
DIGEST

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Sam Jones

HB No. 786

Abstract: Revises the appointment process and membership of the board of commissioner of the Morgan City Harbor and Terminal District.

Present law provides for the appointment and composition of the Morgan City Harbor and Terminal District Board of Commissioners as follows:

- (1) Provides that the board shall consist of nine members, who shall be citizens of the United States and qualified voters and taxpayers within the limits of the district during their term of office.
- (2) Provides that the commissioners shall be appointed by the governor, five of whom shall be appointed for terms of one, two, three, four, and five years from a list composed of three names submitted by each of the following to the governor:
 - (a) The governing authority of the city of Morgan City.
 - (b) The governing authority of the town of Berwick.
 - (c) The police jury of St. Mary Parish.
 - (d) The Lions Club of Berwick, Louisiana.
 - (e) The Rotary Club of Morgan City, Louisiana.
 - (f) The Morgan City/Berwick Junior Chamber of Commerce.
 - (g) The Kiwanis Club.
 - (h) The East St. Mary Chamber of Commerce.
- (3) Provides that the remaining four commissioners shall be appointed by the governor, without recommendations, for six, seven, eight, and nine years, two of which appointments shall be of persons living and residing in the 9th Ward of St. Mary Parish, Louisiana.
- (4) Provides that any vacancy in any original terms shall be filled by the governor in the same manner as the appointment was originally made for the unexpired term. Any vacancy occurring due to expiration of the original term shall be filled by the governor in the same manner as above provided for the term of nine years.

Proposed law repeals present law and provides instead, the following:

- (1) Three members shall be appointed by the mayor and council of the town of Berwick.

- (2) Three members shall be appointed by the mayor and council of the city of Morgan City.
- (3) Three members shall be appointed by the parish president and council of St. Mary Parish.

Proposed law provides that the appointing authorities provided for in proposed law shall provide notice to the public that there shall be an application and interview process for appointments to the board of commissioners of the district. Provides that interviews may be done in executive session, but the final nominations and appointments shall be done by open meeting.

Proposed law provides that the terms of the initial appointees shall be concurrent with the terms of the appointing authority and thereafter the terms shall be for four years.

Proposed law provides that vacancies shall be filled in the same manner as the original appointment. Vacancies shall be filled within ninety days of notification to the appointing authority, from the board, of the existence of a vacancy. If the appointing authority does not fill the vacancy within the ninety-day period, the governor shall make the appointment. These appointees shall meet the same qualifications as provided for in the proposed law.

Proposed law provides that no board member shall serve more than two consecutive four-year terms. However, if an initial appointee's term is one year or less he may be reappointed for two four-year terms. Provides that a member who has served two consecutive four-year terms may apply for appointment to the board, provided four years have elapsed since the end of his last term.

Proposed law requires the board to submit an annual report to each of the appointing authorities no later than June first of each year. The report shall reflect the activities and the financial status of the district.

Present law provides that the commissioners shall serve without compensation; however, they may authorize the payment of a reasonable travel allowance for its members in the performance of their official duties, not to exceed the mileage reimbursement rate used by the Louisiana Legislature and reimburse its members for actual expenses incurred in the performance of their official duties on behalf of the district.

Present law further provides that the board may employ such officers, agents, and employees as it finds necessary in the performance of its duties, and it may prescribe the duties, powers, and compensation of the officers, agents, and employees. The board of commissioners may contract for legal, financial, accounting, engineering, consulting, and other professional services necessary or expedient in the conduct of its affairs, and it may utilize the services of other executive departments of the state.

Proposed law retains present law.

Present law, R.S. 2:83, authorizes the secretary of DOTD to transfer the Harry P. Williams Memorial Airport to the St. Mary Parish governing authority. Further provides that the secretary

may enter into a cooperative endeavor agreement with St. Mary Parish whereby the state maintains legal ownership and the parish shall operate and maintain the airport.

Proposed law grants the same rights of the parish in the present law to the district and further provides that if the parish has exercised its rights, the district may enter into a cooperative endeavor agreement with the parish to manage and operate the airport.

Proposed law terminates the terms of the existing board of commissioners as of December 31, 2009 and provides that the new board members shall take office on January 1, 2010.

(Adds R.S. 34:322.1 and 323.2; Repeals R.S. 34:322)