

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.

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

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

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

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

13 **(d) The state senator whose senatorial district is defined in R.S.**
 14 **24:35(A)(1) shall appoint one member.**

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

17 ~~(e)(f)~~ 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)(g)~~ 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)(h)~~ 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)(i)~~ 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)(j)~~ The board of commissioners of the Port of New Orleans shall appoint
3 ~~one member~~ **chairman of the New Orleans Chamber of Commerce, or his**
4 **designee.**

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

7 **(3)(a) Except for the ex officio board member in Subparagraph (2)(i) of**
8 **this Subsection, each board member shall serve a term of two years.**

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

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

29 **(4) (a) A majority of the members of the board shall constitute a quorum**

1 **for the transaction of business. The board shall keep minutes of all regular and**
2 **special meetings and shall make them available to the public in conformance**
3 **with law.**

4 **(b) The board shall adopt such rules and regulations as it deems**
5 **necessary or advisable for conducting its business and affairs, so long as such**
6 **rules and regulations do not violate the Code of Governmental Ethics provided**
7 **for in Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and shall**
8 **engage such assistants and employees as are needed to assist the board in the**
9 **performance of its duties. It shall hold regular meetings as shall be provided by**
10 **its bylaws and may hold special meetings at such time and place within or**
11 **without the district as may be prescribed in its rules or regulations.**

12 * * *

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

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

21 **(c) No board member appointed pursuant to Subparagraphs (2)(a), (b),**
22 **(c), (f), or (g), of this Subsection shall sit on the board beyond the end of the**
23 **term of office of the appointing authority that appointed that board member**
24 **without being reappointed to the board in the manner for which appointments**
25 **to the board are provided for in Paragraphs (2) or (3) of this Subsection.**

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

- (8) One member appointed by the secretary of the Dept. of Economic Development.
- (9) One member appointed by the board of commissioners of the Port of New Orleans.

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. 1.
- (6) One member appointed by the state senator who represents Senate District No. 4.
- (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, except for the ex officio board member, 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 appoint such member. Provides that any member appointed by the board or mayor may be replaced by the appointing authority at any time by the nominee of the appointing authority. Proposed law retains present law.

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

Proposed law 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. The former member shall not be eligible to be nominated to the board or to serve on the board again.

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, so long as such rules and regulations do not violate the Code of Governmental Ethics, 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 respective 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 beyond 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 adds that nothing contained in present law as amended by proposed law shall be construed to supercede the Code of Governmental Ethics.

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.

Senate Floor Amendments to engrossed bill

1. Adds the state senator from District 1 to the board.
2. Clarifies that members will serve two terms, except the ex-officio member.
3. Clarifies when and who shall appoint an interim successor when a board vacancy occurs.
4. Changes when a board member is disqualified due to absences from having 50% or more of unexcused meeting absences to being absent four consecutive meetings.
5. Adds that a former member shall not be nominated or eligible to serve on the board again.
6. Adds that rules and regulations adopted by the board must not violate the

Code of Governmental Ethics.

7. Removes the provision allowing board members to serve on the board of a private entity which enters into contracts with the district provided the member did not receive compensation.
8. Adds that nothing in proposed law shall be construed to supercede the Code of Governmental Ethics.
9. Makes technical changes.