

Regular Session, 2012

# ACT No. 803

HOUSE BILL NO. 768

BY REPRESENTATIVE TIM BURNS

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 thirteen  
21 members, one person from each congressional district, ~~two persons at large, and;~~  
22 four persons, consisting of one member domiciled in each of the following parishes:  
23 Calcasieu, St. Landry, Bossier, and Orleans, ~~all;~~ and the remaining person or persons

from the state at large. The members shall be appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall select one member of the commission to serve as chairman. The commission shall select from among its membership a vice chairman and a second vice chairman for two-year terms. Each member shall serve at the pleasure of the governor. A majority of the members shall constitute a quorum for the transaction of any business or the exercise of any power.

\* \* \*

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

§2341. Public trusts authorized; purposes

\* \* \*

E.

\* \* \*

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

\* \* \*

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

### §1453. Terms and appointment of members of board

A. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College is created as a body corporate in accordance with the provisions of Article VIII, Section 7 of the Constitution of 1974. The board shall be composed of ~~seventeen~~ fifteen members appointed by the governor with the consent of the Senate. Two members shall be appointed from each congressional district and

~~one~~ the remaining member or members shall be appointed from the state at large.

Each member shall serve a term of six years, which shall expire on June 1 of the sixth year of the term to which he is appointed, or until his successor is appointed and takes office.

\* \* \*

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

\* \* \*

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

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

B. The board shall be composed of ~~seventeen~~ fifteen members. ~~Sixteen~~ Two members from each congressional district 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~~ 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.

\* \* \*

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

\* \* \*

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

\* \* \*

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

§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~~ 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:

\* \* \*

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

\* \* \*

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

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

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

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

11                                   \*       \*       \*

12           C. Members appointed by the governor and confirmed by the Senate shall  
13 be residents of the state of Louisiana and serve staggered terms of six years. ~~Seven~~  
14 ~~members shall be appointed from the seven congressional districts.~~ Of the initial  
15 appointees, the member from the first congressional district, and one member from  
16 the parish where the official gaming establishment is located, shall be appointed for  
17 a term to expire on December 31, 1993; the member from the second congressional  
18 district, and one member from the parish where the official gaming establishment is  
19 located, shall be appointed for a term to expire on December 31, 1994; the member  
20 from the third congressional district shall be appointed for a term to expire on  
21 December 31, 1995; the member from the fourth congressional district shall be  
22 appointed for a term to expire on December 31, 1996; the member from the fifth  
23 congressional district shall be appointed for a term to expire on December 31, 1997;  
24 and the members from the sixth and seventh congressional districts shall be  
25 appointed for a term to expire on December 31, 1998. Members appointed by the  
26 governor and confirmed by the Senate may serve beyond the end of their respective  
27 terms until their successors have been appointed and qualified. No member shall  
28 serve more than one consecutive six-year term. Members may be removed by the  
29 governor for cause, which shall include neglect of duty, malfeasance, misfeasance,

1 or nonfeasance in office. The governor shall appoint the chairman of the board and  
2 the board shall annually elect a vice chairman from among its voting members.

3 \* \* \*

4 Section 8. R.S. 30:2503(A)(2)(h) is hereby amended and reenacted to read as  
5 follows:

6 §2503. Louisiana Environmental Education Commission; creation; membership;  
7 duties

8 A.

9 \* \* \*

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

19 \* \* \*

20 (h) ~~One environmental educator~~ Seven environmental educators, one from  
21 each congressional district and the remaining environmental educator or educators  
22 from the state at large, to be recommended by the president of the Louisiana  
23 Environmental Educators Association.

24 \* \* \*

25 Section 9. R.S. 37:1432(A) and 2165(A) are hereby amended and reenacted to read  
26 as follows:

27 §1432. Louisiana Real Estate Commission; qualifications; terms of office

28 A. The Louisiana Real Estate Commission is hereby created within the office  
29 of the governor. The commission shall consist of eleven members appointed by the  
30 governor. One member shall be appointed from each of the seven supreme court

1 districts. Two members shall be appointed at large. Two members shall be  
2 appointed from the following districts: one appointee from either the Fourth  
3 Congressional District or the Fifth Congressional District and one appointee from  
4 either the First, Second, Third, or Sixth, ~~or Seventh~~ Congressional District. Each  
5 appointment by the governor shall be submitted to the Senate for confirmation.

6 \* \* \*

7 §2165. Residential Building Contractors Subcommittee; membership; terms

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

19 \* \* \*

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

22 §99.5. Governing board; membership; terms; compensation and expenses; chairman  
23 and vice chairman; quorum; employees, agents; limitation of 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 board  
26 shall consist of the governor, the state treasurer, attorney general, president of the  
27 Senate and speaker of the House of Representatives, or their legislative designees,  
28 ~~seven members appointed by the governor with one member~~ and eight members  
29 appointed by the governor, one from each of the ~~seven~~ congressional ~~districts~~ district  
30 ~~and one additional member appointed from the state~~ and the remaining member or



members 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

1 death, resignation, or removal created such vacancy. Members on the board may be  
2 appointed to an additional term.

3 \* \* \*

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

5 §1236.25. Ambulance service district commission; qualifications, appointment,  
6 vacancies, removal, and compensation of members

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

22 \* \* \*

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

27 (B) Any appointment or reappointment after January 3, 2013, including the naming  
28 of a successor to serve an unexpired term, shall be in accordance with the number and new  
29 boundaries of congressional districts established pursuant to Act No. 2 of the 2011 First  
30 Extraordinary Session of the Legislature. As vacancies occur, the appointing authority shall

1 first make appointments to comply with the congressional district requirements of the  
 2 membership of the respective board or commission, and, thereafter, the appointing authority  
 3 may make appointments for membership, if any, from the state at large.

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_