

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. (gov sig) (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)(e)~~ One member shall be selected from a list of three nominees submitted
18 by the president of the Louisiana State Senate. **The term of the appointment shall**
19 **run concurrent with the president's term in office.**

20 ~~(8)(f)~~ One member shall be selected from a list of three nominees submitted
21 by the speaker of the Louisiana House of Representatives. **The term of the**
22 **appointment shall run concurrent with the speaker's term in office.**

23 ~~(9)~~ Repealed by Acts 2012, No. 775, §2, eff.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

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

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

29 **(g) One member selected from a list of two nominees, with the Louisiana**

1 River Pilots' Association and the Louisiana Maritime Association each
 2 submitting one nominee.

3 ~~(12)(2)~~ The Except as otherwise provided in Subparagraphs (e) and (f)
 4 of Paragraph (1) of this Subsection, the commissioners appointed shall be
 5 appointed for terms of six years. A member shall serve until his successor is
 6 appointed unless removed as provided for in Paragraph (C)(1) of this Section. A
 7 commissioner may be reappointed, but no commissioner shall serve more than two
 8 consecutive terms.

9 * * *

10 §3495. Duties of board; officers; rules; meetings; quorum

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

20 * * *

21 C. The commissioners shall elect a president, ~~two~~ a vice ~~presidents~~
 22 president, a secretary, and a treasurer from among the members of the board of
 23 commissioners to serve for a term of two years and ~~who~~ shall constitute the
 24 executive board.

25 * * *

26 G. All matters to be acted upon by the board of commissioners or the
 27 executive board shall require the affirmative vote of a majority of the board, with the
 28 exception that the affirmative vote of not less than ~~ten~~ six commissioners shall be
 29 required to select the executive director.

1 §3496. Annual reports; budget unit; funding limitation

2 A. The board of commissioners shall make an annual report to the governor;
 3 **and** the House and Senate committees on transportation, highways, and public
 4 works, ~~and the Joint Legislative Committee on the Budget.~~ **not later than February**
 5 **1 of each year. The report shall include a summary of the authority's progress**
 6 **since its inception, the board's plans in the coming year to advance the**
 7 **authority's development program, and a financial report.**

8 * * *

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

11 Section 3. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

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

DIGEST

SB 7 Engrossed

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 two to one.

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 adds one member to be selected by the president of the Louisiana Senate, whose term shall run concurrent with the president's term in office and one member to be selected by the speaker of the Louisiana House of Representatives, whose term shall run concurrent with the speaker's term in office.

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.

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.

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 two to one.

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 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. Proposed law further provides that the annual report shall be submitted not later than February 1st of each year and that the report shall include a summary of the authority's progress, future plans for the authority's development

program and financial report.

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

Effective upon signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor.

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

Summary of Amendments Adopted by Senate

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

1. Provides that one member shall be selected by the president of the Louisiana Senate and one member shall be selected by the speaker of the Louisiana House of Representatives.
2. Removes members from Plaquemines and St. Bernard legislative delegation.
3. Changes the consecutive terms a commissioner may serve from three to two.
4. Provides date for annual report to be filed.
5. Provides for effective date upon signature of governor.