Regular Session, 2011

HOUSE BILL NO. 356

BY REPRESENTATIVES BROSSETT AND LEGER

MUNICIPALITIES/NO: Provides relative to the appointment and terms of members of the Public Belt Railroad Commission for the city of New Orleans

AN ACT

To amend and reenact R.S. 33:4530(A), relative to the city of New Orleans; to provide relative to the Public Belt Railroad Commission for the city of New Orleans; to provide relative to the appointment and terms of commission members; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4530(A) is hereby amended and reenacted to read as follows:

§4530. New Orleans public belt railroad; operation by city of New Orleans through public belt railroad commission

A.(1) Except as ~~hereinafter~~ provided in ~~§4531~~ R.S. 33:4531, the city of New Orleans shall continue the operation of a public belt railroad by and through a commission to be known as the Public Belt Railroad Commission for the city of New Orleans, to be composed of the mayor of ~~said~~ the city of New Orleans and ~~sixteen citizen taxpayers~~ nine citizens of the city of New Orleans who shall ~~now and hereafter be chosen in the manner and for the terms provided in Ordinance 2683, New Council Series of the city of New Orleans, approved October 8, 1904, except that, in case any commercial organization mentioned therein shall cease to exist, and~~



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~~there be no other organization performing similar functions, the members thereof appointed on recommendation of such organization shall be appointed by the public belt railroad commission. The mayor of the city of New Orleans shall be the president of said commission and shall have the right to vote at all meetings. The president pro tem shall be chosen by the commission from those members appointed from the commercial organizations described in said city ordinance. The present members of the commission shall continue to serve until the expiration of their terms.~~ be appointed as provided in Paragraph (2) of this Subsection.

(2)(a) Nine citizens shall be appointed by the mayor of the city of New Orleans, six of whom shall be appointed from a list of nominations submitted to the mayor from a group of nominating persons or entities as determined by ordinance of the governing authority of the city of New Orleans. All appointments shall be confirmed by the governing authority of the city of New Orleans.

(b) All appointed members shall serve four-year staggered terms after serving initial terms as follows: three members shall serve an initial term of one year; two shall serve two years; two shall serve three years; and two shall serve four years, as determined by lot at the first meeting of the commission after the effective date of this Subparagraph.

(c) The mayor shall serve during his term of office.

(3) Vacancies resulting from the expiration of a term or any other reason shall be filled for the remainder of the unexpired term in the manner of the original appointment. Members shall be eligible for reappointment.

(4) The mayor of the city of New Orleans shall be the president of the commission and shall have the right to vote at all meetings. The members of the commission shall select from among themselves a president pro tempore and such other officers as they deem appropriate.

Section 2. The terms of the members of the Public Belt Railroad Commission for the city of New Orleans in office on the effective date of this Act shall terminate on the effective date of this Act. The members of the Public Belt Railroad Commission for the city of New



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Orleans shall be appointed and shall take office as provided in this Act and shall serve initial terms as provided in this Act. This Section shall not be construed to prevent the reappointment to the commission of a member in office on the effective date of this Act.

Section 3. This Act shall take effect and become operative on the first day of January following an election at which a majority of the voters of the city of New Orleans who vote on the proposition approve an amendment of Article V, Chapter 2, Section 5-201 of the home rule charter of the city to change the composition of the Public Belt Railroad Commission for the city of New Orleans to provide the identical composition of the board as contained in this Act.

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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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Brossett HB No. 356

**Abstract:** Provides relative to the appointment and terms of members of the Public Belt Railroad Commission for the city of New Orleans.

Present law provides that the city of New Orleans shall continue the operation of a public belt railroad by and through a commission to be known as the Public Belt Railroad Commission for the city of New Orleans.

Proposed law retains present law.

Present law provides that the commission is composed of the mayor of the city and 16 citizen taxpayers. Provides that commission members are selected in the manner and for terms provided in Ordinance 2683, New Council Series of the city of New Orleans, approved Oct. 8, 1904. Present law provides that in case any commercial organization mentioned in the ordinance ceases to exist and if there is no other organization performing similar functions, the members appointed on recommendation of the organization shall be appointed by the Public Belt Railroad Commission.

Proposed law instead provides the commission is composed of the mayor and nine citizens of the city of New Orleans. Provides for the mayor to appoint all nine commissioners, six of whom shall be from a list of nominations as determined by ordinance of the governing authority. Requires all appointments to be confirmed by the governing authority of the city. Provides that appointed members serve four-year staggered terms. Provides for filling vacancies in the manner of the original appointment. Provides that members are eligible for reappointment.

Present law provides that the mayor is president of the commission and has the right to vote at all meetings. Requires that the president pro tempore be chosen by the commission from those members appointed from the commercial organizations as provided in Ordinance 2683.



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Proposed law retains the mayor as the president of the commission but requires the members of the commission to select from among themselves a president pro tem and such other officers as they deem appropriate.

Proposed law provides that the terms of the members of the commission in office on the effective date of proposed law shall terminate on the effective date of proposed law. Requires that the members of the commission be appointed and take office and serve initial terms as provided in proposed law.

Proposed law provides that the provisions of proposed law shall take effect and become operative on the first day of Jan. following an election where a majority of the voters of the city of New Orleans approve an amendment to the home rule charter of the city to change the composition of the commission to provide the identical composition of the commission as contained in proposed law.

(Amends R.S. 33:4530(A))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Changes the proposed number of appointed members serving on the commission from seven to nine.

2. Amends relative to proposed scheme for appointment of members from three appointed by mayor and four appointed as provided by ordinance to all nine appointed by mayor, six of whom are appointed from nominations made in accordance with ordinance.



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