

SENATE BILL NO. 99

BY SENATOR DONAHUE

1

## AN ACT

2 To amend and reenact R.S. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and  
3 130.409(A) and R.S. 44:4.1(B)(20), and to enact R.S. 33:130.409 (D), relative to the  
4 St. Tammany Parish Development District; to provide relative to the classification  
5 of the district; to provide relative to its board of commissioners; to provide relative  
6 to a nominating committee; to provide relative to certain prohibitions regarding  
7 transactions and employment; to allow certain records regarding active negotiations  
8 to be confidential for a period of time subject to certain conditions; and to provide  
9 for related matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and  
13 130.409(A) are hereby amended and reenacted and R.S. 33:130.409(D) is hereby enacted  
14 to read as follows:

15 §130.401. St. Tammany Parish Development District; creation; territorial  
16 jurisdiction

17 A. The St. Tammany Parish Development District, hereinafter referred to as  
18 the "district", is hereby constituted and is declared to be a body politic and political  
19 subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the  
20 Constitution of Louisiana **and a public agency for the purposes of R.S. 12:249.**  
21 Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the  
22 district, acting through its board of commissioners, the governing authority of ~~said~~  
23 the district, is hereby granted all of the rights, powers, privileges, and immunities  
24 granted to political subdivisions for economic and industrial development purposes,

1                   including but not limited to the power of taxation, the power to incur debt and issue  
2                   revenue and general obligation bonds, certificates of indebtedness, bond and  
3                   certificate anticipation notes, and refunding bonds, subject to the limitations  
4                   hereinafter provided.

5                   \*               \*               \*

6                   §130.402. Board of commissioners; members; officers; employees

7                   A.(1) The district shall be governed by a board of commissioners consisting  
8                   of ~~thirteen~~ eleven members selected as ~~set out herein~~ provided for in this Section.  
9                   All members shall be qualified voters and taxpayers within the limits of the district  
10                  during their term of office. ~~The On and after January 1, 2018,~~ members of the  
11                  board of commissioners shall be ~~appointed and serve terms of office as follows~~  
12                  nominated by the board of commissioners and submitted to the council of St.  
13                  Tammany Parish for approval. Commissioners shall serve three-year terms of  
14                  office, except in the case of any shorter initial terms. Initial terms shall be  
15                  staggered for the periods indicated as follows:

16                  (a) Four members shall be appointed by the president of St. Tammany Parish.  
17                  The initial appointment shall be made for staggered terms as specified herein and,  
18                  at the termination of these initial terms of office, the term of office shall be for three  
19                  years. Initial terms, as designated by the president of St. Tammany Parish, shall be  
20                  as follows:

21                  (i) One member shall be appointed for three years.  
22                  (ii) One member shall be appointed for two years.  
23                  (iii) Two members shall be appointed for one year serve three-year initial  
24                  terms.

25                  (b) Four members shall be appointed by the council of St. Tammany Parish.  
26                  The initial appointment shall be made for staggered terms as specified herein and,  
27                  at the termination of these initial terms of office, the term of office shall be for three  
28                  years. Initial terms, as designated by the council, shall be as follows:

29                  (i) One member shall be appointed for three years.  
30                  (ii) One member shall be appointed for two years.

(iii) Two members shall be appointed for one year serve two-year initial terms.

(i) One member shall be appointed for three years.

9 (ii) One member shall be appointed for two years.

(iii) One member shall be appointed for one year.

(d) One member shall be the St. Tammany Parish President or his designee.

(e) One member shall be the executive director of the St. Tammany Economic Development Foundation serve one-year initial terms.

(2)(a) The nominating committee of the board of commissioners shall

consist of the board president and vice president, the district executive director,  
the president of St. Tammany Parish, and a member of a regional board or  
commission selected by the president of St. Tammany Parish. The nominating  
committee shall submit its slate of nominees to the board of commissioners for  
approval. Once a slate of nominees is approved by the board, it shall be  
forwarded to the council of St. Tammany Parish.

26                             (c) The council of St. Tammany Parish may approve or disapprove any  
27                             nominee. The board of commissioners shall submit new nominees for any  
28                             individual nominees that are not approved.

29                   (d) Any vacancy which occurs prior to the expiration of the term for which  
30                   a member of the board of commissioners has been appointed shall be filled in the

1 same manner as the original appointment for the unexpired term pursuant to the  
2 same nomination and approval process set forth in Paragraph(1) of this  
3 Subsection.

4 B. The members of the board of commissioners shall not receive per diem or  
5 be paid a salary for serving on the board. No members of the board of commissioners  
6 shall be appointed to serve for more than two successive three-year terms.

7 \* \* \*

8 D. Except as specifically provided by Subparagraph (A)(1)(d) of this Section,  
9 elected Elected officials are prohibited from serving on the board of commissioners.

10 E. The board of commissioners shall elect from among its own members a  
11 president, a vice president, a secretary, ~~an executive director~~, and a treasurer, whose  
12 duties shall be those usual to such offices. At the option of the board of  
13 commissioners, the offices of secretary and treasurer may be held by one person.

14 F. The board of commissioners shall meet in regular session every month and  
15 shall also meet in special session as often as the president of the board convenes  
16 them or on the written request of four members. ~~Seven~~ Six members of the board of  
17 commissioners shall constitute a quorum.

18 G. The board of commissioners shall prescribe rules to govern its meetings.  
19 The board of commissioners may contract with ~~and~~ or employ attorneys, clerks,  
20 engineers, deputy commissioners, ~~a~~ director an executive director, and other agents  
21 and employees and shall fix their compensation and terms of employment.

22 \* \* \*

23 §130.409. General compliances; enhancement

24 A. Except as otherwise specifically provided by R.S. 33:130.402(H) and  
25 Subsection D of this Section, no provision of this Subpart shall be construed so as  
26 to exempt the district from compliance with the provisions of Louisiana laws  
27 pertaining to open meetings, public records, fiscal agents, official journals, dual  
28 officeholding and employment, public bidding for the purchase of supplies and  
29 materials and construction of public works, the Code of Governmental Ethics, the  
30 Right to Property in Article I, Section 4 of the Constitution of Louisiana, and the

## 1 Louisiana Election Code.

\* \* \*

D. Records in the custody of the district pertaining to an active negotiation with a person for the purpose of retaining, expanding, or attracting economic or business development in St. Tammany Parish shall be confidential on the same basis as such records in the custody of the Department of Economic Development as set forth in R.S. 44:22, with the district's executive director performing the duties and obligations of the secretary of the Department of Economic Development and with any notice required therein being published in the official journal of St. Tammany Parish rather than the official journal of the state.

Section 2. R.S. 44:4.1(B)(20) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

\* \* \*

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

\* \* \*

(20) R.S. 33:1334 R.S. 33:130.409, 1334, 2182, 2428, 4720.151, 4720.161,  
4720.171, 4891, 9109, 9128, 9614

\* \* \*

Section 3. The provisions of R.S. 33:130.402(A)(2), as amended by this Act shall be effective upon signature by the governor or, if not signed by the governor, upon termination of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval. The remaining provisions of this Act shall become effective January 1, 2018.

1           Section 4. The terms of office of the members of the board currently serving shall  
2 terminate on January 1, 2018, or upon the official appointment by the council of St.  
3 Tammany Parish of a new slate of board members, whichever is later.  
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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_