

Regular Session, 2014

SENATE BILL NO. 76

BY SENATOR MORRISH

PORTS/HARBORS/TERMINALS. Creates the Cameron Parish Port, Harbor, and Terminal District. (1/1/15)

1 AN ACT  
2 To enact Chapter 52 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 34:5201 through 5205, and to repeal Chapters 31 and 32 of Title 34 of the  
4 Louisiana Revised Statutes of 1950, comprised of R.S. 34:2501 through 2506 and  
5 R.S. 34:2551 through 2556, relative to port, harbor, and terminal districts; to create  
6 the Cameron Parish Port, Harbor, and Terminal District; to create the Cameron  
7 Parish Port Commission to administer such district; to provide for its members,  
8 duties, and powers, including its authority to levy taxes and to issue bonds; to  
9 terminate the East Cameron Port, Harbor, and Terminal District and the East  
10 Cameron Port Commission; to terminate the West Cameron Port, Harbor, and  
11 Terminal District and the West Cameron Port Commission; to provide for an  
12 effective date; and to provide for related matters.

13 Notice of intention to introduce this Act has been published.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Chapter 52 of Title 34 of the Louisiana Revised Statutes of 1950,  
16 comprised of R.S. 34:5201 through 5205 is hereby enacted to read as follows:

17 **CHAPTER 52. CAMERON PARISH PORT COMMISSION**

1           **§5201. Creation of district**

2           **The Cameron Parish Port, Harbor, and Terminal District, hereinafter**  
3           **referred to as the "district", is hereby created as a political subdivision of the**  
4           **state with full corporate powers and having a port area coextensive with the**  
5           **entire parish of Cameron, hereinafter sometimes referred to as the "parish",**  
6           **hereafter fixed by law, and as such shall have such authority, powers, and**  
7           **jurisdictions as may be hereinafter provided by this Chapter subject to the**  
8           **provisions contained in R.S. 34:218.**

9           **§5202. Governing authority**

10           **A. The Cameron Parish Port Commission, hereinafter referred to as the**  
11           **"commission", is hereby created and established as the governing authority of**  
12           **the district. It shall be composed of thirteen commissioners, who shall be**  
13           **appointed as follows:**

14                   **(1) Twelve of the commissioners shall be appointed by the governing**  
15                   **authority of the parish of Cameron. There shall be at least two commissioners**  
16                   **from each ward and the members appointed shall be qualified voters and**  
17                   **taxpayers residing in the ward of the parish from which he was appointed.**

18                   **(2) The remaining commissioner shall be appointed by the other**  
19                   **members of the commission and shall be a qualified voter and taxpayer residing**  
20                   **within the parish of Cameron.**

21           **B. The commissioner initially appointed by the other members of the**  
22           **commission shall be appointed to serve for a term of two years. One of the**  
23           **commissioners initially appointed from each of the wards shall each be**  
24           **appointed to serve for a term of two years. The remaining commissioners**  
25           **initially appointed from each of the wards shall each be initially appointed to**  
26           **serve for a term of four years. Thereafter, the successors of all of the**  
27           **commissioners shall be appointed to serve for terms of four years. Each**  
28           **commissioner shall serve at the pleasure of the governing authority of the parish**  
29           **of Cameron.**

1           C. In the event any commissioner ceases to be a commissioner for any  
2           reason, his successor shall be appointed by the remainder of the members and  
3           shall serve for the remainder of the unexpired term of the outgoing  
4           commissioner.

5           D. The commission shall fix the per diem of its members; however, the  
6           per diem of each member shall not exceed twenty dollars per day during the  
7           time such member is in actual attendance upon the board. Such per diem shall  
8           be payable for a maximum of two days per month. The commission may  
9           authorize a reasonable travel allowance for the commissioners in the  
10          performance of their official duties.

11          E. The commission shall elect from among the commissioners a  
12          president, a vice president, a secretary, and a treasurer, whose respective duties  
13          shall be prescribed by the commission. At the option of the commission, the  
14          offices of secretary and treasurer may be held by the same person.

15          F. The commission shall meet in a regular session once each month, and  
16          shall also meet in a special session at the call of the president of the commission,  
17          or on the written request of seven or more commissioners. The commission  
18          shall prescribe rules to govern its meetings and shall fix the place at which  
19          meetings shall be held. A majority of the commissioners shall constitute a  
20          quorum and all actions or resolutions of the commission, to be valid, shall be  
21          approved by the affirmative vote of not less than a majority of the entire  
22          membership of the commission.

23          §5203. Powers of the district; commission

24          A. The district, acting by and through the commission, shall regulate the  
25          commerce and traffic within the district in such a manner as may, in its  
26          judgment, be for the best interest of the state. Title to all property and  
27          improvements thereon operated by the commission shall be in the public and  
28          shall vest in the district.

29          B. The district, acting by and through the commission, shall have and

1 exercise all powers of a political subdivision necessary or convenient for the  
2 carrying out of its objects and purposes, including but not limited to the  
3 following, and is hereby vested with authority:

4 (1) To sue and to be sued.

5 (2) To adopt, use, and alter at will a corporate seal.

6 (3) To employ such officers, agents, and employees as it deems necessary  
7 for the performance of its powers and duties, to prescribe the powers and duties  
8 and to fix the compensation of such officers, agents, and employees.

9 (4) To contract, upon such terms as it may agree upon, for legal,  
10 financial, engineering, and other professional services necessary or expedient  
11 in the conduct of its affairs.

12 (5) To enter into contracts for purchase, acquisition, construction, and  
13 improvement of public works and facilities necessary in connection with the  
14 purposes of the district.

15 (6) To utilize the services of the executive departments of the state upon  
16 mutually agreeable terms and conditions.

17 (7) To own, construct, acquire, operate, and maintain docks, wharves,  
18 landings, elevators, sheds, warehouses, basins, locks, slips, laterals, canals, and  
19 all other property, structures, equipment, facilities, and works of public  
20 improvement necessary or useful for port, harbor, or terminal purposes.

21 (8) To maintain proper depths of water at all wharves and landings; to  
22 dredge and maintain shipways, channels, slips, basins, and turning basins.

23 (9) To establish harbor lines, also known as structural limit lines, within  
24 the port area by agreement with the Corps of Engineers of the United States.

25 (10) To construct, own, operate, and maintain terminal rail facilities and  
26 other common carrier rail facilities for the purpose of rendering rail  
27 transportation to and from the facilities and those to be erected, owned, and  
28 operated by the commission in both intrastate and interstate commerce.

29 (11) To acquire by gift, grant, purchase, expropriation in accordance

1 with the expropriation laws of the state, or otherwise all property, including  
2 rights-of-way, necessary for the benefit and advantage of regulating commerce  
3 and traffic within its jurisdiction, provided that it shall not have the right to  
4 expropriate minerals or mineral rights, and that such powers of expropriation  
5 shall not apply or extend to any existing publicly or privately owned wharf,  
6 dock, warehouse, elevator, or other facility, or industrial structure constructed  
7 on or adjacent to any navigable waterway, natural or man-made, or to the  
8 replacement, improvement, and operation thereof by the owners, lessees,  
9 permittees, or the successors and assigns thereof. Should the properties  
10 expropriated under the authority herein conferred cease to be used for the  
11 purposes for which they were expropriated, such properties shall revert to the  
12 original land owner or his heirs or assigns, provided such land owner or his  
13 heirs or assigns shall reimburse said district or commission, or its successor, in  
14 the full amount originally paid by the district or commission for such land; to  
15 hold and use any franchise or property, real, personal, or mixed, tangible or  
16 intangible, or any interest therein, necessary or desirable for carrying out the  
17 objects and purposes of the district, including but not limited to the  
18 establishment, maintenance, and operation of industrial parks, ports, harbors,  
19 and terminals.

20 (12) To acquire by purchase, lease, or otherwise, industrial plant sites  
21 and necessary property or appurtenances therefor; to acquire or construct  
22 industrial plant buildings, with necessary machinery and equipment, within  
23 such district.

24 (13) To receive, by gift, grant, donation, or otherwise, any sum of money,  
25 aid, or assistance from the United States, the state of Louisiana, or any political  
26 subdivision thereof.

27 (14) To provide such light, water, police protection, and other services  
28 for its facilities as it deems advisable.

29 (15) To establish and charge reasonable fees, rates, tariffs, or other

1 charges for the use of all facilities administered by it and for all services  
2 rendered by it.

3 (16) To charge a reasonable fee to each vessel for the use of its facilities  
4 in the port area in ballast or carrying cargo of any kind, provided that it shall  
5 not charge any fee, rate, tariff, or other charge to any vessel in ballast or cargo  
6 on account of passage through the district unless such vessel or cargo makes use  
7 of its facilities or services and shall not by any rule, regulation, or other act  
8 require the use of its facilities or services.

9 (17) To charge for each copy of any certificate issued by it or by any of  
10 its officers or employees for inspecting hatches, surveying cargo, or for making  
11 other surveys or inspections of vessels in the district, provided it shall furnish,  
12 without charge, to the master of each such vessel, one copy of all surveys upon  
13 his vessel or cargo.

14 (18) To make and enter into contracts, leases, and other agreements with  
15 railroads, trucking companies, barge lines, and with any and all companies  
16 interested in the transportation, storage, and shipping of goods and other  
17 products, whether by rail, truck line, barge line, an ocean-going vessel, or  
18 otherwise, for the use of facilities administered by the commission or any part  
19 or portion thereof, for a period not exceeding forty years, provided that no  
20 exclusive franchise shall be granted to any carrier. The commission may lease  
21 or sublease for processing, manufacturing, or commercial business purposes  
22 any lands or buildings owned, acquired, or leased as lessee by it, which lease  
23 may run for any term not exceeding forty years, at a fixed rental, provided that  
24 any such lease may run for a term not exceeding ninety-nine years if it contains  
25 a clause or clauses for readjustment of the rentals upon the expiration of a  
26 primary term of forty years.

27 (19) In its own name and on its own behalf, to incur debt and to issue  
28 revenue bonds, special assessment bonds, certificates, notes, and other evidences  
29 of indebtedness, and to levy and cause to be collected certain taxes as provided

1 in this Chapter and as may be provided by general law.

2 (20) To borrow money and pledge all or part of its revenues, leases,  
3 rents, or other advantages as security for such loans.

4 (21) To do any and all things necessary or proper for the government,  
5 regulation, development, and control of the business of the district, provided  
6 that the district shall comply with the constitution, laws, and policies of the state  
7 of Louisiana, including but not limited to the Public Records Law and the Open  
8 Meetings Law, in carrying out its functions and duties.

9 §5204. Levy of taxes

10 A. For any of the purposes within the authority delegated to the district  
11 or the commission, the commission is hereby authorized to levy annually an ad  
12 valorem tax not to exceed three mills on the dollar on the property subject to ad  
13 valorem property tax situated in the district, when authorized by a majority of  
14 the voters in the district qualified to vote under the constitution and laws of this  
15 state, who vote at an election held for that purpose. Such election shall be called  
16 under the conditions and be conducted in the manner prescribed by the  
17 provisions of Subpart A of Part III of Chapter 4 of Subtitle II of Title 39.

18 B.(1) For any of the purposes within the authority delegated to the  
19 district or the commission, the commission is hereby authorized to levy annually  
20 a sales and use tax provided that any taxes levied by the commission may not  
21 exceed the limitation set forth by Article VI, Section 29(A) of the Constitution  
22 of Louisiana and shall be imposed, collected, and enforced subject to the terms  
23 of the resolution imposing the tax and the provisions of Chapter 2-C of Subtitle  
24 II of Title 47 of the Louisiana Revised Statutes of 1950.

25 (2) Any taxes or assessments of any type to be levied by the district shall  
26 be levied only after the commission has adopted an appropriate resolution  
27 giving notice of its intention to levy such taxes or assessments, which resolution  
28 shall include a general description of the taxes or assessments to be levied, and  
29 notice of this intention shall be published once a week for two weeks in the

1 official journal of the district, the first publication to appear at least fourteen  
2 days before the public meeting of the commission at which the commission shall  
3 meet in an open and public session to hear any objections to the proposed taxes  
4 or assessments. The notice of intent so published shall state the date, time, and  
5 place of the public hearing. Such taxes or assessments may be levied only after  
6 the commission has called a special election submitting the proposition for the  
7 levy of such taxes or assessments to the qualified electors of the district, and the  
8 proposition has received the favorable vote of a majority of the electors voting  
9 in the election; however, in the event there are no qualified electors in the  
10 district, no such election shall be required. The powers and rights conferred by  
11 this Section shall be in addition to the powers and rights conferred by any other  
12 general or special law. This Section does and shall be construed to provide a  
13 complete and additional method for the levy of any taxes or assessments. No  
14 election, proceeding, notice, or approval shall be required for the levy of such  
15 taxes or assessments except as provided herein.

16 §5205. Bonds

17 A. The district, acting by and through the commission, is hereby  
18 authorized and empowered to issue and sell from time to time bonds, notes,  
19 renewal notes, refunding bonds, interim certificates, certificates of indebtedness,  
20 certificates of participation, debentures, warrants, commercial paper, or other  
21 obligations or evidences of indebtedness to provide funds for and to fulfill and  
22 achieve its public purpose or corporate purposes, as set forth in this Chapter,  
23 including but not limited to the payment of all or a portion of the costs of a  
24 project, to provide amounts necessary for any corporate purposes, including  
25 necessary and incidental expenses in connection with the issuance of the  
26 obligations, the payment of principal and interest on the obligations of the  
27 district, the establishment of reserves to secure such obligations, and all other  
28 purposes and expenditures of the district incident to and necessary or  
29 convenient to carry out its public functions or corporate purposes, and any



1 credit enhancement for said obligations.

2 B. Except as may otherwise be provided by the commission, all  
3 obligations issued by the district shall be negotiable instruments and payable  
4 solely from the revenues of the district as determined by the commission, or  
5 from any other sources whatsoever, that may be available to the district but  
6 shall not be secured by the full faith and credit of the state.

7 C. Obligations shall be authorized, issued, and sold by a resolution or  
8 resolutions of the commission. Such bonds or obligations may be of such series,  
9 bear such date or dates, mature at such time or times, bear interest at such rate  
10 or rates, including variable, adjustable, or zero interest rates, be payable at such  
11 time or times, be in such denominations, be sold at such price or prices, at  
12 public or private negotiated sale, after advertisement as is provided for in R.S.  
13 39:1426, be in such form, carry such registration and exchangeability privileges,  
14 be payable at such place or places, be subject to such terms of redemption, and  
15 be entitled to such priorities on the income, revenue, and receipts of, or  
16 available to, the district, as applicable, as may be provided by the commission  
17 in the resolution or resolutions providing for the issuance and sale of the bonds  
18 or obligations of the district.

19 D. The obligations of the district shall be signed by such officers of the  
20 commission by either manual or facsimile signatures as shall be determined by  
21 resolution or resolutions of the commission, and shall have impressed or  
22 imprinted thereon the seal of the district, or a facsimile thereof.

23 E. Any obligations of the district may be validly issued, sold, and  
24 delivered, notwithstanding that one or more of the officers of the commission  
25 signing such obligations, or whose facsimile signature or signatures may be on  
26 the obligations, shall have ceased to be such officer of the commission at the  
27 time such obligations shall actually have been delivered.

28 F. Obligations of the district may be sold in such manner and from time  
29 to time as may be determined by the commission to be most beneficial, subject

1 to approval of the State Bond Commission, and the district may pay all  
2 expenses, premiums, fees, or commissions, which it may deem necessary or  
3 advantageous in connection with the issuance and sale thereof.

4 G. The district may authorize the establishment of a fund or funds for  
5 the creation of a debt service reserve, a renewal and replacement reserve, or  
6 such other funds or reserves as the commission may approve with respect to the  
7 financing and operation of any project funded with the proceeds of such bonds  
8 and as may be authorized by any bond resolution, trust agreement, indenture  
9 of trust, or similar instrument or agreement pursuant to the provisions of which  
10 the issuance of bonds or other obligations of the district may be authorized.

11 H. Any cost, obligation, or expense incurred for any of the purposes or  
12 powers of the district shall be a part of the project costs and may be paid or  
13 reimbursed as such out of the proceeds of bonds or other obligations issued by  
14 the district.

15 I. For a period of thirty days from the date of publication of the  
16 resolution authorizing the issuance of bonds hereunder, any persons in interest  
17 shall have the right to contest the legality of the resolution and the legality of the  
18 bond issue for any cause, after which time no one shall have any cause or right  
19 of action to contest the legality of said resolution or of the bonds authorized  
20 thereby for any cause whatsoever. If no suit, action, or proceeding is begun  
21 contesting the validity of the bond issue within the thirty days herein  
22 prescribed, the authority to issue the bonds and to provide for the payment  
23 thereof, and the legality thereof and all of the provisions of the resolution  
24 authorizing the issuance of the bonds shall be conclusively presumed, and no  
25 court shall have authority to inquire into such matters.

26 J. Neither the members of the commission nor any person executing the  
27 bonds shall be personally liable for the bonds or be subject to any personal  
28 liability by reason of the issuance thereof. No earnings or assets of the district  
29 shall accrue to the benefit of any private persons. However, the limitation of

1 liability provided for in this Paragraph shall not apply to any gross negligence  
2 or criminal negligence on the part of any member of the commission or person  
3 executing the bonds.

4 K. All obligations authorized to be issued by the district pursuant to the  
5 provisions of this Section, together with interest thereof, income therefrom, and  
6 gain upon the sale thereof, shall be exempt from all state and local taxes.

7 L. The state and all public officers, any parish, municipality, or other  
8 subdivision or instrumentality of the state, any political subdivision, any bank,  
9 banker, trust company, savings bank and institution, building and loan  
10 association, savings and loan association, investment company or any person  
11 carrying on a banking or investment business, any insurance company or  
12 business, insurance association, and any person carrying on an insurance  
13 business, and any executor, administrator, curator, trustee, and other fiduciary,  
14 and any retirement system or pension fund may legally invest any sinking funds  
15 monies, or other funds belonging to them or within their control in any bonds  
16 or other obligations issued by the district, pursuant to the provisions of this  
17 Section, and such bonds or other obligations shall be authorized security for all  
18 public deposits. It is the purpose of this Section to authorize such persons,  
19 firms, corporations, associations, political subdivisions and officers, or other  
20 entities, public or private, to use any funds owned or controlled by them,  
21 including but not limited to sinking, insurance, investment, retirement,  
22 compensation, pension and trust funds, and funds held on deposit, for the  
23 purchase of any such bonds or other obligations of the district, and that any  
24 such bonds shall be authorized security for all public deposits. However,  
25 nothing contained in this Section with regard to legal investments or security for  
26 public deposits shall be construed as relieving any such person, firm,  
27 corporation, or other entity from any duty of exercising reasonable care in  
28 selecting securities.

29 Section 2. Chapters 31 and 32 of Title 34 of the Louisiana Revised Statutes of 1950,

1 comprised of R.S. 34:2501 through 2506 and R.S. 34:2551 through 2556, are hereby  
2 repealed.

3 Section 3. The terms of the board of commissioners of the East Cameron Port,  
4 Harbor and Terminal District and the West Cameron Port, Harbor and Terminal District  
5 serving on December 31, 2014, shall terminate on that date.

6 Section 4. Any taxes, fees, or other charges authorized prior to January 1, 2015, and  
7 being levied and collected by the East Cameron Port, Harbor, and Terminal District and the  
8 West Cameron Port, Harbor, and Terminal District shall continue to be levied and collected  
9 by the commission in accordance with the terms of such taxes, fees, or other charges  
10 authorization.

11 Section 5. A. The Cameron Parish Port, Harbor, and Terminal District (hereafter,  
12 "district") is hereby assigned and subsumes all of the duties and responsibilities previously  
13 exercised by the East Cameron Port, Harbor, and Terminal District and the West Cameron  
14 Port, Harbor, and Terminal District (hereafter, "East and West districts") with regard to  
15 previously executed agreements, and such district may execute, sign, modify, amend, and  
16 renew any such agreement.

17 B. All unfinished business, references in laws and documents, employees, property,  
18 obligations, and books and records of the East and West districts shall be assumed by the  
19 Cameron Parish Port, Harbor, and Terminal District and shall be transferred as provided in  
20 this Section. Any pending or unfinished business of the East Cameron Port, Harbor, and  
21 Terminal District and the West Cameron Port, Harbor, and Terminal District shall be taken  
22 over and be completed by the district, and the district shall be the successor in every way to  
23 the East and West districts for the purpose of completing such business. Any reference in  
24 laws and documents to the East and West districts shall be deemed to apply to the district.  
25 Any legal proceeding to which the East and West districts are a party and which is filed,  
26 initiated, or pending before any court on the effective date of this Section, and all documents  
27 involved in or affected by such legal proceeding, shall retain their effectiveness and shall be  
28 continued in the name of the district. All further legal proceedings and documents in the  
29 continuation, disposition, and enforcement of such legal proceeding shall be in the name of

1 the district, and the district shall be substituted in the prior plans, projects, policies, and  
 2 programs without necessity for amendment of any document. This Act shall not be construed  
 3 so as to impair the effectiveness of any rule or policy of either of the East and West districts  
 4 and any such rule or policy shall remain effective or until changed in accordance with law.  
 5 This Act shall not be construed so as to impair the contractual or other obligations of the  
 6 East and West districts and all obligations of the East and West districts shall be the  
 7 obligations of the district. The district shall be the successor in every way to the East and  
 8 West districts, including all of their obligations and debts. All dedications and allocations  
 9 of revenues and sources of revenues heretofore made to or for either the East or West  
 10 districts shall continue in the same manner, to the same extent, and for the same purposes  
 11 as were provided prior to the enactment of this Act, unless and until other provision is made  
 12 therefor. All books, papers, records, money, actions, and other property of every kind,  
 13 movable and immovable, real and personal, heretofore possessed, controlled, or used by East  
 14 and West districts are hereby transferred to the district. All employees heretofore engaged  
 15 in the performance of duties of the East and West districts, insofar as practicable and  
 16 necessary, are transferred to the district, and insofar as practicable and necessary shall  
 17 continue to perform the duties heretofore performed, subject to policies and procedures of  
 18 the district and other applicable laws.

19 Section 6. This Act shall become effective on January 1, 2015; if vetoed by the  
 20 governor and subsequently approved by the legislature, this Act shall become effective on  
 21 January 1, 2015, or on the day following such approval by the legislature, whichever is later.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Sharon F. Lyles.

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#### DIGEST

Morrish (SB 76)

Present law provides for the East Cameron Port, Harbor and Terminal District and the West  
 Cameron Port, Harbor and Terminal District.

Proposed law repeals present law and creates the Cameron Parish Port, Harbor and Terminal  
 District as a political subdivision with a port area coextensive with the parish of Cameron.

Proposed law creates the Cameron Parish Port Commission as the governing authority of the  
 district composed of 13 commissioners appointed as follows:

- (1) 12 members appointed by the governing authority of the parish of Cameron with at least two commissioners from each ward who are qualified voters and taxpayers and reside in the ward of the parish from which they are appointed.
- (2) One member appointed by the other commission members who is a qualified voter and taxpayer residing in Cameron Parish.

Provides for initial terms of two years for the commissioner appointed by other members and for one of the commissioners initially appointed from each ward. Provides for four-year terms for the other commissioners initially appointed from each ward. Provides that appointed members serve four-year terms after the initial staggered terms. Provides for remaining commissioners to appoint a successor for any commissioner who ceases to serve for the remainder of such outgoing commissioner's unexpired term.

Proposed law authorizes the commission to fix per diem for members not to exceed \$20 per day for members when in actual attendance upon the board and reasonable travel allowance for commissioners in performance of their official duties.

Proposed law provides with respect to officers and meetings of the commissioners.

Proposed law authorizes the district, through the commission, to regulate commerce and traffic in the district in the best interest of the state. Provides that title of all property and improvements operated by the commission vest in the district. Provides the district has all powers of political subdivisions, including but not limited to authority:

- (1) To sue and to be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To employ such officers, agents, and employees as it deems necessary for the performance of its powers and duties and to prescribe the powers and duties and fix the compensation of such officers, agents, and employees.
- (4) To contract, upon such terms as it may agree upon, for legal, financial, engineering, and other professional services necessary or expedient in the conduct of its affairs.
- (5) To enter into contracts for purchase, acquisition, construction, and improvement of public works and facilities necessary in connection with the purposes of the district.
- (6) To utilize the services of the executive departments of the state upon mutually agreeable terms and conditions.
- (7) To own, construct, acquire, operate, and maintain docks, wharves, landings, elevators, sheds, warehouses, basins, locks, slips, laterals, canals, and all other property, structures, equipment, facilities, and works of public improvement necessary or useful for port, harbor, or terminal purposes.
- (8) To maintain proper depths of water at all wharves and landings; to dredge and maintain shipways, channels, slips, basins, and turning basins.
- (9) To establish harbor lines, also known as structural limit lines, within the port area by agreement with the Corps of Engineers of the United States.
- (10) To construct, own, operate, and maintain terminal rail facilities and other common carrier rail facilities for the purpose of rendering rail transportation to and from the facilities to be erected, owned, and operated by the commission in both intrastate and interstate commerce.

- (11) To acquire by gift, grant, purchase, expropriation in accordance with the expropriation laws of the state, or otherwise all property, including rights-of-way, necessary for the benefit and advantage of regulating commerce and traffic within its jurisdiction, provided that it shall not have the right to expropriate minerals or mineral rights, and that such powers of expropriation shall not apply or extend to any existing publicly or privately owned wharf, dock, warehouse, elevator, or other facility, or industrial structure constructed on or adjacent to any navigable waterway, natural or man-made, or to the replacement, improvement and operation thereof by the owners, lessees, permittees, or the successors and assigns thereof. Should the properties expropriated under the authority herein conferred cease to be used for the purposes for which they were expropriated, such properties shall revert to the original land owner or his heirs or assigns, provided such land owner or his heirs or assigns shall reimburse said district or commission, or its successor, in the full amount originally paid by the district or commission for such land; to hold and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the objects and purposes of the district, including but not limited to the establishment, maintenance, and operation of industrial parks, ports, harbors, and terminals.
- (12) To acquire by purchase, lease, or otherwise, industrial plant sites and necessary property or appurtenances therefor; to acquire or construct industrial plant buildings, with necessary machinery and equipment, within such district.
- (13) To receive, by gift, grant, donation, or otherwise, any sum of money, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof.
- (14) To provide such light, water, police protection, and other services for its facilities as it deems advisable.
- (15) To establish and charge reasonable fees, rates, tariffs, or other charges for the use of all facilities administered by it and for all services rendered by it.
- (16) To charge a reasonable fee to each vessel for the use of its facilities in the port area in ballast or carrying cargo of any kind, provided that it shall not charge any fee, rate, tariff, or other charge to any vessel in ballast or cargo on account of passage through the district unless such vessel or cargo makes use of its facilities or services and shall not by any rule, regulation, or other act require the use of its facilities or services.
- (17) To charge for each copy of any certificate issued by it or by any of its officers or employees for inspecting hatches, surveying cargo, or for making other surveys or inspections of vessels in the district, provided it shall furnish, without charge, to the master of each such vessel, one copy of all surveys upon his vessel or cargo.
- (18) To make and enter into contracts, leases, and other agreements with railroads, trucking companies, barge lines, and with any and all companies interested in the transportation, storage, and shipping of goods and other products, whether by rail, truck line, barge line, an ocean-going vessel, or otherwise, for the use of facilities administered by the commission or any part or portion thereof, for a period not exceeding 40 years, provided that no exclusive franchise shall be granted to any carrier. The commission may lease or sublease for processing, manufacturing, or commercial business purposes any lands or buildings owned, acquired, or leased as lessee by it, which lease may run for any term not exceeding 40 years, at a fixed rental, provided that any such lease may run for a term not exceeding 99 years if it contains a clause or clauses for readjustment of the rentals upon the expiration of a primary term of 40 years.
- (19) In its own name and on its own behalf, to incur debt and to issue revenue bonds,

special assessment bonds, certificates, notes, and other evidences of indebtedness and to levy and cause to be collected certain taxes as provided in this Chapter and as may be provided by general law.

- (20) To borrow money and pledge all or part of its revenues, leases, rents, or other advantages as security for such loans.
- (21) To do any and all things necessary or proper for the government, regulation, development, and control of the business of the district, provided that the district complies with the constitution, laws, and policies of the state of Louisiana, including but not limited to, the Public Records Law and the Open Meetings Law, in carrying out its functions and duties.

Proposed law authorizes the district to levy annually an ad valorem tax not to exceed three mills on property situated in the district if authorized by a majority of those qualified to vote who vote at an election held for such purpose which election is conducted according to law.

Proposed law authorizes the district to levy annually sales and use taxes subject to limitations set forth in the constitution and subject to terms of a resolution imposing such tax and provisions of law.

Proposed law provides that taxes and assessments to be levied by the district shall be levied only after the board has adopted a resolution and given notice at least 14 days prior to the public meeting of the board to hear any objections to the proposed taxes or assessments. Provides that such taxes or assessments may be levied only after approval of the electors voting at a special election; however, if there are no qualified electors in the district, no election shall be required.

Proposed law authorizes the district to issue bonds, notes, certificates of indebtedness and other obligations or evidences of indebtedness. Provides that obligations shall be authorized, issued, and sold by a resolution of the board in such manner and from time to time as determined by the district, subject to approval of the State Bond Commission.

Proposed law provides that for 30 days after the date of publication of the resolution authorizing the bonds, any person in interest may contest the legality of such. After 30 days, no one shall have any right to contest the legality of the resolution.

Effective January 1, 2015.

(Adds R.S. 34:5201-5205; repeals R.S. 34:2501-2506 and R.S. 34:2551-2556)

#### Summary of Amendments Adopted by Senate

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

1. Requires the district to comply with the constitution, laws, and policies of the state of Louisiana, including but not limited to, the Public Records Law and the Open Meetings Law, in carrying out its functions and duties.