
 DIGEST

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SB 82 Reengrossed

2016 Regular Session

Morrish

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. Provides the territorial limits and territorial jurisdiction of the district is all areas comprising Ward 1, 2, 3, 4, 5, and 6 of the parish of Cameron.

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

- (1) Six members appointed by the governing authority of the parish of Cameron with one commissioner appointed from each ward of the parish who is a qualified voter and taxpayer and resides in the ward of the parish from which he is appointed.
- (2) Four members appointed by the governing authority of the parish of Cameron with one commissioner each appointed from Wards 3, 4, 5, and 6 who is a qualified voter and taxpayer residing in the ward from which he is appointed.
- (3) One member appointed by the other commission members who is a qualified voter and taxpayer residing in Cameron Parish.

Provides that commissioners are appointed for four-year terms, except for those initially appointed pursuant to (2) and (3) above, who shall serve two years. Provides that all appointed members serve four-year terms after the initial terms. Provides that commissioners appointed by the governing authority of the parish serve at the pleasure of the governing authority. Provides that the commissioner appointed by the other commissioners serves at the pleasure of the other commissioners.

Provides that all vacancies occurring on the commission shall be filled in the manner of the original appointment for the remainder of the unexpired term of the outgoing commissioner.

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 property, including rights-of-ways, necessary for the benefit and advantage of regulating commerce and traffic within its jurisdiction, by gift, grant, purchase, or expropriation in accordance with the laws of the state, provided that it shall not have the right to expropriate minerals or mineral rights, and that its power to expropriate shall not apply or extend to any existing publicly or privately owned wharf, dock, warehouse, elevator, industrial plant site, industrial structure, or other facility constructed on or adjacent to any navigable waterway, natural or man-made, or to the replacement, improvement, and operation by the owners, lessees, or permittees thereof, or their successors and assigns. Additionally, the district shall not have the right to expropriate land under lease or option to lease on the effective date of this Chapter. 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 or lease 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 within the territorial limits and territorial jurisdiction of the district 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 provides that notwithstanding any provision of proposed law, the authority, power, and jurisdiction of the Cameron Parish Port, Harbor, and Terminal District is subject to the provisions of R.S. 34:218.

Proposed law provides that the provisions of this Chapter shall not be construed to authorize the commission the right to operate as a public utility or to grant a franchise for service by a public utility that is regulated by the Louisiana Public Service Commission.

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 on goods and property within the territorial limits or territorial jurisdiction of the district subject to limitations set forth in the constitution, to terms of a resolution imposing such tax, and to 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 the resolution. After 30 days, no one has any right to contest the legality of the resolution.

Effective January 1, 2017.

(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. Provides the territorial limits and territorial jurisdiction of the district is composed of all of the area comprising Wards 1, 2, 3, 4, 5, and 6 of Cameron Parish.
2. Revised district's authority to acquire property to provide that the district does not have a right to expropriate land under lease or option to lease on the effective date of proposed law.
3. Removes word "otherwise" from district's authority to acquire by purchase or lease industrial plant sites and necessary property or appurtenances.
4. Limits district's authority to provide light, water, police protection, and other services for its facilities to those within the districts' territorial limits and territorial jurisdiction.
5. Adds provision that the district's authority provided in proposed law shall not be construed to authorize the commission the right to operate as a public utility or to grant a franchise for service by a public utility that is regulated by the Louisiana Public Service Commission.
6. Adds that commission's authority to levy sales and use tax is limited to goods and property with the territorial limits or territorial jurisdiction of the district.

Senate Floor Amendments to engrossed bill.

1. Makes legislative bureau technical changes.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the reengrossed bill:

1. Change reference to R.S. 47:335.1 to R.S. 47:337.1.