

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. 27:211(A)(1) and (C), R.S. 30:2503(A)(2)(h), R.S. 37:1432(A)
5 and 2165(A), R.S. 39:99.5(A) and 99.29(A), and R.S. 40:1236.25(A), relative to
6 membership on various boards, commissions, and like entities; to provide with
7 respect to the number and locale of members appointed based on congressional
8 districts as of January 2013; to adjust or create a membership at large to retain the
9 existing number of members on each board or commission; to provide transitional
10 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 from the state at large, and the
18 secretary of the Department of Economic Development shall be a trustee, serving in
19 an ex officio capacity. The appointed trustees shall serve six-year staggered terms;
20 however, of the initial trustees appointed after January 13, 1992, three shall serve
21 terms of two years, three shall serve terms of four years, and two shall serve terms of
22 six years, all as designated by the governor.

23 * * *

24 Section 3. R.S. 17:1453(A) and (D), 1831(A) and (B), 1851(B), and 3121(B) are
25 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

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

3 * * *

4 §1851. Board of Supervisors of Southern University and Agricultural and
5 Mechanical College; creation; membership; terms of office; vacancies

6 * * *

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

13 * * *

14 §3121. Board of Regents; creation; membership; terms of office; vacancies;
15 responsibilities

16 * * *

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

22 * * *

23 Section 4. R.S. 17:2503(C)(1) is hereby amended and reenacted to read as follows:

24 §2503. Louisiana Educational Television Authority; creation; domicile;
25 membership; term; vacancies; quorum; staff

26 * * *

27 C. The power to establish policy to carry out the intent of this Chapter shall
28 be vested in the members of the authority, which shall consist of the governor, the
29 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~~ Seven members, one member from each congressional district in the state and the remaining member or members from the state at large, shall be appointed by the governor, with the advice and consent of the Senate.

* * *

Section 5. R.S. 24:973.1(B)(1)(a)(i) is hereby amended and reenacted to read as follows:

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

* * *

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

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

* * *

Section 6. R.S. 25:845(B)(7) is hereby amended and reenacted to read as follows:

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

* * *

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

* * *

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

4 * * *

5 Section 7. R.S. 27:211(A)(1) and (C) are hereby amended and reenacted to read as
6 follows:

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

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

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

15 * * *

16 C. Members appointed by the governor and confirmed by the Senate shall
17 be residents of the state of Louisiana and serve staggered terms of six years. ~~Seven~~
18 ~~members shall be appointed from the seven congressional districts.~~ Of the initial
19 appointees, the member from the first congressional district, and one member from
20 the parish where the official gaming establishment is located, shall be appointed for
21 a term to expire on December 31, 1993; the member from the second congressional
22 district, and one member from the parish where the official gaming establishment
23 is located, shall be appointed for a term to expire on December 31, 1994; the
24 member from the third congressional district shall be appointed for a term to expire
25 on December 31, 1995; the member from the fourth congressional district shall be
26 appointed for a term to expire on December 31, 1996; the member from the fifth
27 congressional district shall be appointed for a term to expire on December 31, 1997;
28 and the members from the sixth and seventh congressional districts shall be
29 appointed for a term to expire on December 31, 1998. Members appointed by the

governor and confirmed by the Senate may serve beyond the end of their respective terms until their successors have been appointed and qualified. No member shall serve more than one consecutive six-year term. Members may be removed by the governor for cause, which shall include neglect of duty, malfeasance, misfeasance, or nonfeasance in office. The governor shall appoint the chairman of the board and the board shall annually elect a vice chairman from among its voting members.

* * *

Section 8. R.S. 30:2503(A)(2)(h) is hereby amended and reenacted to read as 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~~ Seven environmental educators, one from each congressional district and the remaining environmental educator or educators from the state at large, to be recommended by the president of the Louisiana Environmental Educators Association.

* * *

Section 9. 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 Congressional District or the Fifth Congressional District and one appointee from either the First, Second, Third, or Sixth, ~~or Seventh~~ Congressional District. Each appointment by the governor shall be submitted to the Senate for confirmation.

* * *

§2165. Residential Building Contractors Subcommittee; membership; terms

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

* * *

Section 10. R.S. 39:99.5(A) and 99.29(A) are hereby amended and reenacted to read as follows:

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

A. The board of the corporation shall exercise all powers, rights, and duties
conferred by this Subpart or other provisions of law upon the corporation. The
board shall consist of the governor, the state treasurer, attorney general, president
of the Senate and speaker of the House of Representatives, or their legislative
designees, ~~seven members appointed by the governor with~~ one member appointed
by the governor from each of the ~~seven congressional districts~~ district, and ~~one~~ two
additional ~~member~~ members appointed by the governor from the state at large. The
members of the board, who shall represent the state's diverse population as near as
practicable, and who are appointed by the governor shall have a background and
significant experience in financial management and investments. The members of
the board appointed by the governor shall be subject to Senate confirmation and
shall serve at the pleasure of the governor for terms of four years each, or until their
successors shall have been appointed and qualified, as designated by the governor.
Any appointment to fill a vacancy on the board shall be made for the unexpired
term of the member whose death, resignation, or removal created such vacancy.
Members on the board may be appointed to an additional term.

* * *

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

A. The board of the corporation shall exercise all powers, rights, and duties
conferred by this Subpart or other provisions of law upon the corporation. The
board shall consist of the governor, the state treasurer, attorney general, president
of the Senate and speaker of the House of Representatives, chairman of the Coastal
Protection and Restoration Authority, secretary of the Department of Natural
Resources, secretary of the Department of Transportation and Development, or their

designees, and seven members appointed by the governor with one member appointed from each of the seven congressional districts district and the remaining member or members appointed from the state at large. The members of the board who are appointed by the governor shall represent the state's diverse population as near as practicable, and shall have a background and significant experience in financial management and investments. The members of the board appointed by the governor shall be subject to Senate confirmation and shall serve at the pleasure of the governor for terms of four years each, or until their successors shall have been appointed and qualified, as designated by the governor. Any appointment to fill a vacancy on the board shall be made for the unexpired term of the member whose death, resignation, or removal created such vacancy. Members on the board may be appointed to an additional term.

* * *

Section 11. R.S. 40:1236.25(A) is hereby amended and reenacted to read as follows:

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

A. The ambulance service district created pursuant to this Subpart shall be governed by the Ambulance Service District Commission, hereafter referred to as the "commission". The commission shall be composed of seven members, one member from each congressional district and the remaining member or members from the state at large, appointed by the governor, subject to confirmation by the Senate, from a list of names submitted by the Louisiana Ambulance Alliance. The nomination list submitted to the governor shall include at least three nominees from each congressional district and at least three nominees for each position to be appointed from the state at large. Members of the commission shall be citizens and qualified electors of this state. Initially, three members of the commission shall be appointed for a two-year term, and the remaining members for four-year terms. Thereafter, all members shall be appointed for four years. Any vacancy on the

1 board caused by death, resignation, removal, or disability of a member shall be
2 filled for the unexpired term by appointment by the governor from the congressional
3 district where the vacancy occurred.

4 * * *

5 Section 12.(A) The provisions of this Act shall not reduce the term of office of any
6 appointee of a board or commission who is lawfully holding such position on or before
7 noon, January 3, 2013, when his position or the overall membership of the board or
8 commission is based upon the number or geographical boundaries of any or all
9 congressional districts.

10 (B) Any appointment or reappointment after January 3, 2013, including the naming
11 of a successor to serve an unexpired term, shall be in accordance with the number and new
12 boundaries of congressional districts established pursuant to Act No. 2 of the 2011 First
13 Extraordinary Session of the Legislature. As vacancies occur, the appointing authority shall
14 first make appointments to comply with the congressional district requirements of the
15 membership of the respective board or commission, and, thereafter, the appointing authority
16 may make appointments for membership, if any, from the state at large.

17 (C) The action of any board or commission in this state whose membership, in
18 whole or in part, is required by law to be selected from one or more congressional districts
19 shall not be found or held to be unlawful or improper due to the change in the state's
20 congressional district boundaries or number of congressional districts that become effective
21 at noon, January 3, 2013.

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

25 Section 13. Section 3 of this Act shall take effect and become operative if and when
26 the proposed amendment of the Constitution of Louisiana contained in the Act which
27 originated as House Bill No. 524 of this 2012 Regular Session of the Legislature is adopted
28 at a statewide election and becomes effective.

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: Provides relative to the number of members of various boards and commissions and provides transitional provisions to comply with changes in congressional districts.

Present law establishes the membership of various boards and commissions based on representation from one or more of the state's congressional districts.

Proposed law specifies the current number of members as the number of members on the board or commission and provides for appointment of members from congressional districts and for the remainder to be appointed from the state at large as necessary to maintain the specified number of members for the following boards and commissions:

State Racing Commission (R.S. 4:144)

La. Educational Television Authority (R.S. 17:2503)

Legislative Youth Advisory Council (R.S. 24:973.1)

La. Civil Rights Museum Advisory Board (R.S. 25:845)

La. Economic Development and Gaming Corporation (R.S. 27:211)

Louisiana Environmental Education Commission (R.S. 30:2503)

Ambulance Service District Commission (R.S. 40:1236.25)

Proposed law makes the following changes to the membership of the following boards and commissions:

Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (R.S. 17:1453 et seq.)

Statutorily reduces from 17 to 15 the number of members. (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 at large members.

Statutorily reduces from 17 to 15 the number of members. (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 at large members.

Statutorily reduces from 17 to 15 the number of members. (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.)

Board of Regents (R.S. 17:3121): 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.

Louisiana Real Estate Commission (R.S. 37:1432): Retains the requirement 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) 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 one member from the second congressional district, and eliminates an appointment from the seventh congressional district.

Tobacco Settlement Financing Governing Board (R.S. 39:99.5) Increases from one to two the number of at large members.

Louisiana Coastal Protection and Restoration Financing Governing Board (R.S. 39:99.291): Adds one 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 authority 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.

Provisions relative to higher education management boards become effective if and when the proposed amendment of the Constitution of La. contained in the Act which originated as House Bill No. 524 of this 2012 R.S. is adopted at a statewide election and becomes effective.

(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. 27:211(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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Makes provisions relative to higher education management boards effective if and when a proposed amendment of the Constitution of La. is adopted at a statewide election and becomes effective.
2. In provisions relative to the following boards and commissions, specifies the current number of members as the number of members on the board or commission and provides for appointment from congressional districts and the remainder from the state at large as applicable: La. Educational Television Authority, Legislative Youth Advisory Council, La. Civil Rights Museum Advisory Board, La. Environmental Education Commission, and Ambulance Service District Commission.
3. Removes provisions of proposed law relative to the Riverboat Gaming Commission.
4. Specifies that provisions of proposed law relative to actions of boards or commissions being found to be unlawful or improper due to changes in congressional districts apply to boards and commissions whose membership, in whole or in part, is required by law to be selected from one or more congressional districts.