

Regular Session, 2012

HOUSE BILL NO. 768

BY REPRESENTATIVE TIM BURNS

CONGRESS/DISTRICTS: Provides with respect to membership on various boards, commissions, and entities that is based on congressional districts

1 AN ACT

2 To amend and reenact R.S. 4:144(A), R.S. 9:2341(E)(4), R.S. 17:1453(A) and (D), 1831(A)
3 and (B), 1851(B), 2503(C)(1), and 3121(B), R.S. 24:973.1(B)(1)(a)(i), R.S.
4 25:845(B)(7), R.S. 27:51(B) and 211(A)(1) and (C), R.S. 30:2503(A)(2)(h), R.S.
5 37:1432(A) and 2165(A), R.S. 39:99.5(A) and 99.29(A), and R.S. 40:1236.25(A),
6 all relative to membership on various boards, commissions, and like entities; to
7 provide with respect to the number and locale of members appointed based on
8 congressional districts as of January 2013, to adjust or create a membership at large
9 to retain the existing number of members on each board or commission; to provide
10 transitional provisions; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 4:144(A) is hereby amended and reenacted to read as follows:

13 §144. State Racing Commission; creation; membership; tenure; powers and duties;
14 quorum; qualification of members; per diem; expenses and disbursements;
15 bond; prohibited interest

16 A. There is hereby created within the office of the governor a racing
17 commission, to be known as the "Louisiana State Racing Commission". The
18 commission shall have the powers and duties specified in this Part and all other
19 powers necessary and proper to enable it to execute fully and effectually all of the
20 objects, purposes, duties, and policies of this Part. It shall be composed of one

1 person from each congressional district, ~~two~~ three persons from the state at large, and
2 four persons, consisting of one member domiciled in each of the following parishes:
3 Calcasieu, St. Landry, Bossier and Orleans, all appointed by the governor. Each
4 appointment by the governor shall be submitted to the Senate for confirmation. The
5 governor shall select one member of the commission to serve as chairman. The
6 commission shall select from among its membership a vice chairman and a second
7 vice chairman for two-year terms. Each member shall serve at the pleasure of the
8 governor. A majority of the members shall constitute a quorum for the transaction
9 of any business or the exercise of any power.

10 * * *

11 Section 2. R.S. 9:2341(E)(4) is hereby amended and reenacted to read as follows:

12 §2341. Public trusts authorized; purposes

13 * * *

14 E.

15 * * *

16 (4) The governor shall appoint one trustee of the trust from each
17 congressional district in the state and one trustee at large, and the secretary of the
18 Department of Economic Development shall be a trustee, serving in an ex officio
19 capacity. The appointed trustees shall serve six-year staggered terms; however, of the
20 initial trustees appointed after January 13, 1992, three shall serve terms of two years,
21 three shall serve terms of four years, and two shall serve terms of six years, all as
22 designated by the governor.

23 * * *

24 Section 3. R.S. 17:1453(A) and (D), 1831(A) and (B), 1851(B), 2503(C)(1), and
25 3121(B) are hereby amended and reenacted to read as follows:

26 §1453. Terms and appointment of members of board

27 A. The Board of Supervisors of Louisiana State University and Agricultural
28 and Mechanical College is created as a body corporate in accordance with the
29 provisions of Article VIII, Section 7 of the Constitution of 1974. The board shall be

1 composed of ~~seventeen~~ fifteen members appointed by the governor with the consent
2 of the Senate. Two members shall be appointed from each congressional district and
3 ~~one the remaining member or members~~ shall be appointed from the state at large.
4 Each member shall serve a term of six years, which shall expire on June 1 of the sixth
5 year of the term to which he is appointed, or until his successor is appointed and takes
6 office.

7 * * *

8 D. The successor of any member shall be appointed to serve for the remainder
9 of the term of such member. In making such appointment as any vacancy occurs, the
10 governor shall comply with the provisions of Subsection A above until such time as
11 the board includes two members from each congressional district and one ~~member or~~
12 more members at large. As vacancies occur and as terms expire, the governor shall
13 make appointments so as to ~~insure~~ ensure that each congressional district is
14 represented by not less than two members who are residents of and are domiciled in
15 such district. Thereafter, the successor of each member, with the exception of the
16 member ~~or members~~ at large, shall be a citizen and resident of the same congressional
17 district as the member replaced.

18 * * *

19 §1831. Board of ~~Trustees for State Colleges and Universities~~ Supervisors for the
20 University of Louisiana System; creation; membership; terms of office;
21 vacancies

22 A. The Board of ~~Trustees for State Colleges and Universities~~ Supervisors for
23 the University of Louisiana System, referred to hereinafter in this part as the board,
24 is created as a body corporate.

25 B. The board shall be composed of ~~seventeen~~ fifteen members. ~~Sixteen~~
26 Two members from each congressional district shall be appointed by the governor
27 ~~from the congressional districts of the state, two to be residents of and appointed~~
28 ~~from each district, and one member or more members~~ shall be appointed by the

governor from the state at large. All such appointments shall be made with the consent of the Senate.

* * *

§1851. Board of Supervisors of Southern University and Agricultural and Mechanical College; creation; membership; terms of office; vacancies

* * *

B. The board shall be composed of ~~seventeen~~ fifteen members. ~~Sixteen members shall be appointed by the governor from the congressional districts of the state, two to be residents of and appointed from each district, and one member shall to be appointed by the governor, two members from each congressional district and the remaining member or members~~ from the state at large. All such appointments shall be made with the consent of the Senate.

* * *

§2503. Louisiana Educational Television Authority; creation; domicile; membership; term; vacancies; quorum; staff

* * *

C. The power to establish policy to carry out the intent of this Chapter shall be vested in the members of the authority, which shall consist of the governor, the state superintendent of education, the president of the State Board of Elementary and Secondary Education, the chairman of the Board of Friends of Louisiana Public Broadcasting, or their designees, and those persons selected as hereinafter provided:

(1) One member from each congressional district in the state and one member from the state at large shall be appointed by the governor, with the advice and consent of the Senate.

* * *

§3121. Board of Regents; creation; membership; terms of office; vacancies; responsibilities

* * *

1 B. The board shall be composed of fifteen members appointed by the
2 governor with the consent of the Senate, who are electors of the state. ~~Members~~
3 ~~shall be appointed in such manner that at least one but no more than two shall be~~
4 ~~residents of each congressional district.~~ Two members shall be from each
5 congressional district and the remaining member or members from the state at large.

6 * * *

7 Section 4. R.S. 24:973.1(B)(1)(a)(i) is hereby amended and reenacted to read as
8 follows:

9 §973.1. Legislative Youth Advisory Council; purpose, membership, duties,
10 administration, report, student privacy

11 * * *

12 B. Membership. (1) The council shall consist of the following youth
13 members:

14 (a)(i) Members appointed to represent youth within a congressional district.
15 ~~Two~~ Fourteen youth members shall be appointed by the Louisiana Commission on
16 Civic Education, two appointed from each congressional district and two at large
17 in a manner which reflects the diversity of the state to the greatest extent practicable
18 pursuant to an application process as provided in Paragraph (2) of this Subsection.
19 Youth members shall possess the qualifications as provided in Subsection C of this
20 Section.

21 * * *

22 Section 5. R.S. 25:845(B)(7) is hereby amended and reenacted to read as follows:

23 §845. Louisiana Civil Rights Museum Advisory Board; creation; membership

24 * * *

25 B. The advisory board shall be initially composed of the following twenty-
26 one members:

27 * * *

(7) Seven members, one from each of the state's congressional districts and
one member from the state at large, shall also be appointed by the lieutenant
governor, subject to confirmation by the Louisiana Senate.

* * *

Section 6. R.S. 27:51(B) and 211(A)(1) and (C) are hereby amended and reenacted
to read as follows:

§51. Riverboat Gaming Commission

* * *

B. The commission shall consist of seven members, one appointed from ~~the~~
each congressional districts district and the remaining member or members from the
state at large, each of whom shall be a citizen of the United States and a resident of
Louisiana. At least one member shall possess significant business experience or
acumen. At least one member shall be a certified public accountant, and at least one
member shall be a lawyer licensed to practice law in Louisiana. A member of the
state legislature or a person holding an elected or appointed office in federal, state,
or local government may not serve as a member of the commission. Unless
specified otherwise in this Chapter, a majority of the commission shall constitute
a quorum for the transaction of any business or the exercise of any power of the
commission. The commission shall meet at least quarterly and at such times as the
chairman may determine. The commission shall also meet upon a call of four or
more members, upon seventy-two hour written notice to each member.

* * *

§211. Board of directors; qualifications; terms; removal; chairman; compensation;
meetings; records; appointment of corporation president; duties; removal;
open board meetings

A. The affairs of the corporation shall be supervised by a board of directors
which shall be composed of and appointed as follows:

1 (1) Seven members, one from each congressional district and the remaining
2 member or members from the state at large, appointed by the governor and
3 confirmed by the Senate as provided in Subsection C of this Section.

4 * * *

5 C. Members appointed by the governor and confirmed by the Senate shall
6 be residents of the state of Louisiana and serve staggered terms of six years. ~~Seven~~
7 ~~members shall be appointed from the seven congressional districts.~~ Of the initial
8 appointees, the member from the first congressional district, and one member from
9 the parish where the official gaming establishment is located, shall be appointed for
10 a term to expire on December 31, 1993; the member from the second congressional
11 district, and one member from the parish where the official gaming establishment
12 is located, shall be appointed for a term to expire on December 31, 1994; the
13 member from the third congressional district shall be appointed for a term to expire
14 on December 31, 1995; the member from the fourth congressional district shall be
15 appointed for a term to expire on December 31, 1996; the member from the fifth
16 congressional district shall be appointed for a term to expire on December 31, 1997;
17 and the members from the sixth and seventh congressional districts shall be
18 appointed for a term to expire on December 31, 1998. Members appointed by the
19 governor and confirmed by the Senate may serve beyond the end of their respective
20 terms until their successors have been appointed and qualified. No member shall
21 serve more than one consecutive six-year term. Members may be removed by the
22 governor for cause, which shall include neglect of duty, malfeasance, misfeasance,
23 or nonfeasance in office. The governor shall appoint the chairman of the board and
24 the board shall annually elect a vice chairman from among its voting members.

25 * * *

26 Section 7. R.S. 30:2503(A)(2)(h) is hereby amended and reenacted to read as
27 follows:

§2503. Louisiana Environmental Education Commission; creation; membership;
duties

A.

* * *

(2) The commission shall consist of the secretary of the Department of Wildlife and Fisheries or his designee, the state superintendent of education or his designee, the secretary of the Department of Environmental Quality or his designee, the secretary of the Department of Natural Resources or his designee, the secretary of the Department of Health and Hospitals or his designee, the commissioner of the Department of Agriculture and Forestry or his designee, the chancellor of the Louisiana State University Agricultural Center or his designee, the chancellor of Southern University Agricultural and Mechanical College or his designee, and the following members appointed by the governor:

* * *

(h) One environmental educator from each congressional district and one environmental educator from the state at large to be recommended by the president of the Louisiana Environmental Educators Association.

* * *

Section 8. R.S. 37:1432(A) and 2165(A) are hereby amended and reenacted to read as follows:

§1432. Louisiana Real Estate Commission; qualifications; terms of office

A. The Louisiana Real Estate Commission is hereby created within the office of the governor. The commission shall consist of eleven members appointed by the governor. One member shall be appointed from each of the seven supreme court districts. Two members shall be appointed at large. Two members shall be appointed from the following districts: one appointee from either the Fourth

1 Congressional District or the Fifth Congressional District and one appointee from
2 either the First, Second, Third, or Sixth, ~~or Seventh~~ Congressional District. Each
3 appointment by the governor shall be submitted to the Senate for confirmation.

4 * * *

5 §2165. Residential Building Contractors Subcommittee; membership; terms

6 A. There is hereby established within the State Licensing Board for
7 Contractors the Residential Building Contractors Subcommittee, consisting of five
8 members who shall be residents of the state of Louisiana and who have been
9 actively engaged in residential contracting for at least five years prior to
10 appointment by the governor. Three members of the subcommittee shall be
11 appointed by the governor from a list of not less than ten names submitted by the
12 Louisiana Homebuilders Association as certified by its president and secretary. One
13 member of the subcommittee shall be appointed to represent congressional ~~districts~~
14 district one and six, one member to represent congressional districts four and five,
15 one member to represent congressional district three, one member to represent
16 congressional district two, and one member to represent congressional district ~~seven~~
17 six.

18 * * *

19 Section 9. R.S. 39:99.5(A) and 99.29(A) are hereby amended and reenacted to read
20 as follows:

21 §99.5. Governing board; membership; terms; compensation and expenses;
22 chairman and vice chairman; quorum; employees, agents; limitation of
23 liability

24 A. The board of the corporation shall exercise all powers, rights, and duties
25 conferred by this Subpart or other provisions of law upon the corporation. The
26 board shall consist of the governor, the state treasurer, attorney general, president
27 of the Senate and speaker of the House of Representatives, or their legislative
28 designees, ~~seven~~ six members appointed by the governor with one member
29 appointed from each of the ~~seven~~ congressional ~~districts~~ district and ~~one~~ two

1 additional ~~member~~ members appointed from the state at large. The members of the
2 board, who shall represent the state's diverse population as near as practicable, and
3 who are appointed by the governor shall have a background and significant
4 experience in financial management and investments. The members of the board
5 appointed by the governor shall be subject to Senate confirmation and shall serve
6 at the pleasure of the governor for terms of four years each, or until their successors
7 shall have been appointed and qualified, as designated by the governor. Any
8 appointment to fill a vacancy on the board shall be made for the unexpired term of
9 the member whose death, resignation, or removal created such vacancy. Members
10 on the board may be appointed to an additional term.

11 * * *

12 §99.29. Governing board; membership; terms; compensation and expenses;
13 chairman and vice chairman; quorum; employees, agents; limitation of
14 liability

15 A. The board of the corporation shall exercise all powers, rights, and duties
16 conferred by this Subpart or other provisions of law upon the corporation. The
17 board shall consist of the governor, the state treasurer, attorney general, president
18 of the Senate and speaker of the House of Representatives, chairman of the Coastal
19 Protection and Restoration Authority, secretary of the Department of Natural
20 Resources, secretary of the Department of Transportation and Development, or their
21 designees, and seven members appointed by the governor with one member
22 appointed from each ~~of the seven~~ congressional ~~districts~~ district and the remaining
23 member or members appointed from the state at large. The members of the board
24 who are appointed by the governor shall represent the state's diverse population as
25 near as practicable, and shall have a background and significant experience in
26 financial management and investments. The members of the board appointed by
27 the governor shall be subject to Senate confirmation and shall serve at the pleasure
28 of the governor for terms of four years each, or until their successors shall have
29 been appointed and qualified, as designated by the governor. Any appointment to

1 fill a vacancy on the board shall be made for the unexpired term of the member
2 whose death, resignation, or removal created such vacancy. Members on the board
3 may be appointed to an additional term.

4 * * *

5 Section 10. R.S. 40:1236.25(A) is hereby amended and reenacted to read as
6 follows:

7 §1236.25. Ambulance service district commission; qualifications, appointment,
8 vacancies, removal, and compensation of members

9 A. The ambulance service district created pursuant to this Subpart shall be
10 governed by the Ambulance Service District Commission, hereafter referred to as
11 the "commission". The commission shall be composed of one member from each
12 congressional district and one member from the state at large, appointed by the
13 governor, subject to confirmation by the Senate, from a list of names submitted by
14 the Louisiana Ambulance Alliance. The nomination list submitted to the governor
15 shall include at least three nominees from each congressional district and at least
16 three from the state at large. Members of the commission shall be citizens and
17 qualified electors of this state. Initially, three members of the commission shall be
18 appointed for a two-year term, and the remaining members for four-year terms.
19 Thereafter, all members shall be appointed for four years. Any vacancy on the
20 board caused by death, resignation, removal, or disability of a member shall be
21 filled for the unexpired term by appointment by the governor from the congressional
22 district where the vacancy occurred.

23 * * *

24 Section 11.(A) The change in the boundaries or number of congressional districts
25 shall not reduce the term of office of any appointee of a statutorily created board or
26 commission who is lawfully holding such position on or before noon, January 3, 2013,
27 when his position or the overall membership of the board or commission is based upon the
28 number or geographical boundaries of any or all congressional districts.

1 (B) Any appointment or reappointment after January 3, 2013, including the naming
2 of a successor to serve an unexpired term, shall be in accordance with the number and new
3 boundaries of congressional districts established pursuant to Acts 2011, 1st Ex. Sess., No.
4 2. As vacancies occur, the appointing person or entity shall first make appointments to
5 comply with the congressional district requirements of the membership of the respective
6 board or commission and then may make appointments for membership, if any, from the
7 state at large.

8 (C) The action of any board or commission in this state whose membership is based
9 on residency or locale in a particular congressional district or districts shall not be found
10 or held to be unlawful or improper due to the change in the state's congressional district
11 boundaries or number of congressional districts that become effective at noon, January 3,
12 2013.

13 (D) For purposes of this Section, "board or commission" includes any statutorily
14 created or recognized board, commission, trust, authority, council, committee, or
15 subcommittee.

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)]

Tim Burns

HB No. 768

Abstract: Retains the status quo of the number of members of various boards and commissions and provides transitional provisions to comply with new congressional districts.

Present law establishes the membership of various boards and commissions based on representation from some or all of the state's congressional districts. Proposed law alters the membership or the number of members who can be appointed from the state at large in response to the reduction of the state's congressional districts from seven to six in order to retain the same number of total members on each board or commission:

State Racing Commission (R.S. 4:141 et seq.): Increases from two to three the number of appointments for at-large members.

Public trust (R.S. 9:2341 et seq.): Adds one appointed at large trustee.

Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (R.S. 17:1453 et seq.): Increases from one to three the number of appointments for at large members.

Statutorily reduces from 17 to 15 the number of total membership. (In 1993, when the state went from eight to seven congressional districts, no corresponding change was made to R.S. 17:1453; however, the LSU Board of Supervisors reduced its membership and presently has 15 members appointed pursuant to this provision.)

Board of Supervisors for the University of Louisiana System (R.S. 17:1831, et seq.): Increases from one to three the number of appointments for at large members.

Statutorily reduces from 17 to 15 the number of total membership. (In 1993, when the state went from eight to seven congressional districts, no corresponding change was made to R.S. 17:1831; however, the UL Board of Supervisors reduced its membership and presently has 15 members appointed pursuant to this provision.)

Board of Supervisors of Southern University and Agricultural and Mechanical College (R.S. 17:1851, et seq.): Increases from one to three the number of appointments for at large members.

Statutorily reduces from 17 to 15 the number of total membership. (In 1993, when the state went from eight to seven congressional districts, no corresponding change was made to R.S. 17:1851; however, the Southern Board of Supervisors reduced its membership and presently has 15 members appointed pursuant to this provision.)

Louisiana Educational Television Authority (R.S. 17:2501, et seq.): Adds one appointed at large member.

Board of Regents (R.S. 17:3121, et seq.): Requires two members be appointed from each congressional district and three members appointed at large.

Retains total membership of the Board of Regents at 15 but eliminates the unattainable requirement that at least one but no more than two members be residents of each congressional district.

Legislative Youth Advisory Council (R.S. 24:973.1): Increases from seven to nine the number of youth members who can be nominated by a school-sponsored club or community organization.

Louisiana Civil Rights Museum Advisory Board (R.S. 25:841, et seq.): Adds one appointed at large member.

Riverboat Gaming Commission (R.S. 27:41, et seq.): Adds one appointed at large member.

Louisiana Economic Development and Gaming Corporation (R.S. 27: 218, et. seq.): Adds one appointed at large member.

Louisiana Environmental Education Commission (R.S. 30:2501, et seq.): Adds one at large environmental educator.

Louisiana Real Estate Commission (R.S. 37:1430, et seq.): Retains that one of the commission's 11 members is appointed from either the fourth or fifth congressional district and one is appointed from either the first, second, third, or sixth congressional district but eliminates the seventh congressional district from the latter grouping.

Residential Building Contractors Subcommittee (R.S. 37:2165, et seq.) Retains the subcommittee's five members, but changes from one member either to one each from the first and sixth congressional districts, retains one member from either the fourth or fifth congressional district, retains one member from the third congressional district, retains

member one from the second congressional district, and eliminates an appointment from the seventh congressional district.

Tobacco Settlement Financing Governing Board (R.S. 39:99.1, et seq.) Increases from one to two the number of appointments for at large members.

Louisiana Coastal Protection and Restoration Financing Governing Board (R.S. 39:99.26, et seq.): Adds one appointed at large member.

Ambulance Service District Commission (R.S. 40:1236.21, et seq.): Adds one appointed at large member.

Proposed law specifically provides that the term of members who are currently serving on specified state boards and commissions is not affected by the changes in the number or district lines of the congressional districts which become effective on Jan. 3, 2013; however, any appointment or reappointment thereafter, including the naming of a successor to serve an unexpired term, must be in accordance with the changed number and boundaries of congressional districts. Additionally, as vacancies occur, the appointing person or entity must first make appointments to comply with the congressional district requirements of the membership of the respective board or commission and only then may make appointments for membership, if any, from the state at large. Proposed law specifically provides that the action of any board or commission whose membership is affected by the change in congressional districts shall not be found to be unlawful or improper due to the change in congressional districts.

(Amends R.S. 4:144(A), R.S. 9:2341(E)(4), R.S. 17:1453(A) and (D), 1831(A) and (B), 1851(B), 2503(C)(1), and 3121(B), R.S. 24:973.1(B)(1)(a)(i), R.S. 25:845(B)(7), R.S. 27:51(B) and 211(A)(1) and (C), R.S. 30:2503(A)(2)(h), R.S. 37:1432(A) and 2165(A), R.S. 39:99.5(A) and 99.29(A), and R.S. 40:1236.25(A))