

2018 Regular Session

HOUSE BILL NO. 870

BY REPRESENTATIVE GAROFALO

1 AN ACT

2 To amend and reenact R.S. 34:3494(A), (B), and (C), 3495(A), (C), and (G), and 3496(A),
3 relative 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.
20 Four members shall be appointed by the governor pursuant to Paragraphs (B)(1), (2),
21 (3), (4), and (7) of this Section. Such commissioners shall not be appointed or
22 elected commissioners or board members of any other Louisiana port.

1 B. Commissioners shall be chosen as follows:

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

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

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

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

10 ~~(5) Two members at large.~~

11 ~~(6)~~ (3) One member appointed by the American Federation of Labor-
12 Congress of Industrial Organizations.

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

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

17 ~~(9) Repealed by Acts 2012, No. 775, §2, eff.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

18 ~~(10)~~ (4) One member shall be selected from a list of three nominees
19 submitted jointly by the chief executive officer and the governing authority of
20 Plaquemines Parish Council. Such nominees shall be residents of Plaquemines
21 Parish.

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

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

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

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

15 (7) One member selected from a list of two nominees, with the Associated
16 Branch Pilots of the Port of New Orleans, the Crescent River Port Pilots Association,
17 and the New Orleans-Baton Rouge Steamship Pilots Association jointly submitting
18 one nominee and the Louisiana Maritime Association submitting one nominee.

19 C.(1) The commissioners appointed shall be appointed for terms of six years.
20 A member shall serve until his successor is appointed unless removed as provided
21 for in Paragraph (2) of this Subsection. A commissioner may be reappointed, but no
22 commissioner shall serve more than two consecutive terms.

23 (2) Each appointment by the governor shall be submitted to the Senate for
24 confirmation and may be removed by the governor with cause at his discretion.

25 (3) If the member serving pursuant to Paragraph (B)(5) or (6) of this Section
26 is a legislator, he may name one person as a designee to act on his behalf in the event
27 the legislator is unable to attend a meeting. A designee serving pursuant to this
28 Paragraph shall be included when determining a quorum and shall have full voting
29 rights.

1 (2) (4) All vacancies shall be filled in the same manner and the appointee
2 shall have the proper qualifications.

3 * * *

4 §3495. Duties of board; officers; rules; meetings; quorum

5 A. The board of commissioners shall be the governing body of the authority
6 with full power to promulgate rules and regulations for the maintenance and
7 operation of the authority but may defer certain matters to the executive board
8 provided for in Subsection C of this Section for consideration and action. Any action
9 taken by the executive board shall be ratified by the board of commissioners. ~~Prior~~
10 ~~to the adoption of any rule or regulation for the maintenance and operation of the~~
11 ~~authority, such rule or regulation shall be subject to the approval of the House and~~
12 ~~Senate committees on transportation, highways, and public works and the Joint~~
13 ~~Legislative Committee on the Budget.~~

14 * * *

15 C. The commissioners shall elect a president, ~~two~~ one vice ~~presidents~~
16 president, a secretary, and a treasurer from among the members of the board of
17 commissioners to serve for a term of two years and who shall constitute the
18 executive board.

19 * * *

20 G. All matters to be acted upon by the board of commissioners or the
21 executive board shall require the affirmative vote of a majority of the ~~board~~ members
22 present constituting a quorum, with the exception that the affirmative vote of not less
23 than ~~ten~~ six commissioners shall be required to select the executive director.

24 §3496. Annual reports; budget unit; funding limitation

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

28 * * *

1 Section 2. This Act shall become effective July 1, 2018. Any member currently
2 appointed to a seat that is unaltered as a result of this Act shall continue to serve the
3 unexpired portion of the term.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____