

SENATE BILL NO. 99

BY SENATOR DONAHUE

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AN ACT

To amend and reenact R.S. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and 130.409(A) and R.S. 44:4.1(B)(20), and to enact R.S. 33:130.409 (D), relative to the St. Tammany Parish Development District; to provide relative to the classification of the district; to provide relative to its board of commissioners; to provide relative to a nominating committee; to provide relative to certain prohibitions regarding transactions and employment; to allow certain records regarding active negotiations to be confidential for a period of time subject to certain conditions; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

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

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

A. The St. Tammany Parish Development District, hereinafter referred to as the "district", is hereby constituted and is declared to be a body politic and political subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the Constitution of Louisiana **and a public agency for the purposes of R.S. 12:249.** Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district, acting through its board of commissioners, the governing authority of ~~said~~ **the** district, is hereby granted all of the rights, powers, privileges, and immunities granted to political subdivisions for economic and industrial development purposes,

1 including but not limited to the power of taxation, the power to incur debt and issue
 2 revenue and general obligation bonds, certificates of indebtedness, bond and
 3 certificate anticipation notes, and refunding bonds, subject to the limitations
 4 hereinafter provided.

5 * * *

6 §130.402. Board of commissioners; members; officers; employees

7 A.(1) The district shall be governed by a board of commissioners consisting
 8 of ~~thirteen~~ **eleven** members selected as ~~set out herein~~ **provided for in this Section.**

9 All members shall be qualified voters and taxpayers within the limits of the district
 10 during their term of office. ~~The~~ **On and after January 1, 2018,** members of the
 11 board of commissioners shall be ~~appointed and serve terms of office as follows~~
 12 **nominated by the board of commissioners and submitted to the council of St.**
 13 **Tammany Parish for approval. Commissioners shall serve three-year terms of**
 14 **office, except in the case of any shorter initial terms. Initial terms shall be**
 15 **staggered for the periods indicated as follows:**

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

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

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

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

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

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

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

1 (iii) Two members shall be appointed for one year serve two-year initial
2 terms.

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

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

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

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

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

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

14 (2)(a) The nominating committee of the board of commissioners shall
15 consist of the board president and vice president, the district executive director,
16 the president of St. Tammany Parish, and a member of a regional board or
17 commission selected by the president of St. Tammany Parish. The nominating
18 committee shall submit its slate of nominees to the board of commissioners for
19 approval. Once a slate of nominees is approved by the board, it shall be
20 forwarded to the council of St. Tammany Parish.

21 (b) The initial slate of nominees shall be nominated by the members of
22 the nominating committee and board of commissioners on or before
23 December 31, 2017. For continuity, both the initial nominations and initial
24 approved nominees shall include at least two members of the board of
25 commissioners as of December 31, 2017.

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

29 (d) Any vacancy which occurs prior to the expiration of the term for which
30 a member of the board of commissioners has been appointed shall be filled in the

1 same manner as the original appointment for the unexpired term pursuant to the
 2 same nomination and approval process set forth in Paragraph(1) of this
 3 Subsection.

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

7 * * *

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

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

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

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

22 * * *

23 §130.409. General compliances; enhancement

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

1 Louisiana Election Code.

2 * * *

3 D. Records in the custody of the district pertaining to an active
4 negotiation with a person for the purpose of retaining, expanding, or attracting
5 economic or business development in St. Tammany Parish shall be confidential
6 on the same basis as such records in the custody of the Department of Economic
7 Development as set forth in R.S. 44:22, with the district's executive director
8 performing the duties and obligations of the secretary of the Department of
9 Economic Development and with any notice required therein being published
10 in the official journal of St. Tammany Parish rather than the official journal of
11 the state.

12 Section 2. R.S. 44:4.1(B)(20) is hereby amended and reenacted to read as follows:

13 §4.1. Exceptions

14 * * *

15 B. The legislature further recognizes that there exist exceptions, exemptions,
16 and limitations to the laws pertaining to public records throughout the revised
17 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
18 limitations are hereby continued in effect by incorporation into this Chapter by
19 citation:

20 * * *

21 (20) ~~R.S. 33:1334~~ **R.S. 33:130.409, 1334**, 2182, 2428, 4720.151, 4720.161,
22 4720.171, 4891, 9109, 9128, 9614

23 * * *

24 Section 3. The provisions of R.S. 33:130.402(A)(2), as amended by this Act shall
25 become effective upon signature by the governor or, if not signed by the governor, upon
26 expiration of the time for bills to become law without signature by the governor, as provided
27 by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and
28 subsequently approved by the legislature, this Act shall become effective on the day
29 following such approval. The remaining provisions of this Act shall become effective
30 January 1, 2018.

1 Section 4. The terms of office of the members of the board currently serving shall
2 terminate on January 1, 2018, or upon the official appointment by the council of St.
3 Tammany Parish of a new slate of board members, whichever is later.
4

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____