Requires the council to appoint a successor from a list of two names submitted by the parish president. Proposed law removes present law.

Present law provides that board members are eligible for reappointment; however, no member can be appointed to serve for more than three consecutive terms. Proposed law provides instead that no board member can be appointed to serve for more than two consecutive terms. Otherwise retains present law provisions providing for reappointment of board members.

Present law authorizes the board to establish and appoint an advisory committee. Requires the advisory committee to meet periodically with the board. Proposed law instead authorizes the board to establish advisory committees and appoint members to any such committee. Requires the advisory committees to meet upon the request of a majority of the board membership.

Present law provides for the powers and duties of the Terrebonne Economic Development Authority, 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 donation, grant, purchase, lease, or otherwise, all property, including servitudes or rights of use.
- (4) To enter into contracts for the purchase, acquisition, construction, maintenance, and improvement of works and facilities necessary in connection with the purposes of the authority.
- (5) To require and issue licenses with respect to its properties and facilities.
- (6) To appoint officers, agents, and employees, prescribe their duties and fix their compensation.

Proposed law retains present law except removes the power to require and issue licenses with respect to its properties and facilities and to appoint officers, agents, and employees. Additionally removes the power to use other means to acquire property, other than by donation, grant, purchase, or lease.

Present law authorizes the legislature to confer additional powers on the authority; provides however, that nothing can impair any contract lawfully entered into by the authority. Proposed law removes present law.

Proposed law additionally provides that the district shall not be deemed to be an instrumentality of the state for purposes of civil service provisions of the Constitution of La.

Present law defines "cooperative endeavor" to mean any form of economic development assistance between or among the "authority" and the state, any of its local governmental subdivisions, political corporations or public benefit corporations, the U.S. or its agencies, or any public or private association, corporation, or individual. Proposed law removes present law.

Present law requires the board to establish and maintain special accounts including, a revolving loan

guarantee fund to guarantee certain loans, an economic development operation fund for the attraction of industries, and an account for the maintenance and operation of a governmental procurement center to provide necessary information to companies and individuals engaged in providing certain services and goods. Proposed law authorizes rather than requires the board to establish these special accounts.

Proposed law provides that the terms of the members of the authority in office on the effective date of proposed law shall terminate on such date; however, the members must remain in office until members are appointed pursuant to proposed law and take office.

(Amends R.S. 33:130.251, 130.252, 130.253, 130.254(A), 130.255, 130.256, 130.257(A) and (B)(intro. para.), 130.258, and 130.261(C) and (D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Change the qualifications for the two members appointed by the governing authority of Terrebonne Parish and the member appointed by the president of Terrebonne Parish.
2. Remove provisions that grant to the authority the power to use other means to acquire property, including economic development projects, other than by purchase, donation, grant, exchange, or lease. Additionally removes provisions that grant to the authority the power to use other means to receive money, property, or other assistance other than by grant or donation.