

2020 Second Extraordinary Session

SENATE BILL NO. 7

BY SENATOR HEWITT

PORTS/HARBORS/TERMINALS. Provides relative to the Louisiana International Deep Water Gulf Transfer Terminal Authority. (1/1/21) (Item #50)

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 34:3494(A) and (B), 3495(A), (C), and (G), and 3496(A) are hereby
11 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

1 on the basis of their demonstrated experience in maritime or business leadership, or
2 both, and their stature and ability to act effectively for the best interests of Louisiana.

3 ~~Such~~ **The appointed** commissioners shall not be appointed or elected commissioners
4 or board members of any other Louisiana port.

5 B.**(1)** Commissioners shall be chosen as follows:

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

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

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

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

14 ~~(5)(c)~~ Two **One** members **member** at large.

15 ~~(6)(d)~~ One member ~~appointed~~ **selected** by the American Federation of
16 Labor-Congress of Industrial Organizations.

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

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

21 ~~(9)~~ Repealed by Acts 2012, No. 775, §2, eff.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

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

25 ~~(11)~~ One member selected by the New Orleans Public Belt Railway, and
26 appointed by the governor, who shall be a non-voting member.

27 **(e) One member selected by the legislative delegation of Plaquemines**
28 **Parish. The appointee shall reside in and be registered to vote in the parish. If**
29 **the appointee is a member of the legislative delegation of the parish, the term**

1 of the appointment shall run concurrent with the term in office.

2 (f) One member selected by the legislative delegation of St. Bernard
3 Parish. The appointee shall reside in and be registered to vote in the parish. If
4 the appointee is a member of the legislative delegation of the parish, the term
5 of the appointment shall run concurrent with the term in office.

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

9 ~~(12)(2)~~ The Except as otherwise provided in Subparagraphs (e) and (f)
10 of Paragraph (1) of this Subsection, the commissioners appointed shall be
11 appointed for terms of six years. A member shall serve until his successor is
12 appointed unless removed as provided for in Paragraph (C)(1) of this Section. A
13 commissioner may be reappointed, but no commissioner shall serve more than ~~two~~
14 three consecutive terms.

15 * * *

16 §3495. Duties of board; officers; rules; meetings; quorum

17 A. The board of commissioners shall be the governing body of the authority
18 with full power to promulgate rules and regulations for the maintenance and
19 operation of the authority but may defer certain matters to the executive board
20 provided for in Subsection C of this Section for consideration and action. Any action
21 taken by the executive board shall be ratified by the board of commissioners. ~~Prior~~
22 ~~to the adoption of any rule or regulation for the maintenance and operation of the~~
23 ~~authority, such rule or regulation shall be subject to the approval of the House and~~
24 ~~Senate committees on transportation, highways, and public works and the Joint~~
25 ~~Legislative Committee on the Budget.~~

26 * * *

27 C. The commissioners shall elect a president, ~~two~~ a vice ~~presidents~~
28 president, a secretary, and a treasurer from among the members of the board of
29 commissioners to serve for a term of two years and ~~who~~ shall constitute the

1 executive board.

2 * * *

3 G. All matters to be acted upon by the board of commissioners or the
4 executive board shall require the affirmative vote of a majority of the ~~board~~
5 **members present constituting a quorum of the board**, with the exception that the
6 affirmative vote of not less than ~~ten~~ **six** commissioners shall be required to select the
7 executive director.

8 §3496. Annual reports; budget unit; funding limitation

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

12 * * *

13 Section 2. Any member currently appointed to a seat that is unaltered as a result of
14 this Act shall continue to serve the unexpired portion of the term.

15 Section 3. This Act shall become effective on January 1, 2021.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 7 Original

2020 Second Extraordinary Session

Hewitt

Present law established a 15-member board of commissioners for the La. International Deep Water Gulf Transfer Terminal Authority, 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 9 and removes the chairmen of the House and Senate committees on transportation, highways, and public works and reduces the number of members appointed by the governor to seven.

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 Senate; one member selected from a list of three nominees submitted by the speaker of the 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 appointments from 2 to 1.

Proposed law removes the member from the House that is selected from a list of three names submitted by the speaker of the 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 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 must reside in and be registered to vote in Plaquemines Parish to the commission that is appointed by the legislative delegation of the parish. Further provides that if the appointee is a member of the legislative delegation of the parish, the term of the appointment will run concurrent with the term in office.

Proposed law adds one member, who must reside and be registered to vote in St. Bernard Parish to the commission that is appointed by the legislative delegation of the parish. Further provides that if the appointee is a member of the legislative delegation of St. Bernard Parish, the term of the appointment will run concurrent with the term in office.

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 2 to 3.

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 to 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 2 to 1.

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 of the board, and reduces the number of affirmative votes of commissioners to select the executive director from 10 to 6.

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.

Provides that terms of the current members of the board shall not be altered by proposed law.

Effective January 1, 2021.

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