

GREEN SHEET REDIGEST

HB 369

2019 Regular Session

Pierre

MTR VEHICLE/TRUCKS: Creates the Louisiana Trucking Research and Education Council.

DIGEST

Proposed law creates the La. Trucking Research and Education Council and establishes its domicile as Baton Rouge, La.

Proposed law specifies that the council is to be composed of 13 members who serve terms concurrent with the governor, as follows:

- (1) The La. Motor Transport Assoc., Inc. must submit the names of 12 trucking industry representatives and the governor must appoint 8 persons from those nominees.
- (2) The superintendent of the La. State Police, or his designee.
- (3) The state superintendent of education, or his designee.
- (4) The secretary of the La. Dept. of Transportation and Development, or his designee.
- (5) The president of the Board of Supervisors of the La. Community and Technical College System, or his designee.
- (6) The secretary of the La. Workforce Commission, or his designee.

Proposed law requires that the council meet immediately following their appointment and elect a chairman, vice chairman, and a secretary-treasurer from the trucking industry representative members, whose duties must be those customarily exercised by such officers or specifically designated by the council.

Proposed law authorizes the council to disqualify any appointed member for cause, including excessive absences from meetings, and clarifies that any vacancy must be filled by a majority vote of the council from a list of two names submitted by the La. Motor Transport Assoc., Inc.

Proposed law specifies that the council members must not receive a salary but will be reimbursed for actual travel expenses.

Proposed law specifies that the council must establish rules and regulations for its own government and the administration of its affairs.

Proposed law specifies that the council is subject to the Public Records Law and the Open Meetings Law.

Proposed law authorizes the council to exercise powers necessary, pertinent, convenient, or incidental to carrying out its purposes, including but not limited to the following:

- (1) To develop programs and projects to carry out the purpose of the council, including but not limited to enhancing safety and training, providing for research and development, and educating the public.
- (2) To provide for the payment of all council costs with funds collected pursuant to proposed law.
- (3) To coordinate council activities with the industry associations and others, as appropriate, to provide efficient delivery of services and avoid unnecessary duplication of efforts and activities.

- (4) To contract with any public or private person, partnership, association, or corporation to carry out the purpose of the council.
- (5) To apply for, receive, and accept grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used, and applied for council purposes.
- (6) To enter into cooperative endeavor agreements with The LMTA Foundation, Inc. or its successor entity, a nonprofit corporation, for the use of staff and resources to carry out the powers and duties of the council.

Proposed law imposes a surcharge levied at the rate of \$15 on all Class 1 registration fees for trucks and trailers in excess of 23,999 lbs, as provided in present law, in addition to and simultaneous with any registration or license tax, as provided in present law.

Proposed law requires that the surcharge be collected by the commissioner of the Dept. of Public Safety and Corrections, office of motor vehicles, at the issuance of any annual registration or license tax; creates a statutorily dedicated fund account in the state treasury known as the "Trucking Research and Education Council Fund Account" for deposit of the surcharge and requires that the gross amount collected be paid by the commissioner to the council on a quarterly basis, subject to appropriation. Provides that all unexpended and unencumbered monies in the fund account at the end of the fiscal year shall remain in the account.

Proposed law requires the quarterly payments be made on or before the 15th day of the succeeding quarter accompanied by a complete audit of all funds collected.

Effective August 1, 2019.

(Adds R.S. 32:691-694)

Summary of Amendments Adopted by House

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

1. Clarify that the council may enter into cooperative endeavor agreements with the La. Motor Transport Assoc. Foundation.
2. Clarify that the surcharge imposed and levied in present law is applicable to registration fees for Class 1 trucks and trailers in excess of 23,999 lbs.
3. Remove the requirement that the Dept. of Transportation and Development, office of multimodal commerce, provide staff support for the council until a cooperative endeavor agreement is finalized.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify that the council members will not receive a salary for their services as members, but will be reimbursed for actual travel expenses incurred.
3. Remove the 3% surcharge imposed and levied on all single-trip special permit fees.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the reengrossed bill

1. Change the surcharge from 3% of registration fees to \$15 dollars.
2. Create a statutorily dedicated fund for deposit of the surcharge monies collected, subject to appropriation.
3. Make technical amendments.

Committee Amendments Proposed by Senate Committee on Finance to the reengrossed bill

1. Provide that all unexpended and unencumbered monies in the fund account at the end of the fiscal year shall remain in the account.