

Regular Session, 2010

SENATE BILL NO. 227

BY SENATOR DUPLESSIS

SPECIAL DISTRICTS. Provides relative to the New Orleans Regional Business Park.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:4701(A), 4702(B)(1), (2), (4) and (6)(b), (C), (E)(1), (4) and

3 (5), (F), (G), (H), and (I), 4703(A) and (C) and 4706(A) and (B); to enact R.S.

4 33:4701(C), 4702(B)(3) and (D), and 4706(C) and (D), and to repeal R.S.

5 33:4702(J); relative to the New Orleans Regional Business Park; to provide with

6 respect to the purpose of the district; to provide with respect to the members

7 appointed to the board; to provide for an executive director; to provide with respect

8 to plans submitted by the board and the process related to such plans; to provide with

9 respect to issuing bonds; to provide with respect to unpaid and outstanding bonds;

10 to provide with respect to the powers of the district; to provide with respect to the use

11 of district funds; and to provide for related matters.

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

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 33:4701(A), 4702(B)(1), (2), (4) and (6)(b), (C), (E)(1), (4) and (5),

15 (F), (G), (H), and (I), 4703(A) and (C) and 4706(A) and (B) are hereby amended and

16 reenacted, and R.S. 33:4701(C), 4702(B)(3) and (D), and 4706(C) and (D), to read as

17 follows:

1 §4701. The New Orleans Regional Business Park; creation and powers

2 A. ~~There is hereby created in the city of New Orleans in the hereinafter~~
3 ~~described area a special municipal district designated as the "New Orleans Regional~~
4 ~~Business Park," hereinafter referred to as the "district", which, through its board of~~
5 ~~commissioners, shall have the power to acquire, construct, improve, maintain, and~~
6 ~~operate projects and to provide additional municipal services within the district. **The**~~
7 ~~**New Orleans Regional Business Park, hereinafter referred to as the "district,"**~~
8 ~~**is hereby constituted and is declared to be a body politic and political**~~
9 ~~**subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the**~~
10 ~~**Constitution of Louisiana and shall exist in perpetuity. Pursuant to Article VI,**~~
11 ~~**Sections 19, 20 and 21 of the Constitution of Louisiana, the district, acting**~~
12 ~~**through its board of commissioners, the governing authority of said district, is**~~
13 ~~**hereby granted all of the rights, powers, privileges, and immunities accorded by**~~
14 ~~**law and the Constitution of Louisiana to political subdivisions of the state,**~~
15 ~~**including but not limited to, the power of taxation, the power to incur debt and**~~
16 ~~**issue revenue and general obligation bonds, certificates of indebtedness, bond**~~
17 ~~**and certificate anticipation notes, and refunding bonds, subject to the**~~
18 ~~**limitations hereinafter provided.**~~

19 * * *

20 C. The district is created for the object and purpose of stimulating
21 industrial and commercial development in Orleans Parish and the parishes
22 adjacent to Orleans Parish by developing stable and more extensive
23 employment opportunities, promoting economic development, especially in
24 disadvantaged communities, improving infrastructure, and promoting the
25 overall welfare of the citizens of Orleans Parish. It may do so through
26 diversified activities, including, but not limited to, activities and planned land
27 uses to foster creation of new jobs, economic development, industry, health care,
28 commerce, manufacturing, tourism, relocation of people and businesses to the
29 district or areas near the district, aviation, military, warehousing,

1 whom shall serve an initial term of three years.

2 (g) The state representative whose representative district is defined in R.S.
3 24:35.5(A)(103) shall appoint one member ~~who shall serve an initial term of two~~
4 years.

5 (h) The state representative whose representative district is defined in R.S.
6 24:35.5(A)(101) shall appoint one member ~~who shall serve an initial term of two~~
7 years.

8 (i) The New Orleans East Economic Development Foundation shall appoint
9 one member ~~who shall serve an initial term of one year.~~

10 (j) The governor shall appoint one member ~~who shall serve an initial term of~~
11 one year.

12 (k) The lieutenant governor shall appoint one member ~~who shall serve an~~
13 initial term of one year.

14 (l) The board of commissioners of the Port of New Orleans shall appoint one
15 member ~~who shall serve an initial term of two years.~~

16 (m) The Regional Planning Commission for Jefferson, Orleans, Plaquemines,
17 St. Bernard, and St. Tammany parishes shall appoint one member ~~who shall serve~~
18 an initial term of two years.

19 **(3) Any vacancy in the membership of the board occurring by reason of**
20 **the expiration of the term of office, or by reason of death, resignation,**
21 **disqualification, or otherwise, shall be filled by the respective nominating entity**
22 **within sixty days after receipt by such nominating entity of written notification**
23 **of the vacancy. In the event that the respective nominating entity fails to fill the**
24 **vacancy within sixty days after receipt of written notification of the vacancy, the**
25 **board shall appoint an interim successor to serve on the board until the position**
26 **is filled by the respective nominating entity responsible for the appointment of**
27 **such member. If the board fails to fill a vacancy in its membership with such**
28 **sixty day period, the mayor shall appoint such member. Any board member**
29 **appointed by the board or mayor pursuant to this Paragraph may be replaced**

1 at any time by the nominee of the appointing authority.

2 (4) ~~In the event any of the foregoing organizations or public officials fail to~~
3 ~~make an appointment within sixty days of the date on which notice to make such~~
4 ~~appointment is sent to such organization or public official by the mayor, then the~~
5 ~~mayor shall appoint such member as would have been authorized for such~~
6 ~~organization or public official.~~ Any member who misses fifty percent of the
7 meetings, regular and special, of the board in any calendar year shall be
8 disqualified and removed automatically from office and that person's position
9 shall be vacant, as of the first day of the succeeding calendar year. Such vacated
10 position shall be filled by the respective nominating entity for the balance of the
11 vacated term. The former member shall not be eligible for reappointment until
12 expiration of the balance of the vacated term.

13 * * *

14 (6) * * *

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

18 * * *

19 C.(1) The board of commissioners shall elect from its members a chairman,
20 a vice chairman, a secretary-treasurer and such other officers as it may deem
21 necessary at its first meeting; the chairman shall serve at the pleasure of the board.
22 The board of commissioners may also select one person as ~~president~~ executive
23 director; three people as ~~vice-presidents~~ directors to be in charge of marketing,
24 operations, and finance respectively, who shall not be members of the board, but who
25 shall be qualified voters and legal Louisiana residents.

26 (2) The secretary-treasurer shall furnish such bonds as may be required by the
27 board of commissioners. The premium on the bond shall be paid out of the operating
28 funds of the district. The ~~president~~ executive director shall be the chief executive
29 officer of the district, shall manage its affairs and operation, subject to the rules and

1 regulations and bylaws adopted by the council and the board. The **president**
2 **executive director** and three ~~vice presidents~~ **directors** shall receive such salary and
3 office expense allowance, if any, as shall be fixed and determined by the board of
4 commissioners.

5 **D. The executive director, with the concurrence of the board of the**
6 **district, may hire such staff and other necessary personnel as may be necessary**
7 **to carry out the directions and instructions of the board, and may do such other**
8 **acts as may be directed by the board.**

9 E.(1) **As often and at such time or times as the board of commissioners**
10 **of the district may deem to be necessary or advisable, the** The board of the district
11 shall prepare, or cause to be prepared a plan or plans, such plan or plans being
12 hereinafter referred to, collectively, as the plan, specifying the public improvements,
13 projects, facilities, and services proposed to be furnished, provided, constructed or
14 acquired, for the district, and it shall conduct such public hearings, publish such
15 notice with respect thereto and disseminate such information as it in the exercise of
16 its sound discretion may deem to be appropriate or advisable and in the public
17 interest.

18 * * *

19 (4) The board **of commissioners** of the district shall also submit its plan to
20 the ~~planning commission of the city of New Orleans~~ **City Council for review and**
21 **comment as to whether the plan is consistent with city of New Orleans'**
22 **comprehensive plans.** Said ~~planning commission shall review and consider the plan~~
23 ~~in order to determine whether or not it is consistent with the comprehensive plan for~~
24 ~~the city of New Orleans, and shall within~~ **Within** thirty days following ~~of~~ receipt
25 ~~thereof~~ **of the proposed plan, the New Orleans City Council shall** submit to the
26 ~~city council~~ its written ~~opinion~~ as to whether or not the plan or any portion or detail
27 thereof is inconsistent with the comprehensive plan for the city **city of New Orleans,**
28 together with its written comments ~~and recommendation~~ with respect thereto **to the**
29 **board of commissioners of the district.**

1 (5) After receipt of the plan comments of the New Orleans City Council,
2 the board of commissioners of the district shall review and consider the plan
3 together with the written comments, ~~and recommendations of the city planning~~
4 ~~commission,~~ The board shall thereafter modify the proposed plan based on such
5 comments and proceed with implementation of the modified proposed plan. ~~the~~
6 council shall review and consider the plan, together with such written comments and
7 recommendations. ~~The council may by a majority vote of its members adopt or reject~~
8 ~~the plan as originally submitted by the board, or it may alter or modify the plan or~~
9 ~~any portion or detail thereof, but only by a majority vote of all of its members. If the~~
10 ~~plan as originally submitted by the board is adopted by a majority vote of the~~
11 ~~council, it shall become final and conclusive and may thereafter be implemented. If,~~
12 ~~however, the council alters or modifies the plan by a majority vote of its members,~~
13 ~~the plan so altered or modified shall be resubmitted to the board of the district for its~~
14 ~~concurrence or rejection. The board of the district may concur in such modified plan~~
15 ~~by a majority vote of all of its members. If the board so votes to concur in the plan~~
16 ~~as modified by the council, it shall notify the council in writing of its action.~~
17 ~~Thereafter, and as often and at such time or times as the board may deem to be~~
18 ~~necessary or advisable, it shall prepare, or cause to be prepared, a plan or plans and~~
19 ~~submit the same to the city planning commission in accordance with the same~~
20 ~~procedure hereinabove prescribed with respect to the original plan. The city planning~~
21 ~~commission shall, in turn, submit such plan, together with its written comments and~~
22 ~~recommendations to the council for its adoption, modification or rejection in the~~
23 ~~same manner and with the same effect as hereinabove provided with respect to the~~
24 ~~original plan submitted, as aforesaid.~~

25 F. ~~The executive director, with the concurrence of the board of the district,~~
26 ~~may hire such staff and other necessary personnel as may be necessary to carry out~~
27 ~~the directions and instructions of the board, and may do such other acts as may be~~
28 ~~directed by the board.~~

29 G. All **public** services to be furnished within the district pursuant to any plan

1 finally and conclusively adopted hereunder, shall be furnished and supplied by the
2 city of New Orleans through its regularly constituted departments, agencies, boards,
3 commissions, and instrumentalities as appropriate in the circumstances, ~~and all~~
4 ~~capital improvements, projects and facilities to be acquired, constructed or provided~~
5 ~~within the district, whether from the proceeds of bonds or otherwise, shall likewise~~
6 ~~be so acquired, constructed, or provided by the city of New Orleans through its~~
7 ~~regularly constituted departments, agencies, boards, commissions, and~~
8 ~~instrumentalities as appropriate in the circumstances, **It is** it being the intent hereof~~
9 to avoid duplication of administrative and management efforts and expense in the
10 implementation of any plan adopted for the benefit of the district. In order to provide
11 such public services **the district** ~~and provide, construct or acquire such capital~~
12 ~~improvements, projects and facilities the board, upon the recommendation of its~~
13 ~~executive director, may enter into contracts with the city of New Orleans. The cost~~
14 ~~of any such public services, projects, capital improvements and facilities shall be~~
15 ~~paid to the city of New Orleans out of the proceeds of the special tax levied upon real~~
16 ~~property within the district as herein provided, or from the proceeds of bonds, as the~~
17 ~~case may be.~~

18 **G.H.** The board, in addition to all other taxes which it is now or hereafter
19 may be authorized by law to levy and collect, is hereby authorized to levy and
20 collect, ~~as specifically provided in Subsection K hereinafter,~~ for a term not to exceed
21 fifty years from and after the date the first tax is levied pursuant to the provisions of
22 this Section, in the same manner and at the same time as all other ad valorem taxes
23 on property subject to taxation by the city are levied and collected, a special ad
24 valorem tax upon all taxable real property situated within the boundaries of the
25 district except property occupied in whole or in part as a residence by an owner
26 thereof. The number of mills hereby authorized shall not exceed twenty mills on the
27 dollar of assessed valuation on all taxable property within the district. Said tax, when
28 levied, shall be from year to year, or for such period of years not to exceed fifty years
29 as may be designated in the resolution by which the election is called on the question

1 of the imposition of said tax. No such tax shall be levied until a plan requiring or
2 requesting the levy of a tax is finally and conclusively adopted in accordance with
3 the procedures prescribed in this Section. The proceeds of said tax shall be used
4 solely and exclusively for the purposes and benefit of the district.

5 H.F.(1) The board, by resolution adopted by a vote of a majority of the
6 members of the board of the district, shall have power and is hereby authorized to
7 incur indebtedness for and on behalf and for the sole and exclusive benefit of the
8 district, and to issue at one time, or from time to time, negotiable bonds, notes and
9 other evidence of indebtedness, herein referred to collectively as bonds, of the
10 district, the principal of, premium if any, and interest on which shall be payable
11 solely from the proceeds of the special tax authorized, levied, and collected pursuant
12 to the provisions of this Section for the purpose of paying the cost of acquiring and
13 constructing capital improvements, projects, and facilities within the district. Such
14 bonds shall not constitute general obligations of the city of New Orleans, nor shall
15 any property situated within the city other than property situated within the
16 boundaries of the district be subject to taxation for the payment of the principal of,
17 premium, if any, and interest on such bonds. Furthermore, any indebtedness incurred
18 by the city of New Orleans for and on behalf and for the benefit of the district
19 pursuant to the provisions of this Section, whether evidenced by bonds, notes or
20 other evidences of indebtedness, or otherwise, shall be excluded in determining the
21 power of the city of New Orleans to incur indebtedness and to issue its general
22 obligation bonds. ~~The principal amount of such bonds which may be outstanding and~~
23 ~~unpaid at any one time in the district shall never exceed the sum of fifty million~~
24 ~~dollars.~~ All such bonds shall be sold by the board, and shall bear such rate or rates
25 of interest, and shall, except as herein otherwise specifically provided, be in such
26 form, terms, and denominations, be redeemable at such time or times at such price
27 or prices, and payable at such times and places, within a period of not exceeding fifty
28 years from the date thereof, as the board, shall determine.

29 (2) Said bonds shall be signed by the ~~president~~ **chairperson** of the board of

1 commissioners, and countersigned by the ~~secretary~~ **secretary** of the board, and the
2 coupons attached to said bonds shall bear the facsimile signatures of said ~~president~~
3 **chairperson** and said secretary. In case any such officer whose signature or
4 countersignature appears upon such a bond or coupon shall cease to be such officer
5 before delivery of said bonds or coupons to the purchaser, such signature or
6 countersignature shall nevertheless be valid for all purposes. The cost and expense
7 of preparing and selling the bonds authorized herein shall be paid out of the proceeds
8 realized from the sale of such bonds.

9 (3) The resolution of the board, authorizing the issuance and sale of such
10 bonds and fixing the form and details thereof, may contain such other provisions, not
11 inconsistent or in conflict with the provisions of this Section, as it may deem to be
12 necessary or advisable to enhance the marketability and acceptability thereof by
13 purchasers and investors, including, but without limiting the generality of the
14 foregoing, covenants with bond holders setting forth (a) conditions and limitations
15 on the issuance of additional bonds constituting a lien and charge on the special tax
16 levied on real property within the district ~~pari passu~~ **pari passu** with bonds
17 theretofore issued and outstanding and (b) the creation of reserves for the payment
18 of the principal of and interest on such bonds. These bonds and the interest thereon
19 are exempt from all taxation levied for state, parish or municipal or other local
20 purposes; and savings banks, tutors of minors, curators of interdicts, trustees and
21 other fiduciaries are authorized to invest the funds in their hands in said bonds.

22 ~~(4) The Board of Liquidation, City Debt, as now organized and created, and~~
23 ~~with the powers, duties and functions prescribed by existing laws, shall be continued~~
24 ~~so long as any bonds authorized by this Section are outstanding and unpaid.~~

25 **L.J.** Notwithstanding any other provision of this Section to the contrary, no
26 tax authorized herein shall be levied and no bonds shall be issued unless and until the
27 amount of the tax authorized to be levied and the amount of the bonds authorized to
28 be issued has been approved by a majority of the electors voting thereon in the city
29 of New Orleans in an election called for that purpose. No bonds issued pursuant to

1 this Section shall be general obligations of the state of Louisiana, the parish of
2 Orleans or the city of New Orleans.

3 §4703. Corporate status; domicile; purpose and powers

4 A. The New Orleans Regional Business Park ~~a special municipal district~~
5 ~~created under the provisions of this Part~~, shall constitute a body corporate in law,
6 with all the powers of a corporation, and with all the powers and rights of a political
7 subdivision of the state as provided by the constitution and laws of this state,
8 including but not limited to the power to incur debt and issue, or secure the issuance
9 of, negotiable bonds in accordance with the power and authority and in the form and
10 manner, and with the effect and security now or hereafter provided by the
11 constitution and laws of the state of Louisiana, and particularly subject to the
12 provisions of R.S. 33:4702. The district through its board of commissioners may sue
13 and be sued, have a corporate seal, and do and perform any and all acts in its
14 corporate capacity and in its corporate name which are necessary and proper for
15 carrying out the purposes and objects for which it is created. All of the property
16 belonging to the district shall be exempt from taxation.

17 * * *

18 C. ~~The objectives and purposes of the special municipal district created under~~
19 ~~the provisions of this Part shall be to provide for the acquisition, construction,~~
20 ~~improvement, maintenance and operation, of special projects, additional municipal~~
21 ~~services, capital improvements, and facilities within the district.~~ Except as
22 inconsistent with the provisions of this Part, the district created hereby is granted and
23 shall have and may exercise all powers necessary or convenient for the carrying out
24 of such objects and purposes including, by way of illustration, but not limitation, and
25 subject to the provisions of R.S. 33:4702, the following rights and powers:

26 (1) To acquire ~~or purchase~~ **any property, or any interest therein, at any**
27 **time to accomplish the objects and purposes of the district,** ~~lease as lessee and to~~
28 hold and use any property, real, personal, or mixed, tangible or intangible, or any
29 interest therein necessary or desirable for carrying out the purposes of the district,

1 and to sell, **transfer, convey,** lease as lessor, transfer, or dispose of any property or
2 interest therein acquired by it.

3 (2) ~~To acquire by purchase, lease, or otherwise and to construct, improve,~~
4 ~~maintain, repair, and operate facilities which it deems necessary or convenient to~~
5 ~~carry out its purposes.~~ **lease or sublease, as lessor or lessee or sublessor or**
6 **sublessee, all or portion of any property at a fixed or variable rental without**
7 **advertisement for public bids.**

8 (3) ~~To enter into agreements of any nature with any person or persons, natural~~
9 ~~or artificial, corporation, association or other entity, including public corporations,~~
10 ~~political subdivisions, municipalities, the United States government and agencies~~
11 ~~thereof, or any combination thereof or with instrumentalities of every kind, for the~~
12 ~~operation of the district, including all or any part of the properties and facilities~~
13 ~~thereof.~~ **To acquire by purchase, lease, or otherwise and to construct, improve,**
14 **maintain, repair, and operate facilities which it deems necessary or convenient**
15 **to carry out its purposes.**

16 (4) ~~To make and enter into contracts, conveyances, mortgages, deeds or~~
17 ~~trusts, bonds, and leases in the carrying out of its corporate objects.~~ **To enter into**
18 **agreements of any nature with any person or persons, natural or artificial,**
19 **corporation, association or other entity, including public corporations, political**
20 **subdivisions, municipalities, the United States government and agencies thereof,**
21 **or any combination thereof or with instrumentalities of every kind, for the**
22 **operation of the district, including all or any part of the properties and facilities**
23 **thereof.**

24 (5) ~~To let contracts for the construction or acquisition in any other manner,~~
25 ~~except through the power of eminent domain, of property and facilities incident to~~
26 ~~the carrying out of the purpose or purposes of the district, which contracts shall be~~
27 ~~let in such manner as shall be determined by the board in conformance with law.~~ **To**
28 **make and enter into contracts, conveyances, mortgages, deeds or trusts, bonds,**
29 **and leases in the carrying out of its corporate objects.**

1 ~~(6) To fix, maintain, collect, and revise rates, charges, and rentals for the~~
2 ~~properties and facilities owned by the district and the services rendered by the~~
3 ~~district.~~ **To let contracts for the construction or acquisition in any other**
4 ~~district.~~ **manner, except through the power of eminent domain, of property and facilities**
5 ~~district.~~ **incident to the carrying out of the purpose or purposes of the district, which**
6 ~~district.~~ **contracts shall be let in such manner as shall be determined by the board in**
7 ~~district.~~ **conformance with law.**

8 ~~(7) To make bylaws for the management and regulation of its affairs, not~~
9 ~~inconsistent with the rules, regulations, and bylaws adopted by the council for the~~
10 ~~governance of the district.~~ **To fix, maintain, collect, and revise rates, charges, and**
11 ~~governance of the district.~~ **rentals for the properties and facilities owned by the district and the services**
12 ~~governance of the district.~~ **rendered by the district.**

13 ~~(8) To make bylaws for the management and regulation of its affairs, not~~
14 ~~inconsistent with the rules, regulations, and bylaws adopted by the council for the~~
15 ~~governance of the district.~~ **(8) In its own name and behalf, to incur debt, and issue general**
16 ~~governance of the district.~~ **obligation bonds under the authority of and subject to the provisions of Article**
17 ~~governance of the district.~~ **VI, Section 33 of the Constitution of Louisiana, and Subpart A of Part III of**
18 ~~governance of the district.~~ **Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, for**
19 ~~governance of the district.~~ **the establishment, operation, and maintenance of district property as an**
20 ~~governance of the district.~~ **industrial park or to carry out the other public purposes of this Part, without**
21 ~~governance of the district.~~ **election, to issue revenue bonds, borrow money, and issue certificates of**
22 ~~governance of the district.~~ **indebtedness, notes, and other debt obligations as evidence thereof and provide**
23 ~~governance of the district.~~ **for the manner and method of repayment.**

24 ~~(9) To make bylaws for the management and regulation of its affairs, not~~
25 ~~inconsistent with the rules, regulations, and bylaws adopted by the council for the~~
26 ~~governance of the district.~~ **(9) To require and issue licenses, to regulate the imposition of fees and**
27 ~~governance of the district.~~ **rentals charged by the district for services rendered by it or fees or rentals**
28 ~~governance of the district.~~ **charged for use of privately-owned facilities located on district property when**
29 ~~governance of the district.~~ **such facilities are offered for use by the public or by a private industrial,**
30 ~~governance of the district.~~ **commercial, research, or other economic development entity or activity.**

31 ~~(10) To make bylaws for the management and regulation of its affairs, not~~
32 ~~inconsistent with the rules, regulations, and bylaws adopted by the council for the~~
33 ~~governance of the district.~~ **(10)(8) To cooperate and contract with the government of the United States**
34 ~~governance of the district.~~ **or any department or agency thereof and with the state of Louisiana or any**
35 ~~governance of the district.~~ **department or agency thereof and to accept gifts, grants, and donations of property**

1 ~~and money therefrom.~~To develop, activate, construct, exchange, acquire,
 2 expropriate, improve, repair, operate, maintain, lease, mortgage, sell, subject
 3 to the provision of this Part, and pledge movable and immovable property,
 4 servitudes, facilities, and works under such terms and conditions as the district
 5 may deem necessary or appropriate for any public purpose, including industrial
 6 and commercial development, notwithstanding the limitations of R.S. 2:131.1,
 7 135 and 135.1, Chapter 4 of Title 2, Chapter 13 of Title 33, and Chapter 10 of
 8 Title 41, of the Louisiana Revised Statutes of 1950.

9 ~~(11)(9) To cooperate with the state or any other political subdivision,~~
 10 ~~department, agency, or corporation of the state for the construction, operation, and~~
 11 ~~maintenance of projects and facilities designed to accomplish the purpose or~~
 12 ~~purposes for which the district is created on any basis including the matching of~~
 13 ~~funds and by participating in projects authorized by any federal or state law as it~~
 14 ~~shall see fit. To make bylaws for the management and regulation of its affairs.~~

15 ~~(12)(10) To pledge all or any part of its revenues.~~To cooperate and contract
 16 with the government of the United States **of America** or any department or agency
 17 thereof and with the state of Louisiana or any department or agency thereof and to
 18 accept gifts, grants, and donations of property and money therefrom.

19 ~~(13)(11) To issue, or secure the issuance of, refunding bonds to refund any~~
 20 ~~outstanding bonds issued pursuant to this Section. Such refunding bonds may be~~
 21 ~~exchanged for the outstanding bonds or may be sold and the proceeds applied to the~~
 22 ~~purchase, redemption, or payment of the outstanding bonds or deposited in escrow~~
 23 ~~for the retirement of such bonds. The refunding bonds shall be authorized in all~~
 24 ~~respects as original bonds are herein required to be authorized, and the district, in~~
 25 ~~authorizing the refunding bonds, shall provide for the security of the bonds, the~~
 26 ~~sources from which the bonds are to be paid and for the rights of the holders thereof~~
 27 ~~in all respects as herein provided for other bonds issued under the authority of this~~
 28 ~~Part. The district may also provide that the refunding bonds shall have the same~~
 29 ~~priority of lien on the taxes, income, and revenues pledged for their payment as was~~

1 enjoyed by the bonds refunded: To cooperate with the state or any other political
2 subdivision, department, agency, or corporation of the state for the
3 construction, operation, and maintenance of projects and facilities designed to
4 accomplish the purpose or purposes for which the district is created on any
5 basis including the matching of funds and by participating in projects
6 authorized by any federal or state law as it shall see fit.

7 ~~(14)(12) To appoint officers, agents, and employees; to prescribe their duties~~
8 ~~and to fix their compensation which shall be payable out of district funds.~~ To
9 borrow money and pledge all or part of its revenues, leases, rents, and other
10 advantages as security for such loans.

11 (15) To incur debt for any one or more of its lawful purposes set forth in
12 this Section herein, to issue in its name negotiable bonds, notes, certificates of
13 indebtedness, or other evidences of debt and to provide for the security and
14 payment thereof.

15 (16) To issue, or secure the issuance of, refunding bonds to refund any
16 outstanding bonds issued pursuant to this Section. Such refunding bonds may
17 be exchanged for the outstanding bonds or may be sold and the proceeds
18 applied to the purchase, redemption, or payment of the outstanding bonds or
19 deposited in escrow for the retirement of such bonds. The refunding bonds shall
20 be authorized in all respects as original bonds are herein required to be
21 authorized, and the district, in authorizing the refunding bonds, shall provide
22 for the security of the bonds, the sources from which the bonds are to be paid
23 and for the rights of the holders thereof in all respects as herein provided for
24 other bonds issued under the authority of this Part. The district may also
25 provide that the refunding bonds shall have the same priority of lien on the
26 taxes, income, and revenues pledged for their payment as was enjoyed by the
27 bonds refunded.

28 (17) To borrow the amount of the anticipated ad valorem tax the district
29 is authorized to levy hereunder, not to exceed ten mills, for a period not to

1 exceed twenty years and may issue certificates of indebtedness therefor and may
2 dedicate the avails of the tax for the payment thereof for the period of time said
3 certificates are outstanding.

4 (18) To appoint officers, agents, and employees and to prescribe their
5 duties and to fix their compensation which shall be payable out of district funds.

6 (19)(13) To recommend to the mayor and the council a program of projects
7 within the district to be financed by special liens against the properties improved by
8 the program.

9 (20) To use or allow the use of any facilities, land and improvements
10 within the district or ever owned or leased by the district for any lawful
11 purpose.

12 (21) The board of commissioners of the district shall be the appropriate
13 governing body for all purposes provided in the Louisiana Enterprise Zone Act,
14 R.S. 51:1781, et seq., within the area comprised of property owned and formerly
15 owned by the district, and shall have the power to perform all acts specified by
16 applicable laws and regulations to achieve such purpose.

17 * * *

18 §4706. Use of district funds; change in level of services

19 A. ~~Except as provided in Subsection B of this Section, funds~~ **Funds** received
20 by the board of commissioners of the district from taxes levied, bonds issued, or any
21 other source or combination of sources, shall only be used for the benefit of the
22 district or for projects or services within the district.

23 B. In the event that the level of services is increased or decreased for the city,
24 the increase or decrease shall not discriminate against, or cause a disadvantage to the
25 ~~special municipal district created hereby. Nor shall there be any diversion by the city~~
26 ~~of its municipal funds from any part or section thereof because of its inclusion in or~~
27 ~~exclusion from the special municipal district, designated as the "New Orleans~~
28 ~~Regional Business Park."~~

29 C. For a period of thirty days from the date of publication of any

businesses to the district or areas near the district, aviation, military, warehousing, transportation, offices, recreation, housing, environmental conservation, the acquisition of land and improvements, and, when necessary, the construction, operation, and maintenance of facilities, improvements and infrastructure, including buildings, runways, roads, bridges, drainage, and utilities.

Present law provides that in the event any of the organizations or public officials with appointment authority fail to make an appointment within 60 days of the date on which notice to make such appointment is sent to such organization or public official by the mayor, then the mayor shall appoint such member as would have been authorized for such organization or public official.

Proposed law provides that any vacancy in the membership of the board occurring by reason of the expiration of the term of office, or by reason of death, resignation, disqualification, or otherwise, shall be filled by the respective nominating entity within 60 days after receipt by such nominating entity of written notification of the vacancy. In the event that the respective nominating entity fails to fill the vacancy within 60 days after receipt of written notification of the vacancy, the board shall appoint an interim successor to serve on the board until the position is filled by the respective nominating entity responsible for the appointment of such member. If the board fails to fill a vacancy in its membership within such 60 day period, the mayor shall appoint such member. Any board member appointed by the board or mayor pursuant to this proposed law may be replace at any time by a nominee of the appointing authority.

Proposed law provides that any member who misses 50% of the meetings, regular and special, of the board in any calendar year shall be disqualified and removed automatically from office and that person's position shall be vacant, as of the first day of the succeeding calendar year. Such vacated position shall be filled by the respective nominating entity for the balance of the vacated term. The former member shall not be eligible for reappointment until expiration of the balance of the vacated term.

Present law provides that any member of the board appointed pursuant to present law may be removed by his respective appointing authority.

Present law retains present law and clarifies that the member may be removed at any time without cause and makes technical changes.

Present law provides that the board of commissioners may also select one person as president and three people as directors to be in charge of marketing, operations, and finance respectively, who shall not be members of the board, but who shall be legal Louisiana residents.

Proposed law replaces provisions in present law so that one person may be appointed executive director; three people may be appointed vice presidents to be in charge of marketing, operations, and finance respectively, who shall not be members of the board, but who shall be legal Louisiana residents.

Present law provides that the secretary-treasurer shall furnish such bonds as may be required by the board of commissioners. The premium on the bond shall be paid out of the operating funds of the district. The president shall be the chief executive officer of the district, shall manage its affairs and operation, subject to the rules and regulations and bylaws adopted by the council and the board. The president and three vice presidents shall receive such salary and office expense allowance, if any, as shall be fixed and determined by the board of commissioners.

Proposed law retains present law but changes the chief executive officer of the district from the president to the executive director and changes the designation of vice president to directors.

Present law provides that the board of the district shall prepare, or cause to be prepared a plan or plans, such plan or plans being hereinafter referred to collectively as the plan, specifying the public improvements, projects, facilities, and services proposed to be furnished, provided, constructed or acquired, for the district, and it shall conduct such public hearings, publish such notice with respect thereto and disseminate such information as it in the exercise of its sound discretion may deem to be appropriate or advisable and in the public interest.

Proposed law retains present law and provides that the board may prepare a plan as often and at such time or times as the board of commissioners of the district may deem to be necessary or advisable.

Present law provides that the board of the district shall also submit its plan to the planning commission of the city of New Orleans. The planning commission shall review and consider the plan in order to determine whether or not it is consistent with the comprehensive plan for the city of New Orleans, and shall within 30 days following receipt thereof submit to the city council its written opinion as to whether or not the plan or any portion or detail thereof is inconsistent with the comprehensive plan for the city, together with its written comments and recommendation with respect thereto to the board of commissioners of the district.

Proposed law changes present law to provide that the board commissioners of the district shall also submit its plan to the New Orleans City Council for review and comment as to whether the plan is consistent with city of New Orleans' comprehensive plans. Within 30 days of receipt of the proposed plan, the New Orleans City Council shall submit its written as to whether or not the plan or any portion or detail thereof is inconsistent with the comprehensive plan for the city of New Orleans, together with its written comments with respect thereto to the board of commissioners of the district.

Present law provides that after receipt of the plan together with the written comments and recommendations of the city planning commission, the council shall review and consider the plan, together with such written comments and recommendations. The council may by a majority vote of its members adopt or reject the plan as originally submitted by the board, or it may alter or modify the plan or any portion or detail thereof, but only by a majority vote of all of its members. If the plan as originally submitted by the board is adopted by a majority vote of the council, it shall become final and conclusive and may thereafter be implemented. If the council alters or modifies the plan by a majority vote of its members, the plan so altered or modified shall be resubmitted to the board of the district for its concurrence or rejection. The board of the district may concur in such modified plan by a majority vote of all of its members. If the board so votes to concur in the plan as modified by the council, it shall notify the council in writing of its action. Thereafter, and as often and at such time or times as the board may deem to be necessary or advisable, it shall prepare, or cause to be prepared, a plan or plans and submit the same to the city planning commission in accordance with the same procedure prescribed with respect to the original plan. The city planning commission shall, in turn, submit such plan, together with its written comments and recommendations to the council for its adoption, modification or rejection in the same manner and with the same effect as provided with respect to the original plan submitted, as aforesaid.

Proposed law changes present law to provide that after receipt of the comments of the New Orleans City Council, the board of commissioners of the district shall review and consider the plan together with the written comments. The board shall thereafter modify the proposed plan based on such comments and proceed with implementation of the modified proposed plan.

Present law provides that all services to be furnished within the district pursuant to any plan finally and conclusively adopted hereunder, shall be furnished and supplied by the city of New Orleans through its regularly constituted departments, agencies, boards, commissions, and instrumentalities as appropriate in the circumstances. Provides that all capital improvements, projects and facilities to be acquired, constructed or provided within the district, whether from the proceeds of bonds or otherwise, shall likewise be so acquired, constructed, or provided by the city of New Orleans through its regularly constituted departments, agencies, boards, commissions, and instrumentalities as appropriate in the circumstances, it being the intent hereof to avoid duplication of administrative and management efforts and expense in the implementation of any plan adopted for the benefit of the district. In order to provide such public services and provide, construct or acquire such capital improvements, projects and facilities the board, upon the recommendation of its executive director, may enter into contracts with the city of New Orleans. The cost of any such public services, projects, capital improvements and facilities shall be paid to the city of New Orleans out of the proceeds of the special tax levied upon real property within the district as herein provided, or from the proceeds of bonds, as the case may be.

Proposed law changes present law to provide that all public services to be furnished within the district pursuant to any plan finally and conclusively adopted hereunder, shall be furnished and supplied by the city of New Orleans through its regularly constituted departments, agencies, boards, commissions, and instrumentalities as appropriate in the circumstances. In order to provide such public services the district may enter into contracts with the city of New Orleans.

Present law provides that the principal amount of bonds which may be outstanding and unpaid at any one time in the district shall never exceed the sum of \$50,000,000.

Proposed law deletes present law.

Present law provides that the Board of Liquidation, City Debt, as organized and created, and with the powers, duties and functions prescribed by existing laws, shall be continued so long as any bonds authorized are outstanding and unpaid.

Proposed law deletes present law.

Present law provides that the district may acquire, purchase, lease as lessee and hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the district, and to sell, lease as lessor, transfer, or dispose of any property or interest therein acquired by it.

Proposed law retains present law and provides that the district may also transfer or convey any property or interest acquired by it.

Proposed law provides that the district may lease or sublease, as lessor or lessee or sublessor or subleasee, all or portion of any property at a fixed or variable rental without advertisement for public bids.

Proposed law provides that the district may enter into agreements of any nature with any person or persons, natural or artificial, corporation, association or other entity, including public corporations, political subdivisions, municipalities, the United States government and agencies thereof, or any combination thereof or with instrumentalities of every kind, for the operation of the district, including all or any part of the properties and facilities thereof.

Proposed law provides that the district in its own name and behalf, to incur debt, and issue general obligation bonds for the establishment, operation, and maintenance of district property as an industrial park or to carry out the other public purposes without election, to issue revenue bonds, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment.

Proposed law provides that the district may require and issue licenses, to regulate the imposition of fees and rentals charged by the district for services rendered by it or fees or rentals charged for use of privately-owned facilities located on district property when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.

Proposed law provides that district may develop, activate, construct, exchange, acquire, expropriate, improve, repair, operate, maintain, lease, mortgage, sell, and pledge movable and immovable property, servitudes, facilities, and works under such terms and conditions as the district may deem necessary or appropriate for any public purpose, including industrial and commercial development.

Proposed law provides that the district may incur debt for any one or more of its lawful purposes, to issue in its name negotiable bonds, notes, certificates of indebtedness, or other evidences of debt and to provide for the security and payment thereof.

Proposed law provides that the district may issue, or secure the issuance of, refunding bonds to refund any outstanding bonds issued. Such refunding bonds may be exchanged for the outstanding bonds or may be sold and the proceeds applied to the purchase, redemption, or payment of the outstanding bonds or deposited in escrow for the retirement of such bonds. The refunding bonds shall be authorized in all respects as original bonds are required to be authorized, and the district, in authorizing the refunding bonds, shall provide for the security of the bonds, the sources from which the bonds are to be paid and for the rights of the holders thereof in all respects as herein provided for other bonds issued under the authority of present law. The district may also provide that the refunding bonds shall have the same priority of lien on the taxes, income, and revenues pledged for their payment as was enjoyed by the bonds refunded.

Proposed law provides that the district may borrow the amount of the anticipated ad valorem tax the district is authorized to levy here under, not to exceed ten mills, for a period not to exceed 20 years and may issue certificates of indebtedness therefor and may dedicate the avails of the tax for the payment thereof for the period of time the certificates are outstanding.

Proposed law provides that the district may appoint officers, agents, and employees and prescribe their duties and fix their compensation which shall be payable out of district funds.

Proposed law provides that the district may use or allow the use of any facilities, land and improvements within the district or ever owned or leased by the district for any lawful purpose.

Proposed law provides that the board of commissioners of the district shall be the appropriate governing body for all purposes provided in the Louisiana Enterprise Zone Act, within the area comprised of property owned and formerly owned by the district, and shall have the power to perform all acts specified by applicable laws and regulations to achieve such purpose.

Proposed law provides that for a period of 30 days from the date of publication of any resolution or ordinance authorizing the issuance of any bonds, certificates of indebtedness, notes, or other evidence of debt of the district, any interested person may contest the legality of such resolution or ordinance and the validity of such bonds, certificates of indebtedness, notes, or other evidence of debt issued or proposed to be issued and the security of their

payment, after which time no one shall have any cause of action to contest the legality of the resolution or ordinance or to draw in question the legality of the bonds, certificates of indebtedness, notes, or other evidence of debt, the security therefor, or the debts represented thereby for any cause. It shall be conclusively presumed that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of 30 days.

Proposed law provides that the issuance and sale of such bonds, certificates of indebtedness, notes, or other evidence of debt by the district shall be subject to approval by the State Bond Commission.

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

(Amends R.S. 33:4701(A), 4702(B)(1), (2),(4) and (6) (b), (C), (E)(1), (4) and (5), (F), (G), (H), and (I), 4703(A) and (C) and 4706(A) and (B); adds R..S. 33:4701(C), 4702(B)(3) and (D), and 4706(C) and (D); repeals R.S. 33:4702(J))