

2015 Regular Session

HOUSE BILL NO. 200

BY REPRESENTATIVES HARRISON AND WHITNEY

DISTRICTS/ECONOMIC DEVEL: Provides relative to the Terrebonne Economic Development Authority

1 AN ACT

2 To amend and reenact R.S. 33:130.251, 130.252, 130.253, 130.254(A), 130.255, 130.256,
3 130.257(A) and (B)(introductory paragraph), 130.258, and 130.261(C) and (D),
4 relative to the Terrebonne Economic Development Authority; to provide relative to
5 purpose and governance of the authority; to provide relative to the membership of
6 the governing board of the authority; to provide relative to the powers and duties of
7 the authority and its governing board; and to provide for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:130.251, 130.252, 130.253, 130.254(A), 130.255, 130.256,
13 130.257(A) and (B)(introductory paragraph), 130.258, and 130.261(C) and (D) are hereby
14 amended and reenacted to read as follows:

15 §130.251. Terrebonne Economic Development Authority; creation; territorial
16 jurisdiction

17 A. The Terrebonne Economic Development Authority, ~~hereinafter~~ hereafter
18 in this Subpart referred to as the "authority", is hereby constituted and is declared to
19 be a body politic and political subdivision of the state of Louisiana, as defined in
20 Article VI, Section 44 of the Constitution of Louisiana. Pursuant to Article VI,

1 Sections 19 and 21 of the Constitution of Louisiana, the authority, ~~acting through its~~
2 ~~board of commissioners, the governing authority of said authority,~~ is hereby granted
3 all of the rights, powers, privileges, and immunities granted to political subdivisions
4 for ~~industrial, commercial, research, and~~ economic development purposes, including
5 but not limited to the power of taxation, the power to incur debt and issue revenue
6 and general obligation bonds, certificates of indebtedness, bond and certificate
7 anticipation notes, and refunding bonds, subject to the limitations ~~hereinafter~~
8 provided in this Subpart.

9 B. The authority ~~created pursuant hereto~~ shall be established for the primary
10 object and purpose of promoting, encouraging, and participating in ~~industrial~~
11 business development to stimulate the economy through commerce, industry, and
12 research and for the utilization and development of natural, physical, and human
13 resources of the area by providing job opportunities.

14 C. The boundaries of the authority shall be coterminous with the boundaries
15 of Terrebonne Parish.

16 §130.252. Board of commissioners; members; agents and employees

17 ~~A.(1)(a) The authority shall be governed by a board of commissioners~~
18 ~~consisting of eleven voting members and one nonvoting member selected as~~
19 ~~provided in this Section. Each voting member during his term of office shall be a~~
20 ~~citizen of the United States, a qualified voter residing within the limits of the~~
21 ~~authority, and either a proprietor, partner, or officer of a business within the limits~~
22 ~~of the authority.~~

23 (b) ~~Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
24 ~~no member of the board of commissioners appointed pursuant to Item (2)(a)(v) or~~
25 ~~(vi) of this Subsection shall be required to be a proprietor, partner, or officer of a~~
26 ~~business within the limits of the authority.~~

27 (2)(a)(i) ~~Two members shall be appointed by the Terrebonne Parish Council,~~
28 ~~one of whom shall be appointed at large from the parish and one of whom shall be~~
29 ~~an African-American selected by the council from a list of two names nominated by~~

1 the Terrebonne Chapter of the National Association for the Advancement of Colored
2 People:

3 (ii) One member shall be appointed by the Terrebonne Parish president.

4 (iii) ~~Three members shall be appointed by the Terrebonne Parish Council,~~
5 ~~at least one of whom shall be an African-American, selected by the council from a~~
6 ~~list of six names nominated by the Houma-Terrebonne Chamber of Commerce.~~

7 (iv) ~~Three members shall be appointed by the Terrebonne Parish Council,~~
8 ~~at least one of whom shall be a woman, selected by the council from a list of six~~
9 ~~names nominated by the South Central Industrial Association.~~

10 (v) ~~One member shall be appointed by the Terrebonne Parish Council from~~
11 ~~a list of two nominees submitted by the superintendent of the Terrebonne Parish~~
12 ~~school system. Each nominee shall be approved by a majority vote of the~~
13 ~~Terrebonne Parish School Board prior to submission to the parish council.~~

14 (vi) ~~One member shall be appointed by the Terrebonne Parish Council from~~
15 ~~a list of two names nominated by the chancellor of L.E. Fletcher Technical~~
16 ~~Community College.~~

17 (vii) ~~The president of Nicholls State University, ex officio, who shall be a~~
18 ~~nonvoting member and shall not be counted for purposes of a quorum, or his~~
19 ~~designee.~~

20 (b) ~~Notwithstanding the provisions of Items (iii) and (iv) of Subparagraph~~
21 ~~(a) of this Paragraph, for each vacancy on the board, the Houma-Terrebonne~~
22 ~~Chamber of Commerce and the South Central Industrial Association shall submit~~
23 ~~two names for nomination. Nothing in this Subparagraph shall be construed to affect~~
24 ~~the qualifications of members imposed by Items (iii) and (iv) of Subparagraph (a) of~~
25 ~~this Paragraph.~~

26 (3) ~~Initial appointments shall be made for staggered terms as specified in this~~
27 ~~Paragraph and at the termination of these initial terms of office, each term of office~~
28 ~~shall be for three years. Initial terms shall be as follows:~~

1 ~~(a) Three members, consisting of one member appointed by the parish~~
2 ~~council from each of the following nominating entities: the Houma-Terrebonne~~
3 ~~Chamber of Commerce, the South Central Industrial Association, and the chancellor~~
4 ~~of L.E. Fletcher Technical Community College, shall be appointed for one-year~~
5 ~~terms.~~

6 ~~(b) Four members, consisting of one member appointed by the parish council~~
7 ~~from each of the following nominating entities: the Houma-Terrebonne Chamber of~~
8 ~~Commerce, the South Central Industrial Association, the superintendent of the~~
9 ~~Terrebonne Parish School System, and the Terrebonne Chapter of the National~~
10 ~~Association for the Advancement of Colored People, shall be appointed for two-year~~
11 ~~terms.~~

12 ~~(c) Four members, consisting of one member appointed at large by the parish~~
13 ~~council, one member appointed by the Terrebonne Parish president, and one member~~
14 ~~appointed by the parish council from each of the following nominating entities: the~~
15 ~~Houma-Terrebonne Chamber of Commerce and the South Central Industrial~~
16 ~~Association, shall be appointed for three-year terms.~~

17 A. The authority shall be governed by a board of commissioners, referred to
18 in this Subpart as the "board", comprised of nine members. Each member shall be
19 a citizen of the United States, a qualified voter residing within the boundaries of the
20 authority, and either a proprietor, partner, or officer of a business located within the
21 boundaries of the authority. The board shall be composed as follows:

22 (1) Two members, both of whom are Black or African American, appointed
23 by the governing authority of the parish of Terrebonne.

24 (2) One member appointed by the president of the parish of Terrebonne.

25 (3) Three members appointed by the governing board of the South Central
26 Industrial Association and confirmed by the governing authority of the parish of
27 Terrebonne.

1 (4) Three members appointed by the governing board of the Houma-
2 Terrebonne Chamber of Commerce and confirmed by the governing authority of the
3 parish of Terrebonne.

4 B. Board members shall serve three-year terms after serving initial terms as
5 provided in this Subsection.

6 (1) The member appointed pursuant to Paragraph(A)(2) of this Section, one
7 member appointed pursuant to Paragraph(A)(3) of this Section, and one member
8 appointed pursuant to Paragraph(A)(4) of this Section shall serve initial terms of one
9 year, as determined by the appointing authority.

10 (2) One member appointed pursuant to Paragraph(A)(1) of this Section, one
11 member appointed pursuant to Paragraph(A)(3) of this Section, and one member
12 appointed pursuant to Paragraph(A)(4) of this Section shall serve initial terms of two
13 years, as determined by the appointing authority.

14 (3) One member appointed pursuant to Paragraph(A)(1) of this Section, one
15 member appointed pursuant to Paragraph(A)(3) of this Section, and one member
16 appointed pursuant to Paragraph(A)(4) of this Section shall serve initial terms of
17 three years, as determined by the appointing authority.

18 ~~B.(1)(a)~~ C.(1)(a) Any vacancy in the membership of the board of
19 commissioners, occurring either by reason of the expiration of the term for which
20 appointed or by reason of death, resignation, or otherwise, shall be filled in the
21 manner of the original appointment. At the expiration of a term a commissioner
22 shall hold office until his successor has been appointed and takes office.

23 ~~(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
24 ~~in the event that the entity responsible for the nomination of a member fails to~~
25 ~~nominate a successor within sixty days of a vacancy, the Terrebonne Parish Council~~
26 ~~shall appoint a successor to fill such vacancy from a list of two nominees submitted~~
27 ~~by the president of Terrebonne Parish. The parish president shall select the two~~
28 ~~nominees from a list of nominations submitted by business and civic organizations~~
29 ~~located within the parish.~~

1 ~~(e)~~(b) Any vacancy in the membership of the board shall be filled for the
2 remainder of the unexpired term.

3 (2) ~~A commissioner may be appointed to succeed himself, but no person~~
4 Board members shall be eligible for reappointment; however, no member shall be
5 appointed to serve on the board of commissioners for more than three two
6 consecutive three-year terms.

7 ~~C. D.(1) Any member of the board of commissioners may be removed for~~
8 ~~cause upon the recommendation of a majority of the board of commissioners and a~~
9 ~~vote of two-thirds of the members of the Terrebonne Parish Council~~ Board members
10 appointed pursuant to R.S. 33:130.252(A)(2) through (4) may be removed with or
11 without cause by the appointing authority.

12 (2) Board members appointed pursuant to R.S. 33:130.252(A)(2) through (4)
13 may be removed with cause by a two-thirds vote of the remaining board
14 membership.

15 (3) Board members appointed pursuant to R.S. 33:130.252(A)(1) may be
16 removed with or without cause by a two-thirds vote of the governing authority of the
17 parish of Terrebonne.

18 ~~D. E.~~ E. The members of the board ~~of commissioners~~ shall serve without
19 compensation; however, the board may reimburse any member for expenses actually
20 incurred in the performance of his duties.

21 F. The board ~~of commissioners shall have the power to~~ may organize and
22 reorganize executive, clerical, and other departments and ~~to~~ fix the duties, powers,
23 and compensation of all officers, agents, and employees of the authority. ~~The board~~
24 ~~of commissioners may reimburse any member for expenses actually incurred in the~~
25 ~~performance of his duties hereunder.~~

26 ~~E. G.~~ G. Members of the board, individually, and members of their immediate
27 families are prohibited from bidding on or entering into any contract, subcontract,
28 or other transaction that is under the supervision or jurisdiction of the authority.

1 F: H. Elected officials are prohibited from serving on the board of
2 ~~commissioners.~~

3 §130.253. Officers; meetings; quorum; rules; report

4 A. The board ~~of commissioners~~ shall elect from among its own members a
5 president, a vice president, a secretary, and a treasurer, whose duties shall be those
6 usual to such offices. At the option of the board ~~of commissioners~~, the offices of
7 secretary and treasurer may be held by one person.

8 B. The board ~~of commissioners~~ shall meet in regular session once each
9 month and shall also meet in special session as often as the president of the board
10 convenes them or on the written request of ~~six~~ four members. ~~Six~~ Five members of
11 the board ~~of commissioners~~ shall constitute a quorum.

12 C.(1) The board ~~of commissioners~~ shall prescribe rules to govern its
13 meetings, except that the president shall not be required to vote except in case of a
14 tie vote.

15 (2) The board shall maintain suitable offices in the parish of Terrebonne.

16 D. The board shall ~~render~~ submit annually to the governing authority of the
17 parish of Terrebonne, within one hundred twenty days following the end of each
18 calendar year, a report in triplicate of its activities, together with a financial report
19 disclosing all receipts and disbursements of the ~~commission~~ authority.

20 §130.254. Advisory committee

21 A. The board ~~of commissioners may establish and appoint an advisory~~
22 ~~committee. The advisory committee shall meet periodically with the board of~~
23 ~~commissioners.~~ may establish advisory committees and may appoint members to any
24 such committee. Advisory committees shall meet with the board upon the request
25 of a majority of the board membership.

26 * * *

27 §130.255. Powers of authority

28 A. The authority, acting by and through its board ~~of commissioners~~, shall
29 ~~have and~~ may exercise all powers of a political subdivision necessary or convenient

1 for the carrying out of its objects and purposes, including but not limited to rights
2 and powers set out in this Subpart:

3 (1) To sue and be sued.

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

5 (3) To acquire by donation, grant, purchase, or lease, ~~or otherwise~~, all
6 property, including servitudes or rights of use; to hold and use any franchise or
7 property, immovable or movable, corporeal or incorporeal, or any interest therein,
8 necessary or desirable for carrying out the objects and purposes of the authority;
9 ~~including but not limited to the establishment, maintenance, and operation of~~
10 ~~industrial parks.~~

11 ~~(5)~~(4) To receive by grant, or donation, ~~or otherwise~~ any sum of money, or
12 property, aid, or assistance from the United States, the state of Louisiana, or any
13 political subdivision thereof, or any person, firm, or corporation.

14 ~~(6)~~(5) To enter into contracts for the purchase, acquisition, construction,
15 maintenance, and improvement of works and facilities necessary in connection with
16 the purposes of the authority.

17 ~~(7)~~(6) In its own name and on its own behalf to incur debt and to issue
18 general obligation bonds, revenue bonds, certificates, notes, and other evidences of
19 indebtedness and to levy and cause to be collected ad valorem taxes as provided in
20 this Subpart and as may be provided by general law.

21 ~~(8) To require and issue licenses with respect to its properties and facilities.~~

22 ~~(9)~~(7) To regulate the imposition of fees and rentals charged by the authority
23 for its facilities and for services rendered by it.

24 ~~(10)~~(8) To mortgage properties constructed or acquired and to borrow money
25 and pledge all or part of its revenues, leases, rents, or other advantages as security
26 for such loans.

27 ~~(11)~~(9) To sell immovable property owned by the ~~commission~~ authority after
28 legal notice as provided by law for the judicial sale of immovable property.

1 ~~(12) To appoint officers, agents, and employees, prescribe their duties, and~~
2 ~~fix their compensation.~~

3 ~~(13)~~(10) To contract, upon such terms as it may agree upon, for legal,
4 financial, engineering, and other professional services necessary or expedient in the
5 conduct of its affairs.

6 ~~(14)~~(11) To utilize the services of the executive departments of the state
7 upon mutually agreeable terms and conditions.

8 ~~(15)~~(12) To do any and all things necessary or proper for the government,
9 regulation, development, and control of the business of the board ~~of commissioners.~~

10 B. ~~The legislature may confer additional powers upon the commission not~~
11 ~~inconsistent with the provisions hereof; provided that no such provisions shall impair~~
12 ~~any contract lawfully entered into by the commission. The authority shall not be~~
13 ~~deemed to be an instrumentality of the state for purposes of Article X, Section 1(A)~~
14 ~~of the Constitution of Louisiana.~~

15 §130.256. Industrial development

16 A.(1) The authority ~~shall have the power to~~ may construct and acquire
17 industrial parks and industrial plant buildings, and subordinate and related facilities,
18 including the acquisition of sites and other necessary property or appurtenances
19 thereto within the boundaries of the authority, or outside the boundaries of the
20 authority if the project is undertaken conjointly with another state or with other local
21 units of government, under the authority of the local services law, R.S. 33:1321 et
22 seq., or other authorizing authority, and to acquire, construct, improve, operate,
23 maintain, and provide improvements and services necessary therefor, including but
24 not limited to roads, street lighting, bridges, rail facilities, drainage, sewers, sewerage
25 disposal facilities, solid waste disposal facilities, waterworks, and other utilities and
26 related properties, consistent with applicable parish regulations and policies.

27 (2)(a) The authority ~~shall also have the authority to~~ may also sell, lease, or
28 otherwise dispose of, by suitable and appropriate contract, to any enterprise locating

1 or existing within the boundaries of the authority all or any part of a site, building,
2 or other property owned by the authority.

3 (b) In determining the consideration for any contract to lease, sell, or
4 otherwise dispose of lands, buildings, or other property of the authority, the board
5 ~~of commissioners~~ may take into consideration the value of the lands, buildings, or
6 other properties involved as well as the potential value of the economic impact of the
7 enterprise being induced to locate or expand within the boundaries of the authority.
8 Such economic impact shall include increased employment, increased use of local
9 labor, wages and salaries to be paid, consumption of local materials, products, and
10 resources, and special tax revenue to be generated by the enterprise acquiring or
11 leasing lands, buildings, or other property from the authority. In no event, however,
12 and under no circumstances shall the board dispose of any property of the authority
13 for less than the fair market value of the property as defined in R.S. 47:2321 without
14 the prior approval of the State Bond Commission.

15 (c) The authority ~~shall be empowered to~~ may enter into leases having a term,
16 including all renewal terms, not to exceed fifty years in the aggregate; provided that
17 there shall be a provision for periodic adjustments of the rental rate, commensurate
18 with economic conditions, during the fifty-year term.

19 (d) The approval of the State Bond Commission shall be conclusive for
20 purposes of compliance with the requirements of this Paragraph.

21 (3)(a) The resolution or ordinance adopted by the board ~~of commissioners~~
22 authorizing any lease, sale, or other disposition of lands, buildings, or other property
23 of the authority or any attachment thereto shall set forth, in a general way, the terms
24 of the authorized lease, sale, or other disposition, and such resolution or ordinance
25 shall be published as soon as possible in one issue of the official journal of the
26 authority.

27 (b) For a period of thirty days from the date of publication of any such
28 resolution or ordinance, any interested person may contest the legality of such
29 resolution or ordinance or the validity of the authorized lease, sale, or other

1 disposition of authority property, after which time no one shall have any cause of
2 action to contest the legality of the authorized lease, sale, or other disposition of
3 authority property for any cause whatsoever, and it shall be conclusively presumed
4 thereafter that every legal requirement has been complied with and no court shall
5 have authority to inquire into such matters after the lapse of ~~said~~ the thirty days.

6 B. The authority shall have the following additional powers, together with
7 all powers incidental thereto or necessary for the performance of ~~those hereinafter~~
8 ~~stated~~ its duties:

9 (1) To acquire, whether by purchase, exchange, donation, or lease, ~~or~~
10 ~~otherwise~~, and to construct and improve, maintain, equip, and furnish one or more
11 economic development projects, including all immovable and movable properties
12 which the board ~~of commissioners~~ may deem necessary in connection therewith.

13 (2) To lease or to contract for the use of any or all of its authorized projects
14 and to charge and collect rent, fees, or charges therefor, and to terminate any such
15 lease or contractual arrangement upon the failure of the obligations thereof, all as
16 may be provided for in the lease agreement to which the authority may become a
17 party.

18 (3) To sell, exchange, donate, and convey any or all of its projects upon such
19 terms and conditions as the board ~~of commissioners~~ may deem advisable, including
20 the power to receive for any such sale the first mortgage note or notes of the
21 purchaser of a project representing unpaid installments of the purchase price due by
22 the purchaser to the authority whenever the board ~~of commissioners~~ finds any such
23 actions to be in furtherance of the purpose for which the authority was organized.

24 (4) As security for the payment of the principal of and interest on any bonds,
25 notes, or other obligations of the authority, and any agreements made in connection
26 therewith, to mortgage and pledge any or all of its projects or any part or parts
27 thereof, whether then owned or thereafter acquired, and to pledge the revenues and
28 receipts therefrom or from any other source.

1 (5)(a) To enter into any cooperative financing of an economic development
 2 project between or among the authority and the state, any of its local governmental
 3 subdivisions, political corporations or public benefit corporations, the United States
 4 or its agencies, or any public or private association, corporation, or individual. ~~Said~~
 5 The methods of financing shall include loan guarantees, land write-downs, grants,
 6 lease guarantees, or any form of financial subsidy or incentive that complies with the
 7 provisions of Article VII, Section 14 of the Constitution of Louisiana.

8 (b) To enter into any cooperative development between or among the
 9 authority and the state, any of its local governmental subdivisions, political
 10 corporations or public benefit corporations, the United States or its agencies, or any
 11 public or private association, corporation, or individual. ~~Said~~ The methods of
 12 cooperative development shall include but not be limited to any number of joint
 13 development agreements such as condominiums and cooperative ownership, limited
 14 partnerships, and investment syndicates not prohibited by the Constitution of
 15 Louisiana. Regardless of the method of financing, the authority shall attempt to
 16 obtain the most favorable security available in order to protect and ensure recovery
 17 of sums loaned or paid pursuant to such financing.

18 (c) ~~"Cooperative endeavor" means any form of economic development~~
 19 ~~assistance between or among the authority and the state, any of its local~~
 20 ~~governmental subdivisions, political corporations or public benefit corporations, the~~
 21 ~~United States or its agencies, or any public or private association, corporation, or~~
 22 ~~individual. The term "cooperative endeavor" shall include but not be limited to~~
 23 ~~cooperative financing, cooperative development, or any other form of cooperative~~
 24 ~~economic development activity.~~

25 §130.257. Funding sources; fees and ad valorem tax; borrowing money

26 A.(1) The board of ~~commissioners~~ may, when necessary and with approval
 27 of the ~~parish council~~ governing authority of the parish of Terrebonne, levy annually
 28 an ad valorem tax not to exceed five mills on the dollar of assessed valuation of all
 29 property, provided that the amount, term, and purpose of ~~said~~ the tax, as set out in

1 a proposition submitted to a vote in accordance with the Louisiana Election Code,
2 shall be approved by a majority of the qualified electors voting in a special election
3 held for that purpose.

4 (2) The authority may receive not more than fifty percent of Terrebonne
5 Parish's occupational license tax revenues beginning January 1, 2005, and all the
6 proceeds of a building permit charge dedicated by the ~~parish council~~ governing
7 authority of the parish of Terrebonne to the authority, upon execution of a
8 cooperative endeavor agreement with the ~~Terrebonne Parish Consolidated~~
9 ~~Government~~ governing authority of the parish.

10 B. All funds derived under this Section may be used for any expenses or
11 purposes of the authority. The board ~~of commissioners shall~~ may establish and
12 maintain, in addition to all necessary and normal accounts, the following special
13 accounts:

14 * * *

15 §130.258. Obligations of the authority

16 A. The authority ~~shall have authority to~~ may incur debt for any one or more
17 of its lawful purposes set forth in this Subpart, to issue in its name negotiable bonds,
18 notes, certificates of indebtedness, or other evidences of debt and to provide for the
19 security and payment thereof.

20 B.(1) The authority may in its own name and behalf incur debt and issue
21 general obligation ad valorem property tax secured bonds under the authority of and
22 subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana,
23 Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised
24 Statutes of 1950, when approved by a majority of the qualified voters who vote in
25 a special election called and conducted under the authority of the Louisiana Election
26 Code, including Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950,
27 as amended. General obligation bonds of the authority may be issued for any of the
28 purposes for which the authority is created or is authorized to act under any
29 provisions of this Subpart, all of which purposes are hereby found and declared to

1 be public purposes and functions of the state of Louisiana, which are delegated to the
2 authority.

3 (2) The authority may in its own name and behalf issue revenue bonds for
4 the purposes for which the authority is created or is authorized to act under any of
5 the provisions of this Subpart, including industrial and commercial development
6 revenue bonds. ~~Said~~ The bonds shall be issued in the manner as provided for in R.S.
7 39:991 through 1001 and R.S. 39:1011 through 1024.

8 (3) The authority may in its own name and behalf borrow from time to time
9 in the form of certificates of indebtedness. The certificates shall be secured by the
10 dedication and pledge of monies of the authority derived from any lawful sources,
11 including fees, occupational license revenues, building permit charges dedicated to
12 the authority, lease rentals, service charges, local service agreement payments from
13 one or more other contracting parties, the avails of ad valorem property taxation, or
14 any combination of such sources of income, provided that the term of such
15 certificates shall not exceed ten years and the annual debt service on the amount
16 borrowed shall not exceed the anticipated revenues to be dedicated and pledged to
17 the payment of the certificates of indebtedness, as shall be estimated by the board of
18 ~~commissioners of the authority~~ at the time of the adoption of the resolution
19 authorizing the issuance of such certificates. The estimate of the board of
20 ~~commissioners~~ referred to in the authorizing resolution shall be conclusive for all
21 purposes of this Section.

22 (4) The authority may borrow the amount of the anticipated ad valorem tax,
23 not to exceed five mills, authorized by R.S. 33:130.257, for a period not to exceed
24 ten years and may issue certificates of indebtedness therefor and may dedicate the
25 avails of the tax funded for the payment thereof for the period of time ~~said~~ the
26 certificates are outstanding.

27 (5) The board of ~~commissioners~~, with approval of the ~~parish council~~
28 governing authority of the parish, ~~is authorized to~~ may adopt all necessary
29 resolutions or ordinances which may be necessary for ordering, holding, canvassing,

1 and promulgating the returns of any election required for the issuance of general
2 obligation bonds, or limited tax secured obligations, or for the voting of a property
3 tax millage, which resolutions or ordinances may include covenants for the security
4 and payment of any bonds or other evidence of debt so issued.

5 (6) For a period of thirty days from the date of publication of any resolution
6 or ordinance authorizing the issuance of any bonds, certificates of indebtedness,
7 notes, or other evidence of debt of the authority, any interested person may contest
8 the legality of such resolution or ordinance and the validity of such bonds,
9 certificates of indebtedness, notes or other evidence of debt issued or proposed to be
10 issued thereunder and the security of their payment, after which time no one shall
11 have any cause of action to contest the legality of ~~said~~ the resolution or ordinance or
12 to draw in question the legality of ~~said~~ the bonds, certificates of indebtedness, notes,
13 or other evidence of debt, the security therefor, or the debts represented thereby for
14 any cause whatever, and it shall be conclusively presumed that every legal
15 requirement has been complied with, and no court shall have authority to inquire into
16 such matters after the lapse of thirty days.

17 (7) The issuance and sale of such bonds, certificates of indebtedness, notes,
18 or other evidence of debt by the authority shall be subject to approval by the State
19 Bond Commission.

20 (8) Such bonds, certificates of indebtedness, notes, or other evidence of debt
21 shall have all the qualities of negotiable instruments under the commercial laws of
22 the state of Louisiana.

23 * * *

24 §130.261. General compliances; enhancement; budget

25 * * *

26 C.(1) The board ~~of commissioners of the authority~~ shall annually prepare a
27 financial statement which shall be presented to the legislative auditor pursuant to the
28 provisions of R.S. 24:513. The legislative auditor shall thereafter publish his
29 findings in the official journal of the authority.

1 (2) Within thirty days following submission of the financial statement to the
2 legislative auditor, the board ~~of commissioners of the authority~~, or a designated
3 officer of the board, shall present to the ~~Terrebonne Parish Council~~ governing
4 authority of the parish of Terrebonne at a public meeting a copy of such statement
5 for public review.

6 D. The board ~~of commissioners of the authority~~ shall submit to the
7 ~~Terrebonne Parish Council~~ governing authority of the parish of Terrebonne an
8 annual proposed budget for the operation of the authority for the upcoming fiscal
9 year. The budget shall be deemed accepted unless rejected by two-thirds vote of the
10 parish ~~council~~ governing authority. After the budget has been accepted by the parish
11 ~~council~~ governing authority, the authority may incur liabilities and make
12 expenditures during the fiscal year in accordance with such budget.

13 * * *

14 Section 2. The terms of the members of the governing board of the Terrebonne
15 Economic Development Authority in office on the effective date of this Act shall terminate
16 on the effective date of this Act; however, such members shall remain in office until the
17 board members are appointed as provided in this Act and take office. The members of the
18 governing board of the Terrebonne Economic Development Authority shall be appointed and
19 take office as provided in this Act.

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 200 Reengrossed

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 authority 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.

The House Floor Amendments to the engrossed bill:

1. Are solely technical.