

SENATE BILL NO. 31

BY SENATOR MILLS

1 AN ACT

2 To amend and reenact R.S. 34:1452, 1453(A), (B), (C) and (E), 1454 and 1455 and to enact
3 R.S. 34:1453(F), relative to the Greater Krotz Springs Port Commission; to provide
4 for rights and powers of the commission; to provide for general obligation and
5 revenue bonds; to provide for a prescriptive period for the sale of bonds; to authorize
6 the commission to enter cooperative endeavor agreements; to provide relative to
7 existing contracts and agreements; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 34:1452, 1453(A), (B), (C) and (E), 1454 and 1455 are hereby
11 amended and reenacted and R.S. 34:1453(F) is hereby enacted to read as follows:

12 §1452. Officers of the ~~board~~ commission; meetings

13 The commission shall elect from among its own members a president, a vice
14 president, a secretary, and a treasurer, whose respective duties shall be prescribed by
15 the commission. At the option of the commission the office of the secretary and
16 treasurer may be held by one person. The commission shall meet in regular session
17 once each month, and shall also meet in special session at the call of the president
18 of the commission, or on the written request of three members of the commission.

19 A majority of the members of the commission shall constitute a quorum and all
20 actions or resolutions of the commission must be approved by the affirmative vote

1 of not less than a majority of all members of the commission **in attendance**. The
2 commission shall prescribe rules to govern its meetings and shall fix the place at
3 which meetings shall be held.

4 §1453. Rights and powers of the ~~board~~ **commission**

5 A. The commission shall exercise the powers herein conferred upon it within
6 the port area ~~consisting~~ **which for purposes of this Chapter consists** of the entire
7 parish of St. Landry as ~~the boundaries and limits are presently fixed by law~~ **it exists**
8 **from time to time**.

9 B. The commission may authorize a reasonable travel allowance for its
10 members in the performance of their official duties, and it may employ such officers,
11 agents, and employees as it may find necessary in the performance of its duties, and
12 may prescribe the duties, powers, and compensation of such officers, agents, and
13 employees. The commission may upon such terms as it may agree ~~upon~~, contract for
14 legal, financial, engineering, and other professional services necessary or expedient
15 in the conduct of its affairs, and it may, upon terms and conditions mutually
16 agreeable, utilize the services of the ~~other~~ executive departments of the state. The
17 commission is authorized to provide health insurance for its members, however no
18 state funds shall be used to pay for such insurance.

19 C. The commission shall regulate the commerce and traffic within ~~such~~ **the**
20 port area in such manner as may, in its judgment, be for the best interest of the state.
21 It shall have charge of, and administer public wharves, docks, sheds, and landings
22 and shall be empowered to construct or acquire and equip wharves and landings and
23 other structures useful for the commerce of the port area and to provide mechanical
24 facilities therefor; to erect sheds or other structures on such wharves and landings;
25 to maintain proper depths of water at all such wharves and landings; to provide light,
26 water, police protection and other services for its facilities as it may deem advisable;
27 to construct or acquire, maintain, and operate basins, locks, canals, warehouses, and
28 elevators; to charge for the use of all facilities administered by it and for all services
29 rendered by it, such fees, rates, tariffs, or other charges as it may establish; to
30 establish harbor lines within the port area by agreement with the Corps of Engineers;

1 and to construct, own, operate, and maintain terminal rail facilities and other
 2 common carrier rail facilities for the purpose of rendering rail transportation to and
 3 from the facilities to be erected, owned, and operated by the commission whether
 4 in ~~both~~ either intrastate ~~and~~ or interstate commerce. The commission, in its
 5 discretion, may enter into cooperative endeavor agreements, intergovernmental
 6 agreements, contracts, leases, servitudes, charters, and other agreements with
 7 public or private entities or persons providing for the delegation of any or all
 8 of the operational rights, powers, and authority granted in this Chapter. The
 9 legislature may confer additional powers upon the commission, ~~not inconsistent with~~
 10 ~~the provisions hereof;~~ provided, however, that it shall not impair the commission
 11 shall not exercise any powers in a manner that impairs any contract lawfully
 12 entered into by the commission. ~~Title~~ Except as provided in this Section, title to
 13 all ~~property~~ land and improvements thereon acquired, constructed, maintained,
 14 or operated by the commission shall vest in the ~~state of Louisiana~~ commission. As
 15 a political subdivision of the state of Louisiana, the commission shall have all
 16 powers of ownership and rights of administration and alienation, including
 17 without limitation the right to lease, sell, encumber, or otherwise convey, or to
 18 grant or accept servitudes in land or any improvements thereon to or from third
 19 parties for any commercial, business, or port area purpose, including without
 20 limitation shipping, fleeting, processing, manufacturing, or financing through
 21 industrial inducement bonds over and upon the port area. The construction and
 22 operation of privately owned facilities within the port area is permitted, subject
 23 to the reasonable rules and regulations that may be adopted by the commission
 24 from time to time and are applicable to publicly and privately owned facilities.

25 * * *

26 E. The commission shall have authority to make and enter into contracts,
 27 leases, servitudes, and other agreements with railroads, trucking companies,
 28 pipeline companies, terminal developers and operators, and barge and fleeting
 29 lines, and with any and all ~~companies~~ entities and persons interested in the
 30 transportation, storage, ~~and~~ or shipping of hydrocarbons or other minerals, goods

1 ~~and other~~ or products, whether by rail, truck line, pipeline, barge line, ocean-going
 2 vessels, or otherwise for the use of the land facilities or other property owned or
 3 administered by the commission or any part or portion thereof, for a period of time
 4 not exceeding forty ninety-nine years. ~~No exclusive franchise, however, shall be~~
 5 ~~granted to any carrier.~~

6 **F. The provisions of this Chapter shall not be construed to authorize the**
 7 **commission to operate as a public utility or to grant a franchise for service by**
 8 **a public utility that is regulated by the Louisiana Public Service Commission.**

9 §1454. Authority for ~~issuance of~~ general obligation bonds

10 A. The commission, with the approval of the State Bond Commission, is
 11 authorized to incur debt for its lawful purposes and to issue in its name, negotiable
 12 general obligation bonds or notes therefor, and to pledge, for the payment of the
 13 principal and interest of such negotiable bonds or notes, the revenues derived by the
 14 commission from the operation of properties and facilities acquired, constructed,
 15 maintained ~~and or~~ operated by it the commission, or received by the commission
 16 from other sources; provided, however, that the amount of such bonds and notes
 17 outstanding at any one time shall not exceed fifteen million dollars. Such bonds or
 18 notes, when authorized to be issued, shall constitute, first, a general obligation of the
 19 commission, and secondly, the full faith and credit of the parish of St. Landry and
 20 the state of Louisiana shall be and are hereby pledged to secure such bonds or
 21 notes. In addition ~~the~~ to the pledge of revenues to secure ~~said the~~ bonds and notes,
 22 the commission may further secure their payment by a granting one or more
 23 conventional ~~mortgage~~ mortgages upon any or all of the properties constructed ~~or,~~
 24 acquired, maintained, or operated, or to be constructed ~~and acquired by~~
 25 ~~it,~~ acquired, maintained, or operated, by it or upon its interest as lessor under
 26 leases granted by the commission to third parties on property acquired,
 27 constructed, maintained, or operated by the commission. The commission is
 28 further authorized to receive, by gift, grant, donation, or otherwise any sum of
 29 money, aid, or assistance from the United States, the state of Louisiana, or any
 30 political subdivision ~~thereof~~ of the state, and unless otherwise provided by the terms

1 of such gift, grant, or donation, ~~in its discretion~~, to pledge all or any part of such
 2 monies for the further securing of the payment of the principal and interest of its
 3 bonds or notes.

4 **B.** There shall never be levied for and in the port area any ad valorem tax
 5 upon and limited solely to the property in the port area.

6 §1455. Prescriptive period; sale of bonds

7 **A.** For a period of ~~sixty~~ **thirty** days from the date of the adoption of any
 8 resolution of the commission authorizing the issuance of its bonds or notes, any
 9 person interested may test the legality of ~~said~~ **the** resolution and the validity of ~~said~~
 10 **the** bonds or notes issued or proposed to be issued thereunder, after which time no
 11 one shall have any cause of action to contest the regularity, formality, or legality of
 12 ~~said~~ **the** resolution or to draw in question the legality of ~~said~~ **the** bonds or notes or
 13 the debt represented thereby for any cause whatever, and it shall be conclusively
 14 presumed that every legal requirement has been complied with, ~~and no court shall~~
 15 ~~have authority to inquire into such matters after the lapse of said sixty days.~~ **No**
 16 **court shall have authority to inquire into such matters after the lapse of thirty**
 17 **days.**

18 **B.** Any bonds issued in accordance with the provisions ~~hereof~~ **of this**
 19 **Chapter** shall be sold **in the manner determined by the commission.** ~~to the highest~~
 20 ~~bidder, at a public sale, for not less than par and accrued interest, after advertisement~~
 21 ~~at least once a week, for not less than thirty days by the commission in the District,~~
 22 ~~Chicago, Illinois, New York, New York, and such other places as the commission~~
 23 ~~may determine, reserving to the commission the right to reject any and all bids, and~~
 24 ~~the right to readvertise for new bids. If after advertisement as hereinabove provided,~~
 25 ~~no bids are received, or if such bids as are received are considered in the discretion~~
 26 ~~of the commission to be unsatisfactory, then in that event the commission may~~
 27 ~~publicly negotiate for the sale of such bonds.~~

28 Section 2. All leases, servitudes and other agreements that the commission is a party
 29 to on the effective date of this Act and are consistent with the provisions of this Act are
 30 hereby ratified and confirmed.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____