

2018 Regular Session

HOUSE BILL NO. 675

BY REPRESENTATIVE ZERINGUE

UTILITY/ELEC POWER PLANT: Provides relative to the Louisiana Energy and Power Authority

1 AN ACT

2 To amend and reenact R.S. 33:4545.6 and to enact R.S. 33:4545.4(G), relative to the
3 Louisiana Energy and Power Authority; to provide relative to the powers and duties
4 of the governing board and operating committee of the authority; to limit the powers
5 granted to members of the authority's operating committee; to provide for the
6 creation of the Louisiana Energy and Power Authority Unit 1 operating committee;
7 to provide relative to votes cast by members of the newly created operating
8 committee; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4545.6 is hereby amended and reenacted and R.S. 33:4545.4(G)
11 is hereby enacted to read as follows:

12 §4545.4. Board of directors as governing authority of the Authority

13 * * *

14 G. Notwithstanding any other provision of law to the contrary, with respect
15 to the Louisiana Energy and Power Authority Unit 1, the board of directors shall be
16 subject to the limitations provided in R.S. 33:4545.6(B).

17 * * *

18 §4545.6. Operating committee; powers and duties; terms

19 A. The directors of the Authority may create an operating committee for the
20 board of directors. The board of directors may provide for the composition of the

1 operating committee so as to afford, in its judgment, fair representation of the
2 participating municipalities directly interested in the affairs or operations of the
3 Authority or facilities owned or operated by the Authority. The operating committee
4 shall have and shall exercise such of the powers and authority as shall be prescribed
5 and delegated in the Authority's by-laws, rules or resolutions. The terms of office
6 of the persons serving on the operating committee and the method of filling
7 vacancies therein shall be prescribed in the Authority's by-laws, rules or resolutions.

8 B.(1) Notwithstanding any provision of law to the contrary, with respect to
9 the Louisiana Energy and Power Authority Unit 1, there shall be created a Louisiana
10 Energy and Power Authority Unit 1 operating committee comprised solely of those
11 municipalities that are contracted through a power sales agreement to take power
12 from the Louisiana Power and Energy Authority Unit 1.

13 (2) The Louisiana Energy and Power Authority Unit 1 operating committee
14 shall have sole authority to decide all matters related to such unit and such authority
15 shall be executed pursuant to a majority vote of the members of the Louisiana
16 Energy and Power Authority Unit 1 operating committee in accordance with
17 Paragraph (3) of this Subsection.

18 (3) The votes cast by each member of the Louisiana Energy and Power
19 Authority Unit 1 operating committee shall be weighted in accordance with the
20 percentage of megawatts that each member's respective municipality is entitled to
21 pursuant to a power sales agreement.

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)]

HB 675 Original

2018 Regular Session

Zeringue

Abstract: Relative to the La. Energy and Power Authority, provides for the creation of the La. Energy and Power Authority Unit 1 operating committee.

Present law creates and provides for the La. Energy and Power Authority as a political subdivision of the state to provide facilities for the generation and transmission of electric power and energy. Provides that the authority is governed by a board of directors who

represent participating municipalities. Provides for the powers and duties of the authority including, but not limited to, the following:

- (1) To adopt by-laws or rules for the regulation of its affairs and the conduct of its business.
- (2) To adopt an official seal and alter the same at its pleasure.
- (3) To sue and be sued.
- (4) To study, plan, research, develop, finance, construct, reconstruct, acquire, improve, enlarge, extend, better, lease, own, operate and maintain, any project or any interest in any project.
- (5) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of, any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof.
- (6) To sell, lease, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any real or personal property or interest therein.
- (7) To borrow money and issue revenue bonds.

Proposed law retains present law.

Present law authorizes the authority's board of directors to create an operating committee and to provide for the composition of the committee. Provides that the powers of the committee and the terms of the members are provided in the by-laws of the authority.

Proposed law additionally provides for the creation of the La. Energy and Power Authority Unit 1 operating committee comprised of those municipalities that are contracted through a power sales agreement. Provides that the committee has the sole authority to decide all matters related to the unit. Provides that such matters must be decided by a majority vote of the members of the committee and the votes cast must be weighted in accordance with the percentage of megawatts owed to each member's respective municipality.

(Amends R.S. 33:4545.6; Adds R.S. 33:4545.4(G))