

Regular Session, 2014

SENATE BILL NO. 280

BY SENATOR BROWN

PORTS/HARBORS/TERMINALS. Removes Ascension Parish from the Greater Baton Rouge Port Commission and places it in the Port of South Louisiana. (8/1/14)(2/3-CA6s43)

1 AN ACT

2 To amend and reenact R.S. 34:1221(A), 1223(A), 1224(A), 2471(A), 2473(A), and  
3 2473.1(B), relative to ports; to change the jurisdictional boundaries of the port areas  
4 of the Greater Baton Rouge Port Commission and the Port of South Louisiana; to  
5 remove Ascension Parish from the Greater Baton Rouge Port Commission; to add  
6 Ascension Parish to the Port of South Louisiana; to revise membership of the Greater  
7 Baton Rouge Port Commission; to revise membership of the Port of South Louisiana  
8 Commission; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 34:1221(A), 1223(A), 1224(A), 2471(A), 2473(A), and 2473.1(B)  
11 are hereby amended and reenacted to read as follows:

12 CHAPTER 7. GREATER BATON ROUGE PORT COMMISSION

13 §1221. Creation of Greater Baton Rouge Port Commission; per diem; number of  
14 days per diem allowed

15 A. There is hereby created a commission to be known as the Greater Baton  
16 Rouge Port Commission which shall be composed of ~~fifteen~~ **thirteen** members  
17 appointed by the governor who shall serve at the pleasure of the governor. The

1 members shall receive per diem; provided, however, that the per diem of each  
 2 member shall not exceed seventy-five dollars per day during the time the member  
 3 is in actual attendance upon the board, or performing duties authorized by the board.  
 4 The per diem shall be payable for a maximum of twenty-four days per year, except  
 5 if an emergency is declared by the governor. During the period of an emergency as  
 6 determined by the governor, the commission shall be authorized to hold as many  
 7 meetings or emergency activities as the commission deems necessary and the  
 8 members shall be paid per diem for such meetings or activities. Members shall be  
 9 appointed as follows:

10 (1) Three commissioners shall be appointed by the governor from a panel of  
 11 six names submitted by the legislative delegation of the parish of West Baton Rouge;

12 (2) Six commissioners shall be appointed by the governor from a panel of  
 13 eighteen names submitted by the East Baton Rouge Parish legislative delegation;

14 (3) Two commissioners shall be appointed by the governor from a panel of  
 15 six names submitted by the legislative delegation of the parish of Iberville;

16 (4) ~~Two commissioners shall be appointed by the governor from a panel of~~  
 17 ~~six names submitted by the legislative delegation of the parish of Ascension;~~

18 (5) Two commissioners shall be appointed by the governor from a panel of  
 19 ~~six~~ **four** names submitted by Louisiana Farm Bureau Federation, Inc. Of the ~~six~~ **four**  
 20 names submitted, ~~three~~ **two** shall reside on the east side of the Mississippi River in  
 21 ~~Ascension~~, East Baton Rouge; or Iberville Parishes and ~~three~~ **two** shall reside on the  
 22 west side of the Mississippi River in ~~Ascension~~, Iberville; or West Baton Rouge  
 23 Parishes and the governor shall appoint one of the nominees from the east side and  
 24 one from the west side of the Mississippi River.

25 \* \* \*

26 §1223. Rights and powers of the board

27 A. The commission shall exercise the powers herein conferred upon it within  
 28 the port area consisting of the parishes of East Baton Rouge, West Baton Rouge, **and**  
 29 Iberville, ~~and Ascension~~ as the boundaries and limits are presently fixed by law,

1           except the industrial areas created in the parish of East Baton Rouge by the  
2           provisions of Section 1.08(b) of the Plan of Government for the parish of East Baton  
3           Rouge and the city of Baton Rouge.

4                                   \*       \*       \*

5           §1224. Authority for issuance of bonds; ad valorem tax

6                    A. The commission, with the approval of the State Bond Commission, is  
7           authorized to incur debt for its lawful purposes and to issue in its name, negotiable  
8           bonds or notes therefor, and to pledge, for the payment of the principal and interest  
9           of such negotiable bonds or notes, the revenues derived from the operation of  
10          properties and facilities maintained and operated by it, or received by the  
11          commission from other sources; however, the amount of such bonds and notes  
12          outstanding at any one time shall not exceed one hundred million dollars. Such  
13          bonds, when authorized to be issued, shall constitute, first, a general obligation of the  
14          commission, and secondly, the full faith and credit of the parish of East Baton  
15          Rouge, the parish of West Baton Rouge, the parish of Iberville, and thirdly, the state  
16          of Louisiana, and shall be and are hereby pledged. The full faith and credit of the  
17          parish of Ascension is hereby irrevocably pledged on a parity with that of the  
18          parishes of East Baton Rouge, West Baton Rouge, and Iberville in respect to the  
19          Commission's bonds, notes, and obligations ~~presently outstanding, as well as to all~~  
20          ~~bonds, notes, and obligations hereafter authorized, sold, and incurred by the~~  
21          **Commission on August 1, 2014**. In addition to the pledge of revenues to secure said  
22          bonds and notes, the commission may further secure their payment by a conventional  
23          mortgage upon any or all of the properties constructed or acquired, or to be  
24          constructed and acquired by it. The commission is further authorized to receive, by  
25          gift, grant, donation, or otherwise any sum of money, aid or assistance from the  
26          United States, the state of Louisiana, or any political subdivision thereof, and unless  
27          otherwise provided by the terms of such gift, grant, or donation, in its discretion, to  
28          pledge all or any part of such monies for the further securing of the payment of the  
29          principal and interest of its bonds or notes.

1 \* \* \*

2 CHAPTER 30. THE PORT OF SOUTH LOUISIANA

3 §2471. Creation; membership

4 A. There is hereby created the Port of South Louisiana, as a political  
5 subdivision of the state, with jurisdictional authority encompassing the geographical  
6 boundaries of the parishes of **Ascension**, St. Charles, St. John the Baptist, and St.  
7 James. The Port of South Louisiana shall be governed by a board of commissioners  
8 to be known as the "Port of South Louisiana Commission", which shall be composed  
9 of ~~seven~~ **eleven** members who shall be appointed as follows:

10 (1) One member from each parish within the territorial jurisdiction of the port  
11 who is a resident of such parish, who shall be appointed by the respective parish  
12 president with the concurrence of two-thirds of the members of the parish council of  
13 that parish from the nominees submitted to him by the following organizations which  
14 shall each submit one nominee:

- 15 (a) The Louisiana Farm Bureau.  
16 (b) The Louisiana AFL-CIO.  
17 (c) The Southern University River Parishes Alumni Association.  
18 (d) The River Region Chamber of Commerce.  
19 (e) The River Parishes Chemical Industry Council.  
20 (f) The Grain Elevator and Processing Society.  
21 (g) The Greater New Orleans Barge Fleeting Association.  
22 (h) The New Orleans and Baton Rouge Pilots Association.

23 (2)(a) If any parish president fails, within sixty days of taking office, to  
24 submit a name for appointment from his respective parish as provided in Paragraph  
25 (1) of this Subsection, or if he fails to get concurrence of two-thirds of the respective  
26 parish council on any such appointment, the commissioner from that parish shall be  
27 appointed by the governor.

28 (b) If any parish president fails, within sixty days of the occurrence of any  
29 vacancy on the commission, to submit a name for appointment to fill such vacancy,

1 or if he fails to get concurrence of two-thirds of the respective parish council on any  
2 such appointment, the commissioner from that parish shall be appointed by the  
3 governor.

4 (3) ~~Two~~ **Three** members shall be appointed by the governor from a list of one  
5 nominee from each parish located within the territorial jurisdiction of the port who  
6 is a resident of such parish, or who may, instead of holding residency, be the chief  
7 executive officer of a business which is principally operated within ~~each~~ **such** parish  
8 submitted to him by each of the following organizations:

9 (a) Louisiana Farm Bureau.

10 (b) Louisiana AFL-CIO.

11 (c) Southern University River Parishes Alumni Association.

12 (d) River Region Chamber of Commerce.

13 **(e) Westbank Civic Association.**

14 (4) One member shall be appointed by the governor from a list of one  
15 nominee each from each parish located within the territorial jurisdiction of the port  
16 who is a resident of such parish, or who may, instead of residency, be the chief  
17 executive officer of a business which is principally operated within ~~each~~ **such** parish  
18 submitted to him by each of the following organizations:

19 (a) River Parishes Chemical Industry Council.

20 (b) Grain Elevator and Processing Society.

21 (c) Greater New Orleans Barge Fleeting Association.

22 (d) New Orleans and Baton Rouge Port Pilots Association.

23 (5) ~~One member-at-large~~ **Three members-at-large** who shall reside and ~~be~~  
24 **are** domiciled within the geographical boundaries of the port shall be appointed by  
25 the governor. The ~~person~~ **persons** appointed shall be selected on the basis of ~~his~~  
26 **their** demonstrated experience in civic leadership and ~~his~~ ability and experience to  
27 act effectively for the best interest of the port and the state of Louisiana.

28 (6) From the nominees submitted to the governor for appointment he shall  
29 select one resident from each parish located within the territorial jurisdiction of the

1 port, one of whom may, instead of residency, be the chief executive officer of a  
2 business which is principally operated within such parish.

3 (7) Each appointment shall be submitted to the Senate for confirmation.

4 (8) The terms of all commissioners shall be concurrent with that of the  
5 governor. Any subsequent vacancy on the commission for any reason shall be filled  
6 for the unexpired portion of the term in the same manner as the original appointment.

7 \* \* \*

8 §2473. Jurisdictional boundaries; rights and powers of commission and executive  
9 director

10 A. The commission shall exercise the powers herein conferred upon it within  
11 the port area consisting of the parishes of **Ascension**, St. Charles, St. John the  
12 Baptist, and St. James as the boundaries and limits are presently fixed by law.

13 \* \* \*

14 §2473.1. Additional rights and powers of the board and the executive director

15 \* \* \*

16 B. In order to stimulate the commerce and industry in the port area and to  
17 protect the public in its lives, health, and property, the port, in addition to any other  
18 rights, powers, or authority granted to it, may provide services for and regulate the  
19 traffic and commerce within the port area in such a manner as may in its judgment  
20 be for the best interest of the public. Nothing herein contained shall be construed to  
21 deprive the parishes of **Ascension**, St. Charles, St. John the Baptist or St. James, or  
22 the governing bodies thereof of any rights or powers which they have or exercise  
23 within the port area.

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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

Brown (SB 280)

Present law creates the fifteen-member Greater Baton Rouge Port Commission that governs the Port of Baton Rouge and provides for its powers, duties, and responsibilities, with the jurisdictional authority encompassing the geographical boundaries of East Baton Rouge,

West Baton Rouge, Iberville, and Ascension Parishes.

Proposed law removes Ascension Parish from the jurisdictional authority of the Port of Baton Rouge, and eliminates the two commissioners appointed by the governor from the parish of Ascension, and reduces the Greater Baton Rouge Port Commission from 15 to 13 members.

Present law creates the seven-member South Louisiana Port Commission that governs the Port of South Louisiana and provides for its powers, duties, and responsibilities, with the jurisdictional authority encompassing the geographical boundaries of St. Charles, St. John the Baptist, and St. James parishes.

Proposed law adds Ascension Parish to the jurisdictional authority of the Port of South Louisiana and increases the Port of South Louisiana Commission from 7 to 11 members. Adds one member for Ascension Parish who is appointed by the parish president with concurrence of two-thirds of the members of the parish council from a list of nominees submitted to him by certain organizations. Increases the number of members appointed by the governor from a list of nominees submitted by certain organizations from two to three. Adds the Westbank Civic Association to the list of organizations who submit nominees. Increases the number of members-at-large appointed by the governor from one to three.

Present law irrevocably pledges the full faith and credit of the parish of Ascension on a parity with that of the parishes of East Baton Rouge, West Baton Rouge, and Iberville in respect to the Commission's bonds, notes, and obligations presently outstanding, as well as to all bonds, notes, and obligations hereafter authorized, sold, and incurred by the Commission.

Proposed law limits the full faith and credit pledge of the parish of Ascension to the Commission's bonds, notes, and obligations outstanding on August 1, 2014.

Effective August 1, 2014.

(Amends R.S. 34:1221(A), 1223(A), 1224(A), 2471(A), 2473(A), and 2473.1(B))