

2018 Regular Session

HOUSE BILL NO. 870

BY REPRESENTATIVE GAROFALO

PORTS/DEEPWATER: Provides relative to the members of the Louisiana International Deep Water Gulf Transfer Terminal board of commissioners

1 AN ACT

2 To amend and reenact R.S. 34:3494(A), (B), and (C), 3495(A), (C), and (G), and 3496(A)  
3 and to repeal R.S. 34:3494(B)(12), relative to the Louisiana International Deep  
4 Water Gulf Transfer Terminal board of commissioners; to provide for a reduction  
5 in membership on the board of commissioners; to provide for membership term  
6 limits; to provide for review of reporting practices; to provide for the election of  
7 officers to the board; to provide for quorum and vote requirements; to provide an  
8 effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 34:3494(A) and (B) and 3495(A), (C), and (G) and 3496(A) are  
11 hereby amended and reenacted to read as follows:

12 §3494. Board of commissioners; qualifications; term; vacancies; compensation  
13 A. The authority shall be governed by a board of ~~fifteen~~ nine commissioners,  
14 consisting of the secretary of the Department of Economic Development and the  
15 secretary of the Department of Transportation and Development, ~~the chairmen of the~~  
16 ~~House and Senate committees on transportation, highways, and public works~~ or their  
17 designees and ~~eleven~~ seven commissioners ~~appointed by the governor~~ to be chosen  
18 on the basis of their demonstrated experience in maritime or business leadership, or  
19 both, and their stature and ability to act effectively for the best interests of Louisiana.  
20 Four members shall be appointed by the governor pursuant to Paragraphs (B)(1), (2),

1        ~~(3), and (7) of this Section.~~ Such commissioners shall not be appointed or elected  
2        commissioners or board members of any other Louisiana port.

3                B. Commissioners shall be chosen as follows:

4                (1) One member ~~shall be~~ selected from a list of three nominees submitted by  
5        the Ports Association of Louisiana.

6                (2) One member ~~shall be~~ selected from a list of three nominees submitted by  
7        the Louisiana Association of Business and Industry.

8                ~~(3) One member shall be selected from a list of three nominees submitted by~~  
9        ~~the Louisiana Maritime Association.~~

10               ~~(4) One member shall be selected from a list of three nominees submitted by~~  
11       ~~the Louisiana River Pilots Association.~~

12               ~~(5)~~ (3) Two One members member at large.

13               ~~(6)~~ (4) One member appointed by the American Federation of Labor-  
14       Congress of Industrial Organizations.

15               ~~(7) One member shall be selected from a list of three nominees submitted by~~  
16       ~~the president of the Louisiana State Senate.~~

17               ~~(8) One member shall be selected from a list of three nominees submitted by~~  
18       ~~the speaker of the Louisiana House of Representatives.~~

19               ~~(9) Repealed by Acts 2012, No. 775, §2, eff. June 12, 2012.~~

20               ~~(10) One member shall be selected from a list of three nominees submitted~~  
21       ~~jointly by the chief executive officer and the governing authority of Plaquemines~~  
22       ~~Parish. Such nominees shall be residents of Plaquemines Parish.~~

23               ~~(11) One member selected by the New Orleans Public Belt Railway, and~~  
24       ~~appointed by the governor, who shall be a nonvoting member.~~

25               (5) The state representative for the House of Representatives district that  
26       encompasses the Louisiana International Deep Water Gulf Transfer Terminal project  
27       or, if he chooses not to serve, a member appointed by the legislative delegation of  
28       Plaquemines and St. Bernard Parishes. The appointee shall be a resident of

1 Plaquemines or St. Bernard Parish. If the member serving pursuant to this Paragraph  
2 is a legislator, the term of that member shall run concurrent with his term in office.

3 (6) The state senator for the Senate district that encompasses the Louisiana  
4 International Deep Water Gulf Transfer Terminal project or, if he chooses not to  
5 serve, a member appointed by the legislative delegation of Plaquemines and St.  
6 Bernard Parishes. The appointee shall be a resident of Plaquemines or St. Bernard  
7 Parish. If the member serving pursuant to this Paragraph is a legislator, the term of  
8 that member shall run concurrent with his term in office.

9 (7) One member selected from a list of two nominees, with the Louisiana  
10 River Pilots' Association and the Louisiana Maritime Association each submitting  
11 one nominee.

12 \* \* \*

13 C.(1) The commissioners appointed shall be appointed for terms of six years.  
14 A member shall serve until his successor is appointed unless removed as provided  
15 for in this Paragraph. A commissioner may be reappointed, but no commissioner  
16 shall serve more than three consecutive terms.

17 (2) Each appointment by the governor shall be submitted to the Senate for  
18 confirmation and may be removed by the governor with cause at his discretion.

19 (3) If the member serving pursuant to Paragraph (B)(5) or (6) of this Section  
20 is a legislator, he may name one person as a designee to act on his behalf in the event  
21 the legislator is unable to attend a meeting. A designee serving pursuant to this  
22 Paragraph shall be included when determining a quorum and shall have full voting  
23 rights.

24 ~~(2)~~ (4) All vacancies shall be filled in the same manner and the appointee  
25 shall have the proper qualifications.

26 \* \* \*

27 §3495. Duties of board; officers; rules; meetings; quorum

28 A. The board of commissioners shall be the governing body of the authority  
29 with full power to promulgate rules and regulations for the maintenance and

1 operation of the authority but may defer certain matters to the executive board  
 2 provided for in Subsection C of this Section for consideration and action. Any action  
 3 taken by the executive board shall be ratified by the board of commissioners. ~~Prior~~  
 4 ~~to the adoption of any rule or regulation for the maintenance and operation of the~~  
 5 ~~authority, such rule or regulation shall be subject to the approval of the House and~~  
 6 ~~Senate committees on transportation, highways, and public works and the Joint~~  
 7 ~~Legislative Committee on the Budget.~~

8 \* \* \*

9 C. The commissioners shall elect a president, ~~two~~ one vice ~~presidents~~  
 10 president, a secretary, and a treasurer from among the members of the board of  
 11 commissioners to serve for a term of two years and who shall constitute the  
 12 executive board.

13 \* \* \*

14 G. All matters to be acted upon by the board of commissioners or the  
 15 executive board shall require the affirmative vote of a majority of the ~~board~~ members  
 16 present constituting a quorum, with the exception that the affirmative vote of not less  
 17 than ~~ten~~ six commissioners shall be required to select the executive director.

18 §3496. Annual reports; budget unit; funding limitation

19 A. The board of commissioners shall make an annual report to the governor;  
 20 and the House and Senate committees on transportation, highways, and public works;  
 21 ~~and the Joint Legislative Committee on the Budget.~~

22 \* \* \*

23 Section 2. R.S. 34:3494(B)(12) is hereby repealed in its entirety.

24 Section 3. This Act shall become effective July 1, 2018. Any member currently  
 25 appointed to a seat that is unaltered as a result of this Act, shall continue to serve the  
 26 unexpired portion of the term.

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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)]

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HB 870 Reengrossed

2018 Regular Session

Garofalo

**Abstract:** Reduces the membership of the La. International Deep Water Gulf Transfer Terminal board of commissioners.

Present law established a 15 member board of commissioners for the La. International Deep Water Gulf Transfer Terminal, consisting of the secretary of the Dept. of Economic Development and the secretary of the Dept. of Transportation and Development, the chairman of the House and Senate committees on transportation, highways, and public works or their designees and 11 commissioners to be appointed by the governor.

Proposed law reduces the membership of the board from 15 to nine by removing the chairmen of the House and Senate committees on transportation, highways, and public works.

Proposed law requires four members be appointed by the governor: (1) one member from a list of three submitted by the Ports Association of La.; (2) one member from a list of three submitted by the La. Association of Business and Industry; (3) one member at large; and (4) one member from a list of two submitted by the La. River Pilots' Association and the La. Maritime Association.

Present law requires the commissioners be chosen as follows: One member selected from a list of three nominees submitted by the Ports Association of La.; one member selected from a list of three nominees submitted by the La. Association of Business and Industry; one member selected from a list of three nominees submitted by the La. Maritime Association; one member selected from a list of three nominees submitted by the La. River Pilots Association; two members at large; one member appointed by the American Federation of Labor-Congress of Industrial Organizations; one member selected from a list of three nominees submitted by the president of the La. State Senate; one member selected from a list of three nominees submitted by the speaker of the La. House of Representatives; one member selected from a list of three nominees, who are residents of Plaquemines Parish, submitted jointly by the chief executive officer and the governing authority of Plaquemines Parish; and one member selected by the N.O. Public Belt Railway, and appointed by the governor, who must be a nonvoting member.

Proposed law reduces the member at large appointment from two to one.

Proposed law removes the member from the House that is selected from a list of three names submitted by the speaker of the La. House of Representatives and removes the member from the Senate that is selected from a list of three nominees submitted by the president of the La. State Senate.

Proposed law removes the member selected from a list of three names submitted jointly by the chief executive officer and the governing authority of Plaquemines Parish.

Proposed law removes the member selected by the N.O. Public Belt Railway, who is appointed by the governor.

Proposed law removes the member that is selected from a list of three names submitted by the La. Maritime Association and the member that is selected from a list of three names submitted by the La. River Pilots' Association, and adds that one member shall be selected

from a list of two nominees, with one nominee being submitted by both the La. River Pilots' Association and the La. Maritime Association.

Proposed law adds one member, who may be the state representative in the House of Representatives district that encompasses the La. International Deep Water Gulf Transfer Terminal project, unless he decides not to serve, at which time a resident of the of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further provides that if the appointee is a legislator, the term of the appointment will run concurrent with the term in office.

Proposed law adds one member, who may be the state senator in the Senate district that encompasses the La. International Deep Water Gulf Transfer Terminal project, unless he decides not to serve, at which time a resident of the of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further provides that if the appointee is a legislator, the term of the appointment will run concurrent with the term in office.

Proposed law provides that if the member is a legislator and he is unable to attend a meeting, he may name one person as his designee to act on his behalf who must be included when determining a quorum. Further provides that the designee will have full voting rights.

Present law specifies that the commissioners appointed are appointed for terms of six years and that no commissioner can serve more than two consecutive terms.

Proposed law increases the amount of consecutive terms that a commissioner may serve from two to three.

Present law requires the board of commissioners to seek the approval of the House and Senate committees on transportation, highways, and public works and the Joint Legislative Committee on the Budget prior to the adoption of any rule or regulation for the maintenance and operation of the authority.

Proposed law removes present law.

Present law requires the board of commissioners elect a president, two vice-presidents, a secretary, and a treasurer from among the members of the board.

Proposed law reduces the number of vice-presidents to be elected from two to one.

Present law specifies that all matters to be acted upon by the board of commissioners or the executive board require the affirmative vote of a majority of the board, with the exception that the affirmative vote of not less than 10 commissioners is required to select the executive director.

Proposed law changes present law by requiring the affirmative vote of a majority of the members present constituting a quorum, and reduces the number of affirmative votes of commissioners to select the executive director from 10 to six.

Present law requires the board to make an annual report to the governor, the House and Senate committees on transportation, highways, and public works, and the Joint Legislative Committee on the Budget.

Proposed law removes the Joint Legislative Committee on the Budget from the entities to which the board must make an annual report.

Effective July 1, 2018.

(Amends R.S. 34:3494(A), (B), and (C), 3495(A), (C), and (G), and 3496(A); Repeals R.S. 34:3494(B)(12))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Specify that the state representative for the House district that encompasses the La. International Deep Water Gulf Transfer Terminal project has the first opportunity to serve on the commission, and if he chooses not to serve, a resident of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further specifies that if the member serving is a legislator, then his term must run concurrent with his term in office.
2. Specify that the state senator for the Senatorial district that encompasses the La. International Deep Water Gulf Transfer Terminal project has the first opportunity to serve on the commission, and if he chooses not to serve, a resident of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further specifies that if the member serving is a legislator, then his term must run concurrent with his term in office.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Allow a member of the board of commissioners who is a legislator and unable to attend a meeting to name one person as a designee to act on his behalf. Require the designee be included when determining a quorum and grants the designee full voting rights.