

Regular Session, 2014

HOUSE BILL NO. 426

BY REPRESENTATIVE HARRIS

PORTS/HARBORS/TERMINALS: Provides with respect to the Alexandria Regional Port

1 AN ACT

2 To amend and reenact R.S. 34:335.1, 335.2, 335.3(A), (B), (C), and (E), 335.4(A), 335.5(C),
3 335.6, and 338.4 and to enact R.S. 34:338.5, relative to the Alexandria Regional
4 Port; to provide for territorial limits of the port; to provide for the board of
5 commissioners of the port and its membership, duties, and powers, including the
6 power to levy taxes, incur debt, issue and sell bonds, advertise local notices, refund
7 bonds, and the defeasance of securities of public entities; to provide for an effective
8 date; and to provide for related matters.

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 34:335.1, 335.2, 335.3(A), (B), (C), and (E), 335.4(A), 335.5(C),
14 335.6, and 338.4 are hereby amended and reenacted and R.S. 34:338.5 is enacted to read as
15 follows:

16 §335.1. Creation and territorial limits

17 The ~~Alexandria~~ Alexandria-Pineville Regional Port Authority hereinafter
18 referred to as the "port", is hereby created as a political subdivision of the state, and
19 its territorial limits shall be concurrent with that of the ~~municipal limits of the city~~
20 ~~of Alexandria~~ territorial limits of Rapides Parish.

1 §335.2. Board of commissioners; membership; officers; meetings

2 A. The port shall be governed by a board of commissioners composed of
3 ~~eight~~ nine members, hereinafter referred to as the "board", who shall serve without
4 compensation and who shall be appointed for terms as follows:

5 (1) ~~Five of the~~ Four commissioners shall be appointed by the mayor of the
6 city of Alexandria and confirmed by the Alexandria City Council. ~~Each~~
7 ~~commissioner shall be a citizen of the United States, a qualified voter of the state of~~
8 ~~Louisiana, and a resident of the city of Alexandria.~~

9 (2) ~~Three of the~~ Two commissioners shall be appointed ~~as follows:~~ by the
10 mayor of the city of Pineville and confirmed by the Pineville governing authority.

11 ~~(a)(3) One commissioner~~ Three commissioners shall be appointed at large
12 by the parish governing authority of Rapides Parish Police Jury.

13 ~~(b) One commissioner appointed at large by the parish governing authority~~
14 ~~of Grant Parish.~~

15 ~~(c) One commissioner appointed at large by the parish governing authority~~
16 ~~of Avoyelles Parish.~~

17 B.(1) ~~One of the commissioners initially appointed by the mayor shall serve~~
18 ~~an initial term of one year. Two of the commissioners initially appointed by the~~
19 ~~mayor shall serve an initial term of two years. Two of the commissioners initially~~
20 ~~appointed by the mayor shall serve an initial term of three years. Thereafter, the~~
21 ~~successors to each of the commissioners appointed by the mayor shall be appointed~~
22 ~~for terms of four years. The commissioners representing the Red River Waterway~~
23 ~~Commission shall serve terms concurrent with their terms on that commission. Each~~
24 commissioner appointed shall be a citizen of the United States and a domiciliary of
25 and qualified voter of Rapides Parish for at least one year preceding the date of his
26 appointment and during the entirety of his term in office.

27 (2) To the extent possible, persons appointed to the board of commissioners
28 shall be individuals with expertise in one or more of the following areas:

29 (a) Economic development.

- 1 (b) Public finance or administration.
- 2 (c) Senior level management.
- 3 (d) Urban planning.
- 4 (e) Banking or finance.
- 5 (f) Practice of law, medicine, or another licensed profession.
- 6 (g) Public relations.
- 7 (h) Construction.
- 8 (i) Real estate, appraisal, or commercial development.
- 9 (j) Labor.

10 C. ~~In the event that any commissioner ceases to be a commissioner for any~~
 11 ~~reason, his successor shall be appointed in the same manner as the original~~
 12 ~~appointment and shall serve for the remainder of the unexpired term. The~~
 13 ~~commissioners initially appointed in 2014 by the mayor of Alexandria shall serve an~~
 14 ~~initial term of one year. Thereafter, the successors to each of the commissioners~~
 15 ~~appointed by the mayor of Alexandria shall be appointed for terms of four years. The~~
 16 ~~commissioners initially appointed in 2014 by the mayor of Pineville shall serve an~~
 17 ~~initial term of two years. Thereafter, the successors to each of the commissioners~~
 18 ~~appointed by the mayor of Pineville shall be appointed for terms of four years. The~~
 19 ~~Rapides Parish Police Jury appointments shall serve a term of four years.~~

20 D.(1) Any commissioner who fails to attend at least fifty percent of the board
 21 of commissioners meetings, regular and special, in any calendar year shall be
 22 disqualified and automatically removed from office, and that commissioner's
 23 position shall be vacant, as of the first day of the succeeding calendar year. Such
 24 vacated position shall be filled by the respective nominating entity for the remainder
 25 of the vacated term. The former commissioner shall not be eligible for
 26 reappointment until the expiration of the balance of the vacated term.

27 (2) Any vacancy in the membership of the board occurring by reason of
 28 expiration of term of office, or by reason of death, resignation, disqualification, or
 29 otherwise, shall be filled by the respective nominating entity within thirty days after

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 receipt of written notice of the vacancy. In the event that the respective nominating
2 entity fails to fill the vacancy within thirty days after the receipt of written
3 notification of the vacancy, the board shall appoint an interim successor to serve on
4 the board until the position is filled by the respective nominating entity responsible
5 for the appointment of such member. If the board fails to fill a vacancy in its
6 membership within such thirty-day period, any two authorities of either the Rapides
7 Parish Police Jury, city of Alexandria, or city of Pineville by resolutions adopted by
8 a majority thereof, shall appoint an interim successor to serve on the board until the
9 position is filled by the respective nominating entity responsible for the appointment
10 of such member.

11 ~~D.E.~~ The board of commissioners shall elect from among its members a
12 president, who shall have no vote except in the event of a tie vote, a vice president,
13 a secretary, and a treasurer, whose respective duties shall be prescribed by the board.
14 At the option of the board of commissioners, the offices of the secretary and
15 treasurer may be held by one person. The board of commissioners shall meet in
16 regular session once each month and shall also meet in special session at the call of
17 the president of the ~~commission~~ board or on the written request of five members of
18 the board. A majority of the members of the board of commissioners shall constitute
19 a quorum, and all actions or resolutions of the board shall be approved by the
20 affirmative vote of not less than a majority of the members of the board at the
21 meeting. The board of commissioners shall prescribe rules governing its meetings
22 and shall fix a place at which the meetings shall be held.

23 §335.3. Authority, powers, and duties of board; officers; agents

24 A. The board of commissioners shall exercise the powers herein conferred
25 upon it by this Part within the port area, consisting of the ~~entire city of Alexandria,~~
26 ~~including the port facility owned by the city of Alexandria~~ entirety of Rapides Parish.

27 B.(1) The board of commissioners may authorize a reasonable travel
28 allowance for its members in the performance of their official duties. The board of

1 commissioners may further reimburse ~~to~~ its members actual expenses incurred in the
2 performance of their official duties on behalf of the port.

3 (2) ~~It~~ The board of commissioners may employ an executive director and
4 other such officers, agents, and employees as it finds necessary in the performance
5 of its duties, and it may prescribe the duties, powers, and compensation of the
6 officers, agents, and employees. The board of commissioners, on terms as it agrees
7 upon, may contract for legal, financial, engineering, and other professional services
8 necessary or expedient in the conduct of its affairs, and, on terms and conditions
9 mutually agreeable, may utilize the services of other executive departments of the
10 state.

11 (3) The board of commissioners may adopt bylaws and other rules and
12 regulations to conduct port business.

13 (4) The board of commissioners shall adopt an annual budget in accordance
14 with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The port
15 shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

16 (5) The board of commissioners shall cause minutes and records to be kept
17 of all its proceedings and it shall select a newspaper of general circulation within its
18 territorial jurisdiction as its official journal in which it shall publish its minutes and
19 official notices as required by law.

20 C.(1) In addition to the powers and duties elsewhere granted in this Part, the
21 board of commissioners may exercise all powers necessary for the operation of a
22 freshwater inland port. The board of commissioners shall regulate the commerce and
23 traffic within ~~the port area~~ Rapides Parish in a manner as may, in its judgment, be
24 for the best interests of the state.

25 (2) The board shall have charge of, operate, and administer public wharves,
26 docks, sheds, and landings on the Red River within the territorial jurisdiction of
27 Rapides Parish.

28 (3) ~~It~~ The board of commissioners may:

1 (a) Construct or acquire and equip wharves, landings, and other structures
2 useful for the commerce of the port and provide mechanical facilities therefor.

3 (b) Erect sheds or other structures on the wharves and landings.

4 (c) Provide light, water, police protection, and other services for its facilities
5 as it deems advisable.

6 (d) Construct or acquire, maintain, and operate basins, locks, canals,
7 warehouses, and elevators.

8 (e) Charge for the use of all facilities administered by it and for all services
9 rendered by it.

10 (f) Establish fees, rates, tariffs, or other charges as it deems fit.

11 (g) Establish harbor lines within the port area by agreement with the United
12 States Army Corps of Engineers.

13 (h) Construct, own, operate, and maintain terminal rail facilities and other
14 common carrier rail facilities for the purpose of rendering rail transportation to and
15 from the facilities to be erected, owned, and operated by the port in both intrastate
16 and interstate commerce.

17 ~~(3) Title to all property and improvements acquired by the port shall rest in~~
18 ~~the port.~~

19 (i) Sue and be sued.

20 (j) Acquire by gift, grant, purchase, lease, expropriation, or otherwise, and
21 hold and use any real property, real, personal, or mixed, tangible or intangible, or any
22 interest therein necessary or desirable for carrying out the objectives and purposes
23 of the port.

24 (k) Sell, transfer, and convey any property acquired by it, or any interest
25 therein at any time, to accomplish the objectives and purposes of the port.

26 (l) Enter into contracts, cooperative endeavors, or intergovernmental
27 agreements to achieve the port's objectives and purposes, including but not limited
28 to professional services agreements and other agreements for the purchase, lease,
29 acquisition, sale, construction, operation, maintenance, and improvements of land,

1 public works, and facilities, as the board of commissioners may deem necessary or
2 convenient to accomplish the objectives and purposes of the port.

3 (m) Borrow money and pledge all or part of its revenues, leases, rentals, and
4 other advantages as security for such loans. No bonds, other debt obligations, or
5 contracts of the port shall be a charge upon the income, property, or revenue of
6 Rapides Parish, the city of Alexandria, or the city of Pineville, nor any other
7 municipality in the parish; nor shall any obligations of the port be obligations of
8 these governmental entities.

9 (n) Allow the use of any facilities, land, and improvements owned by the
10 port for any lawful purpose.

11 (4) The board of commissioners shall be the appropriate governing body for
12 all purposes provided in the Louisiana Enterprise Free Zone Act, R.S. 51:1781 et al.,
13 within the area comprised of property owned or formerly owned by the port, and
14 shall have the power to perform all such acts specified by applicable laws and
15 regulations to achieve such purposes.

16 * * *

17 E. The board of commissioners may make and enter into contracts, leases,
18 and other agreements with political subdivisions, including the city of Alexandria
19 and the city of Pineville, for the management and operation of port and ancillary
20 facilities, including industrial park property adjacent to the port facility. This right
21 shall include the construction and operation of warehouses, storage facilities, and
22 other buildings used in connection with the port.

23 * * *

24 §335.4. Authority to levy and collect taxes; issuance of bonds

25 A.(1) The board of commissioners, when authorized to do so by a vote of a
26 majority of the electors residing in ~~the port~~ Rapides Parish qualified to vote and
27 voting at an election for such purpose in accordance with law, may levy annually on
28 all property ~~situated within the port~~ within the territorial jurisdiction of Rapides
29 Parish subject to taxation an ad valorem tax not to exceed ten mills on the dollar.

1 The board of commissioners, upon its own initiative, may call a special election and
 2 submit to the qualified electors of the port the question of authorizing the levy of
 3 such a tax. The board of commissioners shall call such a special election when
 4 requested to do so by a petition in writing signed by at least one-fourth of the
 5 qualified electors eligible to vote at such election. These special taxes shall be
 6 levied, assessed, and collected on the property within ~~the port~~ Rapides Parish and
 7 owned by the port under the same methods, terms, and conditions and at the same
 8 time as state and parish taxes are levied, assessed, and collected. These taxes shall
 9 be secured by the same liens upon the property subject to taxation within the port as
 10 taxes for state and other parish purposes. The property subject to any taxes within
 11 said ~~port~~ territorial jurisdiction of Rapides Parish shall be sold for failure to pay the
 12 same in the same manner as property is sold for delinquent state, parish, and other
 13 taxes under the laws of the state.

14 (2) The board of commissioners may incur funded general or bonded debt,
 15 levy taxes, and call for any tax or other election by first obtaining approval by
 16 authorizing an ordinance adopted by the governing authorities of the cities of
 17 Alexandria and Pineville or Rapides Parish.

18 * * *

19 §335.5. Testing validity of bonds; prescription; sale of bonds

20 * * *

21 C. The provisions of this Part shall not be deemed to supersede the
 22 requirements of R.S. 39:501 through 514.* Notwithstanding any provisions of this
 23 Part to the contrary, the provisions of R.S. 39:1421 through 1429 shall be applicable
 24 to the ~~Alexandria~~ Alexandria-Pineville Regional Port Authority.

25 §335.6. Advertisement

26 The prohibition contained in R.S. 43:111 against advertising in any
 27 newspaper, book, pamphlet, or periodical shall not apply to the board of

1 commissioners of the ~~Alexandria~~ Alexandria-Pineville Regional Port Authority in
2 carrying out its functions and duties under the constitution and laws of this state.

3 * * *

4 §338.4. Refunding bonds

5 The governing authority of the ~~district port~~ by resolution and in compliance
6 with R.S. 34:335.4(A)(2) may authorize the issuance of refunding bonds, and such
7 refunding bonds may be either sold and the proceeds applied to or deposited in
8 escrow for the retirement of outstanding bonds or they may be delivered in exchange
9 for the outstanding bonds. The total of principal and interest to be paid upon any
10 such refunding bonds shall not exceed the total of the principal amount of the bonds
11 to be refunded, the premium (if any) payable upon their redemption and the interest
12 which would have been paid upon such bonds were they not to be refunded.

13 §338.5. Securities

14 Bonds, certificates, or other evidences of indebtedness issued by the port or
15 any subdistrict of the port, pursuant to this Part are deemed to be securities of public
16 entities within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana
17 Revised Statutes of 1950, and shall be subject to defeasance in accordance with the
18 provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, and
19 may be refunded in accordance with the provisions of Chapters 14-A and 15 of the
20 Louisiana Revised Statutes of 1950, and may be also issued as short-term revenue
21 notes of a public entity under Chapter 15-A of Title 39 of the Louisiana Revised
22 Statutes of 1950.

23 Section 2. The terms of all members of the board of commissioners of the
24 Alexandria Regional Port serving on August 1, 2014, shall terminate on the effective date
25 of this Act, and new members of the board shall be appointed in accordance with R.S.
26 34:335.2 as amended by this Act.

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)]

Harris

HB No. 426426

Abstract: Provides with respect to the Alexandria Regional Port, its boundaries, its board of commissioners, powers, authority to levy and collect taxes, and the authority to incur debt.

Present law provides the territorial limits of the Alexandria Regional Port shall be concurrent with the municipal limits of the city of Alexandria. Proposed law specifies the territorial limits of the Alexandria-Pineville Regional Port Authority must be concurrent with the territorial limits of Rapides Parish.

Proposed law provides for a nine-member board of commissioners, rather than an eight-member board. Changes membership as follows:

- (1) Removes provisions for one commissioner appointed by the mayor of Alexandria and confirmed by the Alexandria City Council. Provides instead for four commissioners appointed by the mayor of Alexandria and confirmed by the Alexandria City Council.
- (2) Removes provisions for one at-large commissioner appointed by the parish governing authority of Rapides Parish. Provides instead for three commissioners appointed by the Rapides Parish Police Jury.
- (3) Removes provisions for one at-large commissioner appointed by the governing authority of Grant Parish and one at-large commissioner appointed by the governing authority of Avoyelles Parish. Provides instead for two commissioners appointed by the mayor of Pineville and confirmed by the Pineville governing authority.

Proposed law requires each commissioner appointed be a U.S. citizen and a domiciliary of and qualified voter in Rapides Parish for at least one year preceding the date of his appointment and during the entirety of his term of office.

Proposed law requires appointees to be individuals with experience in one or more of the following areas:

- (1) Economic development.
- (2) Public finance or administration.
- (3) Senior level management.
- (4) Urban planning.
- (5) Banking or finance.
- (6) Practice of law, medicine, or another licensed profession.
- (7) Public relations.
- (8) Construction.

- (9) Real estate, appraisal, or commercial development.
- (10) Labor.

Present law provides that if a commissioner ceases to be a commissioner for any reason, his successor shall be appointed in the same manner as the original appointment, and serve the balance of the unexpired term. Proposed law removes present law.

Proposed law specifies that the commissioners appointed in 2014 by the mayor of Alexandria will serve initial terms of one year. Further specifies that the successors to these appointments will serve terms of four years. Additionally specifies that the commissioners appointed in 2014 by the mayor of Pineville will serve initial terms of two years. Further specifies that the successors to these appointments will serve terms of four years. Also specifies that the Rapides Parish Police Jury appointees will serve terms of four years.

Proposed law provides that any commissioner who does not attend at least half of the board meetings annually will be automatically removed from office. Provides that the vacant position will be filled by the respective nominating entity for the remainder of the vacated term. Provides that the former commissioner is not eligible for appointment until the expiration of the remainder of the vacated term.

Proposed law provides that a vacancy occurring due to expiration of term of office, or by reason of death, resignation, disqualification, or otherwise, will be filled by the respective nominating entity within 30 days after receipt of written notice of the vacancy. Provides that in the event that the respective nominating entity fails to fill the vacancy within 30 days after the receipt of written notification of the vacancy, the board will appoint an interim successor to serve on the board until the position is filled by the respective nominating entity responsible for the appointment of such member. Provides that if the board fails to fill a vacancy in its membership within such 30-day period, any two authorities of either the Rapides Parish Police Jury, city of Alexandria, or city of Pineville, by resolutions adopted by a majority thereof, will appoint an interim successor to serve on the board until the position is filled by the respective nominating entity responsible for the appointment of such member.

Present law authorizes the board of commissioners to exercise powers within the port area, consisting of the city of Alexandria. Proposed law specifies that the board exercises powers throughout the port area, consisting of the entirety of Rapides Parish.

Proposed law modifies present law in regards to the authorities, powers, and duties of the board of commissioners. Additional powers specified include employment of an executive director, adopting board bylaws and other rules and regulations, the adoption of an annual budget in accordance with the La. Local Government Budget Act, recordkeeping during all meetings, and selecting an official journal.

Present law gives the board of commissioners power to regulate commerce and traffic within the port area. Proposed law retains this authority and grants the board all powers necessary for operation of a freshwater inland port.

Proposed law grants the board of commissioners power to operate and administer public wharves, docks, sheds, and landings on the Red River within the territorial jurisdiction of Rapides Parish.

Present law provides that title to all property and improvements acquired by the port must rest in the port. Proposed law removes present law.

Proposed law gives the board of commissioners power to:

- (1) Sue and be sued.

- (2) Acquire by gift, grant, purchase, lease, expropriation, or otherwise, and to hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein.
- (3) Sell, transfer, and convey any property acquired by it or interests therein.
- (4) Enter into contracts, cooperative endeavors, and agreements to achieve the port's objectives and purposes, including agreements to acquire, sell, construct, operate, maintain and improve land, public works, and facilities.
- (5) Borrow money and pledge all or part of its revenues, leases, rentals, and other advantages as security for such loans. No bonds or other debts held by the port shall become an obligation of Rapides Parish or municipalities in the parish.
- (6) Allow the use of any facilities, land, and improvements for lawful purposes.

Proposed law designates the board of commissioners as the appropriate governing body for all purposes provided in the La. Enterprise Free Zone Act.

Present law authorizes the port to levy an ad valorem tax not to exceed 10 mills on the dollar subject to voter approval. Proposed law specifies that the provisions apply to voters in Rapides Parish.

Proposed law provides that the board of commissioners may incur funded general or bonded debt, levy taxes, and call for any tax or other election by first obtaining approval by authorizing ordinance adopted by the governing authorities of the cities of Alexandria and Pineville or Rapides Parish.

Present law provides that the provisions of securities of public entities are applicable to the Alexandria Regional Port. Proposed law specifies that said provisions are applicable to the Alexandria-Pineville Regional Port Authority.

Present law provides that the prohibition contained in present law against advertising in any newspaper, book, pamphlet, or periodical does not apply to the board of commissioners of the Alexandria Regional Port. Proposed law adds Pineville under the jurisdiction of the port to the Alexandria-Pineville Regional Port Authority.

Proposed law provides that the governing authority of the port by resolution and in compliance with proposed law may authorize the issuance of refunding bonds, and such refunding bonds may be either sold and the proceeds applied to or deposited in escrow for the retirement of outstanding bonds or they may be delivered in exchange for the outstanding bonds.

Proposed law provides that bonds, certificates, or other evidences of indebtedness issued by the port or any subdistrict of the port, pursuant to proposed law are deemed to be securities of public entities within the meaning of present law, relative to securities of public entities and fully registered securities of public entities, and will be subject to defeasance in accordance with present law, relative to defeasance of securities of public entities, and may be refunded in accordance with the provisions of present law, relative to refunding of securities of public entities and advance refunding of bonds, and may be also issued as short-term revenue notes of a public entity under present law, relative to short-term revenue notes of public entities.

Proposed law provides that the terms of members of the board of commissioners serving on Aug. 1, 2014, terminate on that date and requires that new members be appointed as provided in proposed law.

(Amends R.S. 34:335.1, 335.2, 335.3(A), (B), (C), and (E), 335.4(A), 335.5(C), 335.6, and 338.4; Adds R.S. 34:338.5)