

2017 Regular Session

SENATE BILL NO. 99

BY SENATOR DONAHUE

SPECIAL DISTRICTS. Provides relative to the St. Tammany Parish Development District.  
(See Act)

1 AN ACT

2 To amend and reenact R.S. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and R.S.  
3 33:130.409(A), and to enact R.S. 33:130.409 (D), relative to the St. Tammany Parish  
4 Development District; to provide relative to the classification of the district; to  
5 provide relative to its board of commissioners; to provide relative to a nominating  
6 committee; to provide relative to certain prohibitions regarding transactions and  
7 employment; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and  
11 130.409(A) are hereby amended and reenacted and R.S. 33:130.409(D) is hereby enacted  
12 to read as follows:

13 §130.401. St. Tammany Parish Development District; creation; territorial  
14 jurisdiction

15 A. The St. Tammany Parish Development District, hereinafter referred to as  
16 the "district", is hereby constituted and is declared to be a body politic and political  
17 subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the

1 Constitution of Louisiana **and a public agency for the purposes of R.S. 12:249.**

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

10 \* \* \*

11 §130.402. Board of commissioners; members; officers; employees

12 A.(1) The district shall be governed by a board of commissioners consisting  
13 of ~~thirteen~~ **eleven** members selected as set out herein. All members shall be qualified  
14 voters and taxpayers within the limits of the district during their term of office. ~~The~~  
15 **On and after January 1, 2018,** members of the board of commissioners shall be  
16 ~~appointed and serve terms of office as follows~~ **nominated by the board of**  
17 **commissioners and submitted to the council of St. Tammany Parish for**  
18 **approval. Commissioners shall serve three-year terms of office, except in the**  
19 **case of any shorter initial terms. Initial terms shall be staggered for the periods**  
20 **indicated as follows:**

21 (a) Four members shall ~~be appointed by the president of St. Tammany Parish.~~  
22 ~~The initial appointment shall be made for staggered terms as specified herein and,~~  
23 ~~at the termination of these initial terms of office, the term of office shall be for three~~  
24 ~~years. Initial terms, as designated by the president of St. Tammany Parish, shall be~~  
25 ~~as follows:~~

26 (i) ~~One member shall be appointed for three years.~~

27 (ii) ~~One member shall be appointed for two years.~~

28 (iii) ~~Two members shall be appointed for one year~~ **serve three-year initial**  
29 **terms.**

1 (b) Four members shall be appointed by the council of St. Tammany Parish.  
2 The initial appointment shall be made for staggered terms as specified herein and,  
3 at the termination of these initial terms of office, the term of office shall be for three  
4 years. Initial terms, as designated by the council, shall be as follows:

5 (i) One member shall be appointed for three years.

6 (ii) One member shall be appointed for two years.

7 (iii) Two members shall be appointed for one year **serve two-year initial**  
8 **terms.**

9 (c) Three members shall be appointed by the St. Tammany Economic  
10 Development Foundation. The initial appointment shall be made for staggered terms  
11 as specified herein and, at the termination of these initial terms of office, the term of  
12 office shall be for three years. Initial terms, as designated by the foundation, shall be  
13 as follows:

14 (i) One member shall be appointed for three years.

15 (ii) One member shall be appointed for two years.

16 (iii) One member shall be appointed for one year.

17 (d) One member shall be the St. Tammany Parish President or his designee.

18 (e) One member shall be the executive director of the St. Tammany  
19 Economic Development Foundation **serve one-year initial terms.**

20 **(2)(a) The nominating committee of the board of commissioners shall**  
21 **consist of the board president and vice president, the district executive director,**  
22 **the president of St. Tammany Parish, and a member of a regional board or**  
23 **commission selected by the president of St. Tammany Parish. The nominating**  
24 **committee shall submit its slate of nominees to the board of commissioners for**  
25 **approval. Once a slate of nominees is approved by the board, it shall be**  
26 **forwarded to the St. Tammany Council.**

27 **(b) The initial slate of nominees shall be nominated by the members of**  
28 **the nominating committee and board of commissioners on or before**  
29 **December 31, 2017. For continuity, both the initial nominations and initial**

1 approved nominees shall include at least two members of the board of  
2 commissioners as of December 31, 2017.

3 (c) The council of St. Tammany Parish may approve or disapprove any  
4 nominee. The board of commissioners shall submit new nominees for any  
5 individual nominees that are not approved.

6 (d) Any vacancy which occurs prior to the expiration of the term for which  
7 a member of the board of commissioners has been appointed shall be filled ~~in the~~  
8 ~~same manner as the original appointment for the unexpired term~~ pursuant to the  
9 same nomination and approval process set forth in Paragraph (A)(1) of this  
10 Section.

11 B. The members of the board of commissioners shall not receive per diem or  
12 be paid a salary for serving on the board. No members of the board of commissioners  
13 shall be appointed to serve for more than two successive **three-year** terms.

14 \* \* \*

15 D. ~~Except as specifically provided by Subparagraph (A)(1)(d) of this Section,~~  
16 ~~elected~~ **Elected** officials are prohibited from serving on the board of commissioners.

17 E. The board of commissioners shall elect from among its own members a  
18 president, a vice president, a secretary, ~~an executive director~~, and a treasurer, whose  
19 duties shall be those usual to such offices. At the option of the board of  
20 commissioners, the offices of secretary and treasurer may be held by one person.

21 F. The board of commissioners shall meet in regular session every month and  
22 shall also meet in special session as often as the president of the board convenes  
23 them or on the written request of four members. ~~Seven~~ **Six** members of the board of  
24 commissioners shall constitute a quorum.

25 G. The board of commissioners shall prescribe rules to govern its meetings.  
26 The board of commissioners may contract with ~~and~~ **or** employ attorneys, clerks,  
27 engineers, deputy commissioners, ~~a director~~ **an executive director**, and other agents  
28 and employees and shall fix their compensation and terms of employment.

29 \* \* \*

1 §130.409. General compliances; enhancement

2 A. Except as otherwise specifically provided by R.S. 33:130.402(H) **and**  
3 **Subsection D of this Section**, no provision of this Subpart shall be construed so as  
4 to exempt the district from compliance with the provisions of Louisiana laws  
5 pertaining to open meetings, public records, fiscal agents, official journals, dual  
6 officeholding and employment, public bidding for the purchase of supplies and  
7 materials and construction of public works, the Code of Governmental Ethics, the  
8 Right to Property in Article I, Section 4 of the Constitution of Louisiana, and the  
9 Louisiana Election Code.

10 \* \* \*

11 **D. Records in the custody of the district pertaining to an active**  
12 **negotiation with a person for the purpose of retaining, expanding, or attracting**  
13 **economic or business development in St. Tammany Parish shall be confidential**  
14 **on the same basis as such records in the custody of the Department of Economic**  
15 **Development as set in R.S. 44:22, with the district's executive director**  
16 **performing the duties and obligations of the secretary of the Department of**  
17 **Economic Development and with any notice required therein being published**  
18 **in the official journal of St. Tammany Parish rather than the official journal of**  
19 **the state.**

20 Section 2. The provisions of R.S. 33:130.402(A)(2), as amended by this Act shall  
21 become effective upon signature by the governor or, if not signed by the governor, upon  
22 expiration of the time for bills to become law without signature by the governor, as provided  
23 by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and  
24 subsequently approved by the legislature, this Act shall become effective on the day  
25 following such approval. The remaining provisions of this Act shall become effective  
26 January, 1, 2018.

27 Section 3. The terms of office of the members of the board currently serving shall  
28 terminate on January 1, 2018, or upon the official appointment by the council of St.  
29 Tammany Parish of a new slate of board members, whichever is later.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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DIGEST

SB 99 Original 2017 Regular Session Donahue

Present law creates the St. Tammany Parish Development District and its board of commissioners. Provides that the board consists of 13 persons, including four members appointed by the St. Tammany Parish president, four members appointed by the St. Tammany Parish council, three members appointed by the St. Tammany Economic Development Foundation, the St. Tammany Parish president or his designee, and the executive director of the St. Tammany Economic Development Foundation.

Present law requires that the board shall meet in regular session monthly and shall also meet in special session as often as the president of the board convenes them or on the written request of four members. Provides that seven members of the board shall constitute a quorum.

Present law provides for the board to elect from among its own members a president, a vice president, a secretary, an executive director, and a treasurer.

Proposed law reduces the board from 13 to 11 members and provides after January 1, 2018, for members of the board to be nominated by the existing board of commissioners and submitted to the St. Tammany Parish council for approval. Proposed law reduces the quorum of the board from seven to six.

Proposed law provides for commissioners to serve three-year terms of office except in the case of shorter initial terms. The initial terms of the commissioners are to be staggered as follows:

- (1) Four members to serve three-year terms.
- (2) Four members to serve two-year terms.
- (3) Three members to serve one-year terms.

Proposed law provides for the board to elect from among its members a president, a vice president, a secretary, and a treasurer.

Present law authorizes the board to contract with or employ attorneys, clerks, engineers, deputy commissioners, and other agents and employees and shall fix their compensation and terms of employment. Proposed law adds an executive director, otherwise retains present law.

Proposed law provides for records in the custody of the district pertaining to an active negotiation with a person for the purpose of retaining, expanding, or attracting economic or business development in St. Tammany Parish are to be confidential on the same basis as such records in the custody of the Department of Economic Development with the district's executive director performing the duties and obligations of the secretary of the Department of Economic Development and the official journal of St. Tammany Parish substituted for the official journal of the state.

Provides for the term of office for members serving on the effective date of this Act shall terminate on January 1, 2018, or upon the official appointment by the council of St. Tammany Parish of a new slate of board members, whichever is later.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and 130.409(A); adds R.S. 33:130.409(D))