

2016 Regular Session

HOUSE BILL NO. 200

BY REPRESENTATIVE CHAD BROWN

UTILITY/MUNICIPAL: Provides relative to the members of the board of directors of the Louisiana Energy and Power Authority

1 AN ACT

2 To amend and reenact R.S. 33:4545.4 and 4545.4.2, relative to the board of directors of the
3 Louisiana Energy and Power Authority; to provide relative to the domicile of the
4 members of the board of directors; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:4545.4 and 4545.4.2 are hereby amended and reenacted to read
7 as follows:

8 §4545.4. Board of directors as governing authority of the Authority

9 A. The Authority hereby created shall be governed by a board of directors
10 of the Authority composed of members who shall be appointed as follows:

11 (1) The governing authority of each municipality that desires to become a
12 member of the Authority must adopt a resolution indicating its intention to so join.

13 (2) The mayor of each municipality that becomes a member shall appoint
14 one director to the board of directors of the Authority, which appointment must be
15 approved by the governing authority of said municipality.

16 B.(1) The members of the board of directors of the Authority shall serve
17 initial terms expiring on the following dates:

18 ~~a.~~(a) July 1, 1980

19 ~~b.~~(b) July 1, 1981

20 ~~c.~~(c) July 1, 1982

1 ~~d~~(d) July 1, 1983

2 ~~e~~(e) July 1, 1984

3 (2) The initial term of each member of the board of directors of the Authority
4 shall be determined by the drawing of lots.

5 (3) Upon the expiration of a director's term, a successor director shall be
6 appointed for a period of five years in the same manner as the original appointment.
7 If a vacancy occurs for any other reason, a successor director shall be appointed in
8 the same manner as the original appointment for the remainder of the unexpired
9 term. Directors shall hold office until their successors have been appointed and may
10 succeed themselves. A director shall be a citizen of the United States and domiciled
11 in the State of Louisiana and ~~the municipality represented~~ shall be either domiciled
12 in or an employee of the municipality represented. Any director shall serve at the
13 pleasure of the appointing authority and he may be removed from office and his
14 successor appointed in the same manner as the original appointment.

15 C. The board of directors of the Authority shall elect one of their number as
16 chairman and another as vice-chairman. The board of directors shall appoint a
17 secretary, treasurer and such other officers, employees and agents as are deemed
18 necessary who need not be directors of the Authority. The offices of the secretary
19 and treasurer may be combined. A majority of the directors of the Authority shall
20 constitute a quorum and a majority vote of the directors shall be necessary for any
21 action taken by the Authority. No vacancy on the board of directors shall impair the
22 right of a quorum to exercise all of the rights and perform all of the duties of the
23 Authority. An elected official or employee of a participating governmental unit may
24 be a director of the Authority. Directors shall receive such compensation as shall be
25 fixed from time to time by resolution or resolutions of the board of directors of the
26 Authority and shall be reimbursed their actual expenses necessarily incurred in the
27 performance of their duties.

28 D. The board of directors shall adopt by-laws and prescribe rules to govern
29 its meetings and shall fix the place or places at which meetings shall be held.

1 E. By an ordinance unanimously adopted and approved by all members of
2 the board of directors, provisions may be made for the appointment of additional
3 directors to increase the membership of the board of directors to include other
4 appointments by any municipality which, on the effective date of this Act, is engaged
5 in the generation, transmission, or distribution of electricity. The initial term of the
6 new director shall be set forth in said ordinance but shall not exceed five years. Any
7 such municipality desiring representation on the board of directors shall request the
8 same by furnishing to the board of directors a resolution duly adopted by its
9 governing authority requesting such representation and furnishing such other
10 contracts, agreements or information as may be reasonably required by the board of
11 directors. The board of directors shall act upon such request within sixty days and
12 if the request is not granted within said period of sixty days, it shall be considered
13 as denied, and thereafter other requests may be subsequently furnished and
14 considered.

15 F. By an ordinance adopted and approved by not less than two-thirds of all
16 members of the board of directors, the number of members or directors serving on
17 the board of directors may also be reduced by eliminating the member or director
18 which has been appointed by a municipality that has ceased to be a participant in the
19 authority. The membership of the board of directors may be reduced by an
20 ordinance adopted in the same manner provided that the governing authority of the
21 political subdivision, responsible for appointing the excluded member or director,
22 has adopted a resolution requesting such action by the board of directors.
23 Notwithstanding the above, there shall never be less than three members or directors
24 serving on the board of directors.

25 §4545.4.2. Domicile of directors, parish-council form of government

26 Notwithstanding anything to the contrary contained in this Chapter, a director
27 representing a municipality which, together with the parish in which it is located is
28 governed by a parish-council consolidated form of government, need not be
29 domiciled in the said municipality, but shall be either domiciled anywhere within the

1 parish in which the municipality is located or be an employee of the municipality
2 represented.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 200 Original

2016 Regular Session

Chad Brown

Abstract: Relative to the members of the board of directors of the Louisiana Energy and Power Authority, provides that employees of a municipality not domiciled there may be directors.

Present law creates the La. Energy and Power Authority as a political subdivision of the state for the purpose of providing facilities for the generation and/or transmission of electric power and energy, and to vest the Authority with all powers necessary to enable it to accomplish its purposes for the benefit of participating municipalities.

Proposed law retains present law.

Present law provides that the La. Energy and Power Authority shall be governed by a board of directors and provides for terms of the members of such board. Requires directors to be U.S. citizens domiciled in La. and the municipality represented.

Proposed law generally retains present law but provides that an employee of the municipality not domiciled there may be a director.

Present law provides that a director representing a municipality governed by a parish-council consolidated form of government is not required to be domiciled in the municipality he represents, but shall be domiciled anywhere within the parish in which the municipality is located.

Proposed law generally retains present law but provides that an employee of the municipality not domiciled in the parish may be a director.

(Amends R.S. 33:4545.4 and 4545.4.2)