

Regular Session, 2013

SENATE BILL NO. 42

BY SENATOR MORRELL

SPECIAL DISTRICTS. Provides relative to the New Orleans Regional Business Park.
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AN ACT

To amend and reenact R.S. 33:4702(B)(1), (2), (3), (4), (6), and (7), relative to Orleans Parish; to provide relative to the governance of the New Orleans Regional Business Park; to provide relative to the members of the board of commissioners and their terms of office; to require the adoption of rules and regulations for conducting board business; to provide for vacancies on the board of commissioners; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4702(B)(1), (2), (3), (4), (6), and (7), are hereby amended and reenacted to read as follows:

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

* * *

B. (1) In order to provide for the orderly planning, development, acquisition, construction, and effectuation of the services, projects, improvements, and facilities to be provided or furnished by the district, and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with

1 and affected by the functions, operation, purposes, and developments of the district,
2 the New Orleans Regional Business Park shall be managed by a board of
3 commissioners comprised of qualified voters and Louisiana residents **who reside**
4 **within the district.**

5 (2) The board shall be composed of ~~twelve~~ **thirteen** members who shall be
6 appointed as follows:

7 (a) ~~The New Orleans Chamber of Commerce~~ **United States Representative**
8 **who represents Louisiana's second congressional district** shall appoint one
9 member.

10 (b) The state representative **senator** whose representative **senatorial** district
11 is defined in R.S. ~~24:35.5(A)(100)~~ **24:35(A)(4)** shall appoint one member.

12 (c) The state senator whose senatorial district is defined in R.S. ~~24:35.1 as~~
13 ~~District 2~~ **24:35(A)(3)** shall appoint ~~two members~~ **one member.**

14 (d) The councilpersons ~~of the~~ **representing** council districts **D and E,** in
15 which the New Orleans Regional Business Park is located, shall **each** appoint one
16 member.

17 (e) The mayor of the city of New Orleans shall appoint three members **as**
18 **follows: one member shall be appointed from a list of three names submitted**
19 **by the Vietnamese Initiatives in Economic Training, one member shall be**
20 **appointed from a list of three names submitted by the East New Orleans**
21 **Neighborhood Advisory Commission, and one member shall be appointed from**
22 **a list of three names submitted by the board of commissioners for the**
23 **Almonaster-Michoud Industrial District.**

24 (f) The state representative whose representative district is defined in R.S.
25 ~~24:35.5(A)(103)~~ **24:35.2(99)** shall appoint one member.

26 (g) The state representative whose representative district is defined in R.S.
27 ~~24:35.5(A)(101)~~ **24:35.2(100)** shall appoint one member.

28 (h) ~~The secretary of the Department of Economic Development~~ **state**
29 **representative whose representative district is defined in R.S. 24:35.2(103)** shall

1 appoint one member.

2 (i) ~~The board of commissioners of the Port of New Orleans shall appoint one~~
3 ~~member~~ **chairman of the New Orleans Chamber of Commerce, or his designee.**

4 **(j) The board of commissioners for the Port of New Orleans shall appoint**
5 **one member.**

6 **(3)(a) Each board member shall serve a term of two years.**

7 **(b)** Any vacancy in the membership of the board occurring by reason of the
8 expiration of the term of office, or by reason of death, resignation, disqualification,
9 or otherwise, shall be filled by the respective nominating entity within sixty days
10 after receipt by such nominating entity of written notification of the vacancy. In the
11 event that the respective nominating entity fails to fill the vacancy within sixty days
12 after receipt of written notification of the vacancy, the board **by a majority vote**
13 shall appoint an interim successor to serve on the board ~~until the position is filled by~~
14 ~~the respective nominating entity responsible for the appointment of such member.~~
15 ~~If the board fails to fill a vacancy in its membership within the next sixty day period,~~
16 ~~the mayor shall appoint such member. Any board member appointed by the board~~
17 ~~or mayor pursuant to this Paragraph may be replaced at any time by the nominee of~~
18 ~~the appointing authority~~ **for the balance of the term.**

19 ~~(4) (c)~~ **(c)** Any member who has unexcused absences of fifty percent or more of
20 the meetings, regular and special, of the board in any calendar year shall be
21 disqualified and removed automatically from office and that person's position shall
22 be vacant, as of the first day of the succeeding calendar year. Such vacated position
23 shall be filled by the respective nominating entity for the balance of the vacated term
24 **within fifteen days. If unfilled after the fifteenth day, the board by a majority**
25 **vote shall appoint an interim successor to serve on the board for the balance of**
26 **the term.** ~~The former member shall not be eligible for reappointment until~~
27 ~~expiration of the balance of the vacated term.~~

28 **(4) (a) A majority of the members of the board shall constitute a quorum**
29 **for the transaction of business. The board shall keep minutes of all regular and**

1 special meetings and shall make them available to the public in conformance
2 with law.

3 (b) The board shall adopt such rules and regulations as it deems
4 necessary or advisable for conducting its business and affairs and shall engage
5 such assistants and employees as are needed to assist the board in the
6 performance of its duties. It shall hold regular meetings as shall be provided by
7 its bylaws and may hold special meetings at such time and places within or
8 without the districts as may be prescribed in its rules or regulations.

9 * * *

10 ~~(6)(a) Board members appointed pursuant to Subparagraphs (2)(a) through~~
11 ~~(m) of this Subsection shall serve three-year terms after such initial terms as~~
12 ~~provided in Subparagraphs (2)(a) through (m) of this Subsection. Appointed board~~
13 ~~members shall be eligible for reappointment. **The members of the board shall**~~
14 ~~**serve without compensation.**~~

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

18 (c) No board member appointed pursuant to Subparagraphs (2)(a), (b),
19 (c), (f), or (g), of this Subsection shall sit on the board more than sixty days after
20 the end of the term of office of the appointing authority that appointed that
21 board member without being reappointed to the board in the manner for which
22 appointments to the board are provided for in Paragraphs (2) or (3) of this
23 Subsection.

24 (7) ~~(a)~~ Nothing in this Part or any other provision of law shall be construed
25 to prohibit a member of the board from owning, operating, participating with, or
26 otherwise engaging in any transaction with a business entity located within the
27 district.

28 (b) Any member of the board may serve on the board of a private entity
29 which enters into contracts with the district provided that the member does not

Proposed law makes changes to the board's appointing authorities and membership and increases board membership to 13. Retains qualified voter and La. residency requirements and additionally requires members to be district residents. Provides for the board to be composed as follows:

- (1) One member appointed by the U.S. Representative who represents Louisiana's 2nd congressional district.
- (2) One member appointed by the state representative who represents House District No. 99.
- (3) One member appointed by the state representative who represents House District No. 100.
- (4) One member appointed by the state senator who represents Senate District No. 3.
- (5) One member appointed by the state senator who represents Senate District No. 4.
- (6) One member appointed by the councilperson who represents Council District D.
- (7) One member appointed by the councilperson who represents Council District E.
- (8) Three members appointed by the mayor of the city. One shall be appointed from each list of nominations submitted by the Vietnamese Initiatives in Economic Training, the East New Orleans Neighborhood Advisory Commission, and the board of commissioners for the Almonaster-Michoud Industrial District.
- (9) One member appointed by the state representative who represents House District No. 103.
- (10) The chairman of the New Orleans Chamber of Commerce or his designee.
- (11) The board of commissioners for the Port of New Orleans shall appoint one member.

Present law provides that board members shall serve three-year terms.

Proposed law reduces the term of office to two years and requires members to serve without compensation. Additionally provides that on the effective date of proposed law, the terms of all members of the board serving on such date shall terminate, and the board shall be appointed according to proposed law.

Present law provides that if any vacancy is not filled by a nominating entity within 60 days of written notification, the board shall appoint an interim successor until filled by the nominating entity. Provides that if the board fails to fill the vacancy within the next 60 days then the mayor shall make the appointment. Provides that any member appointed by the board or mayor may be replaced by the appointing authority at any time.

Proposed law removes present law and provides that if a vacancy is not filled by the nominating entity within 60 days of written notification, then the board, by majority vote, shall make the appointment for the balance of the term.

Present law provides for an automatic removal of any member who has unexcused absences of 50% or more of meetings. Provides that such vacated position shall be filled by the nominating entity for the balance of the term.

Proposed law retains present law, but limits the amount of time the nominating entity has to fill the position. The vacant position must be filled within 15 days by the nominating entity or it is filled by a majority vote of the board for the balance of the term.

Proposed law provides that a majority of the members constitutes a quorum for the transaction of business. Further requires that the board keep minutes of meetings and make them available to the public in accordance with present law.

Proposed law requires the board to adopt rules and regulations to conduct its business and affairs and further requires the board to engage assistants and employees as needed to assist the board in performing its duties.

Present law provides that any member may be removed by his appointing authority at any time with or without cause. Proposed law changes present law by providing that board members may only be removed by a majority vote of the board with cause.

Proposed law provides that the term of office of any board member appointed by a congressman, legislator, or councilperson terminates 60 days after the end of the term of office of the appointing authority. Provides that members may be reappointed in accordance with proposed law.

Present law provides that no law shall prohibit a member of the board from owning, operating, participating with, or otherwise engaging in any transaction with a business entity located within the district. Proposed law retains present law and authorizes board members to serve on the board of a private entity which enters into contracts with the district provided that the member does not receive compensation from the private entity.

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

(Amends R.S. 33:4702(B)(1), (2), (3), (4), (6), and (7))

Summary of Amendments Adopted by Senate

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

1. Makes changes to the proposed membership of the board.