

2023 Regular Session

HOUSE BILL NO. 499

BY REPRESENTATIVE GAINES

DISTRICTS/SPECIAL: Establishes the River Parishes Economic Sustainability District

1 AN ACT

2 To enact Subpart B-50 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes,
3 to be comprised of R.S. 33:130.881 through 130.886, relative to the River Parishes
4 Economic Sustainability District; to create the River Parishes Economic
5 Sustainability District; to provide for the purpose, boundaries, and governance of the
6 district; to provide for the powers and obligations of the district; and to provide for
7 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-50 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised
13 Statutes, comprised of R.S. 33:130.881 through 130.886, is hereby enacted to read as
14 follows:

15 SUBPART B-50. RIVER PARISHES ECONOMIC SUSTAINABILITY
16 DISTRICT

17 §130.881. River Parishes Economic Sustainability District; creation; purpose;
18 territorial jurisdiction

19 A. The River Parishes Economic Sustainability District, referred to in this
20 Subpart as the "district", is hereby created and is declared to be a body politic and

1 political subdivision of the state of Louisiana, as defined in Article VI, Section 44
2 of the Constitution of Louisiana.

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

11 C. The district shall be established for the primary object and purpose of
12 promoting and encouraging environmentally sustainable development to stimulate
13 the economy through commerce, existing and emerging technologies, industry, and
14 research and for the utilization and development of natural and human resources of
15 the area by providing job opportunities.

16 D. The boundaries of the district shall be coterminous with the boundaries
17 of the parishes of St. James, St. John the Baptist, and St. Charles, collectively known
18 as the "River Parishes".

19 §130.882. Board of commissioners; members; officers

20 A. The district shall be governed by a board of commissioners, referred to
21 in this Subpart as the "board", consisting of eighteen members as follows:

22 (1) The governor or his designee.

23 (2) The chairman of the Port of South Louisiana or his designee.

24 (3) A representative of the local governing authority for St. James Parish,
25 appointed by the local governing authority.

26 (4) A representative of the local governing authority for St. John the Baptist
27 Parish, appointed by the local governing authority.

28 (5) A representative of the local governing authority for St. Charles Parish,
29 appointed by the local governing authority.

1 (6) One member appointed by the president of Tulane University and
2 specializing in environmental sustainability.

3 (7) The president of the Southern University System or his designee.

4 (8) The chancellor of the River Parishes Community College or his designee.

5 (9) One member appointed by the state senator for Senate District 2.

6 (10) One member appointed by the state senator for Senate District 18.

7 (11) One member appointed by the state senator for Senate District 19.

8 (12) The executive director of the River Region Chamber of Commerce or
9 his designee, which may include a private sector representative of the banking
10 industry.

11 (13) The executive director of the River Parishes Tourist Commission or his
12 designee.

13 (14) The president and CEO of Greater New Orleans, Inc. or his designee.

14 (15) A private sector representative of the maritime community appointed
15 by the Port of South Louisiana.

16 (16) A private sector representative of the hospitality industry appointed by
17 the River Parishes Tourist Commission.

18 (17) A representative from New Orleans & Company appointed by New
19 Orleans & Company.

20 (18) The secretary of Louisiana Economic Development or his designee as
21 an ex officio, nonvoting member.

22 B. Members shall serve staggered, four-year terms, beginning July first after
23 the effective date of this Subpart. As provided in Subsection A of this Section, the
24 initial term of members (1) through (6) shall be four years, the initial term of
25 members (7) through (12) shall be three years, and the initial term of members (13)
26 through (18) shall be two years.

27 C. Any vacancy in the membership of the board, occurring by reason of
28 death, resignation, or otherwise, shall be filled by the interim or acting person who

1 assumes the duties of the person who held the now-vacant seat until an election can
2 be held or a permanent appointment can be made.

3 D. The members of the board shall serve without compensation. The board
4 may reimburse any member for expenses actually incurred in the performance of his
5 duties pursuant to this Subpart.

6 E. Members of the board individually and members of their immediate
7 families are prohibited from bidding on or entering into any contract, subcontract,
8 or other transaction that is under the supervision or jurisdiction of the district.

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

13 G. The board shall meet in regular session on the second Wednesday at the
14 beginning of each quarter of a calendar year and shall also meet in special session
15 as often as the chairman of the board convenes the board. A majority of the voting
16 members of the board shall constitute a quorum.

17 H. The board shall prescribe rules to govern its meetings, may draft and
18 implement bylaws to control and implement the activities of the board, and shall
19 maintain suitable offices in the district.

20 I. The board shall hire a district director to manage the day-to-day operations
21 of the district. The board shall establish the duties and responsibilities and the salary
22 and benefits for the position of district director. The district director shall report
23 directly to the board and, with the approval of the board, may hire an administrative
24 assistant.

25 §130.883. Powers of district

26 A. The district shall have and exercise all powers of a political subdivision
27 necessary or convenient for the carrying out of its objects and purposes, including
28 but not limited to rights and powers set out in this Section:

29 (1) To sue and be sued.

- 1 (2) To adopt, use, and alter at will a corporate seal.
- 2 (3) To acquire by gift, grant, or purchase, but not by expropriation, all
3 property, including rights-of-way, and to hold and use any franchise or property,
4 immovable, movable, corporeal or incorporeal, or any interest therein, necessary or
5 desirable for carrying out the objects and purposes of the district, including but not
6 limited to the establishment, maintenance, and operation of a board office and
7 research facility.
- 8 (4) To enter into contracts for the purchase, acquisition, construction, and
9 improvement of works and facilities.
- 10 (5) In its own name and on its own behalf, to incur debt and to issue general
11 obligation bonds, revenue bonds, certificates, notes, and other evidence of
12 indebtedness as provided in this Subpart and as may be provided by general law.
- 13 (6) To regulate the imposition of fees and rentals charged by the district for
14 its facilities and services rendered by it.
- 15 (7) To borrow money and pledge all or part of its revenues, leases, rents, or
16 other advantages as security for such loans.
- 17 (8) To appoint officers, agents, and employees, prescribe their duties, and fix
18 their compensation.
- 19 (9) To seek, apply for, and receive any donations, financial assistance, or
20 monies by way of public or private grants or investors.
- 21 (10) To create and operate tourism recovery and improvement districts
22 pursuant to Chapter 11-A of this Title.
- 23 (11) To enter into agreements with other governmental agencies to further
24 the mission of the district.
- 25 (12) To enter into public private partnerships when necessary to carry out the
26 mission of the district.
- 27 (13) To lend or distribute funds through a revolving loan or grant program
28 in accordance with applicable laws.

1 (14) To contract for necessary and beneficial professional services, including
2 economic and business consultation, accounting and audit services, legal services,
3 and related regional industrial development consultation.

4 B. The district shall not be deemed to be an instrumentality of the state for
5 purposes of Article X, Section 1(A) of the Constitution of Louisiana.

6 §130.884. Obligations of the district

7 A. The district shall have authority to incur debt for any one or more of its
8 lawful purposes set forth in this Subpart, to issue in its name negotiable bonds, notes,
9 certificates of indebtedness, or other evidence of debt, and to provide for the security
10 and payment thereof.

11 B.(1) The district may in its own name and behalf borrow from time to time
12 in the form of certificates of indebtedness. The certificates shall be secured by the
13 dedication and pledge of monies of the district derived from any lawful sources,
14 including fees, lease rentals, service charges, local service agreement payments from
15 one or more other contracting parties, or any combination of such sources of income,
16 provided that the term of such certificates shall not exceed ten years and the annual
17 debt service on the amount borrowed shall not exceed the anticipated revenues to be
18 dedicated and pledged to the payment of the certificates of indebtedness, as shall be
19 estimated by the board of the district at the time of the adoption of the resolution
20 authorizing the issuance of such certificates. The estimate of the board referred to
21 in the authorizing resolution shall be conclusive for all purposes of this Section.

22 (2) The board, as the governing authority of the district, is authorized to
23 adopt all necessary resolutions or ordinances which may be necessary for ordering,
24 holding, canvassing, and promulgating the returns of any election required for the
25 issuance of general obligation bonds, which resolutions or ordinances may include
26 covenants for the security and payment of any bonds or other evidence of debt so
27 issued.

28 (3) For a period of thirty days from the date of publication of any resolution
29 or ordinance authorizing the issuance of any bonds, certificates of indebtedness,

1 notes, or other evidence of debt of the district, any interested person may contest the
2 legality of such resolution or ordinance and the validity of such bonds, certificates
3 of indebtedness, notes, or other evidence of debt issued or proposed to be issued
4 thereunder and the security of their payment, after which time no one shall have any
5 cause of action to contest the legality of the resolution or ordinance or to draw into
6 question the legality of the bonds, certificates of indebtedness, notes, or other
7 evidence of debt, the security therefor, or the debts represented thereby for any cause
8 whatever, and it shall be conclusively presumed that every legal requirement has
9 been complied with, and no court shall have authority to inquire into such matters
10 after the lapse of thirty days.

11 (4) The issuance and sale of such bonds, certificates of indebtedness, notes,
12 or other evidence of debt by the district shall be subject to approval by the State
13 Bond Commission.

14 (5) Such bonds, certificates of indebtedness, notes, or other evidence of debt
15 shall have all the qualities of negotiable instruments under the commercial laws of
16 the state of Louisiana.

17 §130.885. Securities

18 Bonds, certificates, or other evidence of indebtedness issued by the district
19 under this Subpart are deemed to be securities of public entities within the meaning
20 of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950, and
21 shall be subject to defeasance in accordance with the provisions of Chapter 14 of
22 Title 39 of the Louisiana Revised Statutes of 1950, and may be refunded in
23 accordance with the provisions of Chapters 14-A and 15 of Title 39 of the Louisiana
24 Revised Statutes of 1950, and may also be issued as short-term revenue notes of a
25 public entity under Chapter 15-A of Title 39 of the Louisiana Revised Statutes of
26 1950.

27 §130.886. General compliance; enhancement

28 A. No provision contained in this Subpart shall be construed to exempt the
29 district from compliance with the provisions of Louisiana laws pertaining to open

1 meetings, public records, fiscal agents, official journals, dual officeholding and
 2 employment, public bidding for the purchase of supplies and materials and
 3 construction of public works, the Code of Governmental Ethics, the Right to
 4 Property in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana
 5 Election Code.

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

12 C. The financial records of the district shall be audited pursuant to R.S.
 13 24:513.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 499 Original

2023 Regular Session

Gaines

Abstract: Creates the River Parishes Economic Sustainability District.

Proposed law creates the River Parishes Economic Sustainability District (district) as a body politic and political subdivision of the state of La.

Proposed law provides that the district is established for the primary object and purpose of promoting and encouraging environmentally sustainable development to stimulate the economy through commerce, technologies, industry, and research.

Proposed law provides that the boundaries of the district will be coterminous with the boundaries of St James, St. John the Baptist, and St. Charles parishes.

Proposed law provides that the district will be governed by a board of commissioners comprised of the following eighteen members:

- (1) The governor or his designee.
- (2) The chairman of the Port of South La. or his designee.
- (3) A representative of the local governing authority for St. James Parish, appointed by the local governing authority.

- (4) A representative of the local governing authority for St. John the Baptist Parish, appointed by the local governing authority.
- (5) A representative of the local governing authority for St. Charles Parish, appointed by the local governing authority.
- (6) One member appointed by the president of Tulane University and specializing in environmental sustainability.
- (7) The president of the Southern University System or his designee.
- (8) The chancellor of the River Parishes Community College or his designee.
- (9) One member appointed by the state senator for Senate District 2.
- (10) One member appointed by the state senator for Senate District 18.
- (11) One member appointed by the state senator for Senate District 19.
- (12) The executive director of the River Region Chamber of Commerce or his designee, which may include a private sector representative of the banking industry.
- (13) The executive director of the River Parishes Tourist Commission or his designee.
- (14) The president and CEO of Greater New Orleans, Inc. or his designee.
- (15) A private sector representative of the maritime community appointed by the Port of South La.
- (16) A private sector representative of the hospitality industry appointed by the River Parishes Tourist Commission.
- (17) A representative from New Orleans & Company appointed by New Orleans & Company.
- (18) The secretary of La. Economic Development or his designee as an ex officio, nonvoting member.

Proposed law provides for the terms of board members, vacancies on the board, compensation of board members, ethical prohibitions, election of officers, and the hiring of a district director.

Proposed law establishes the rights and powers of the district, including:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To acquire property by means other than expropriation and to hold and use any franchise or property for carrying out the objects and purposes of the district, including but not limited to the establishment, maintenance, and operation of a board office and research facility.
- (4) To enter into contracts for the purchase, acquisition, construction, and improvement of works and facilities.
- (5) To incur debt and to issue bonds, certificates, notes, and other evidence of indebtedness.

- (6) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.
- (7) To borrow money and pledge all or part of its revenues, leases, rents, or other advantages as security for such loans.
- (8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.
- (9) To seek, apply for, and receive donations, financial assistance, or public or private grants or investors.
- (10) To create and operate tourism recovery and improvement districts.
- (11) To enter into agreements with other governmental agencies to further the mission of the district.
- (12) To enter into public private partnerships when necessary to carry out the mission of the district.
- (13) To lend or distribute funds through a revolving loan or grant program in accordance with applicable laws.
- (14) To contract for professional services, including economic and business consultation, accounting and audit services, legal services, and related regional industrial development consultation.

Proposed law provides that the district will be subject to laws regarding to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bid law, the Code of Governmental Ethics, the right to property, and the La. Election Code.

Proposed law authorizes the district to adopt a program for preferential treatment and set-asides for businesses owned and operated by socially or economically disadvantaged persons.

Proposed law requires that the financial records of the district be subjected to audit by the legislative auditor.

(Adds R.S. 33:130.881-130.886)