

2016 Regular Session

HOUSE BILL NO. 853

BY REPRESENTATIVE ROBERT JOHNSON

PORTS/HARBORS/TERMINALS: Changes the composition of the Avoyelles Parish Port Commission and provides for additional authority of the commission

1 AN ACT

2 To amend and reenact R.S. 34:1801, 1803, 1806, and 1807, relative to the Avoyelles Parish
3 Port Commission; to rename the Avoyelles Parish Port Commission; to provide for
4 the membership of the Avoyelles Parish Port Commission; to provide for the powers
5 and duties of the Avoyelles Parish Port Commission; and to provide for related
6 matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 34:1801, 1803, 1806, and 1807 are hereby amended and reenacted
12 to read as follows:

13 CHAPTER 15. AVOYELLES PARISH PORT AND WATERWAY COMMISSION

14 §1801. Creation of Avoyelles Parish Port and Waterway Commission

15 A. There is hereby created a commission to be known as the Avoyelles
16 Parish Port and Waterway Commission, which shall be composed of ~~seven members~~
17 ~~who shall serve without compensation and who shall be appointed as follows:~~

18 (a) ~~Four commissioners appointed by the governing authority of the parish~~
19 ~~of Avoyelles;~~

1 and may prescribe their duties, powers and compensation of such officers, agents,
2 and employees. The commission may, upon such terms as it may agree upon,
3 contract for legal, financial, engineering and other professional services necessary
4 or expedient in the conduct of its affairs, and may upon terms and conditions
5 mutually agreeable, utilize the services of the other executive departments of the
6 state.

7 C. The commission shall regulate the commerce, and traffic, within such port
8 area in such a manner as may, in its judgment, be for the best interest of the state.
9 It shall have charge of and administer public wharves, docks, sheds and landings, and
10 shall have authority to construct or acquire and equip wharves and landings, and
11 other structures useful for the commerce of the port area, and provide mechanical
12 facilities therefor; to erect sheds or other structures on said wharves and landings; to
13 maintain proper depths of water at all such wharves and landings; to provide light,
14 water, police protection and other services for its facilities as it may deem advisable;
15 to construct or acquire, maintain and operate basins, locks, canals, warehouses and
16 elevators; to charge for the use of all facilities administered by it, and for all services
17 rendered by it, such fees, rates, tariffs, or other charges as it may establish; to
18 establish harbor lines within the port area by agreement with the Corps of Engineers;
19 and to construct, own, operate and maintain terminal rail facilities, and other
20 common carrier rail facilities for the purpose of rendering rail transportation to and
21 from the facilities to be erected, owned and operated by the commission in both
22 intrastate and interstate commerce. The legislature may confer additional powers
23 upon the commission not inconsistent with the provisions hereof; provided, however,
24 that it shall not impair any contracts lawfully entered into by the commission. Title
25 to all property and improvements thereon operated by the commission shall vest in
26 the state of Louisiana.

27 D. The commission may charge a reasonable fee to each vessel arriving in
28 the port area in ballast or carrying cargo of any kind. It may also charge for each
29 copy of any certificate issued by it, or by any of its officers or employees for

1 inspecting hatches, surveying cargo, or making other surveys or inspections of
2 vessels in the port area, but shall furnish, without charge, to the master of each such
3 vessel, one copy of all surveys upon his vessel or cargo.

4 E. The commission shall have authority to make and enter into contracts,
5 leases, and other agreements with railroads, trucking companies, barge lines, and
6 with any and all companies interested in the transportation, storage and shipping of
7 goods and other products, whether by rail, truck line, barge line, ocean going vessels,
8 or otherwise for the use of facilities administered by the commission or any part or
9 portion thereof for a period of time not exceeding forty years. No exclusive
10 franchise, however, shall be granted to any carrier.

11 F. The commission shall manage withdrawals of water from Spring Bayou.

12 * * *

13 §1806. Right to expropriate

14 The Avoyelles Parish Port and Waterway Commission may acquire by
15 expropriation in accordance with expropriation laws of the state of Louisiana, any
16 wharves, landings or any other property necessary for the benefit and advantage of
17 the commerce of the said commission.

18 §1807. Advertisement; ~~R.S. 43:111 not to apply~~

19 The prohibition, contained in R.S. 43:111, against advertising in any
20 newspaper, book, pamphlet or periodical, shall not apply to the Avoyelles Parish Port
21 and Waterway Commission in carrying out its functions and duties under the
22 constitution and laws of this state.

23 Section 2. The commissioners of the Avoyelles Parish Port Commission in office
24 on the effective date shall remain as commissioners until such time as appointments are
25 made pursuant to this Act.

26 Section 3. The Avoyelles Parish Port and Waterway Commission is hereby assigned
27 and subsumes all of the duties and responsibilities previously exercised by the Avoyelles
28 Parish Port Commission with regard to previously executed agreements and contracts, the

1 purposes of which are under the duties, jurisdiction, responsibilities, and powers granted to
2 the Avoyelles Parish Port and Waterway Commission. The Avoyelles Parish Port and
3 Waterway Commission is here given the power to execute, sign, modify, amend, and renew
4 any such agreement on its own behalf or on behalf of the Avoyelles Parish Port Commission.

5 Section 4. All unfinished business, references in laws and documents, employees,
6 property, obligations, and books and records of the prior plans, projects, policies, and
7 programs assumed by this Act into the Avoyelles Parish Port and Waterway Commission
8 shall be transferred as provided in this Act. Any pending or unfinished business of the prior
9 plans, projects, policies, and programs shall be taken over and be completed by the
10 Avoyelles Parish Port and Waterway Commission created by this Act with the same power
11 and authorization as that of prior plans, projects, policies, and programs and the new port and
12 waterway authority shall be the successor in every way to the prior plans, projects, policies,
13 and programs for the purpose of completing such business. Any reference in laws and
14 documents to either of the prior plans, projects, policies, and programs shall be deemed to
15 apply to the new Avoyelles Parish Port and Waterway Commission. Any legal proceeding
16 to which the prior plans, projects, policies, and programs are a party and which is filed,
17 initiated, or pending before any court on the effective date of this Act, and all documents
18 involved in or affected by said legal proceeding, shall retain their effectiveness and shall be
19 continued in the name of the Avoyelles Parish Port and Waterway Commission . All further
20 legal proceedings and documents in the continuation, disposition, and enforcement of such
21 legal proceeding shall be in the name of the Avoyelles Parish Port and Waterway
22 Commission , and the Avoyelles Parish Port and Waterway Commission shall be substituted
23 for the prior plans, projects, policies, and programs without necessity for amendment of any
24 document. This Act shall not be construed so as to impair the effectiveness of any rule or
25 policy of either of the prior plans, projects, policies, and programs and any such rule or
26 policy shall remain effective as provided therein or until changed in accordance with law.
27 This Act shall not be construed so as to impair the contractual or other obligations of either
28 of the prior plans, projects, policies, and programs or of the state of Louisiana. All
29 obligations of the prior plans, projects, policies, and programs shall be the obligations of the

1 new Avoyelles Parish Port and Waterway Commission. The new Avoyelles Parish Port and
2 Waterway Commission shall be the successor in every way to the prior plans, projects,
3 policies, and programs, including all of their obligations and debts. All dedications and
4 allocations of revenues and sources of revenues heretofore made to or for either of the prior
5 plans, projects, policies, and programs shall continue in the same manner, to the same extent,
6 and for the same purposes as were provided prior to the enactment of this Act, unless and
7 until other provision is made therefor. All books, papers, records, money, actions, and other
8 property of every kind, movable and immovable, real and personal, heretofore possessed,
9 controlled, or used by either of the prior plans, projects, policies, and programs are hereby
10 transferred to the new Avoyelles Parish Port and Waterway Commission. All employees
11 heretofore engaged in the performance of duties of the prior plans, projects, policies, and
12 programs, insofar as practicable and necessary, are transferred to the new Avoyelles Parish
13 Port and Waterway Commission and insofar as practicable and necessary shall continue to
14 perform the duties heretofore performed, subject to policies and procedures of the new
15 Avoyelles Parish Port and Waterway Commission, applicable state civil service laws, rules,
16 and regulations, and other applicable laws. Subject to such laws, positions in the
17 unclassified service shall remain in the unclassified service.

18 Section 5. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

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 853 Original

2016 Regular Session

Robert Johnson

Abstract: Changes the name and governing body of the Avoyelles Parish Port Commission and adds that the commission shall manage withdrawals of water from Spring Bayou.

Present law creates the Avoyelles Parish Port Commission.

Proposed law changes the name of that commission to the Avoyelles Parish Port and Waterway Commission.

Present law provides that the Avoyelles Parish Port Commission is composed of seven members who shall serve without compensation and who shall be appointed as follows:

- (1) Four commissioners appointed by the governing authority of the parish of Avoyelles.
- (2) Two commissioners shall be appointed by the governing authority of the town of Simmesport.
- (3) One commissioner shall be elected by the appointed commissioners at their initial meeting.

Present law provides that commissioners are appointed for terms of six years.

Proposed law removes present law and instead provides that the commission will be composed of nine members who shall serve without compensation and who shall be appointed, subject to Senate confirmation, by the representative representing House District 28 and the senator representing Senate District 28. Requires a person domiciled in each police jury district be appointed to the commission.

Present law provides for the rights and duties of the commission.

Proposed law adds that the commission will manage withdrawals of water from Spring Bayou.

Proposed law provides for transitional provisions to complete the transfer of all obligations, rights, duties, property, and the like from the existing Avoyelles Parish Port Commission to the proposed Avoyelles Parish Port and Waterway Commission.

(Amends R.S. 34:1801, 1803, 1806, and 1807)