

Regular Session, 2014

SENATE BILL NO. 261

BY SENATORS JOHNS, MORRISH AND JOHN SMITH AND REPRESENTATIVES
DANAHAY, FRANKLIN, GEYMAN, GUINN AND KLECKLEY

PORTS/HARBORS/TERMINALS. Provides relative to the Port of Lake Charles.
(8/1/14)(2/3- CA6s43)

1 AN ACT
2 To amend and reenact R.S. 34:202(A), relative to the Lake Charles Harbor and Terminal
3 District; to provide relative to the board of commissioners; and to provide for related
4 matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 34:202(A) is hereby amended and reenacted to read as follows:
7 §202. Lake Charles Harbor and Terminal District; ratification; board of
8 commissioners; members; officers; agents; and employees
9 A.(1) The governing authority of the district shall be a board of
10 commissioners which shall be known as the Board of Commissioners of the Lake
11 Charles Harbor and Terminal District. The board shall consist of seven members
12 who shall be citizens of the United States and qualified voters, and inhabitants of this
13 district during their terms of office.
14 (2)(a) The governor shall appoint seven commissioners, subject to Senate
15 confirmation. ~~Except for initial appointments and terms, which are provided for in~~
16 ~~Subparagraph (b) of this Paragraph,~~ **Effective August 1, 2015,** commissioners shall
17 ~~serve four-year terms~~ **staggered terms of four years, which begin on August first**

1 of the appointment year and expire on July thirty-first in the fourth year
2 following the appointment year, and shall be appointed from nominations as
3 follows:

4 (i)~~(a)~~ One of the successors to the two members serving initial terms as
5 provided in Item (b)(i) of this Paragraph shall be appointed from a list of three
6 nominees submitted by the governing authority of Lake Charles and the other from
7 a list of three nominees submitted by the governing authority of Calcasieu Parish
8 member, designated as Position A, shall be appointed from a list of three
9 nominees submitted by the governing authority of the city of Westlake.

10 (ii)~~(b)~~ One of the successors to the two members serving initial terms as
11 provided in Item (b)(ii) of this Paragraph member, designated as Position B, shall
12 be appointed from a list of three nominees submitted by the governing authority of
13 Westlake and the other from a list of three nominees submitted by the governing
14 authority of Cameron Parish.

15 (iii)~~(c)~~ Successors to the three members serving initial terms as provided in
16 Item (b)(iii) of this Paragraph shall be appointed from a list of nominees submitted
17 jointly by the state legislators who represent any part of the district One member,
18 designated as Position C, shall be appointed from a list of three nominees
19 submitted by the governing authority of the city of Lake Charles.

20 (d) One member, designated as Position D, shall be appointed from a list
21 of three nominees submitted by the governing authority of Calcasieu Parish.

22 (e) Three members, designated as positions E, F, and G, shall be
23 appointed from a list of nominees submitted jointly by the state legislators who
24 represent any part of the district.

25 ~~(b) All seven initial appointments after May 29, 2003 shall be made from a~~
26 ~~list of nominees submitted jointly by the state legislators who represent any part of~~
27 ~~the district. A vacancy in an initial term prior to the expiration of the term shall be~~
28 ~~filled in the same manner as these initial appointments. Initial terms, as determined~~
29 ~~by lot at the first meeting, shall be as follows:~~

1 (i) ~~Two members shall serve two years.~~

2 (ii) ~~Two members shall serve three years.~~

3 (iii) ~~Three members shall serve four years.~~

4 (3) ~~Except as otherwise provided by Paragraph (2) of this Subsection,~~

5 **Effective August 1, 2014,** any vacancy **whether by reason of death, resignation,**

6 **expiration of term, or any other cause** in the membership of the board shall be

7 filled for the remainder of any unexpired term, in the same manner as ~~the person~~

8 ~~vacating the position was appointed~~ **as provided in Paragraph (2) of this**

9 **Subsection. Not later than ten calendar days after the occurrence of a vacancy**

10 **on the board for any cause, the president or other presiding officer of the board**

11 **shall send notice of the vacancy by registered or certified United States mail to**

12 **the appropriate nominating authority. The nominating authority shall submit**

13 **its nominations to the governor no later than sixty calendar days after**

14 **occurrence of the vacancy. If a nominating authority fails to submit**

15 **nominations to the governor within one hundred twenty calendar days after**

16 **occurrence of the vacancy, the governor shall forthwith make an appointment**

17 **to fill the vacancy.**

18 (4) Nominations from the legislative delegation **for positions E, F, and G**

19 and appointments by the governor from those nominations shall be made so that the

20 composition of the board includes at least two members of a racial minority or one

21 member of a racial minority and one woman.

22 (5) No member shall serve more than two **and one-half terms in three**

23 consecutive terms. After having served **at least two and one-half terms in three**

24 consecutive terms, a commissioner shall not be eligible for appointment to the board

25 for a period of ~~eight~~ **twelve** years after completion of ~~the second term~~ **that service**

26 **on the board.**

27 **(6) Members shall continue to serve until their successors have been**

28 **appointed and take office.**

29 * * *

1 Section 2.(A) Notwithstanding any other provision of the law to the contrary, the
 2 term of members holding positions designated by this Act as A and B on the Lake Charles
 3 Harbor and Terminal District board of commissioners on the effective date of this Act shall
 4 be extended and shall expire on August 1, 2015.

5 (B) Notwithstanding any other provision of the law to the contrary, the term of
 6 members holding positions designated by this Act as E, F, and G on the Lake Charles Harbor
 7 and Terminal District board of commissioners on the effective date of this Act shall be
 8 extended and shall expire on August 1, 2016.

9 (C) Notwithstanding any other provision of the law to the contrary, the term of
 10 members holding positions designated by this Act as C and D on the Lake Charles Harbor
 11 and Terminal District board of commissioners on the effective date of this Act shall be
 12 extended and shall expire on August 1, 2017.

The original instrument was prepared by Sharon F. Lyles. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

DIGEST

Johns (SB 261)

Present law provides that the governing authority of the Lake Charles Harbor and Terminal District is a seven member board of commissioners who are citizens of the United States, qualified voters, and inhabitants of the district during their four year term of office. Commissioners are appointed by the governor, subject to Senate confirmation. Except for initial appointments after May 29, 2003, members are nominated as follows:

- (1) One member from a list of three nominees submitted by the governing authority of Lake Charles.
- (2) One member from a list of three nominees submitted by the governing authority of Calcasieu Parish.
- (3) One member from a list of three nominees submitted by the governing authority of Westlake.
- (4) One member from a list of three nominees submitted by the governing authority of Cameron Parish.
- (5) Three members from a list of three nominees submitted jointly by state legislators who represent any part of the district.

Proposed law retains and reorganizes present law for nominees and appointments to the board and removes provisions for initial appointments and terms.

Proposed law provides for filling a vacancy for any reason, effective August 1, 2014, in the same manner as the vacant position. Requires the president or other presiding officer of the

board to send notice of the vacancy by registered or certified U. S. mail to the appropriate nominating authority not later than 10 calendar days after occurrence of the vacancy for any cause. Requires such nominating authority to submit its nominations to the governor no later than 60 calendar days after occurrence of the vacancy. Requires the governor to fill the vacancy if a nominating authority fails to submit nominations 120 calendar days after occurrence of the vacancy.

Proposed law designates legislative appointments and retains present law which requires legislative nominations and appointments by the governor from such nominations to be made so that the board includes at least two members of a racial minority or one member of a racial minority and one woman.

Present law provides that commissioners are limited to two consecutive terms and are not eligible for appointment to the board for a period of eight years after completion of the second term.

Proposed law changes present law to provide that commissioners are limited to two and one-half terms in three consecutive terms and are not eligible for appointment to the board for a period of 12 years after completion of two and one-half terms in the three consecutive terms.

Proposed law requires members to serve until their successors have been appointed and take office.

Proposed law extends the term of serving commissioners holding positions A and B on the board until August 1, 2015.

Proposed law extends the term of serving commissioners holding positions E, F, and G on the board until August 1, 2016.

Proposed law extends the term of serving commissioners holding positions C and D on the board until August 1, 2017.

Effective August 1, 2014.

(Amends R.S. 34:202(A))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Change the requirements of term limits for commissioners.
2. Removes prohibition on board members holding any office in any political party or other political organization or any public office or employment for compensation existing under or created by the laws of the U. S. or the state, or existing under or created by the charter or ordinance of a municipality or subdivision of the state.