

Regular Session, 2010

SENATE BILL NO. 761

BY SENATOR DUPLESSIS

SPECIAL DISTRICTS. Provides relative to the New Orleans Regional Business Park.
(gov sig)

1 AN ACT
2 To amend and reenact R.S. 33:4701(A), 4702(B)(1), (2), (4) and (6)(b), (C), (E), (F), (G),
3 4703(A) and (C), and 4706(A) and (B); to enact R.S. 33:4701(C), 4702(B)(3) and
4 (D), and 4706(C) and (D), and to repeal R.S. 33:4702(H),(I) and (J); relative to the
5 New Orleans Regional Business Park; to provide with respect to the purpose of the
6 district; to provide with respect to the members appointed to the board; to provide
7 for an executive director; to provide with respect to plans submitted by the board and
8 the process related to such plans; to provide with respect to issuing bonds; to provide
9 with respect to unpaid and outstanding bonds; to provide with respect to the powers
10 of the district; to provide with respect to the use of district funds; and to provide for
11 related matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 33:4701(A), 4702(B)(1), (2), (4) and (6)(b), (C), (E), (F), (G),
15 4703(A) and (C), and 4706(A) and (B) are hereby amended and reenacted, and R.S.
16 33:4701(C), 4702(B)(3) and (D), and 4706(C) and (D) are hereby enacted to read as follows:

17 §4701. The New Orleans Regional Business Park; creation and powers

1 acquisition of land and improvements, and, when necessary, the construction,
2 operation, and maintenance of facilities, improvements and infrastructure,
3 including buildings, runways, roads, bridges, drainage, and utilities.

4 §4702. Board of commissioners; appointment and term; organization

5 * * *

6 B.(1) In order to provide for the orderly planning, development, acquisition,
7 construction, and effectuation of the services, projects, improvements, and facilities
8 to be provided or furnished by the district, and to provide for the representation in
9 the affairs of the district of those persons and interests immediately concerned with
10 and affected by the functions, operation, purposes, and developments of the district,
11 the New Orleans Regional Business Park shall be managed by a board of
12 commissioners comprised of qualified voters and legal Louisiana residents.

13 (2) The board shall be composed of ~~fifteen~~ eleven members who shall be
14 appointed as follows:

15 (a) ~~The New Orleans East Business Association~~ Greater New Orleans, Inc.
16 shall appoint one member ~~who shall serve an initial term of one year.~~

17 (b) ~~The New Orleans Chamber Inc. shall appoint one member who shall serve~~
18 ~~an initial term of one year.~~

19 (c) ~~The state representative whose representative district is defined in R.S.~~
20 ~~24:35.5(A)(100) shall appoint one member who shall serve an initial term of two~~
21 ~~years.~~

22 (d) ~~The state senator whose senatorial district is defined in R.S. 24:35.1~~
23 ~~as District 2 shall appoint two members each of whom shall serve an initial term of~~
24 ~~three years.~~

25 (e) ~~The councilman~~ councilperson of the ~~councilmanic~~ council district
26 in which the ~~special municipal district~~ New Orleans Regional Business Park is
27 located shall appoint one member ~~who shall serve an initial term of three years.~~

28 (f) ~~The mayor of the city of New Orleans shall appoint two~~ three members
29 ~~each of whom shall serve an initial term of three years.~~

1 ~~(g)~~**(f)** The state representative whose representative district is defined in R.S.
2 24:35.5(A)(103) shall appoint one member ~~who shall serve an initial term of two~~
3 ~~years.~~

4 ~~(h)~~**(g)** The state representative whose representative district is defined in R.S.
5 24:35.5(A)(101) shall appoint one member ~~who shall serve an initial term of two~~
6 ~~years.~~

7 **(h) The secretary of the Department of Economic Development shall**
8 **appoint one member.**

9 ~~(i) The New Orleans East Economic Development Foundation shall appoint~~
10 ~~one member who shall serve an initial term of one year.~~

11 ~~(j) The governor shall appoint one member who shall serve an initial term of~~
12 ~~one year.~~

13 ~~(k) The lieutenant governor shall appoint one member who shall serve an~~
14 ~~initial term of one year.~~

15 ~~(l) The board of commissioners of the Port of New Orleans shall appoint one~~
16 ~~member who shall serve an initial term of two years.~~

17 ~~(m) The Regional Planning Commission for Jefferson, Orleans, Plaquemines,~~
18 ~~St. Bernard, and St. Tammany parishes shall appoint one member who shall serve~~
19 ~~an initial term of two years.~~

20 **(3) Any vacancy in the membership of the board occurring by reason of**
21 **the expiration of the term of office, or by reason of death, resignation,**
22 **disqualification, or otherwise, shall be filled by the respective nominating entity**
23 **within sixty days after receipt by such nominating entity of written notification**
24 **of the vacancy. In the event that the respective nominating entity fails to fill the**
25 **vacancy within sixty days after receipt of written notification of the vacancy, the**
26 **board shall appoint an interim successor to serve on the board until the position**
27 **is filled by the respective nominating entity responsible for the appointment of**
28 **such member. If the board fails to fill a vacancy in its membership within the**
29 **next sixty day period, the mayor shall appoint such member. Any board**

1 member appointed by the board or mayor pursuant to this Paragraph may be
2 replaced at any time by the nominee of the appointing authority.

3 (4) ~~In the event any of the foregoing organizations or public officials fail to~~
4 ~~make an appointment within sixty days of the date on which notice to make such~~
5 ~~appointment is sent to such organization or public official by the mayor, then the~~
6 ~~mayor shall appoint such member as would have been authorized for such~~
7 ~~organization or public official.~~ Any member who has unexcused absences of fifty
8 percent or more of the meetings, regular and special, of the board in any
9 calendar year shall be disqualified and removed automatically from office and
10 that person's position shall be vacant, as of the first day of the succeeding
11 calendar year. Such vacated position shall be filled by the respective nominating
12 entity for the balance of the vacated term. The former member shall not be
13 eligible for reappointment until expiration of the balance of the vacated term.

14 * * *

15 (6) * * *

16 (b) Any member of the board appointed pursuant to ~~Subparagraph~~
17 Subparagraphs (2)(a) through ~~(i)~~ (h) of this Subsection may be removed by his
18 respective appointing authority at any time, with or without cause.

19 * * *

20 C.(1) The board of commissioners shall elect from its members a chairman,
21 a vice chairman, a secretary-treasurer and such other officers as it may deem
22 necessary at its first meeting; the chairman shall serve at the pleasure of the board.
23 The board of commissioners may also select one person as ~~president~~ executive
24 director; three people as ~~vice presidents~~ directors to be in charge of marketing,
25 operations, and finance respectively, who shall not be members of the board, but who
26 shall be qualified voters and ~~legal~~ Louisiana residents.

27 (2) The secretary-treasurer shall furnish such bonds as may be required by the
28 board of commissioners. The premium on the bond shall be paid out of the operating
29 funds of the district. The ~~president~~ executive director shall be the chief executive

1 officer of the district, shall manage its affairs and operation, subject to the rules and
2 regulations and bylaws adopted by the council and the board. The ~~president~~
3 **executive director** and three ~~vice presidents~~ **directors** shall receive such salary and
4 office expense allowance, if any, as shall be fixed and determined by the board of
5 commissioners.

6 **D. The executive director, with the concurrence of the board of the**
7 **district, may hire such staff and other necessary personnel as may be necessary**
8 **to carry out the directions and instructions of the board, and may perform such**
9 **other acts as may be directed by the board.**

10 E.(1) ~~The board of the district shall prepare, or cause to be prepared a plan~~
11 ~~or plans, such plan or plans being hereinafter referred to, collectively, as the plan,~~
12 ~~specifying the public improvements, projects, facilities, and services proposed to be~~
13 ~~furnished, provided, constructed or acquired, for the district, and it shall conduct~~
14 ~~such public hearings, publish such notice with respect thereto and disseminate such~~
15 ~~information as it in the exercise of its sound discretion may deem to be appropriate~~
16 ~~or advisable and in the public interest.~~

17 (2) ~~Any such plan may specify and encompass any public services, which the~~
18 ~~city of New Orleans is then furnishing or providing, or may then, or in the future, be~~
19 ~~obligated to furnish or provide with respect to persons or property within the~~
20 ~~boundaries of the district.~~

21 (3) ~~Any plan shall include (a) an estimate of the annual and aggregate cost~~
22 ~~of acquiring, constructing, or providing the public services, capital improvements,~~
23 ~~projects, or facilities set forth therein; (b) an estimate of the proportion of the tax to~~
24 ~~be levied on the taxable real property within the district which is to be set aside and~~
25 ~~dedicated to paying the cost of furnishing specified public services, and an estimate~~
26 ~~of the proportion of such tax to be set aside and dedicated to paying the cost of~~
27 ~~projects or capital improvements, or paying the cost of debt service on any bonds to~~
28 ~~be issued to pay the cost of projects or capital improvements, such proportions, in~~
29 ~~each case, to be expressed in numbers of mills; and (c) an estimate of the aggregate~~

1 number of mills required to be levied in each year on the taxable real property within
2 the district in order to provide the funds required for the implementation or
3 effectuation of the plan for furnishing the public services specified and for projects,
4 capital improvements or debt service, or any combination thereof.

5 (4) ~~The board of the district shall also submit its plan to the planning~~
6 ~~commission of the city of New Orleans. Said planning commission shall review and~~
7 ~~consider the plan in order to determine whether or not it is consistent with the~~
8 ~~comprehensive plan for the city of New Orleans, and shall within thirty days~~
9 ~~following receipt thereof submit to the city council its written opinion as to whether~~
10 ~~or not the plan or any portion or detail thereof is inconsistent with the comprehensive~~
11 ~~plan for the city, together with its written comments and recommendation with~~
12 ~~respect thereto.~~

13 (5) ~~After receipt of the plan together with the written comments and~~
14 ~~recommendations of the city planning commission, the council shall review and~~
15 ~~consider the plan, together with such written comments and recommendations. The~~
16 ~~council may by a majority vote of its members adopt or reject the plan as originally~~
17 ~~submitted by the board, or it may alter or modify the plan or any portion or detail~~
18 ~~thereof, but only by a majority vote of all of its members. If the plan as originally~~
19 ~~submitted by the board is adopted by a majority vote of the council, it shall become~~
20 ~~final and conclusive and may thereafter be implemented. If, however, the council~~
21 ~~alters or modifies the plan by a majority vote of its members, the plan so altered or~~
22 ~~modified shall be resubmitted to the board of the district for its concurrence or~~
23 ~~rejection. The board of the district may concur in such modified plan by a majority~~
24 ~~vote of all of its members. If the board so votes to concur in the plan as modified by~~
25 ~~the council, it shall notify the council in writing of its action. Thereafter, and as often~~
26 ~~and at such time or times as the board may deem to be necessary or advisable, it shall~~
27 ~~prepare, or cause to be prepared, a plan or plans and submit the same to the city~~
28 ~~planning commission in accordance with the same procedure hereinabove prescribed~~
29 ~~with respect to the original plan. The city planning commission shall, in turn, submit~~

1 such plan, together with its written comments and recommendations to the council
2 for its adoption, modification or rejection in the same manner and with the same
3 effect as hereinabove provided with respect to the original plan submitted, as
4 aforesaid:

5 F. ~~The executive director, with the concurrence of the board of the district,~~
6 ~~may hire such staff and other necessary personnel as may be necessary to carry out~~
7 ~~the directions and instructions of the board, and may do such other acts as may be~~
8 ~~directed by the board.~~

9 G. ~~All services to be furnished within the district pursuant to any plan finally~~
10 ~~and conclusively adopted hereunder, shall be furnished and supplied by the city of~~
11 ~~New Orleans through its regularly constituted departments, agencies, boards,~~
12 ~~commissions, and instrumentalities as appropriate in the circumstances, and all~~
13 ~~capital improvements, projects and facilities to be acquired, constructed or provided~~
14 ~~within the district, whether from the proceeds of bonds or otherwise, shall likewise~~
15 ~~be so acquired, constructed, or provided by the city of New Orleans through its~~
16 ~~regularly constituted departments, agencies, boards, commissions, and~~
17 ~~instrumentalities as appropriate in the circumstances, it being the intent hereof to~~
18 ~~avoid duplication of administrative and management efforts and expense in the~~
19 ~~implementation of any plan adopted for the benefit of the district. In order to provide~~
20 ~~such public services and provide, construct or acquire such capital improvements,~~
21 ~~projects and facilities the board, upon the recommendation of its executive director,~~
22 ~~may enter into contracts with the city of New Orleans. The cost of any such public~~
23 ~~services, projects, capital improvements and facilities shall be paid to the city of New~~
24 ~~Orleans out of the proceeds of the special tax levied upon real property within the~~
25 ~~district as herein provided, or from the proceeds of bonds, as the case may be.~~

26 H. The board, in addition to all other taxes which it is now or hereafter may
27 be authorized by law to levy and collect, is hereby authorized to levy and collect, as
28 specifically provided in Subsection K hereinafter, for a term not to exceed fifty years
29 from and after the date the first tax is levied pursuant to the provisions of this

1 Section, in the same manner and at the same time as all other ad valorem taxes on
2 property subject to taxation by the city are levied and collected, a special ad valorem
3 tax upon all taxable real property situated within the boundaries of the district except
4 property occupied in whole or in part as a residence by an owner thereof. The
5 number of mills hereby authorized shall not exceed twenty mills on the dollar of
6 assessed valuation on all taxable property within the district. Said tax, when levied,
7 shall be from year to year, or for such period of years not to exceed fifty years as
8 may be designated in the resolution by which the election is called on the question
9 of the imposition of said tax. No such tax shall be levied until a plan requiring or
10 requesting the levy of a tax is finally and conclusively adopted in accordance with
11 the procedures prescribed in this Section. The proceeds of said tax shall be used
12 solely and exclusively for the purposes and benefit of the district.

13 **F.**(1) The board, by resolution adopted by a vote of a majority of the
14 members of the board of the district, shall have power and is hereby authorized to
15 incur indebtedness for and on behalf and for the sole and exclusive benefit of the
16 district, and to issue at one time, or from time to time, negotiable bonds, notes and
17 other evidence of indebtedness, herein referred to collectively as bonds, of the
18 district, the principal of, premium if any, and interest on which shall be payable
19 solely from the proceeds of the special tax authorized, levied, and collected pursuant
20 to the provisions of this Section for the purpose of paying the cost of acquiring and
21 constructing capital improvements, projects, and facilities within the district. Such
22 bonds shall not constitute general obligations of the city of New Orleans, nor shall
23 any property situated within the city other than property situated within the
24 boundaries of the district be subject to taxation for the payment of the principal of,
25 premium, if any, and interest on such bonds. Furthermore, any indebtedness incurred
26 by the city of New Orleans for and on behalf and for the benefit of the district
27 pursuant to the provisions of this Section, whether evidenced by bonds, notes or
28 other evidences of indebtedness, or otherwise, shall be excluded in determining the
29 power of the city of New Orleans to incur indebtedness and to issue its general

1 obligation bonds. ~~The principal amount of such bonds which may be outstanding and~~
2 ~~unpaid at any one time in the district shall never exceed the sum of fifty million~~
3 ~~dollars.~~ All such bonds shall be sold by the board, and shall bear such rate or rates
4 of interest, and shall, except as herein otherwise specifically provided, be in such
5 form, terms, and denominations, be redeemable at such time or times at such price
6 or prices, and payable at such times and places, within a period of not exceeding fifty
7 years from the date thereof, as the board, shall determine.

8 (2) Said bonds shall be signed by the ~~president~~ **chairperson** of the board of
9 commissioners, and countersigned by the secretary of the board, and the coupons
10 attached to said bonds shall bear the facsimile signatures of said ~~president~~
11 **chairperson** and said secretary. In case any such officer whose signature or
12 countersignature appears upon such a bond or coupon shall cease to be such officer
13 before delivery of said bonds or coupons to the purchaser, such signature or
14 countersignature shall nevertheless be valid for all purposes. The cost and expense
15 of preparing and selling the bonds authorized herein shall be paid out of the proceeds
16 realized from the sale of such bonds.

17 (3) The resolution of the board, authorizing the issuance and sale of such
18 bonds and fixing the form and details thereof, may contain such other provisions, not
19 inconsistent or in conflict with the provisions of this Section, as it may deem to be
20 necessary or advisable to enhance the marketability and acceptability thereof by
21 purchasers and investors, including, but without limiting the generality of the
22 foregoing, covenants with bond holders setting forth (a) conditions and limitations
23 on the issuance of additional bonds constituting a lien and charge on the special tax
24 levied on real property within the district ~~pari passu~~ **pari passu** with bonds
25 theretofore issued and outstanding and (b) the creation of reserves for the payment
26 of the principal of and interest on such bonds. These bonds and the interest thereon
27 are exempt from all taxation levied for state, parish or municipal or other local
28 purposes; and savings banks, tutors of minors, curators of interdicts, trustees and
29 other fiduciaries are authorized to invest the funds in their hands in said bonds.

1 inconsistent with the provisions of this Part, the district created hereby is granted and
2 shall have and may exercise all powers necessary or convenient for the carrying out
3 of such objects and purposes including, by way of illustration, but not limitation, and
4 subject to the provisions of R.S. 33:4702, the following rights and powers:

5 (1) To acquire or purchase **any property, or any interest therein, at any**
6 **time to accomplish the objects and purposes of the district,** ~~lease as lessee~~ and to
7 hold and use any property, real, personal, or mixed, tangible or intangible, or any
8 interest therein necessary or desirable for carrying out the purposes of the district,
9 and to sell, **transfer, convey,** lease as lessor, transfer, or dispose of any property or
10 interest therein acquired by it.

11 (2) ~~To acquire by purchase, lease, or otherwise and to construct, improve,~~
12 ~~maintain, repair, and operate facilities which it deems necessary or convenient to~~
13 ~~carry out its purposes.~~ **lease or sublease, as lessor or lessee or sublessor or**
14 **subleasee, all or portion of any property at a fixed or variable rental without**
15 **advertisement for public bids.**

16 (3) ~~To enter into agreements of any nature with any person or persons, natural~~
17 ~~or artificial, corporation, association or other entity, including public corporations,~~
18 ~~political subdivisions, municipalities, the United States government and agencies~~
19 ~~thereof, or any combination thereof or with instrumentalities of every kind, for the~~
20 ~~operation of the district, including all or any part of the properties and facilities~~
21 ~~thereof.~~ **To acquire by purchase, lease, or otherwise and to construct, improve,**
22 **maintain, repair, and operate facilities which it deems necessary or convenient**
23 **to carry out its purposes.**

24 (4) ~~To make and enter into contracts, conveyances, mortgages, deeds or~~
25 ~~trusts, bonds, and leases in the carrying out of its corporate objects.~~ **To enter into**
26 **agreements of any nature with any person or persons, natural or artificial,**
27 **corporation, association or other entity, including public corporations, political**
28 **subdivisions, municipalities, the United States government and agencies thereof,**
29 **or any combination thereof or with instrumentalities of every kind, for the**

1 **operation of the district, including all or any part of the properties and facilities**
2 **thereof.**

3 ~~(5) To let contracts for the construction or acquisition in any other manner,~~
4 ~~except through the power of eminent domain, of property and facilities incident to~~
5 ~~the carrying out of the purpose or purposes of the district, which contracts shall be~~
6 ~~let in such manner as shall be determined by the board in conformance with law. **To**~~
7 **make and enter into contracts, conveyances, mortgages, deeds or trusts, bonds,**
8 **and leases in the carrying out of its corporate objects.**

9 ~~(6) To fix, maintain, collect, and revise rates, charges, and rentals for the~~
10 ~~properties and facilities owned by the district and the services rendered by the~~
11 ~~district. **To let contracts for the construction or acquisition in any other**~~
12 **manner, except through the power of eminent domain, of property and facilities**
13 **incident to the carrying out of the purpose or purposes of the district, which**
14 **contracts shall be let in such manner as shall be determined by the board in**
15 **conformance with law.**

16 ~~(7) To make bylaws for the management and regulation of its affairs, not~~
17 ~~inconsistent with the rules, regulations, and bylaws adopted by the council for the~~
18 ~~governance of the district. **To fix, maintain, collect, and revise rates, charges, and**~~
19 **rentals for the properties and facilities owned by the district and the services**
20 **rendered by the district.**

21 **(8) In its own name and behalf, to incur debt, and issue general**
22 **obligation bonds under the authority of and subject to the provisions of Article**
23 **VI, Section 33 of the Constitution of Louisiana, and Subpart A of Part III of**
24 **Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, for**
25 **the establishment, operation, and maintenance of district property as an**
26 **industrial park or to carry out the other public purposes of this Part, without**
27 **election, to issue revenue bonds, borrow money, and issue certificates of**
28 **indebtedness, notes, and other debt obligations as evidence thereof and provide**
29 **for the manner and method of repayment.**

1 **(9) To require and issue licenses, to regulate the imposition of fees and**
 2 **rentals charged by the district for services rendered by it or fees or rentals**
 3 **charged for use of privately-owned facilities located on district property when**
 4 **such facilities are offered for use by the public or by a private industrial,**
 5 **commercial, research, or other economic development entity or activity.**

6 ~~(10)(8) To cooperate and contract with the government of the United States~~
 7 ~~or any department or agency thereof and with the state of Louisiana or any~~
 8 ~~department or agency thereof and to accept gifts, grants, and donations of property~~
 9 ~~and money therefrom. **To develop, activate, construct, exchange, acquire,**~~
 10 ~~**expropriate, improve, repair, operate, maintain, lease, mortgage, sell, subject**~~
 11 ~~**to the provision of this Part, and pledge movable and immovable property,**~~
 12 ~~**servitudes, facilities, and works under such terms and conditions as the district**~~
 13 ~~**may deem necessary or appropriate for any public purpose, including industrial**~~
 14 ~~**and commercial development, notwithstanding the limitations of R.S. 2:131.1,**~~
 15 ~~**135 and 135.1, Chapter 4 of Title 2, Chapter 13 of Title 33, and Chapter 10 of**~~
 16 ~~**Title 41, of the Louisiana Revised Statutes of 1950.**~~

17 ~~(11)(9) To cooperate with the state or any other political subdivision,~~
 18 ~~department, agency, or corporation of the state for the construction, operation, and~~
 19 ~~maintenance of projects and facilities designed to accomplish the purpose or~~
 20 ~~purposes for which the district is created on any basis including the matching of~~
 21 ~~funds and by participating in projects authorized by any federal or state law as it~~
 22 ~~shall see fit. To make bylaws for the management and regulation of its affairs.~~

23 ~~(12)(10) To pledge all or any part of its revenues. To cooperate and contract~~
 24 ~~with the government of the United States **of America** or any department or agency~~
 25 ~~thereof and with the state of Louisiana or any department or agency thereof and to~~
 26 ~~accept gifts, grants, and donations of property and money therefrom.~~

27 ~~(13)(11) To issue, or secure the issuance of, refunding bonds to refund any~~
 28 ~~outstanding bonds issued pursuant to this Section. Such refunding bonds may be~~
 29 ~~exchanged for the outstanding bonds or may be sold and the proceeds applied to the~~

1 purchase, redemption, or payment of the outstanding bonds or deposited in escrow
2 for the retirement of such bonds. The refunding bonds shall be authorized in all
3 respects as original bonds are herein required to be authorized, and the district, in
4 authorizing the refunding bonds, shall provide for the security of the bonds, the
5 sources from which the bonds are to be paid and for the rights of the holders thereof
6 in all respects as herein provided for other bonds issued under the authority of this
7 Part. The district may also provide that the refunding bonds shall have the same
8 priority of lien on the taxes, income, and revenues pledged for their payment as was
9 enjoyed by the bonds refunded. **To cooperate with the state or any other political**
10 **subdivision, department, agency, or corporation of the state for the**
11 **construction, operation, and maintenance of projects and facilities designed to**
12 **accomplish the purpose or purposes for which the district is created on any**
13 **basis including the matching of funds and by participating in projects**
14 **authorized by any federal or state law as it shall see fit.**

15 ~~(14)(12)~~ To appoint officers, agents, and employees; to prescribe their duties
16 and to fix their compensation which shall be payable out of district funds. **To**
17 **borrow money and pledge all or part of its revenues, leases, rents, and other**
18 **advantages as security for such loans.**

19 **(15) To incur debt for any one or more of its lawful purposes set forth in**
20 **this Section herein, to issue in its name negotiable bonds, notes, certificates of**
21 **indebtedness, or other evidences of debt and to provide for the security and**
22 **payment thereof.**

23 **(16) To issue, or secure the issuance of, refunding bonds to refund any**
24 **outstanding bonds issued pursuant to this Section. Such refunding bonds may**
25 **be exchanged for the outstanding bonds or may be sold and the proceeds**
26 **applied to the purchase, redemption, or payment of the outstanding bonds or**
27 **deposited in escrow for the retirement of such bonds. The refunding bonds shall**
28 **be authorized in all respects as original bonds are herein required to be**
29 **authorized, and the district, in authorizing the refunding bonds, shall provide**

1 for the security of the bonds, the sources from which the bonds are to be paid
 2 and for the rights of the holders thereof in all respects as herein provided for
 3 other bonds issued under the authority of this Part. The district may also
 4 provide that the refunding bonds shall have the same priority of lien on the
 5 taxes, income, and revenues pledged for their payment as was enjoyed by the
 6 bonds refunded.

7 (17) To borrow the amount of the anticipated ad valorem tax the district
 8 is authorized to levy hereunder, not to exceed ten mills, for a period not to
 9 exceed twenty years and may issue certificates of indebtedness therefor and may
 10 dedicate the avails of the tax for the payment thereof for the period of time said
 11 certificates are outstanding.

12 (18) To appoint officers, agents, and employees and to prescribe their
 13 duties and to fix their compensation which shall be payable out of district funds.

14 ~~(19)~~(13) To recommend to the mayor and the council a program of projects
 15 within the district to be financed by special liens against the properties improved by
 16 the program.

17 (20) To use or allow the use of any facilities, land and improvements
 18 within the district or ever owned or leased by the district for any lawful
 19 purpose.

20 (21) The board of commissioners of the district shall be the appropriate
 21 governing body for all purposes provided in the Louisiana Enterprise Zone Act,
 22 R.S. 51:1781, et seq., within the area comprised of property owned and formerly
 23 owned by the district, and shall have the power to perform all acts specified by
 24 applicable laws and regulations to achieve such purpose.

25 ~~(14)~~ (22) To report to the mayor and the council, at least quarterly, on the
 26 problems within the district and progress made in amelioration of the problems.

27 * * *

28 §4706. Use of district funds; change in level of services

29 A. Except as provided in Subsection B of this Section, funds **Funds** received

1 by the board of commissioners of the district from taxes levied, bonds issued, or any
2 other source or combination of sources, shall only be used for the benefit of the
3 district or for projects or services within the district.

4 B. In the event that the level of services is increased or decreased for the city,
5 the increase or decrease shall not discriminate against, or cause a disadvantage to the
6 special municipal district created hereby. ~~Nor shall there be any diversion by the city~~
7 ~~of its municipal funds from any part or section thereof because of its inclusion in or~~
8 ~~exclusion from the special municipal district, designated as the "New Orleans~~
9 ~~Regional Business Park."~~

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

23 **D. The issuance and sale of such bonds, certificates of indebtedness,**
24 **notes, or other evidence of debt by the district shall be subject to approval by**
25 **the State Bond Commission.**

26 Section 2. R.S. 33:4702(H),(I) and (J) are hereby repealed.

27 Section 3. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 2 effective on the day following such approval.

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Duplessis (SB 761)

Present law provides for the creation, powers and duties of the New Orleans Regional Business Park.

Present law provides for a 15-member board of commissioners who are legal residents of the state.

Proposed law reduces the board of commissioners to 11 members who are qualified voters in Louisiana and provides for their appointment as follows:

- (1) One member appointed by Greater New Orleans, Inc.
- (2) One member appointed by the state representative from District 100.
- (3) One member appointed by the state representative from District 101.
- (4) One member appointed by the state representative from District 103.
- (5) Two members appointed by the state senator from District 2.
- (6) One member appointed by the councilperson representing the council district in which the New Orleans Regional Business Park is located.
- (7) Three members appointed by the mayor of the city of New Orleans.
- (8) One member appointed by the secretary of the Department of Economic Development.

Present law provides that in the event an appointing authority fails to make an appointment within 60 days of notice to make the appointment, the mayor shall make the appointment.

Proposed law provides that any vacancy shall be filled by the nominating entity within 60 days of receipt of written notification of the vacancy. Provides that if the entity fails to make the appointment, the board shall make the appointment. Provides that if the board fails to make the appointment within 60 days, the mayor shall make the appointment. Provides that such appointment may be replaced at any time by the nominating entity.

Proposed law provides that any member who has unexcused absences for 50% or more of the meetings, regular and special, of the board in any calendar year shall be disqualified and removed automatically from office and that person's position shall be vacant, as of the first day of the succeeding calendar year. Such vacated position shall be filled by the respective nominating entity for the balance of the vacated term. The former member shall not be eligible for reappointment until expiration of the balance of the vacated term.

Present law provides that any member of the board appointed may be removed by his respective appointing authority.

Proposed law retains present law and further provides that such removed may be at any time, with or without cause.

Present law provides that the board of commissioners may also select one person as president and three people as vice presidents to be in charge of marketing, operations, and finance respectively, who shall not be members of the board, but who shall be legal Louisiana residents.

Proposed law provides instead that the board may select an executive director and three directors to be in charge of marketing, operations, and finance respectively, who shall not be members of the board, but who shall be qualified voters and Louisiana residents.

Present law authorizes the executive director, with the concurrence of the board of the district, to hire staff and other necessary personnel as necessary.

Proposed law retain present law.

Present law provides that the board of the district shall prepare, or cause to be prepared a plan or plans, specifying the public improvements, projects, facilities, and services proposed to be furnished, provided, constructed or acquired, for the district, and it shall conduct such public hearings, publish such notice with respect thereto and disseminate such information as necessary. Present law provides for the content of the plan and the process for its adoption.

Proposed law deletes present law.

Present law authorizes the board to levy and collect ad valorem taxes for a term not to exceed 50 years.

Proposed law retains present law.

Present law authorizes the board to incur indebtedness for and on behalf of the district and to issue negotiable bonds, notes and other evidence of indebtedness. Provides that the principal amount of bonds which may be outstanding and unpaid at any one time in the district shall never exceed the sum of \$50,000,000.

Proposed law deletes present law limit of \$50,000,000.

Present law provides that the Board of Liquidation, City Debt, as organized and created, and with the powers, duties and functions prescribed by existing laws, shall be continued so long as any bonds authorized under present law are outstanding and unpaid.

Proposed law deletes present law.

Present law provides that the district may acquire, purchase, lease as lessee and hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the district, and to sell, lease as lessor, transfer, or dispose of any property or interest therein acquired by it.

Proposed law retains present law and provides that the district may also transfer or convey any property or interest acquired by it.

Proposed law provides that the district may lease or sublease, as lessor or lessee or sublessor or subleasee, all or portion of any property at a fixed or variable rental without advertisement for public bids.

Present law provides that the district may:

- (1) Acquire facilities.
- (2) Enter into agreements.
- (3) Enter contracts.
- (4) Let contracts for construction or acquisition.
- (5) Fix rental rates.
- (6) Cooperate with state or federal government or any other political subdivision or department or agency on projects or to accept gifts, grants and donations therefrom.
- (7) Issue refunding bonds.
- (8) Report quarterly to the mayor and city council.

Proposed law retains present law.

Proposed law adds to the district's authority the following:

- (1) In its own name and behalf, to incur debt, and to issue general obligation bonds for the establishment, operation, and maintenance of district property as an industrial park or to carry out the other public purposes without election, to issue revenue bonds, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment.
- (2) To require and issue licenses, to regulate the imposition of fees and rentals charged by the district for services rendered by it or fees or rentals charged for use of privately-owned facilities located on district property when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.
- (3) To develop, activate, construct, exchange, acquire, expropriate, improve, repair, operate, maintain, lease, mortgage, sell, and pledge movable and immovable property, servitudes, facilities, and works under such terms and conditions as the district may deem necessary or appropriate for any public purpose, including industrial and commercial development.
- (4) To incur debt for any one or more of its lawful purposes, to issue in its name negotiable bonds, notes, certificates of indebtedness, or other evidences of debt and to provide for the security and payment thereof.
- (5) To borrow the amount of the anticipated ad valorem tax the district is authorized to levy here under, not to exceed ten mills, for a period not to exceed 20 years and may issue certificates of indebtedness therefor and may dedicate the avails of the tax for the payment thereof for the period of time the certificates are outstanding.
- (6) To appoint officers, agents, and employees and prescribe their duties and fix their compensation which shall be payable out of district funds.
- (7) To use or allow the use of any facilities, land and improvements within the district owned or leased by the district for any lawful purpose.
- (8) Shall be the appropriate governing body for all purposes provided in the Louisiana Enterprise Zone Act, within the area comprised of property owned and formerly owned by the district, and shall have the power to perform all acts specified by

applicable laws and regulations to achieve such purpose.

Proposed law provides that for a period of 30 days from the date of publication of any resolution or ordinance authorizing the issuance of any bonds, certificates of indebtedness, notes, or other evidence of debt of the district, any interested person may contest the legality of such resolution or ordinance and the validity of such bonds, certificates of indebtedness, notes, or other evidence of debt issued or proposed to be issued and the security of their payment, after which time no one shall have any cause of action to contest the legality of the resolution or ordinance or to draw in question the legality of the bonds, certificates of indebtedness, notes, or other evidence of debt, the security therefor, or the debts represented thereby for any cause. Provides that it shall be conclusively presumed that every legal requirement has been complied with, and that no court shall have authority to inquire into such matters after the lapse of 30 days.

Proposed law provides that the issuance and sale of such bonds, certificates of indebtedness, notes, or other evidence of debt by the district shall be subject to approval by the State Bond Commission.

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

(Amends R.S. 33:4701(A), 4702(B)(1), (2), (4) and (6)(b), (C), (E), (F), (G), 4703(A) and (C), and 4706(A) and (B); adds R.S. 33:4701(C), 4702(B)(3) and (D), and 4706(C) and (D); repeals R.S. 33:4702(H), (I) and (J))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill.

1. Makes technical corrections.
2. Changes board from 10 members to 11 members.