

2016 Regular Session

SENATE BILL NO. 82

BY SENATOR MORRISH

PORTS/HARBORS/TERMINALS. Creates the Cameron Parish Port, Harbor, and Terminal District. (1/1/17)

1 AN ACT  
2 To enact Chapter 52 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 34:5201 through 5205, and to repeal Chapters 31 and 32 of Title 34 of the  
4 Louisiana Revised Statutes of 1950, comprised of R.S. 34:2501 through 2506 and  
5 R.S. 34:2551 through 2556, relative to port, harbor, and terminal districts; to create  
6 the Cameron Parish Port, Harbor, and Terminal District; to create the Cameron  
7 Parish Port Commission to administer such district; to provide for its members,  
8 duties, and powers, including its authority to levy taxes and to issue bonds; to  
9 terminate the East Cameron Port, Harbor and Terminal District and the East  
10 Cameron Port Commission; to terminate the West Cameron Port, Harbor and  
11 Terminal District and the West Cameron Port Commission; to provide for an  
12 effective date; and to provide for related matters.

13 Notice of intention to introduce this Act has been published.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Chapter 52 of Title 34 of the Louisiana Revised Statutes of 1950,  
16 comprised of R.S. 34:5201 through 5205, is hereby enacted to read as follows:

17 **CHAPTER 52. CAMERON PARISH PORT COMMISSION**

1           **§5201. Creation of district**

2                   **The Cameron Parish Port, Harbor, and Terminal District, hereinafter**  
3           **referred to as the "district", is hereby created as a political subdivision of the**  
4           **state with full corporate powers. The territorial limits and territorial**  
5           **jurisdiction of the district shall be composed of all of the area comprising**  
6           **Wards 1, 2, 3, 4, 5, and 6 of the parish of Cameron. The district shall have such**  
7           **authority, power, and jurisdiction as provided in this Chapter.**

8           **§5202. Governing authority**

9                   **A. The Cameron Parish Port Commission, hereinafter referred to as the**  
10           **"commission", is hereby created and established as the governing authority of**  
11           **the district. The commission shall be composed of eleven commissioners, who**  
12           **shall be appointed as follows:**

13                   **(1) Six commissioners appointed by the governing authority of the parish**  
14           **of Cameron with one commissioner appointed from each ward of the parish**  
15           **who shall be a qualified voter and taxpayer residing in the ward from which he**  
16           **is appointed.**

17                   **(2) Four commissioners appointed by the governing authority of the**  
18           **parish of Cameron with one commissioner each appointed from Ward 3, 4, 5,**  
19           **and 6 of the parish who shall be a qualified voter and taxpayer residing in the**  
20           **ward from which he is appointed.**

21                   **(3) One commissioner appointed by the other members of the**  
22           **commission who shall be a qualified voter and taxpayer residing within the**  
23           **parish of Cameron.**

24                   **B. The members of the commission shall be appointed for terms of four**  
25           **years, except for those initially appointed pursuant to Paragraphs (A)(2) and (3)**  
26           **of this Section who shall serve a term of two years. Thereafter, the successors**  
27           **of all commissioners shall be appointed to serve for terms of four years. Each**  
28           **commissioner, except the commissioner appointed by the other commission**  
29           **members, shall serve at the pleasure of the governing authority of the parish of**

1 Cameron. The commissioner appointed by the other members of the  
2 commission shall serve at the pleasure of the commission members.

3 C. All vacancies occurring on the commission shall be filled in the  
4 manner of the original appointment for the remainder of the unexpired term of  
5 the outgoing commissioner.

6 D. The commission shall fix the per diem of its members; however, the  
7 per diem of each member shall not exceed twenty dollars per day during the  
8 time such member is in actual attendance upon the board. Such per diem shall  
9 be payable for a maximum of two days per month. The commission may  
10 authorize a reasonable travel allowance for the commissioners in the  
11 performance of their official duties.

12 E. The commission shall elect from among the commissioners a  
13 president, a vice president, a secretary, and a treasurer, whose respective duties  
14 shall be prescribed by the commission. At the option of the commission, the  
15 offices of secretary and treasurer may be held by the same person.

16 F. The commission shall meet in a regular session once each month, and  
17 shall also meet in a special session at the call of the president of the commission,  
18 or on the written request of six or more commissioners. The commission shall  
19 prescribe rules to govern its meetings and shall fix the place at which meetings  
20 shall be held. A majority of the commissioners shall constitute a quorum for the  
21 transaction of business and all actions or resolutions of the commission, to be  
22 valid, shall be approved by the affirmative vote of not less than a majority of the  
23 members present.

24 §5203. Powers of the district; commission

25 A. The district, acting by and through the commission, shall regulate the  
26 commerce and traffic within the district in such a manner as may, in its  
27 judgment, be for the best interest of the state. Title to all property and  
28 improvements thereon operated by the commission shall be in the public and  
29 shall vest in the district.

1           **B. The district, acting by and through the commission, shall have and**  
2           **exercise all powers of a political subdivision necessary or convenient for the**  
3           **carrying out of its objects and purposes, including but not limited to the**  
4           **following, and is hereby vested with authority:**

5                     **(1) To sue and to be sued.**

6                     **(2) To adopt, use, and alter at will a corporate seal.**

7                     **(3) To employ such officers, agents, and employees as it deems necessary**  
8           **for the performance of its powers and duties, to prescribe the powers and duties**  
9           **and to fix the compensation of such officers, agents, and employees.**

10                    **(4) To contract, upon such terms as it may agree upon, for legal,**  
11           **financial, engineering, and other professional services necessary or expedient**  
12           **in the conduct of its affairs.**

13                    **(5) To enter into contracts for purchase, acquisition, construction, and**  
14           **improvement of public works and facilities necessary in connection with the**  
15           **purposes of the district.**

16                    **(6) To utilize the services of the executive departments of the state upon**  
17           **mutually agreeable terms and conditions.**

18                    **(7) To own, construct, acquire, operate, and maintain docks, wharves,**  
19           **landings, elevators, sheds, warehouses, basins, locks, slips, laterals, canals, and**  
20           **all other property, structures, equipment, facilities, and works of public**  
21           **improvement necessary or useful for port, harbor, or terminal purposes.**

22                    **(8) To maintain proper depths of water at all wharves and landings; to**  
23           **dredge and maintain shipways, channels, slips, basins, and turning basins.**

24                    **(9) To establish harbor lines, also known as structural limit lines, within**  
25           **the port area by agreement with the Corps of Engineers of the United States.**

26                    **(10) To construct, own, operate, and maintain terminal rail facilities and**  
27           **other common carrier rail facilities for the purpose of rendering rail**  
28           **transportation to and from the facilities and those to be erected, owned, and**  
29           **operated by the commission in both intrastate and interstate commerce.**

1           (11) To acquire property, including rights-of-ways, necessary for the  
2           benefit and advantage of regulating commerce and traffic within its  
3           jurisdiction, by gift, grant, purchase, or expropriation in accordance with the  
4           laws of the state, provided that it shall not have the right to expropriate  
5           minerals or mineral rights, and that its power to expropriate shall not apply or  
6           extend to any existing publicly or privately owned wharf, dock, warehouse,  
7           elevator, industrial plant site, industrial structure, or other facility constructed  
8           on or adjacent to any navigable waterway, natural or man-made, or to the  
9           replacement, improvement, and operation by the owners, lessees, or permittees  
10           thereof, or their successors and assigns. Additionally, the district shall not have  
11           the right to expropriate land under lease or option to lease on the effective date  
12           of this Chapter. Should the properties expropriated under the authority herein  
13           conferred cease to be used for the purposes for which they were expropriated,  
14           such properties shall revert to the original land owner or his heirs or assigns,  
15           provided such land owner or his heirs or assigns shall reimburse said district  
16           or commission, or its successor, in the full amount originally paid by the district  
17           or commission for such land; to hold and use any franchise or property, real,  
18           personal, or mixed, tangible or intangible, or any interest therein, necessary or  
19           desirable for carrying out the objects and purposes of the district, including but  
20           not limited to the establishment, maintenance, and operation of industrial  
21           parks, ports, harbors, and terminals.

22           (12) To acquire by purchase or lease industrial plant sites and necessary  
23           property or appurtenances therefor; to acquire or construct industrial plant  
24           buildings, with necessary machinery and equipment, within such district.

25           (13) To receive by gift, grant, donation, or otherwise, any sum of money,  
26           aid, or assistance from the United States, the state of Louisiana, or any political  
27           subdivision thereof.

28           (14) To provide such light, water, police protection, and other services  
29           for its facilities within the territorial limits and territorial jurisdiction of the

1 district as it deems advisable.

2 (15) To establish and charge reasonable fees, rates, tariffs, or other  
3 charges for the use of all facilities administered by it and for all services  
4 rendered by it.

5 (16) To charge a reasonable fee to each vessel for the use of its facilities  
6 in the port area in ballast or carrying cargo of any kind, provided that it shall  
7 not charge any fee, rate, tariff, or other charge to any vessel in ballast or cargo  
8 on account of passage through the district unless such vessel or cargo makes use  
9 of its facilities or services and shall not by any rule, regulation, or other act  
10 require the use of its facilities or services.

11 (17) To charge for each copy of any certificate issued by it or by any of  
12 its officers or employees for inspecting hatches, surveying cargo, or for making  
13 other surveys or inspections of vessels in the district, provided it shall furnish,  
14 without charge, to the master of each such vessel, one copy of all surveys upon  
15 his vessel or cargo.

16 (18) To make and enter into contracts, leases, and other agreements with  
17 railroads, trucking companies, barge lines, and with any and all companies  
18 interested in the transportation, storage, and shipping of goods and other  
19 products, whether by rail, truck line, barge line, an oceangoing vessel, or  
20 otherwise, for the use of facilities administered by the commission or any part  
21 or portion thereof, for a period not exceeding forty years, provided that no  
22 exclusive franchise shall be granted to any carrier. The commission may lease  
23 or sublease for processing, manufacturing, or commercial business purposes  
24 any lands or buildings owned, acquired, or leased as lessee by it, which lease  
25 may run for any term not exceeding forty years, at a fixed rental, provided that  
26 any such lease may run for a term not exceeding ninety-nine years if it contains  
27 a clause or clauses for readjustment of the rentals upon the expiration of a  
28 primary term of forty years.

29 (19) In its own name and on its own behalf, to incur debt and to issue

1 revenue bonds, special assessment bonds, certificates, notes, and other evidences  
2 of indebtedness, and to levy and cause to be collected certain taxes as provided  
3 in this Chapter and as may be provided by general law.

4 (20) To borrow money and pledge all or part of its revenues, leases,  
5 rents, or other advantages as security for such loans.

6 (21) To do any and all things necessary or proper for the government,  
7 regulation, development, and control of the business of the district, provided  
8 that the district shall comply with the constitution, laws, and policies of the state  
9 of Louisiana, including but not limited to the Public Records Law and the Open  
10 Meetings Law, in carrying out its functions and duties.

11 C. Notwithstanding any provision of this Chapter, the authority, power,  
12 and jurisdiction of the Cameron Parish Port, Harbor, and Terminal District is  
13 subject to the provisions of R.S. 34:218.

14 D. The provisions of this Chapter shall not be construed to authorize the  
15 commission to operate as a public utility or to grant a franchise for service by  
16 a public utility that is regulated by the Louisiana Public Service Commission.

17 §5204. Levy of taxes

18 A. For any of the purposes within the authority delegated to the district  
19 or the commission, the commission is hereby authorized to levy annually an ad  
20 valorem tax not to exceed three mills on the dollar on the property subject to ad  
21 valorem property tax situated in the district, when authorized by a majority of  
22 the voters in the district qualified to vote under the constitution and laws of this  
23 state, who vote at an election held for that purpose. Such election shall be called  
24 under the conditions and be conducted in the manner prescribed by the  
25 provisions of R.S. 39:551 et seq.

26 B.(1) For any of the purposes within the authority delegated to the  
27 district or the commission, the commission is hereby authorized to levy annually  
28 a sales and use tax on goods and property within the territorial limits or  
29 territorial jurisdiction of the district, provided that any taxes levied by the

1 commission may not exceed the limitation set forth by Article VI, Section 29(A)  
2 of the Constitution of Louisiana and shall be imposed, collected, and enforced  
3 subject to the terms of the resolution imposing the tax and the provisions of R.S.  
4 47:335.1 et seq.

5 (2) Any taxes or assessments of any type to be levied by the district shall  
6 be levied only after the commission has adopted an appropriate resolution  
7 giving notice of its intention to levy such taxes or assessments, which resolution  
8 shall include a general description of the taxes or assessments to be levied, and  
9 notice of this intention shall be published once a week for two weeks in the  
10 official journal of the district, the first publication to appear at least fourteen  
11 days before the public meeting of the commission at which the commission shall  
12 meet in an open and public session to hear any objections to the proposed taxes  
13 or assessments. The notice of intent so published shall state the date, time, and  
14 place of the public hearing. Such taxes or assessments may be levied only after  
15 the commission has called a special election submitting the proposition for the  
16 levy of such taxes or assessments to the qualified electors of the district, and the  
17 proposition has received the favorable vote of a majority of the electors voting  
18 in the election; however, in the event there are no qualified electors in the  
19 district, no such election shall be required. The powers and rights conferred by  
20 this Section shall be in addition to the powers and rights conferred by any other  
21 general or special law. This Section does and shall be construed to provide a  
22 complete and additional method for the levy of any taxes or assessments. No  
23 election, proceeding, notice, or approval shall be required for the levy of such  
24 taxes or assessments except as provided herein.

25 §5205. Bonds

26 A. The district, acting by and through the commission, is hereby  
27 authorized and empowered to issue and sell from time to time bonds, notes,  
28 renewal notes, refunding bonds, interim certificates, certificates of indebtedness,  
29 certificates of participation, debentures, warrants, commercial paper, or other



1 obligations or evidences of indebtedness to provide funds for and to fulfill and  
2 achieve its public purpose or corporate purposes, as set forth in this Chapter,  
3 including but not limited to the payment of all or a portion of the costs of a  
4 project, to provide amounts necessary for any corporate purposes, including  
5 necessary and incidental expenses in connection with the issuance of the  
6 obligations, the payment of principal and interest on the obligations of the  
7 district, the establishment of reserves to secure such obligations, and all other  
8 purposes and expenditures of the district incident to and necessary or  
9 convenient to carry out its public functions or corporate purposes, and any  
10 credit enhancement for said obligations.

11 B. Except as may otherwise be provided by the commission, all  
12 obligations issued by the district shall be negotiable instruments and payable  
13 solely from the revenues of the district as determined by the commission, or  
14 from any other sources whatsoever, that may be available to the district but  
15 shall not be secured by the full faith and credit of the state.

16 C. Obligations shall be authorized, issued, and sold by a resolution or  
17 resolutions of the commission. Such bonds or obligations may be of such series,  
18 bear such date or dates, mature at such time or times, bear interest at such rate  
19 or rates, including variable, adjustable, or zero interest rates, be payable at such  
20 time or times, be in such denominations, be sold at such price or prices, at  
21 public or private negotiated sale, after advertisement as is provided for in R.S.  
22 39:1426, be in such form, carry such registration and exchangeability privileges,  
23 be payable at such place or places, be subject to such terms of redemption, and  
24 be entitled to such priorities on the income, revenue, and receipts of, or  
25 available to, the district, as applicable, as may be provided by the commission  
26 in the resolution or resolutions providing for the issuance and sale of the bonds  
27 or obligations of the district.

28 D. The obligations of the district shall be signed by such officers of the  
29 commission by either manual or facsimile signatures as shall be determined by

1 resolution or resolutions of the commission, and shall have impressed or  
2 imprinted thereon the seal of the district, or a facsimile thereof.

3 E. Any obligations of the district may be validly issued, sold, and  
4 delivered, notwithstanding that one or more of the officers of the commission  
5 signing such obligations, or whose facsimile signature or signatures may be on  
6 the obligations, shall have ceased to be such officer of the commission at the  
7 time such obligations shall actually have been delivered.

8 F. Obligations of the district may be sold in such manner and from time  
9 to time as may be determined by the commission to be most beneficial, subject  
10 to approval of the State Bond Commission, and the district may pay all  
11 expenses, premiums, fees, or commissions, which it may deem necessary or  
12 advantageous in connection with the issuance and sale thereof.

13 G. The district may authorize the establishment of a fund or funds for  
14 the creation of a debt service reserve, a renewal and replacement reserve, or  
15 such other funds or reserves as the commission may approve with respect to the  
16 financing and operation of any project funded with the proceeds of such bonds  
17 and as may be authorized by any bond resolution, trust agreement, indenture  
18 of trust, or similar instrument or agreement pursuant to the provisions of which  
19 the issuance of bonds or other obligations of the district may be authorized.

20 H. Any cost, obligation, or expense incurred for any of the purposes or  
21 powers of the district shall be a part of the project costs and may be paid or  
22 reimbursed as such out of the proceeds of bonds or other obligations issued by  
23 the district.

24 I. For a period of thirty days from the date of publication of the  
25 resolution authorizing the issuance of bonds hereunder, any persons in interest  
26 shall have the right to contest the legality of the resolution and the legality of the  
27 bond issue for any cause, after which time no one shall have any cause or right  
28 of action to contest the legality of said resolution or of the bonds authorized  
29 thereby for any cause whatsoever. If no suit, action, or proceeding is begun

1 contesting the validity of the bond issue within the thirty days herein  
2 prescribed, the authority to issue the bonds and to provide for the payment  
3 thereof, and the legality thereof and all of the provisions of the resolution  
4 authorizing the issuance of the bonds shall be conclusively presumed, and no  
5 court shall have authority to inquire into such matters.

6 J. Neither the members of the commission nor any person executing the  
7 bonds shall be personally liable for the bonds or be subject to any personal  
8 liability by reason of the issuance thereof; however, the limitation of liability  
9 provided for in this Paragraph shall not apply to any gross negligence or  
10 criminal negligence on the part of any member of the commission or person  
11 executing the bonds. No earnings or assets of the district shall accrue to the  
12 benefit of any private person.

13 K. All obligations authorized to be issued by the district pursuant to the  
14 provisions of this Section, together with interest thereof, income therefrom, and  
15 gain upon the sale thereof, shall be exempt from all state and local taxes.

16 L. The state and all public officers, any parish, municipality, or other  
17 subdivision or instrumentality of the state, any political subdivision, any bank,  
18 banker, trust company, savings bank and institution, building and loan  
19 association, savings and loan association, investment company or any person  
20 carrying on a banking or investment business, any insurance company or  
21 business, insurance association, and any person carrying on an insurance  
22 business, and any executor, administrator, curator, trustee, and other fiduciary,  
23 and any retirement system or pension fund may legally invest any sinking funds  
24 monies, or other funds belonging to them or within their control in any bonds  
25 or other obligations issued by the district, pursuant to the provisions of this  
26 Section, and such bonds or other obligations shall be authorized security for all  
27 public deposits. It is the purpose of this Section to authorize such persons, firms,  
28 corporations, associations, political subdivisions and officers, or other entities,  
29 public or private, to use any funds owned or controlled by them, including but

1           not limited to sinking, insurance, investment, retirement, compensation, pension  
2           and trust funds, and funds held on deposit, for the purchase of any such bonds  
3           or other obligations of the district, and that any such bonds shall be authorized  
4           security for all public deposits. However, nothing contained in this Section with  
5           regard to legal investments or security for public deposits shall be construed as  
6           relieving any such person, firm, corporation, or other entity from any duty of  
7           exercising reasonable care in selecting securities.

8           Section 2. Chapters 31 and 32 of Title 34 of the Louisiana Revised Statutes of 1950,  
9           comprised of R.S. 34:2501 through 2506 and R.S. 34:2551 through 2556, are hereby  
10          repealed.

11          Section 3. The terms of the board of commissioners of the East Cameron Port,  
12          Harbor and Terminal District and the West Cameron Port, Harbor and Terminal District  
13          serving on December 31, 2016, shall terminate on that date.

14          Section 4. Any taxes, fees, or other charges authorized prior to January 1, 2017, and  
15          being levied and collected by the East Cameron Port, Harbor and Terminal District and the  
16          West Cameron Port, Harbor and Terminal District shall continue to be levied and collected  
17          by the commission in accordance with the terms of such taxes, fees, or other charges  
18          authorization.

19          Section 5. A. The Cameron Parish Port, Harbor, and Terminal District (hereinafter,  
20          "district") is hereby assigned and subsumes all of the duties and responsibilities previously  
21          exercised by the East Cameron Port, Harbor and Terminal District and the West Cameron  
22          Port, Harbor and Terminal District (hereinafter, "East and West districts") with regard to  
23          previously executed agreements, and such district may execute, sign, modify, amend, and  
24          renew any such agreement.

25          B. All unfinished business, references in laws and documents, employees, property,  
26          obligations, and books and records of the East and West districts shall be assumed by the  
27          Cameron Parish Port, Harbor, and Terminal District and shall be transferred as provided in  
28          this Section. Any pending or unfinished business of the East Cameron Port, Harbor and  
29          Terminal District and the West Cameron Port, Harbor and Terminal District shall be taken

1 over and be completed by the district, and the district shall be the successor in every way to  
2 the East and West districts for the purpose of completing such business. Any reference in  
3 laws and documents to the East and West districts shall be deemed to apply to the district.  
4 Any legal proceeding to which the East and West districts are a party and which is filed,  
5 initiated, or pending before any court on the effective date of this Section, and all documents  
6 involved in or affected by such legal proceeding, shall retain their effectiveness and shall be  
7 continued in the name of the district. All further legal proceedings and documents in the  
8 continuation, disposition, and enforcement of such legal proceeding shall be in the name of  
9 the district, and the district shall be substituted in the prior plans, projects, policies, and  
10 programs without necessity for amendment of any document. This Act shall not be construed  
11 so as to impair the effectiveness of any rule or policy of either of the East and West districts  
12 and any such rule or policy shall remain effective or until changed in accordance with law.  
13 This Act shall not be construed so as to impair the contractual or other obligations of the  
14 East and West districts and all obligations of the East and West districts shall be the  
15 obligations of the district. The district shall be the successor in every way to the East and  
16 West districts, including all of their obligations and debts. All dedications and allocations  
17 of revenues and sources of revenues heretofore made to or for either the East or West  
18 districts shall continue in the same manner, to the same extent, and for the same purposes  
19 as were provided prior to the enactment of this Act, unless and until other provision is made  
20 therefor. All books, papers, records, money, actions, and other property of every kind,  
21 movable and immovable, real and personal, heretofore possessed, controlled, or used by the  
22 East and West districts are hereby transferred to the district. All employees heretofore  
23 engaged in the performance of duties of the East and West districts, insofar as practicable  
24 and necessary, are transferred to the district, and insofar as practicable and necessary shall  
25 continue to perform the duties heretofore performed, subject to policies and procedures of  
26 the district and other applicable laws.

27 Section 6. This Act shall become effective on January 1, 2017; if vetoed by the  
28 governor and subsequently approved by the legislature, this Act shall become effective on  
29 January 1, 2017, or on the day following such approval by the legislature, whichever is later.

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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

SB 82 Engrossed

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 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 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.