SLS 202ES-13 **ENGROSSED**

2020 Second Extraordinary Session

SENATE BILL NO. 49

BY SENATOR HEWITT

PORTS/HARBORS/TERMINALS. Provides for the issuance of bonds by the Louisiana International Deep Water Gulf Transfer Terminal Authority. (gov sig) (Item #49)

| 1 | AN ACT |
|----|--|
| 2 | To amend and reenact R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and |
| 3 | 3503(A)(2) and (3), relative to the Louisiana International Deep Water Gulf Transfer |
| 4 | Terminal Authority; to provide with respect to the issuance of bonds; to revise |
| 5 | definitions; and to provide for related matters. |
| 6 | Be it enacted by the Legislature of Louisiana: |
| 7 | Section 1. R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and |
| 8 | 3503(A)(2) and (3) are hereby amended and reenacted to read as follows: |
| 9 | §3492. Definitions |
| 10 | For the purposes of this Chapter, unless the context clearly otherwise |
| 11 | requires, the following definitions shall apply and shall be equally applicable to both |
| 12 | the singular and plural forms of any of the defined terms: |
| 13 | (1) "Authority development program" means a full and complete plan for the |
| 14 | development, construction, and operation of deep draft container vessel and |
| 15 | intermodal terminal facilities not in existence on July 1, 2008, including but not |
| 16 | limited to research and experimentation; promotion; financing; all phases of |
| 17 | technical development and refinement; construction; operation and maintenance, |

including renovation, retirement, and reconstruction; regulation of any aspect of such a plan; and any other action the authority deems necessary to the fulfillment of such a plan.

* * *

- (10) "Revenue bond project" or "revenue bond projects" means any one or more of the facilities authorized to be financed by the issuance of revenue bonds pursuant to the provisions of R.S. 34:3112.1 34:3503.
- (11) "Revenue bonds" means any bonds or notes issued pursuant to R.S. 34:3112.1 34:3503.

10 * * *

(14) "Transfer Terminal facilities" or "facilities" means a structure, a series of structures, or a facility constructed after July 1, 2008, developed pursuant to the authority development program on the lower end of the east bank of Southwest Pass in Plaquemines Parish on state owned property and designed to accommodate deep draft container vessels and their cargoes, including all intermodal structures, property, and equipment used for transportation, and facilities directly related thereto and necessary or useful to the operation thereof, whether landward, onshore, or seaward of the main structures or facilities themselves, including any facility which is part of a gulf transfer container terminal, as defined herein.

§3493. Jurisdiction; domicile

A.(1) The Louisiana International Deep Water Gulf Transfer Terminal Authority shall have only that exclusive jurisdiction as provided herein over a structure, a series of structures, or a facility constructed after July 1, 2008, at the lower end of the east bank at Southwest Pass in Plaquemines Parish on state owned property, described as follows to wit: beginning at a point having latitude 28.953797 degrees north and longitude 89.316072 degrees west; thence proceed to a point having latitude 28.941817 degrees north and 89.316192 degrees west; thence proceed to a point having latitude 28.918486 degrees north and 89.336992 degrees west; thence proceed to a point having latitude 28.918692 degrees north and

longitude 89.349631 degrees west; thence proceed to a point having latitude 28.940650 degrees north and longitude 89.353161 degrees west; thence proceed to a point having latitude 28.953931 degrees north and 89.324425 degrees west; thence proceed to the point of beginning and designed to accommodate deep draft container vessels and their cargoes, including all intermodal structures, property, and equipment used for transportation, and facilities directly related thereto and necessary or useful to the operation thereof, whether landward, onshore, or seaward of the main structures or facilities themselves, including any facility which is part of a gulf transfer container terminal.

* * *

§3499. Powers

* * *

F. The authority may lease or sublease lands leased from the state of Louisiana and is authorized to negotiate and enter into leases, subleases, contracts, or agreements with any person in order to facilitate the acquisition, construction, or operation of terminal facilities constructed or acquired after July 1, 2008, for unloading, temporarily storing, and transporting after unloading, containerized cargo in accordance with a license or licenses granted by the authority. However, the provisions of R.S. 33:4715.1, Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950, and R.S. 38:2211 et seq., shall not apply to this Subsection.

* * *

§3501. Purchases

The authority may purchase machinery and equipment related to the operation of deep draft container vessels and intermodal terminal facilities; including but not limited to container cranes. The provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2211 et seq., shall not be applicable to such purchases made with nonstate funds.

* * *

§3503. Additional authorization to issue revenue bonds and notes

1 A.(1) * * *

(2) Authorization of revenue bonds. The authority is hereby authorized to issue its negotiable revenue bonds in one or more series in such the principal amount as shall be necessary to provide sufficient monies for payment of project costs of one or more revenue bond projects as may be determined by the authority. The authority shall have power, from time to time, and subject to agreements with the holders of its revenue bonds and with the approval of the State Bond Commission, to issue renewal notes; to issue revenue bonds to pay notes; and, whenever the authority deems it expedient, to refund any revenue bonds by the issuance of new revenue bonds, whether the revenue bonds to be refunded have or have not matured, and may issue revenue bonds partly to refund revenue bonds then outstanding and partly for any other purpose under this Chapter. Refunding revenue bonds may be exchanged for outstanding revenue bonds or sold and the proceeds applied to or deposited in escrow for the purchase, redemption, or payment of revenue bonds and interest and premiums thereon and for any other purpose specified in the resolution or trust agreement authorizing or securing such the bonds.

(3) Bond resolution; trust agreement; publication; peremption preemption. The authority shall authorize revenue bonds by one or more resolutions executed by the secretary of the Department of Transportation and Development an authorized officer of the board of commissioners and approved by the State Bond Commission. Any revenue bonds issued pursuant to this Section also may be secured by a trust agreement by and between the authority and one or more corporate trustees or fiscal agents, which may be any trust company or bank having the powers of a trust company within or without this state. Any resolution authorizing the issuance of revenue bonds shall be published one time in the official journal of the state; however, it shall not be necessary to publish any exhibits to such the resolution if the same are available for public inspection and such this fact is stated in the publication. For thirty days after the date of publication, any person in interest may contest the legality of the resolution, any provision of the revenue bonds to be issued

SLS 202ES-13

ENGROSSED
SB NO. 49

pursuant to it, the provisions therein made for the security and payment of the revenue bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of such the bonds. After that time, no person may contest the regularity, formality, legality, or effectiveness of the resolution, any provisions of the revenue bonds to be issued pursuant to it, the provisions for the security and payment of the revenue bonds, and the validity of all other provisions and proceedings relating to their authorization and issuance, for any cause whatsoever. Thereafter, it shall be conclusively presumed that the revenue bonds are legal and that every legal requirement for the issuance of the revenue bonds has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.

12 * * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

DIGEST

SB 49 Engrossed

1

2

3

4

5

6

7

8

9

10

11

13

14

15

16

17

2020 Second Extraordinary Session

Hewitt

<u>Present law</u> provides for definitions of "Authority Development Program", "Revenue bond project", "Revenue bonds", and "Transfer Terminal facilities" or "facilities" applicable to the Louisiana International Deep Water Gulf Transfer Terminal Authority.

<u>Proposed law</u> deletes the word "container" from the definitions of "Authority Development Program" and "Transfer Terminal facilities" or "facilities" and changes statutory references in the definitions of "Revenue bond project" and "Revenue bonds" <u>from</u> R.S. 34:3112.1 relative to bonds of the Offshore Terminal Authority <u>to</u> R.S. 34:3503 relative to bonds of the LA International Deep Water Gulf Terminal Authority.

<u>Present law</u> contains several instances (R.S. 34:3493(A)(1), 3499(F), and 3501) where use of the words "container" or "containerized" restrict or limit the authority.

<u>Proposed law</u> deletes the words "container" or "containerized" to remove the restriction or limitation.

Present law provides for the issuance of revenue bonds by the authority and requires

Page 5 of 6

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

execution of bond resolutions that authorize revenue bonds by the secretary of DOTD. The secretary is a member of the authority's board of commissioners; however, DOTD has no oversight over the authority.

<u>Proposed law</u> changes <u>present law</u> to provide for execution of the authority's bond resolutions by an authorized officer of the authority's board of commissioners.

Proposed law makes technical corrections.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and 3503(A)(2) and (3))