

Regular Session, 2010

SENATE BILL NO. 49

BY SENATOR LONG

GOVERNMENT ORGANIZATION. Establishes the Sabine River Authority as a nonbudget unit of the state. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 38:2324(B) and 2330.2(B) and R.S. 44:23.1(A), relative to the

3 Sabine River Authority; to establish the Sabine River Authority as a nonbudget unit

4 of the state; to provide with regard to certain records of the Sabine River Authority;

5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:2324(B) and 2330.2(B) are hereby amended and reenacted to read

8 as follows:

9 §2324. Status; suits; process; exemption from taxation

10 * * *

11 **B. (1) The authority shall operate from self-generated revenues and shall**

12 **not be a budget unit of the state. The authority may, however, receive state**

13 **appropriations at any time it is deemed advisable by the legislature, and only**

14 **the expenditure of such appropriated funds shall be subject to budgetary**

15 **controls or authority of the division of administration. The authority shall**

16 **establish its own operating budget for the use of its self-generated revenues or**

17 **unencumbered fund balances subject to a two-thirds approval of the board of**

1 commissioners of the authority. Any budget adopted shall be effective for a
2 fiscal year commensurate with that of the state.

3 (2) The authority It shall not have the power to levy taxes but it may assess
4 and collect charges, fees, and rentals for the use of its lands or water bottoms and for
5 the construction, installation, maintenance, and operation on such lands or water
6 bottoms, or on the surface of any lake or reservoir owned by it or in which it has an
7 interest, any wharf, dock, boathouse, pier, marine, shop, store, gasoline dispenser,
8 or other commercial establishment. It shall have and possess the authority to sue and
9 be sued. All legal process shall be served upon the chairman of the board of
10 commissioners.

11 * * *

12 §2330.2. Sabine River Compact Administration; per diem expenses for Louisiana
13 members

14 * * *

15 B. The members of the Sabine River Compact Administration appointed by
16 the governor to represent the state as provided by Article VII of the Sabine River
17 Compact contained in R.S. 38:2329 shall be entitled to receive a per diem allowance
18 of fifty dollars for each day of a meeting of the administration or any of its
19 committees actually attended by such member, to be paid out of the funds available
20 for the purpose by the ~~Department of Transportation and Development~~ **Sabine River**
21 **Authority**, on ~~their~~ **its** own warrant. This per diem allowance shall also include any
22 additional days of travel reasonably required to attend the meetings. In addition, such
23 members of the administration shall be entitled to be reimbursed for expenses
24 actually incurred in attending meetings of the administration or its committees, or in
25 the transaction of any business of the administration, when such business has been
26 authorized by the ~~Department of Transportation and Development~~ **Sabine River**
27 **Authority**.

28 * * *

29 Section 2. R.S. 44:23.1(A) is hereby amended and reenacted to read as follows:

1 §23.1. Department of Transportation and Development; **Sabine River Authority;**

2 exception for certain sensitive security information or critical

3 infrastructure information

4 A. Except as otherwise provided in Subsection B of this Section, nothing in
5 this Chapter shall be construed to require disclosure of records of the Department of
6 Transportation and Development, ~~including without limitation~~ **or** the Sabine River
7 Authority, state of Louisiana, containing sensitive security information or critical
8 infrastructure information.

9 * * *

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that the Sabine River Authority is an agency and instrumentality of the state of Louisiana and is a corporation and body politic and corporate, with power of perpetual succession, invested with all powers, privileges, rights, and immunities conferred by present law upon other corporations of like character including, but not limited to, port authorities, port commissions, and port, harbor, and terminal districts within the state.

Proposed law retains present law.

Present law provides that the Sabine River Authority is placed within the Department of Transportation and Development (DOTD) and is to perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of present law.

Proposed law retains present law.

Present law further provides that the agencies transferred to DOTD as provided in present law, including the Sabine River Authority, are to exercise the powers, duties, functions, and responsibilities as provided by present law and are to administer and implement the programs authorized by present law independently of the secretary, the undersecretary, and any assistant secretary of DOTD.

Proposed law retains present law.

Proposed law further establishes the Sabine River Authority as a non-budget unit of the state.

Proposed law provides that the authority shall operate from self-generated revenues, but may receive state appropriations at any time it is deemed advisable by the legislature, and only the expenditure of such appropriated funds is subject to budgetary controls or authority of the division of administration.

Proposed law further provides that the authority is to establish its own operating budget for the use of its self-generated revenues or unencumbered fund balances subject to a two-thirds approval of the board of commissioners of the authority, and any budget adopted is to be effective for a fiscal year commensurate with that of the state.

Present law provides that the members of the Sabine River Compact Administration appointed by the governor to represent the state as provided in the Sabine River Compact are entitled to receive a per diem allowance of \$50 for each day of a meeting of the administration or any of its committees actually attended by such member, which is to be paid out of funds available for that purpose by DOTD.

Present law further provides that members of the Sabine River Compact Administration are entitled to be reimbursed for expenses actually incurred in attending meetings of the administration or its committees, or in the transaction of any business of the administration, when such business has been authorized by DOTD.

Proposed law provides that the payment of the per diem allowance and actual expenses provided for by present law are to be paid by the Sabine River Authority out of funds available for that purpose.

Proposed law further provides that members of the Sabine River Compact Administration are entitled to be reimbursed for business expenses provided for by present law when such business has been authorized by the authority.

Proposed law otherwise retains present law.

Present law provides that nothing in present law is to be construed to require disclosure of records of DOTD, including without limitation the Sabine River Authority, containing sensitive security information or critical infrastructure information.

Proposed law distinguishes between DOTD and the Sabine River Authority relative to present law.

Proposed law otherwise retains present law.

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

(Amends R.S. 38:2324(B) and 2330.2(B) and R.S. 44:23.1(A))