

SENATE BILL NO. 279

BY SENATOR MORRISH

1 AN ACT

2 To enact Part IV of Chapter 3 of Title 34 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 34:481 through 490, relative to navigation districts; to create the
4 Calcasieu-Cameron Navigation District; to provide for district boundaries, purpose,
5 governance, and funding; to provide for a board of commissioners and powers of the
6 board; to provide relative to the Calcasieu River and Pass Project; to provide for an
7 ad valorem tax; 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. Part IV of Chapter 3 of Title 34 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 34:481 through 490, is hereby enacted to read as follows:

12 **PART IV. CALCASIEU-CAMERON NAVIGATION DISTRICT**

13 **§481. Creation of the district; purpose**

14 **A. There is created a navigation and river improvement and**
15 **maintenance district which shall be known as the "Calcasieu-Cameron**
16 **Navigation District", composed of the territory embraced in the parishes of**
17 **Calcasieu and Cameron, for the purpose of improving and maintaining the**
18 **Calcasieu River with respect to the navigation thereof within the state of**
19 **Louisiana, and for such other purposes as are provided for in this Part.**

20 **B. The district's territory shall exclude any facility that compensates any**
21 **other public navigation district for dredging or managing dredge material.**

22 **C. The district shall serve within or outside of its territorial limits as**
23 **agent for the state of Louisiana which shall be the local sponsor and nonfederal**
24 **sponsor as defined by the United States Army Corps of Engineers for the**
25 **Calcasieu River and Pass Project, hereinafter referred to as the "project". The**
26 **district shall function as the single entity responsible to act, to secure**

1 rights-of-way, and to furnish assurances for the construction, operation, and
2 maintenance of the Calcasieu River and Pass Project as designated by the
3 United States Army Corps of Engineers. Additionally, the district may provide
4 funds to the United States Army Corps of Engineer for the nonfederal sponsor's
5 local cost share as required for work on the project by the United States Army
6 Corps of Engineers. The nonfederal sponsor's local cost share may include but
7 is not limited to the following:

8 (1) Requirements presently in effect or which may be required in the
9 future by law, regulation, or assurance agreements.

10 (2) Requirements for new features or modifications to the project.

11 (3) Requirements to provide real estate, rights-of-way, and easements for
12 sites for disposal of dredged materials for the project.

13 D. The district shall enter into a cooperative endeavor agreement with
14 the Lake Charles Harbor and Terminal District not later than six months from
15 the date all district commissioners are appointed. The agreement shall contain
16 the following provisions:

17 (1) The Lake Charles Harbor and Terminal District shall continue to
18 operate as the nonfederal sponsor for the Calcasieu River and Pass Project as
19 defined in R.S. 34:218 until an ad valorem tax referenced in R.S. 34:489 is
20 authorized by a favorable vote of a majority of the qualified electors in each
21 parish within the district and such monies are received by the Calcasieu-
22 Cameron Navigation District.

23 (2) The Lake Charles Harbor and Terminal District shall maintain
24 ownership and control of sites used for dredged material currently owned by
25 the Lake Charles Harbor and Terminal District.

26 E. Notwithstanding any provision of this Part to the contrary, the district
27 shall not engage in port activities as defined in R.S. 34:218 within its territory.

28 §482. Domicile

29 The domicile of the district shall be in Calcasieu Parish, but offices may
30 be maintained in Cameron Parish. The secretary may reside in Calcasieu or

1 Cameron Parish. The books and records of the district shall be kept where the
2 secretary resides.

3 §483. Board of commissioners; appointment; term

4 A. The Calcasieu-Cameron Navigation District shall be administered and
5 governed by a board of commissioners, hereinafter referred to as the "board",
6 composed of five members, who shall be appointed, as follows:

7 (1) One commissioner shall be the port director or his designee of the
8 Cameron Parish Port, Harbor, and Terminal District.

9 (2) One commissioner shall be the port director or his designee of the
10 Lake Charles Harbor and Terminal District.

11 (3) One commissioner shall be a state-commissioned river port pilot
12 appointed by the Associated Branch Pilots for the Port of Lake Charles.

13 (4) Two commissioners shall be appointed by the governor and subject
14 to Senate confirmation, representing separate facilities that utilize the Calcasieu
15 Ship Channel for commerce involving deep draft seagoing vessels, one facility
16 being located in Cameron Parish and one being located in Calcasieu Parish.

17 B. Term. The terms of office for commissioners appointed pursuant to
18 Paragraphs (A)(3) and (4) of this Section shall be four years and the appointed
19 commissioners shall serve no more than two consecutive terms of office.

20 C. Any vacancy on the board of commissioners for any reason shall be
21 filled in the same manner as the original appointments and for the unexpired
22 term of office.

23 D. The commissioners shall serve without compensation and shall have
24 the power to organize and reorganize legal, executive, engineering, clerical, and
25 other departments and forces of the board and to fix the duties, powers, and
26 compensation of all officers, agents, and employees under the board.
27 Commissioners shall be entitled to receive all necessary expenses incurred in
28 attending meetings of the board or while attending to the business of the board.

29 §484. Officers and employees of board; meetings; quorum

30 A. The board shall elect from among its own members a president, vice

1 president, secretary, and treasurer, whose duties shall be those usual to such
2 offices. At the option of the board, the offices of secretary and treasurer may be
3 held by one person.

4 B. The board shall meet in regular session once each month and shall
5 also meet in special session as often as the president of the board convenes them,
6 or on written request of three members. The board shall prescribe rules to
7 govern its meetings.

8 C. Three members of the board shall constitute a quorum.

9 D. The board shall maintain suitable offices in the district, and may
10 contract with and employ attorneys, clerks, engineers, and other agents and
11 employees, and shall fix their compensation and terms of office or employment.

12 §485. Powers of board

13 A. The board shall have and enjoy all the rights, privileges, and
14 immunities conferred by law upon political corporations.

15 B. The board may own, construct, lease, or operate equipment and
16 machinery as may be necessary to maintain and improve the project.

17 C. The board may own, construct, and administer facilities necessary to
18 maintain and improve the project.

19 D. The board may dredge ship ways, channels, slips, basins and turning
20 basins, passing lanes and anchorages within the project.

21 E. The board may establish, operate, and maintain in cooperation with
22 the federal government, the state of Louisiana and its various agencies,
23 subdivisions and public bodies, navigable waterway systems and improvements
24 within the project.

25 F. The board may acquire by purchase, donation, or lease property
26 necessary for the maintenance and improvement of the project.

27 G. The board may maintain proper depth of water to accommodate and
28 induce the business and industrial interests of the project.

29 H. The board may make reasonable charges and collect the same for the
30 use of all structures, works, property, and facilities administered by the board,

1 and for any and all services rendered by the board.

2 §486. Examinations and investigations; control and regulation; annual reports

3 A. The board shall examine and investigate all questions relating to the
4 interest and welfare of the district. The board shall control and regulate the
5 same and make an annual report showing all receipts and disbursements of the
6 board, setting forth the general condition of the district and its buildings,
7 structures, facilities, and other properties, and making such recommendations
8 for the development and welfare of the district and its management as may
9 seem advisable. A copy of this report shall be promptly published in a
10 newspaper printed in the parishes of Calcasieu and Cameron.

11 B. The board shall keep a record of its proceedings which shall be
12 published at least once in a newspaper having a general circulation in the
13 district, not later than thirty days after each board meeting. At each meeting,
14 the board shall examine all its accounts and operations, determine in what
15 manner the work of the board shall be undertaken, and provide the means to
16 carry it out.

17 C. The secretary shall keep full and complete records of all receipts and
18 expenditures of the district. The secretary shall safely keep and preserve all
19 books, records, reports, contracts, vouchers, and correspondence relative to the
20 affairs of the district, and maintain a perpetual inventory of its property of all
21 descriptions.

22 §487. Acquisition of lands; public aid; construction of works of public
23 improvement

24 A. The board is authorized to acquire by purchase, donation, or lease
25 any lands in the district needed for the maintenance and improvement of the
26 project. The board may also provide that payment for such lands be made out
27 of the monies under its control not otherwise specifically appropriated.

28 B. The board is further authorized to receive by gift, grant, donation, or
29 otherwise, any sum of money, aid, or assistance from the United States, the state
30 of Louisiana, or any of its political subdivisions, for the purpose of carrying out

1 the objects and purposes of this Part.

2 C. The board is authorized to make and construct any of the works of
3 public improvements in the district and anything in connection therewith that
4 may be necessary or useful for the business of the board, to purchase machinery
5 or materials and equipment for performing such work, and to supervise the
6 making of the same or to make and construct such works through contracts
7 with others, and generally, to do all other acts necessary or proper to carry out
8 the powers vested in it with regard to such works of public improvement.

9 §488. Contracts

10 Anything in this Part to the contrary notwithstanding, any construction
11 undertaken, or materials purchased pursuant to the authority granted in this
12 Chapter shall be in accordance with the provisions of Part II of Chapter 10 of
13 Title 38 of the Louisiana Revised Statutes of 1950.

14 §489. Fee; ad valorem tax; borrowing money

15 A.(1) For the purposes of obtaining funds, the board may levy annually
16 an ad valorem tax not to exceed five mills on the dollar on the property subject
17 to taxation situated in the district, provided the levy of the tax shall have been
18 authorized by a favorable vote of a majority of the qualified electors in each
19 parish within the district in an election to be called within three years of the
20 effective date of this Part and held for that purpose in accordance with existing
21 laws. Funds derived under this Subsection may be used to defray the
22 administrative and operating expenses of the board, make in-kind distributions
23 to port operations doing business associated with the project for dredging,
24 administration and operation of certain ports, to obtain funds for the
25 maintenance and improvement of the project, and to fund the nonfederal
26 sponsor's local cost share for work on the project by the United States Army
27 Corps of Engineers. The board may pledge all or part of the revenues therefrom
28 to the payment of bonds to be issued by the district, provided that the total ad
29 valorem tax collections shall not exceed twenty million dollars annually.

30 (2) Provided sufficient monies are received from ad valorem tax

1 collections, the board shall make payments annually to the following entities in
2 the stated amounts:

3 (a) The Cameron Parish Port, Harbor, and Terminal District - five
4 hundred thousand dollars.

5 (b) The Lake Charles Harbor and Terminal District - five hundred
6 thousand dollars.

7 (c) The West Calcasieu Port - three hundred thousand dollars.

8 (d) The Vinton Harbor and Terminal District - two hundred thousand
9 dollars.

10 B. Should the vote of a majority of the qualified electors in each parish
11 within the district fail to pass and levy the tax, legislative authority for the
12 Calcasieu-Cameron Navigation District shall terminate July first of the year
13 following the date of the election.

14 C. The provisions of R.S. 34:409 and 34:422 shall not apply to the
15 Calcasieu-Cameron Navigation District of Louisiana; provided, however that
16 this Subsection shall not operate to the impairment of contracts.

17 D. The provisions of the constitution and all laws regulating the
18 collection of taxes and the creating of tax liens and mortgages, tax penalties, and
19 tax sales shall also apply to the collection of all taxes authorized by this Part.
20 The sheriffs and ex officio tax collectors of the parishes of Calcasieu and
21 Cameron shall make a monthly settlement with the treasurer of the board of
22 commissioners and receive from him a receipt for the amount of taxes paid
23 over, in the same manner as tax collectors are required to settle with the
24 division of administration. The tax collectors shall receive from the treasurer
25 the same quietus for a full settlement of taxes due and exigible in any given year
26 and account for the delinquents or deductions in the same manner as though
27 accounting to the division of administration for state taxes. The tax collector
28 shall retain from taxes collected by him for the district any commission thereon
29 allowed to him by law on special taxes and shall deposit the amount thereof with
30 the parish treasurer to the credit of the sheriff's salary fund. Upon failure of the

1 tax collector to comply with the provisions of this Part, the board of
2 commissioners shall proceed against him and the sureties on his official bond
3 for the collection of whatever money may be owing to the board of
4 commissioners for such taxes.

5 E.(1) The board may borrow money from time to time for the purpose
6 of defraying the administrative, operation, and maintenance expenses of the
7 board, and may issue certificates of indebtedness secured by any fees authorized
8 under this Part, and by any taxes authorized under this Section, provided that
9 any loan for this purpose shall in no year exceed the estimated revenues for such
10 year.

11 (2) With the approval of the State Bond Commission, the district,
12 through the board as its governing authority, is authorized to incur debt for its
13 lawful purposes and to issue negotiable bonds in its name representing the debt,
14 and to pledge and dedicate for the payment of the principal and interest of such
15 negotiable bonds the revenue derived from the ad valorem tax authorized by
16 this Section or other revenues received by the district or the board from other
17 sources, as may be provided by the board in the resolution authorizing the
18 issuance of such bonds and providing the security therefor. However, the bonds
19 shall not be issued requiring principal and interest payments in any year in
20 excess of eighty percent of the tax revenues which would have been received by
21 the district had the five mill tax been levied on the last assessment roll filed and
22 of record. Such bonds shall be issued by the board with such dates, forms,
23 terms, series, interest rates, maturities, denominations, redemption provisions,
24 and security provisions as the board may determine in compliance with this
25 Section. Such bonds, when authorized to be issued, shall constitute a general
26 obligation of the district to the payment of which the full faith and credit of the
27 district shall be and is hereby pledged. In addition to the pledge of the tax and
28 other revenues to secure the payment of the bonds in principal and interest, the
29 board may further secure their payment by a conventional mortgage upon any
30 and all properties constructed or acquired, or to be constructed and acquired

1 by it from the proceeds of such bonds. In the event any bonds are issued secured
2 by a pledge and dedication of the tax revenues, the tax shall be levied and
3 collected as long as the bonds are outstanding in an amount sufficient to pay
4 such bonds in principal and interest as they respectively mature. Any resolution
5 authorizing the issuance of bonds of the district may contain such covenants as
6 the board may deem proper to assure the enforcement, collection, and proper
7 application of the tax or other revenues pledged and dedicated to the payment
8 and security of the bonds, and other security provisions including the
9 establishment of a bond reserve if deemed advisable by the board. Except as
10 specifically provided in this Section, the bonds shall be issued in compliance
11 with the requirements of R.S. 34:490 and the relative provisions of the
12 constitution, including the public sale of such bonds and the thirty-day
13 prescriptive period to contest the legality of such bonds and the security
14 therefor, all as more fully therein provided.

15 **§490. Bonds**

16 **A. For the purpose of acquiring lands for the uses of the district and to**
17 **provide funds for the making and construction of the public works facilities and**
18 **improvements outlined in this Part, the board is authorized to issue revenue**
19 **bonds in the manner and subject to the terms and conditions of Subpart C of**
20 **Part I of Chapter 10 of Title 33 of the Louisiana Revised Statutes of 1950, as**
21 **well as Subpart B of Part I of Chapter 10 of Title 33 of the Louisiana Revised**
22 **Statutes of 1950. The board is also authorized to incur debt and issue tax**
23 **secured bonds for the above purposes in the manner and subject to the terms**
24 **and conditions of Subpart A of Part III of Chapter 4 of Title 39 of the Louisiana**
25 **Revised Statutes of 1950, as well as industrial inducement bonds.**

26 **B. In addition to the above power to issue bonds and without reference**
27 **to any other provisions of the constitution or statutes of the state, the district is**
28 **authorized, with the approval of the State Bond Commission, to issue negotiable**
29 **bonds for any of the purposes described above and to pledge for the payment**
30 **of the principal and interest of such negotiable bonds the income and revenues**

1 derived or to be derived from the properties and facilities maintained and
2 operated by it, or received by the district from other sources. In addition to the
3 pledge of income and revenues to secure the bonds, the district may further
4 secure their payment by a conventional mortgage upon any or all of the
5 properties constructed or acquired, or to be constructed and acquired by it. The
6 district is further authorized to receive by gift, grant, donation, or otherwise
7 any sum of money, aid, or assistance from the United States, the state of
8 Louisiana, or any of its political subdivisions, and unless otherwise provided by
9 the terms of such gift, grant, or donation, in its discretion, to pledge all or any
10 part of such monies for the further securing of the payment of the principal and
11 interest of its bonds. Such bonds shall be authorized by a resolution of the
12 governing authority of the district and shall be of such series, bear such date or
13 dates, mature at such time or times not exceeding forty years from their
14 respective dates, bear interest at such rate or rates not exceeding five percent
15 per annum, payable semi-annually, be in such denominations, be in such form,
16 either coupon or fully registered without coupons, carry such registration and
17 exchangeability privilege, be payable in such medium of payment and at such
18 place or places, be subject to such terms of redemption not exceeding one
19 hundred five percent of the principal amount thereof, and be entitled to such
20 priority on the revenues of the district as such resolution or resolutions may
21 provide. The bonds shall be signed by such officers as the district shall
22 determine, and coupon bonds shall have attached thereto interest coupons
23 bearing the facsimile signatures of such officer or officers of the district as it
24 shall designate. Any such bonds may be issued and delivered, notwithstanding
25 that one or more of the officers signing such bonds or the officer or officers
26 whose facsimile signature or signatures may be upon the coupons shall have
27 ceased to be such officer or officers at the time such bonds shall actually have
28 been delivered. The bonds shall be sold for not less than par and accrued
29 interest, to the highest bidder at a public sale after an advertisement by the
30 district at least once a week for not less than thirty days in a newspaper of

1 general circulation within the district and in a financial newspaper or journal
 2 published in New Orleans, New York, or Chicago, reserving to the district the
 3 right to reject any and all bids and to readvertise for bids. If after the
 4 advertisement as provided in this Section, no bids are received, or if such bids
 5 as are received are considered in the discretion of the board to be
 6 unsatisfactory, then in that event the board may publicly negotiate for the sale
 7 of such bonds, without a further advertisement.

8 C. No proceedings in respect to the issuance of any such bonds shall be
 9 necessary except such as are contemplated by this Section, and no further or
 10 other legislation shall be required to effectuate it.

11 D. For a period of thirty days from the date of publication of the
 12 resolution authorizing the issuance of bonds hereunder, any persons in interest
 13 shall have the right to contest the legality of the resolution and the legality of the
 14 bond issue for any cause, after which time no one shall have any cause or right
 15 of action to contest the legality of the resolution or of the bonds authorized
 16 thereby for any cause whatever. If no suit, action or proceeding is begun
 17 contesting the validity of the bond issue within the thirty days in this Subsection
 18 prescribed, the authority to issue the bonds and to levy the necessary tax for the
 19 payment thereof, the legality thereof and of all the provisions of the resolution
 20 authorizing the issuance of the bonds shall be conclusively presumed, and no
 21 court shall have authority to inquire into such matters.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____