

2018 Regular Session

HOUSE BILL NO. 870

BY REPRESENTATIVE GAROFALO

PORTS/DEEPWATER: Provides relative to the members of the Louisiana International Deep Water Gulf Transfer Terminal board of commissioners

1 AN ACT

2 To amend and reenact R.S. 34:3494(A) and (B), 3495(A), (C), and (G) and 3496(A), relative  
3 to the Louisiana International Deep Water Gulf Transfer Terminal board of  
4 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 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) and 3495(A), (C), and (G) and 3496(A) are  
11 hereby 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  
18 on the basis of their demonstrated experience in maritime or business leadership, or  
19 both, and their stature and ability to act effectively for the best interests of Louisiana.

1 Such commissioners shall not be appointed or elected commissioners or board  
2 members of any other Louisiana port.

3 B. Commissioners shall be chosen as follows:

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

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

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

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

12 (5) ~~(3) Two~~ One members member at large.

13 (6) ~~(4)~~ One member appointed by the American Federation of Labor-  
14 Congress of Industrial Organizations.

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

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

19 (9) ~~Repealed by Acts 2012, No. 775, §2, eff.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

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

23 (11) ~~One member selected by the New Orleans Public Belt Railway, and~~  
24 ~~appointed by the governor, who shall be a nonvoting member.~~

25 (5) The state representative for the House district that encompasses the  
26 Louisiana International Deep Water Gulf Transfer Terminal project or, if he chooses  
27 not to serve, a member appointed by the legislative delegation of Plaquemines and  
28 St. Bernard Parishes. The appointee shall be a resident of Plaquemines or St.

1 Bernard Parish. If the member serving pursuant to this Paragraph is a legislator, the  
2 term of that member shall run concurrent with his term in office.

3 (6) The state senator for the Senatorial district that encompasses the  
4 Louisiana International Deep Water Gulf Transfer Terminal project or, if he chooses  
5 not to serve, a member appointed by the legislative delegation of Plaquemines and  
6 St. Bernard Parishes. The appointee shall be a resident of Plaquemines or St.  
7 Bernard Parish. If the member serving pursuant to this Paragraph is a legislator, the  
8 term of that member shall run concurrent with his term in office.

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

12 ~~(12)~~ (8) The commissioners appointed shall be appointed for terms of six  
13 years. A member shall serve until his successor is appointed unless removed as  
14 provided for in Paragraph (C)(1) of this Section. A commissioner may be  
15 reappointed, but no commissioner shall serve more than ~~two~~ three consecutive terms.

16 \* \* \*

17 §3495. Duties of board; officers; rules; meetings; quorum

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

27 \* \* \*

28 C. The commissioners shall elect a president, ~~two~~ one vice ~~presidents~~  
29 president, a secretary, and a treasurer from among the members of the board of



nominees submitted by the president of the La. State Senate; one member selected from a list of three nominees submitted by the speaker of the La. 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 appointment 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 La. 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 La. State 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 may be the state representative in the House district that encompasses the La. International Deep Water Gulf Transfer Terminal project, unless he decides not to serve, at which time a resident of the of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further provides that if the appointee is a legislator, the term of the appointment will run concurrent with the term in office.

Proposed law adds one member, who may be the state senator in the Senatorial district that encompasses the La. International Deep Water Gulf Transfer Terminal project, unless he decides not to serve, at which time a resident of the of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further provides that if the appointee is a legislator, 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 elect a president, two vice-presidents, a secretary, and a treasurer from among the members of the board.

Proposed law reduces the amount 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, 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.

Effective July 1, 2018.

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

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Specify that the state representative for the House district that encompasses the La. International Deep Water Gulf Transfer Terminal project has the first opportunity to serve on the commission, and if he chooses not to serve, a resident of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further specifies that if the member serving is a legislator, then his term must run concurrent with his term in office.
2. Specify that the state senator for the Senatorial district that encompasses the La. International Deep Water Gulf Transfer Terminal project has the first opportunity to serve on the commission, and if he chooses not to serve, a resident of Plaquemines or St. Bernard parishes must be appointed by the legislative delegation of Plaquemines or St. Bernard parishes. Further specifies that if the member serving is a legislator, then his term must run concurrent with his term in office.