SLS 16RS-483 ORIGINAL

2016 Regular Session

SENATE BILL NO. 286

BY SENATOR WARD

LOCAL AGENCIES. Provides relative to the State Power Authority Act. (8/1/16)

1	AN ACT
2	To amend and reenact R.S. 33:4545.4 and 4545.4.2, relative to the State Power Authority
3	Act; to provide relative to the board of directors; and to provide for related matters.
4	Be it enacted by the Legislature of Louisiana:
5	Section 1. R.S. 33:4545.4 and 4545.4.2 are hereby amended and reenacted to read
6	as follows:
7	§4545.4. Board of directors as governing authority of the Authority
8	A. The Authority hereby created shall be governed by a board of directors of
9	the Authority composed of members who shall be appointed as follows:
10	(1) The governing authority of each municipality that desires to become a
11	member of the Authority must adopt a resolution indicating its intention to so join.
12	(2) The mayor of each municipality that becomes a member shall appoint one
13	director to the board of directors of the Authority, which appointment must be
14	approved by the governing authority of said municipality.
15	B.(1) The members of the board of directors of the Authority shall serve
16	initial terms expiring on the following dates:
17	a.(a) July 1, 1980

1	b. (b) July 1, 1981
2	e.(c) July 1, 1982
3	d. (d) July 1, 1983
4	e.(e) July 1, 1984
5	(2) The initial term of each member of the board of directors of the Authority
6	shall be determined by the drawing of lots.
7	(3) Upon the expiration of a director's term, a successor director shall be
8	appointed for a period of five years in the same manner as the original appointment.
9	If a vacancy occurs for any other reason, a successor director shall be appointed in
10	the same manner as the original appointment for the remainder of the unexpired
11	term. Directors shall hold office until their successors have been appointed and may
12	succeed themselves. A director shall be a citizen of the United States and domiciled
13	in the State state of Louisiana and the municipality represented or an employee of
14	the municipality represented. Any director shall serve at the pleasure of the
15	appointing authority and he may be removed from office and his successor appointed
16	in the same manner as the original appointment.
17	$\underline{\mathbf{C}}$. The board of directors of the Authority shall elect one of their number as
18	chairman and another as vice-chairman. The board of directors shall appoint a
19	secretary, treasurer and such other officers, employees and agents as are deemed
20	necessary who need not be directors of the Authority. The offices of the secretary
21	and treasurer may be combined. A majority of the directors of the Authority shall
22	constitute a quorum and a majority vote of the directors shall be necessary for any
23	action taken by the Authority. No vacancy on the board of directors shall impair the
24	right of a quorum to exercise all of the rights and perform all of the duties of the
25	Authority. An elected official or employee of a participating governmental unit may
26	be a director of the Authority. Directors shall receive such compensation as shall be
27	fixed from time to time by resolution or resolutions of the board of directors of the
28	Authority and shall be reimbursed their actual expenses necessarily incurred in the

performance of their duties.

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 $\underline{\mathbf{D}}$. The board of directors shall adopt by-laws and prescribe rules to govern

its meetings and shall fix the place or places at which meetings shall be held. $\underline{\mathbf{E.}} \ \mathbf{By} \ \mathbf{an} \ \mathbf{ordinance} \ \mathbf{unanimously} \ \mathbf{adopted} \ \mathbf{and} \ \mathbf{approved} \ \mathbf{by} \ \mathbf{all} \ \mathbf{members} \ \mathbf{of}$

the board of directors, provisions may be made for the appointment of additional directors to increase the membership of the board of directors to include other appointments by any municipality which, on the effective date of this Act, is engaged in the generation, transmission, or distribution of electricity. The initial term of the new director shall be set forth in said ordinance but shall not exceed five years. Any such municipality desiring representation on the board of directors shall request the same by furnishing to the board of directors a resolution duly adopted by its governing authority requesting such representation and furnishing such other contracts, agreements or information as may be reasonably required by the board of directors. The board of directors shall act upon such request within sixty days and if the request is not granted within said period of sixty days, it shall be considered as denied, and thereafter other requests may be subsequently furnished and considered.

F. By an ordinance adopted and approved by not less than two-thirds of all members of the board of directors, the number of members or directors serving on the board of directors may also be reduced by eliminating the member or director which has been appointed by a municipality that has ceased to be a participant in the authority. The membership of the board of directors may be reduced by an ordinance adopted in the same manner provided that the governing authority of the political subdivision, responsible for appointing the excluded member or director, has adopted a resolution requesting such action by the board of directors. Notwithstanding the above, there shall never be less than three members or directors serving on the board of directors.

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§4545.4.2. Domicile of directors, parish-council form of government

Notwithstanding anything to the contrary contained in this Chapter, a director

representing a municipality which, together with the parish in which it is located is governed by a parish-council consolidated form of government, need not be domiciled in the said municipality, but shall be **either** domiciled anywhere within the parish in which the municipality is located **or an employee of the municipality represented**.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST 2016 Regular Session

Ward

<u>Present law</u>, relative to the Louisiana Energy and Power Authority, provides for a director to be a citizen of the United States and domiciled in the state of Louisiana and the municipality represented. <u>Present law</u> further provides for a director representing a municipality which, together with the parish in which it is located is governed by a parish-council consolidated form of government, need not be domiciled in the municipality, but must be domiciled within the parish in which the municipality is located.

<u>Proposed law</u> retains <u>present law</u>, but regarding a director from a municipality with a parish-council consolidated form of government, adds that a director may also qualify by being an employee of the municipality he represents.

Effective August 1, 2016.

SB 286 Original

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(Amends R.S. 33:4545.4 and 4545.4.2)