

Regular Session, 2014

HOUSE BILL NO. 1019

BY REPRESENTATIVE GAROFALO

DISTRICTS/ECONOMIC DEVEL: Creates the St. Bernard Parish Economic Development Commission

1 AN ACT

2 To enact Subpart B-31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 33:130.591.1 through 130.591.9, to create the  
4 St. Bernard Parish Economic Development Commission; to provide relative to the  
5 territorial jurisdiction, purposes, and powers and duties of the commission; to  
6 provide relative to commission funding, including the authority to levy ad valorem  
7 taxes; 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. Subpart B-31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised  
13 Statutes of 1950, comprised of R.S. 33:130.591.1 through 130.591.9, is hereby enacted to  
14 read as follows:

15 SUBPART B-31. ST. BERNARD PARISH ECONOMIC DEVELOPMENT

16 COMMISSION

17 §130.591.1. St. Bernard Parish Economic Development Commission; creation;  
18 purpose; territorial jurisdiction

19 A. The St. Bernard Parish Economic Development Commission, referred to  
20 in this Subpart as the "commission", is hereby created as a body politic and political

1 subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the  
2 Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 21 of the  
3 Constitution of Louisiana, the commission, acting through its board of  
4 commissioners, referred to in this Subpart as the "board", is hereby granted all of the  
5 rights, powers, privileges, and immunities granted to political subdivisions for  
6 industrial, commercial, research, and economic development purposes, including but  
7 not limited to the power of taxation, the power to incur debt and issue revenue and  
8 general obligation bonds, certificates of indebtedness, bond and certificate  
9 anticipation notes, and refunding bonds, subject to the limitations provided in this  
10 Subpart.

11 B. The commission is established for the primary object and purpose of  
12 promoting, encouraging, and participating in industrial development to stimulate the  
13 economy through commerce, industry, and research and for the utilization and  
14 development of natural, physical, and human resources of the area by providing job  
15 opportunities.

16 C. The territorial limits of the commission shall be coterminous with the  
17 boundaries of the parish of St. Bernard.

18 §130.591.2. Governance of the commission

19 A.(1) The commission shall be governed by the board which shall be  
20 composed as follows:

21 (a) The governing authority of the parish of St. Bernard shall appoint three  
22 members.

23 (b) The legislative delegation for St. Bernard Parish shall appoint two  
24 members.

25 (c) The board of directors of the St. Bernard Parish Chamber of Commerce  
26 shall appoint two members.

27 (d) The St. Bernard Parish Economic Development Foundation shall appoint  
28 two members.

29 (e) The St. Bernard Kiwanis Foundation shall appoint one member.

- 1           (f) The St. Bernard Rotary Club shall appoint one member.
- 2           (g) The Meraux Foundation shall appoint one member.
- 3           (h) The Business and Professional Women's Club shall appoint one member.
- 4           (i) The New Orleans Metropolitan Association of Realtors shall appoint one  
5           member.
- 6           (j) The president of the parish of St. Bernard or his designee.
- 7           (k) The superintendent of the St. Bernard Parish school board or his  
8           designee.
- 9           (l) The executive director of the St. Bernard Parish Chamber of Commerce  
10           or his designee.
- 11           (m) The director of the St. Bernard Port, Harbor & Terminal District or his  
12           designee.
- 13           (n) The chancellor of Nunez Community College or his designee.
- 14           (o) The executive director of the St. Bernard Parish Economic Development  
15           Foundation.
- 16           (p) Any three of the ten largest employers in the private sector in St. Bernard  
17           Parish as designated by the St. Bernard Economic Development.
- 18           (2)(a) Members serving pursuant to Subparagraphs (1)(b) through (i) of this  
19           Subsection shall serve three years after serving initial terms as provided in this  
20           Subparagraph. Three members shall serve an initial term of one year; four shall  
21           serve two years; and four shall serve three years; as determined by lot at the first  
22           meeting of the board.
- 23           (b) Members serving pursuant to Subparagraph (1)(a) of this Subsection  
24           shall serve terms concurrent with the term of the appointing authority.
- 25           (c) Members serving pursuant to Subparagraphs (1)(j) through (n) shall serve  
26           during their terms of office.
- 27           (d) Any designee serving on the board shall serve at the pleasure of the  
28           designating authority.

1           (e) All appointees and designees shall be residents and qualified voters of the  
2           parish of St. Bernard.

3           B. The board may adopt bylaws or such other rules and regulations as it  
4           deems necessary for conducting its business affairs. The board may appoint and  
5           retain all employees it deems advisable and fix the powers, duties, and compensation  
6           of such employees. The board shall hold regular meetings and may hold special  
7           meetings as shall be provided in the bylaws.

8           C. The board shall elect from among its own members a president, a vice  
9           president, a secretary, and a treasurer, whose duties shall be those usual to such  
10          offices. At the option of the board, the offices of secretary and treasurer may be held  
11          by one person.

12          D. Board members shall serve without compensation; however, the board  
13          may reimburse any member for expenses actually incurred in the performance of  
14          duties on behalf of the commission.

15          E. Any member of the board may be removed with or without cause by the  
16          respective appointing or designating authority.

17          F. A majority of the members of the board shall constitute a quorum for the  
18          conduct of business.

19          G. The board shall maintain suitable offices in the parish of St. Bernard.

20          H. Members of the board, individually, and members of their immediate  
21          families are prohibited from bidding on or entering into any contract, subcontract,  
22          or other transaction that is under the supervision or jurisdiction of the commission.

23          §130.591.3. Powers of the commission

24          A. The commission, acting by and through its board, shall have and exercise  
25          all powers of a political subdivision necessary or convenient for the carrying out of  
26          its objects and purposes, including but not limited to the following rights and powers:

27                  (1) To sue and be sued.

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

1           (3)(a) To acquire by donation, grant, purchase, or lease, all property  
2           including servitudes or rights of use; to hold and use any franchise or property,  
3           immovable or movable, corporeal or incorporeal, or any interest therein, necessary  
4           or desirable for carrying out the objects and purposes of the commission, including  
5           but not limited to the establishment, maintenance, and operation of industrial parks.

6           (b) Nothing in this Paragraph shall be construed to apply to electric  
7           cooperatives or investor owned public utilities that are regulated by the Louisiana  
8           Public Service Commission or the city of New Orleans.

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

12          (5) To enter into contracts for the purchase, acquisition, construction,  
13          maintenance, and improvement of works and facilities necessary in connection with  
14          the purposes of the commission.

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

19          (7) To require and issue licenses with respect to its properties and facilities.

20          (8) To regulate the imposition of fees and rentals charged by the commission  
21          for its facilities and for services rendered by it.

22          (9) To mortgage properties constructed or acquired and to borrow money and  
23          pledge all or part of its revenues, leases, rents, or other advantages as security for  
24          such loans.

25          (10) To sell immovable property owned by the commission after legal notice  
26          as provided by law for the judicial sale of immovable property.

27          (11) To contract, upon such terms as it may agree upon, for legal, financial,  
28          engineering, and other professional services necessary or expedient in the conduct  
29          of its affairs.

1           (12) To utilize the services of the executive departments of the state upon  
2           mutually agreeable terms and conditions.

3           (13) To do any and all things necessary or proper for the government,  
4           regulation, development, and control of the business of the commission.

5           B. The commission shall not be considered to be an instrumentality of the  
6           state for purposes of Article X, Section 1 of the Constitution of Louisiana.

7           §130.591.4. Commercial and industrial development

8           A.(1) In order to promote commerce and industry and develop trade by  
9           inducing manufacturing, industrial, commercial, and other enterprises, including  
10           those relating to arts, entertainment, and culture, to locate within the jurisdiction of  
11           the commission, and to attract and retain business and commercial enterprises within  
12           the jurisdiction of the commission to maintain employment and the economy of the  
13           area, the commission shall have authority to plan, finance, develop, acquire, own,  
14           construct, repair, renovate, and improve commercial and industrial parks and plant  
15           buildings within the jurisdiction of the commission, including sites and other  
16           necessary property or appurtenances thereto, and to acquire, construct, develop,  
17           improve, operate, maintain, and provide improvements and services necessary  
18           therefor, including but not limited to roads, streets, lighting, bridges, rail facilities,  
19           drainage, sewers, sewerage disposal facilities, plant solid waste disposal facilities,  
20           water works, and other utilities and related properties.

21           (2)(a) The commission shall also have the authority to sell, lease, or  
22           otherwise dispose of, by suitable and appropriate contract, to any enterprise locating  
23           or existing within the jurisdiction of the commission all or any part of a site,  
24           building, or other property owned by the commission.

25           (b) In determining the consideration for any contract to lease, sell, or  
26           otherwise dispose of lands, buildings, or other property of the commission, the board  
27           may take into consideration the value of the lands, buildings, or other properties  
28           involved as well as the potential value of the economic impact of the enterprise being  
29           induced to locate or expand within the jurisdiction of the commission. Such

1 economic impact shall include increased employment, increased use of local labor,  
2 wages and salaries to be paid, consumption of local materials, products, and  
3 resources, and special tax revenue to be generated by the enterprise acquiring or  
4 leasing lands, buildings, or other property from the commission. In no event,  
5 however, and under no circumstances shall the board dispose of any property of the  
6 commission for less than the fair market value of the property as defined in R.S.  
7 47:2321 without the prior approval of the State Bond Commission.

8 (c) The commission shall be empowered to enter into leases having a term,  
9 including all renewal terms, not to exceed fifty years in the aggregate; provided that  
10 there shall be a provision for periodic adjustments of the rental rate, commensurate  
11 with economic conditions, during the fifty-year term.

12 (3)(a) The resolution or ordinance adopted by the board authorizing any  
13 lease, sale, or other disposition of lands, buildings, or other property of the  
14 commission or any attachment thereto shall set forth, in a general way, the terms of  
15 the authorized lease, sale, or other disposition, and such resolution or ordinance shall  
16 be published as soon as possible in one issue of the official journal of the  
17 commission.

18 (b) For a period of thirty days from the date of publication of any such  
19 resolution or ordinance, any interested person may contest the legality of such  
20 resolution or ordinance or the validity of the authorized lease, sale, or other  
21 disposition of commission property, after which time no one shall have any cause of  
22 action to contest the legality of the authorized lease, sale, or other disposition of  
23 commission property for any cause whatsoever, and it shall be conclusively  
24 presumed thereafter that every legal requirement has been complied with and no  
25 court shall have authority to inquire into such matters after the lapse of thirty days.

26 B. The commission shall have the following additional powers, together with  
27 all powers incidental thereto or necessary to carry out the provisions of this  
28 Subsection:

1           (1)(a) To acquire, whether by purchase, exchange, donation, or lease, and to  
2           construct and improve, maintain, equip, and furnish one or more economic  
3           development projects, including all immovable and movable properties which the  
4           board may deem necessary in connection therewith.

5           (b) Nothing in this Paragraph shall be construed to apply to electric  
6           cooperatives or investor-owned public utilities that are regulated by the Louisiana  
7           Public Service Commission or the city of New Orleans.

8           (2) To lease or to contract for the use of any or all of its authorized projects  
9           and to charge and collect rent, fees, or charges therefor, and to terminate any such  
10          lease or contractual arrangement upon the failure of the obligations thereof, all as  
11          may be provided for in the lease agreement to which the commission may become  
12          a party.

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

19          (4) As security for the payment of the principal of and interest on any bonds,  
20          notes, or other obligations of the commission, and any agreements made in  
21          connection therewith, to mortgage and pledge any or all of its projects or any part or  
22          parts thereof, whether then owned or thereafter acquired, and to pledge the revenues  
23          and receipts therefrom or from any other source.

24          (5)(a) To enter into any cooperative financing of an economic development  
25          project between or among the commission and the state of Louisiana, any of its  
26          political subdivisions or public benefit corporations, the United States or its agencies,  
27          or any public or private association, corporation, or individual. The methods of  
28          financing shall include loan guarantees, land write-downs, grants, lease guarantees,

1 or any form of financial subsidy or incentive that complies with the provisions of  
2 Article VII, Section 14 of the Constitution of Louisiana.

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

13 (c) "Cooperative endeavor" means any form of economic development  
14 assistance between or among the commission and the state, any of its local  
15 governmental subdivisions, political corporations or public benefit corporations, the  
16 United States or its agencies, or any public or private association, corporation, or  
17 individual. The term "cooperative endeavor" shall include but not be limited to  
18 cooperative financing, cooperative development, or any other form of cooperative  
19 economic development activity.

20 §130.591.5. Funding sources; fees and ad valorem tax; borrowing money

21 A. The board may, when necessary, levy annually an ad valorem tax not to  
22 exceed five mills on the dollar of assessed valuation of all property within its  
23 territorial limits if the amount, term, and purpose of the tax, as set out in a  
24 proposition submitted to a vote in accordance with the Louisiana Election Code, is  
25 approved by a majority of the qualified electors within the jurisdiction of the  
26 commission voting in an election held for that purpose.

27 B. All funds derived under this Section may be used for any expenses or  
28 purposes of the commission. The board shall establish and maintain, in addition to  
29 all necessary and normal accounts, the following special accounts:

1           (1) A revolving loan guarantee fund, to be used to guarantee industrial or  
2           business terminal development loans to the extent permitted by the Constitution of  
3           Louisiana under the following guidelines:

4           (a) Loan guarantees shall be made only when adequate financing for the  
5           project is unavailable through normal lending channels and the project represents a  
6           sound business venture that is financially and economically feasible.

7           (b) Loan guarantees shall be used to assist an identifiable business concern  
8           to finance plant construction, conversion, or expansion and to finance acquisition of  
9           land, existing structures, machinery, or equipment and to provide operational funds.

10          (c) The terms and rates shall be compatible with loans offered by local  
11          lending institutions and the guarantee shall never exceed forty percent of the cost of  
12          the total project. In addition, the commission shall attempt to obtain the most  
13          favorable security available under the circumstances to protect and ensure the  
14          recovery of its commitment under the guarantee.

15          (d) Loan guarantees may be evaluated for the economic impact in terms of  
16          the number and types of jobs created or saved.

17          (e) Loan guarantees shall be made to leverage other sources of private and  
18          public capital to attain the greatest economic impact possible with the limited funds  
19          available.

20          (f) Loan guarantees shall be targeted to export industries, manufacturing  
21          firms, wholesale distribution firms, and service firms.

22          (g) The lending or underwriting principals shall have such demonstrated  
23          experience, ability, and net worth as would allow for the success, continuation,  
24          security, and solvency of the program. Prudent lending and underwriting standards  
25          shall be applied in order to comply with the primary objectives of this Subpart.

26          (2) An economic development operational fund, for the development and  
27          attraction of industries to accomplish the following:

1           (a) The operational fund shall be used for operating expenses necessary in  
2           creation of industrial and commercial development, in hiring sufficient staff to  
3           accomplish the purposes set out in this Subpart, and other related expenses.

4           (b) The operational fund may also be utilized in contracting for services as  
5           may be required by the board, including but not limited to planning assistance,  
6           surveys, land use studies, professional and technical services, and other services  
7           necessary to effectuate a unified industrial development plan.

8           (3) An account for the maintenance and operation of a governmental  
9           procurement center to provide necessary information to companies and individuals  
10          engaged in providing services and goods to accomplish the following:

11           (a) Pinpoint and identify potential buying centers and aid in placing the  
12           company on a bidder's list for these centers and assist companies in obtaining  
13           specifications for their products or services.

14           (b) Provide trained counselors to assist in acquiring solicitation and bid  
15           packages and conduct seminars designed to disseminate other information needed  
16           by the target companies and individuals.

17          §130.591.6. Obligations of the commission

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

22           B.(1) The commission may in its own name and behalf incur debt and issue  
23           general obligation ad valorem property tax secured bonds under the authority of and  
24           subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana,  
25           Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised  
26           Statutes of 1950, when approved by a majority of the qualified voters within the  
27           jurisdiction of the commission who vote in an election called and conducted under  
28           the authority of the Louisiana Election Code, including Chapter 6-A of Title 18 of  
29           the Louisiana Revised Statutes of 1950. General obligation bonds of the commission

1       may be issued for any of the purposes for which the commission is created or is  
2       authorized to act under any provisions of this Subpart, all of which purposes are  
3       hereby found and declared to be public purposes and functions of the state of  
4       Louisiana, which are delegated to the commission.

5               (2) The commission may in its own name and behalf issue revenue bonds for  
6       the purposes for which the commission is created or is authorized to act under any  
7       of the provisions of this Subpart, including industrial and commercial development  
8       revenue bonds. The bonds shall be issued in the manner as provided for in Part XII  
9       and Part XIII of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes  
10       of 1950.

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

24               (4) The commission may borrow the amount of the anticipated ad valorem  
25       tax, not to exceed five mills, authorized by R.S. 33:130.591.5, for a period not to  
26       exceed ten years and may issue certificates of indebtedness therefor and may  
27       dedicate the avails of the tax funded for the payment thereof for the period of time  
28       the certificates are outstanding.

1           (5) The board may adopt all necessary resolutions or ordinances necessary  
2           for ordering, holding, canvassing, and promulgating the returns of any election  
3           required for the issuance of general obligation bonds, or limited tax secured  
4           obligations, or for the voting of a property tax millage, which resolutions or  
5           ordinances may include covenants for the security and payment of any bonds or  
6           other evidence of debt so issued.

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

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

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

25          §130.591.7. Securities

26          Bonds, certificates, or other evidences of indebtedness issued by the  
27          commission under this Subpart are deemed to be securities of public entities within  
28          the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes  
29          of 1950, and shall be subject to defeasance in accordance with the provisions of

1        Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, and may be  
2        refunded in accordance with the provisions of Chapters 14-A and 15 of Title 39 of  
3        the Louisiana Revised Statutes of 1950, and may also be issued as short-term  
4        revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana  
5        Revised Statutes of 1950.

6        §130.591.8. Exemption from taxation

7                The commission and all properties at any time owned by the commission and  
8        the income therefrom and all bonds, certificates, and other evidences of indebtedness  
9        issued by the commission under this Subpart and the interest or income therefrom  
10       shall be exempt from all taxation by the state of Louisiana.

11       §130.591.9. General compliances; enhancement; budget

12                A. No provision of this Subpart shall be construed so as to exempt the  
13       commission from compliance with the provisions of Louisiana laws pertaining to  
14       open meetings, public records, fiscal agents, official journals, dual officeholding and  
15       employment, public bidding for the purchase of supplies and materials, and  
16       construction of public works, the code of Governmental Ethics, the Right to Property  
17       in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana Election  
18       Code.

19                B. The commission shall have the power and right to adopt a program or  
20       programs awarding contracts to, and establishing set-aside goals and preference  
21       procedures for the benefit of, businesses owned and operated by socially or  
22       economically disadvantaged persons in accordance with any of the provisions of R.S.  
23       38:2233 and of Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950,  
24       entitled "Louisiana Minority and Women's Business Enterprise Act".

25                C. The board shall annually prepare a financial statement which shall be  
26       presented to the legislative auditor pursuant to the provisions of R.S. 24:513. The  
27       legislative auditor shall thereafter publish his findings in the official journal of the  
28       commission.

1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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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)]

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Garofalo

HB No. 1019

**Abstract:** Creates and provides for the St. Bernard Parish Economic Development Commission. Provides relative to the governance, powers, duties, and funding of the commission.

Proposed law creates the St. Bernard Parish Economic Development Commission as a political subdivision of the state for the primary object and purpose of promoting and encouraging industrial development to stimulate the economy through commerce, industry, and research and for the utilization and development of natural and human resources of the area by providing job opportunities. Provides for territorial jurisdiction of the commission throughout the parish. Pursuant to constitutional authority, grants the commission all rights and powers of political subdivisions for economic development purposes.

Proposed law provides that the commission is governed by a board of commissioners comprised as follows:

- (1) Three members appointed by the governing authority of the parish of St. Bernard.
- (2) Two members appointed by the legislative delegation for St. Bernard Parish.
- (3) Two members appointed by the board of directors of the St. Bernard Parish Chamber of Commerce.
- (4) Two members appointed by the St. Bernard Parish Economic Development Foundation.
- (5) One member appointed by the St. Bernard Kiwanis Foundation.
- (6) One member appointed by the St. Bernard Rotary Club.
- (7) One member appointed by the Meraux Foundation.
- (8) One member appointed by the Business and Professional Women's Club.
- (9) One member appointed by the New Orleans Metropolitan Association of Realtors.
- (10) Any three of the ten largest employers in the private sector in St. Bernard Parish as designated by the St. Bernard Economic Development.

- (11) The president of the parish of St. Bernard, the superintendent of the St. Bernard Parish school board, the executive director of the St. Bernard Parish Chamber of Commerce, the director of the St. Bernard Port, Harbor & Terminal District, the chancellor of Nunez Community College, or their respective designees, and the executive director of the St. Bernard Parish Economic Development Foundation.

Provides that board members serve without compensation, but may be reimbursed actual expenses. Permits removal of a member for cause upon favorable vote of 2/3 of the members of the parish governing authority.

Proposed law authorizes the commission to exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, 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, or lease all property including servitudes or rights of use and to hold and use any franchise or property necessary or desirable for carrying out the objects and purposes of the commission including but not limited to the establishment, maintenance, and operation of industrial parks.
- (4) To receive by grant, donation, or otherwise any sum of money, or property, aid, or assistance from the U.S., the state, or any political subdivision thereof, or any person, firm, or corporation.
- (5) To enter into contracts for the purchase, acquisition, construction, maintenance, and improvement of works and facilities necessary in connection with the purposes of the commission.
- (6) In its own name and on its own behalf to incur debt and to issue general obligation bonds, revenue bonds, certificates, notes, and other evidences of indebtedness and to levy and cause to be collected ad valorem taxes as provided in proposed law and general law.
- (7) To require and issue licenses with respect to its properties and facilities.
- (8) To regulate fees and rentals for facilities and services.
- (9) To mortgage property and borrow money and pledges to secure loans.
- (10) To sell immovable property after notice required by law.

Proposed law provides that the commission shall not be deemed to be an instrumentality of the state for purposes of the state civil service provisions of the state constitution.

Proposed law authorizes the commission to construct and acquire industrial parks and industrial plant buildings. Also authorizes the commission to acquire, construct, improve, operate, and maintain improvements and services necessary therefor.

Proposed law authorizes the commission to sell, lease, or otherwise dispose of, by suitable and appropriate contract, to any enterprise locating or existing within the jurisdiction of the commission all or any part of a site, building, or other property owned by the commission. In determining the consideration for sale of property, authorizes the board to consider its value and the potential economic impact. Prohibits the board from disposing of any property of the commission for less than the fair market value without the prior approval of the State Bond Commission.

Proposed law authorizes the commission to enter into leases having a term, including all renewal terms, not to exceed 50 years in the aggregate, with provision for rate adjustments. Requires that the resolution or ordinance authorizing any lease, sale, or other disposition of property to set forth, in a general way, the terms of the disposition. Requires publication of any such resolution or ordinance in the official journal of the commission. Provides for a 30-day period to contest any such resolution or ordinance.

Proposed law provides that the commission shall have the following additional powers and powers incidental thereto:

- (1) To acquire and to construct and improve, maintain, equip, and furnish economic development projects.
- (2) To lease or to contract for the use of any or all of its authorized projects and to charge and collect rent, fees, or charges therefor.
- (3) To sell, exchange, donate, and convey any or all of its projects.
- (4) To mortgage and pledge any or all of its projects and to pledge the revenues and receipts therefrom or from any other source.
- (5) To enter into any cooperative financing of an economic development project or cooperative development.

Proposed law authorizes the board, subject to voter approval, to levy annually an ad valorem tax not to exceed five mills. Provides that all funds from the tax may be used for any expenses or purposes of the commission.

Proposed law provides for special accounts to be maintained by the board:

- (1) A revolving loan guarantee fund. Provides for loan guarantees to be made by the commission.
- (2) An economic development operation fund. Provides for its users.
- (3) An account for operation of a governmental procurement center. Provides relative to the center.

Proposed law authorizes the commission, subject to voter approval, to incur debt and issue general obligation ad valorem property tax secured bonds for any commission purpose. Authorizes the commission to issue revenue bonds for commission purposes. Further authorizes the commission to borrow from time to time in the form of certificates of indebtedness. Requires that such certificates be secured by the dedication and pledge of monies of the commission derived from any lawful sources, provided that the term of such certificates shall not exceed 10 years. Provides that the annual debt service on the amount borrowed shall not exceed the anticipated revenues to be dedicated and pledged to the payment of the certificates of indebtedness, as shall be estimated by the board. Authorizes the commission to borrow the amount of the anticipated ad valorem tax, not to exceed five mills for a period not to exceed 10 years and to issue certificates of indebtedness therefor and dedicate the avails of the tax funded for the payment thereof for the period of time the certificates are outstanding.

Proposed law exempts the commission, its properties, and income therefrom, and its bonds and interest and income therefrom from state taxation.

Proposed law provides that proposed law shall not be construed to exempt the commission from compliance with La. laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of

supplies and materials, and construction of public works, the Code of Governmental Ethics, the Right to Property in Const. Art. I, §4, and the La. Election Code.

Proposed law grants the commission the power and right to adopt a program(s) awarding contracts to, and establishing set-aside goals and preference procedures for the benefit of, businesses owned and operated by socially or economically disadvantaged persons in accordance with present law (R.S. 38:2233 and the La. Minority and Women's Business Enterprise Act). Requires that the commission present a financial statement to the legislative auditor pursuant to present law (R.S. 24:513).

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

(Adds R.S. 33:130.591.1-130.591.9)

#### Summary of Amendments Adopted by House

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

1. Adds members to the governing board of the district representing employers and the parish economic development foundation.
2. Limits the governing board's power with respect to acquisition of property to acquisition by donation, grant, purchase, exchange, or lease. Adds provisions to clarify that such power does not extend to the acquisition of certain public utilities.
3. Adds provisions that authorize the district to promote trade and commerce specifically by attracting business enterprises related to arts, entertainment, and culture.