

Regular Session, 2009

HOUSE BILL NO. 779

BY REPRESENTATIVE TUCKER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PORTS/NEW ORLEANS: Provides relative to jurisdiction of the port and membership on the board of commissioners

1 AN ACT

2 To amend and reenact R.S. 34:1(A) through (H) and 21(A), relative to the Board of
3 Commissioners of the Port of New Orleans; to provide relative to the members of the
4 Board of Commissioners; to provide for their appointment and term of office; to
5 provide relative to the territorial jurisdiction of the Port of New Orleans; to provide
6 for financial disclosure; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 34:1(A) through (H) and 21(A) are hereby amended and reenacted
9 to read as follows:

10 §1. Continuation; qualifications; appointments; terms; vacancies

11 A. Membership; qualifications; vacancies.

12 (1) The Board of Commissioners of the Port of New Orleans, hereinafter
13 referred to as "the board" is continued. The number of members comprising the
14 board shall be ~~seven~~ nine, who shall be qualified voters, ~~four~~ two of whom shall each
15 have his principal place of business in the parish of Orleans, two of whom shall each
16 have his principal place of business in the parish of Jefferson, two of whom shall
17 have his principal place of business in the parish of Plaquemines, and one of whom
18 shall have his principal place of business in the parish of St. Bernard. The remaining
19 two members of the board shall be the secretary of the Department of Economic
20 Development and the secretary of the Department of Transportation and

1 Development, or their designees. The ~~four~~ two members from the parish of Orleans
 2 shall fill the positions on the board to be designated as Positions D, ~~E, and F, and G~~;
 3 the two members from the parish of Jefferson shall fill the positions on the board to
 4 be designated as Positions A and C; the two members from the parish of
 5 Plaquemines shall fill positions on the board to be designated as Positions E and G,
 6 and the member from the parish of St. Bernard shall fill the position on the board to
 7 be designated as Position B.

8 (2) ~~On or after October 1, 1976, vacancies~~ Vacancies occurring because of
 9 the expiration of a term ~~and the two additional memberships created by this Act*~~
 10 ~~shall be filled in such manner that the first such vacancy occurring shall be filled by~~
 11 ~~a member who shall hold Position A, and each such subsequent vacancy shall be~~
 12 ~~filled in sequence by members holding Positions B, C, D, E, F, and G, respectively.~~
 13 ~~Any vacancy occurring prior to October 1, 1976 shall be filled in the same manner~~
 14 ~~in which the position was initially filled.~~

15 (3) All members shall be experienced in the commerce or industry, or both,
 16 of the port area, and shall otherwise possess the qualifications prescribed by law.
 17 Notwithstanding any prohibition contained in Part II of Chapter 15 of Title 42 of the
 18 Louisiana Revised Statutes of 1950, individuals employed in the maritime industry
 19 may serve as members hereunder. ~~The present members, seven in number, shall~~
 20 ~~continue to serve on the board for the duration of their respective terms.~~

21 (4) Any vacancy in the membership of the board shall be filled by the
 22 governor from among the nominees selected as provided in this Section, within
 23 fifteen days after the governor receives their names.

24 (5) The members shall be required to file disclosure statements as provided
 25 in R.S. 42.1124.2.

26 B. Nominating agencies.

27 (1) For the purpose of selecting nominees for the ~~four members, each of~~
 28 ~~whom shall~~ one member to be appointed by the governor from the nominees selected
 29 by the Orleans Parish nominating organization, the following nominating agencies

1 shall constitute and shall be designated as the Orleans Parish nominating
2 organization:

- 3 (a) Chamber of Commerce of the New Orleans Area
- 4 (b) New Orleans Board of Trade, Ltd.
- 5 (c) New Orleans Steamship Association
- 6 (d) International Freight Forwarders and Customs Brokers Association
7 of New Orleans, Inc.
- 8 (e) Maritime Trade's Council of Greater New Orleans and Vicinity
- 9 (f) Metropolitan Area Committee
- 10 (g) Louisiana Farm Bureau
- 11 (h) Urban League of Greater New Orleans
- 12 (i) Dillard University
- 13 (j) Xavier University
- 14 (k) World Trade Center
- 15 (l) Greater New Orleans Barge Fleeting Association
- 16 (m) Propeller Club of the United States
- 17 (n) The Greater New Orleans AFL-CIO

18 (2) For the purpose of selecting nominees for the ~~two members, each of~~
19 ~~whom shall~~ one member to be appointed by the governor from the nominees selected
20 by the Jefferson Parish nominating organization, the following nominating agencies
21 shall constitute and shall be designated as the Jefferson Parish nominating
22 organization:

- 23 (a) Harvey Canal Industrial Association.
- 24 (b) East Bank Council of the Jefferson Chamber of Commerce.
- 25 (c) West Bank Council of the Jefferson Chamber of Commerce.
- 26 (d) Maritime Trade's Council of Greater New Orleans and Vicinity.
- 27 (e) Louisiana Farm Bureau.
- 28 (f) Greater New Orleans AFL-CIO.
- 29 (g) Jefferson Business Council.

1 (3) For the purpose of selecting nominees for the one member to be
2 appointed by the governor from the nominees selected by the Plaquemines Parish
3 nominating organization, the following agencies shall constitute and shall be
4 designated as the Plaquemines Parish nominating organization:

- 5 (a) Plaquemines Parish President.
- 6 (b) Plaquemines Parish Council.
- 7 (c) Plaquemines Association of Business and Industry.

8 ~~(3)~~ (4) For the purpose of selecting nominees for the member to be appointed
9 by the governor from the nominees selected by the St. Bernard Parish nominating
10 organization, the following agencies shall constitute and shall be designated as the
11 St. Bernard Parish nominating organization:

- 12 (a) St. Bernard Chamber of Commerce.
- 13 (b) St. Bernard Port, Harbor and Terminal District.
- 14 (c) Maritime Trade's Council of Greater New Orleans and Vicinity.
- 15 (d) Louisiana Farm Bureau.

16 (5) For the purpose of selecting nominees for the remaining three members,
17 of whom one shall have his principal place of business in Orleans Parish, one shall
18 have his principal place of business in Jefferson Parish, and one shall have his
19 principal place of business in Plaquemines Parish, the following nominating agencies
20 shall constitute and shall be designated as the Area nominating organization:

- 21 (a) Greater New Orleans, Inc.
- 22 (b) New Orleans Board of Trade, Ltd.
- 23 (c) Gulf States Maritime Association
- 24 (d) International Freight Forwarders and Customs Brokers Association
25 of New Orleans, Inc.
- 26 (e) World Trade Center

27 C. Nominating Councils; selection of nominees. Each nominating
28 organization shall have a nominating council on which shall be seated the presidents
29 or recognized heads of the nominating agencies of that nominating organization, as

1 enumerated in ~~Subsections (B)(1), (2) and (3), respectively,~~ Subsection B of this
2 Section. Nominees to the governor for appointment to the board shall be selected by
3 the nominating council of the appropriate nominating organization from among those
4 named by the nominating agencies of said nominating organization as required by
5 this Section.

6 D. Notice of vacancy. Within ten days after the occurrence of a vacancy on
7 the board for any cause, the president or other presiding officer of the board shall
8 send notice of the vacancy by registered or certified United States mail to each
9 appropriate nominating agency.

10 E. Nominees submitted by nominating organizations.

11 (1) Within ten days after notification of a vacancy ~~or vacancies~~ in Position
12 ~~D, E, F, or G~~, the first listed nominating agency of the Orleans Parish Nominating
13 Organization shall submit in writing to the members of its nominating council the
14 names of two persons having the qualifications set forth in this Section as nominees
15 for each such vacancy or vacancies. Thereafter, the remaining nominating agencies
16 of the Orleans Parish nominating organization, in the order in which they are listed
17 in Subsection (B)(1) of this Section and within intervals of five days each, shall
18 consecutively submit in like manner, the names of two nominees for each such
19 vacancy.

20 (2) Within ten days after notification of a vacancy ~~or vacancies~~ in Position
21 ~~A or C~~, the first listed nominating agency of Jefferson Parish Nominating
22 Organization shall submit in writing to the members of its nominating council the
23 names of two persons having the qualifications set forth in this Section as nominees
24 for each such vacancy or vacancies. Thereafter, the remaining nominating agencies
25 of that nominating organization, in the order in which they are listed in Subsection
26 (B)(2) of this Section and within intervals of five days each, shall consecutively
27 submit in like manner, the names of two nominees for each such vacancy.

28 (3) Within ten days after notification of a vacancy in Position E, the first
29 listed nominating agency of Plaquemines Parish Nominating Organization shall

1 submit in writing to the members of its nominating council the name of one person
2 having the qualifications set forth in this Section as nominee for such vacancy.
3 Thereafter, the remaining nominating agencies of that nominating organization, in
4 the order in which they are listed in Paragraph (B)(3) of this Section and within
5 intervals of five days each, shall consecutively submit in like manner, the name of
6 one nominee for such vacancy.

7 (4) Within ten days after notification of a vacancy in Position B, the first
8 listed nominating agency of St. Bernard Parish Nominating Organization shall
9 submit in writing to the members of its nominating council the name of one person
10 having the qualifications set forth in this Section as nominee for such vacancy.
11 Thereafter, the remaining nominating agencies of that nominating organization, in
12 the order in which they are listed in ~~Subsection~~ Paragraph (B)(3) (4) of this Section
13 and within intervals of five days each, shall consecutively submit in like manner, the
14 name of one nominee for such vacancy.

15 (5) Within ten days after notification of a vacancy in Position F, C, or G, the
16 first listed nominating agency of Area nominating organization shall submit in
17 writing to the members of its nominating council the name of one person having the
18 qualifications set forth in this Section as nominee for such vacancy. Thereafter, the
19 remaining nominating agencies of that nominating organization, in the order in
20 which they are listed in Paragraph (B)(5) of this Section and within intervals of five
21 days each, shall consecutively submit in like manner, the name of one nominee for
22 such vacancy.

23 (6) No person shall be eligible for nomination if he has been previously
24 nominated by another nominating agency. In all cases, signed copies of the
25 communications to the appropriate nominating council transmitting the names of the
26 nominees shall be sent to the governing bodies of the other nominating agencies.

27 F. Certification to governor.

28 (1) As soon as the names of the nominees for Position D ~~, E, F, or G~~ as
29 selected by the appropriate nominating agencies have been received, or in any event

1 within ten days after the last delay for the submission of the names of nominees for
2 Position D ~~, E, F, or G~~ has expired, the Orleans Parish Nominating Council, at a
3 meeting convened on the written call of any member thereof, shall certify to the
4 governor for each such vacancy then existing the names of three nominees from
5 among the nominees whose names have been submitted to it by the nominating
6 agencies of the Orleans Parish Nominating Organization, and from among the
7 nominees thus certified the governor shall make an appointment ~~or appointments~~ to
8 fill each such vacancy.

9 (2) As soon as the names of the nominees for Position A ~~or C~~ as selected by
10 the appropriate nominating agencies have been received, or in any event within ten
11 days after the last delay for the submission of the names of nominees for Position A
12 ~~or C~~ has expired, the Jefferson Parish Nominating Council, at a meeting convened
13 on the written call of any member thereof, shall certify to the governor for each such
14 vacancy then existing the names of three nominees from among the nominees whose
15 names have been submitted to it by the nominating agencies of the Jefferson Parish
16 Nominating Organization, and from among the nominees thus certified the governor
17 shall make an appointment ~~or appointments~~ to fill each such vacancy.

18 (3) As soon as the names of the nominees for Position E as selected by the
19 appropriate nominating agencies have been received, or in any event within ten days
20 after the last delay for the submission of the names of nominees for Position E has
21 expired, the Plaquemines Parish Nominating Council, at a meeting convened on the
22 written call of any member thereof, shall certify to the governor for such vacancy
23 then existing the names of three nominees from among the nominees whose names
24 have been submitted to it by the nominating agencies of the Plaquemines Parish
25 Nominating Organization, and from among the nominees thus certified, the governor
26 shall make an appointment to fill such vacancy.

27 (4) As soon as the names of the nominees for Position B as selected by the
28 appropriate nominating agencies have been received, or in any event within ten days
29 after the last delay for the submission of the names of nominees for Position B has

1 expired, the St. Bernard Parish Nominating Council, at a meeting convened on the
2 written call of any member thereof, shall certify to the governor for such vacancy
3 then existing the names of three nominees from among the nominees whose names
4 have been submitted to it by the nominating agencies of the St. Bernard Parish
5 Nominating Organization, and from among the nominees thus certified the governor
6 shall make an appointment ~~or appointments~~ to fill such vacancy.

7 (5) As soon as the names of the nominees for Positions C, F, or G as selected
8 by the appropriate nominating agencies have been received, or in any event within
9 ten days after the last delay for the submission of the names of nominees for
10 Positions C, F, or G has expired, the Area Nominating Council, at a meeting
11 convened on the written call of any member thereof, shall certify to the governor for
12 such vacancy then existing the names of three nominees from among the nominees
13 whose names have been submitted to it by the nominating agencies of the Area
14 Nominating Organization, and from among the nominees thus certified, the governor
15 shall make an appointment or appointments to fill such vacancy.

16 G. Nominating agencies; identity. The nominating agencies listed in
17 ~~Subsections~~ Subsection (B)(1), (2) and (3) of this Section shall be understood and
18 construed to be the agencies presently existing and designated by the names listed
19 in ~~Subsections~~ Subsection (B)(1), (2) and (3) or their respective legal successors.

20 H. Dissolution of nominating agencies; effect. If any of the nominating
21 agencies listed in ~~Subsections~~ Subsection (B)(1), (2) and (3) of this Section ceases
22 to exist or to function, without any legal successor, the nominees to be submitted to
23 the appropriate nominating council as provided in Subsection E of this Section, shall
24 be submitted by the nominating agencies of the appropriate nominating organization
25 that continue to exist and function.

26 * * *

1 §21. Rights and powers of board in general

2 A.(1) The board of commissioners shall regulate the commerce and traffic
3 of the port and harbor of New Orleans in such manner as may, in its judgment, be
4 best for the maintenance and development thereof.

5 (2) However, such regulation of such commerce and traffic, including
6 international commerce in the parish of St. Bernard, shall be governed by the
7 provisions of R.S. 34:1701 et seq.

8 (3) In Plaquemines Parish, the board of commissioners shall share
9 jurisdiction with the parish governing authority, and any project by the Port of New
10 Orleans to develop, acquire, operate, and maintain port-related terminals and
11 facilities in Plaquemines Parish or to regulate commerce and traffic at such facilities
12 shall require a cooperative endeavor agreement with the Plaquemines Parish
13 governing authority. Nothing herein shall be interpreted to in any way restrict the
14 powers granted to Plaquemines Parish to acquire, develop, operate, and manage port
15 facilities within their jurisdictions and to receive the income from such facilities nor
16 shall anything herein be interpreted in any manner to limit the right of Plaquemines
17 Parish to regulate commerce and traffic on the navigable waterways in that parish.

18 * * *

19 Section 2. Each member of the board of commissioners serving on the board on June
20 1, 2009, shall continue to serve through December 31, 2009. Nominations, as provided in
21 this Act, shall be submitted under the provisions of R.S. 34:1(E) and certified to the governor
22 under the provisions of R.S. 34:1(F) no later than November 15, 2009. The governor shall
23 make his appointments no later than December 15, 2009, and the appointments shall take
24 office on January 1, 2010.

25 Section 3. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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)]

Tucker

HB No. 779

Abstract: Provides relative to the membership of the board of commissioners of the New Orleans Port and the jurisdiction of the port.

Present law provides relative to the membership of the board of commissioners of the Port of New Orleans. Provides for a seven-member board appointed by the governor with four members from Orleans Parish, two from Jefferson Parish, and one from St. Bernard Parish. Provides relative to nominating agencies and the nominating process.

Proposed law provides for a nine-member board with two members from Orleans Parish, two from Jefferson Parish, two from Plaquemines Parish, one from St. Bernard Parish, and the secretary of the Dept. of Economic Development and the secretary of the Dept. of Transportation and Development.

Proposed law requires "tier 2" financial disclosure for the members of the board of commissioners – the same disclosure requirements and thresholds as applicable to the legislature.

Present law authorizes the board of commissioners to regulate commerce and traffic in the port and harbor of New Orleans but retains the authority given to St. Bernard Port Harbor and Terminal District to regulate commerce and traffic, including international commerce.

Proposed law retains present law.

Proposed law provides that the board of commissioners for the Port of New Orleans shares jurisdiction with the Plaquemines Parish governing authority and requires the board to enter into cooperative endeavor agreements to develop, acquire, operate, and maintain port-related terminals and facilities and to regulate commerce and traffic at those facilities. Further specifies that nothing should be interpreted to in any way restrict the powers granted to Plaquemines Parish to acquire, develop, operate, and manage port facilities within their jurisdiction and to receive income from the facilities. Further preserves the right of Plaquemines Parish to regulate commerce and traffic on the navigable waterways of that parish.

Proposed law provides that each member of the board of commissioners for the Port of New Orleans in office on June 1, 2008, shall remain in office Dec. 31, 2009. Requires nominations for the board members under the new provisions to be certified to the governor no later than Nov. 15, 2009. Requires the governor to make his appointments no later than Dec. 15, 2009. Provides that the appointments take office January 1, 2010.

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

(Amends R.S. 34:1(A)-(H) and 21(A))