

2020 Regular Session

SENATE BILL NO. 234

BY SENATOR HEWITT

PORTS/HARBORS/TERMINALS. Provides for the issuance of bonds by the Louisiana International Gulf Transfer Terminal Authority. (gov sig)

AN ACT

To amend and reenact R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and 3503(A)(2) and (3), relative to the Louisiana International Gulf Transfer Terminal Authority; to provide with respect to the issuance of bonds; to revise definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and 3503(A)(2) and (3) are hereby amended and reenacted to read as follows:

§3492. Definitions

For the purposes of this Chapter, unless the context clearly otherwise requires, the following definitions shall apply and shall be equally applicable to both the singular and plural forms of any of the defined terms:

(1) "Authority development program" means a full and complete plan for the development, construction, and operation of deep draft ~~container~~ vessel and intermodal terminal facilities not in existence on July 1, 2008, including but not limited to research and experimentation; promotion; financing; all phases of technical development and refinement; construction; operation and maintenance,

1 including renovation, retirement, and reconstruction; regulation of any aspect of ~~such~~  
2 a plan; and any other action the authority deems necessary to the fulfillment of ~~such~~  
3 a plan.

4 \* \* \*

5 (10) "Revenue bond project" or "revenue bond projects" means any one or  
6 more of the facilities authorized to be financed by the issuance of revenue bonds  
7 pursuant to the provisions of R.S. ~~34:3112.1~~ **34:3503**.

8 (11) "Revenue bonds" means any bonds or notes issued pursuant to R.S.  
9 ~~34:3112.1~~ **34:3503**.

10 \* \* \*

11 (14) "Transfer Terminal facilities" or "facilities" means a structure, a series  
12 of structures, or a facility constructed after July 1, 2008, developed pursuant to the  
13 authority development program on the lower end of the east bank of Southwest Pass  
14 in Plaquemines Parish on state owned property and designed to accommodate deep  
15 draft ~~container~~ vessels and their cargoes, including all intermodal structures,  
16 property, and equipment used for transportation, and facilities directly related thereto  
17 and necessary or useful to the operation thereof, whether landward, onshore, or  
18 seaward of the main structures or facilities themselves, including any facility which  
19 is part of a gulf transfer ~~container~~ terminal, as defined herein.

20 §3493. Jurisdiction; domicile

21 A.(1) The Louisiana International Deep Water Gulf Transfer Terminal  
22 Authority shall have only that exclusive jurisdiction as provided herein over a  
23 structure, a series of structures, or a facility constructed after July 1, 2008, at the  
24 lower end of the east bank at Southwest Pass in Plaquemines Parish on state owned  
25 property, described as follows to wit: beginning at a point having latitude 28.953797  
26 degrees north and longitude 89.316072 degrees west; thence proceed to a point  
27 having latitude 28.941817 degrees north and 89.316192 degrees west; thence  
28 proceed to a point having latitude 28.918486 degrees north and 89.336992 degrees  
29 west; thence proceed to a point having latitude 28.918692 degrees north and

1 longitude 89.349631 degrees west; thence proceed to a point having latitude  
2 28.940650 degrees north and longitude 89.353161 degrees west; thence proceed to  
3 a point having latitude 28.953931 degrees north and 89.324425 degrees west; thence  
4 proceed to the point of beginning and designed to accommodate deep draft ~~container~~  
5 vessels and their cargoes, including all intermodal structures, property, and  
6 equipment used for transportation, and facilities directly related thereto and  
7 necessary or useful to the operation thereof, whether landward, onshore, or seaward  
8 of the main structures or facilities themselves, including any facility which is part of  
9 a gulf transfer ~~container~~ terminal.

10 \* \* \*

11 §3499. Powers

12 \* \* \*

13 F. The authority may lease or sublease lands leased from the state of  
14 Louisiana and is authorized to negotiate and enter into leases, subleases, contracts,  
15 or agreements with any person in order to facilitate the acquisition, construction, or  
16 operation of terminal facilities constructed or acquired after July 1, 2008, for  
17 unloading, temporarily storing, and transporting after unloading, ~~containerized~~ cargo  
18 in accordance with a license or licenses granted by the authority. However, the  
19 provisions of R.S. 33:4715.1, Chapter 10 of Title 41 of the Louisiana Revised  
20 Statutes of 1950, and R.S. 38:2211 et seq., shall not apply to this Subsection.

21 \* \* \*

22 §3501. Purchases

23 The authority may purchase machinery and equipment related to the  
24 operation of deep draft ~~container~~ vessels and intermodal terminal facilities; including  
25 but not limited to container cranes. The provisions of Part II of Chapter 10 of Title  
26 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2211 et seq., shall not be  
27 applicable to ~~such~~ purchases made with ~~nonstate~~ **non-state** funds.

28 \* \* \*

29 §3503. Additional authorization to issue revenue bonds and notes

1                   A.(1)                                   \*       \*       \*

2                   (2) Authorization of revenue bonds. The authority is hereby authorized to  
3                   issue its negotiable revenue bonds in one or more series in ~~such~~ the principal amount  
4                   as shall be necessary to provide sufficient monies for payment of project costs of one  
5                   or more revenue bond projects as may be determined by the authority. The  
6                   authority shall have power, from time to time, and subject to agreements with the  
7                   holders of its revenue bonds and with the approval of the State Bond Commission,  
8                   to issue renewal notes; to issue revenue bonds to pay notes; and, whenever the  
9                   authority deems it expedient, to refund any revenue bonds by the issuance of new  
10                  revenue bonds, whether the revenue bonds to be refunded have or have not matured,  
11                  and may issue revenue bonds partly to refund revenue bonds then outstanding and  
12                  partly for any other purpose under this Chapter. Refunding revenue bonds may be  
13                  exchanged for outstanding revenue bonds or sold and the proceeds applied to or  
14                  deposited in escrow for the purchase, redemption, or payment of revenue bonds and  
15                  interest and premiums thereon and for any other purpose specified in the resolution  
16                  or trust agreement authorizing or securing ~~such~~ the bonds.

17                  (3) Bond resolution; trust agreement; publication; ~~preemption~~ preemption.  
18                  The authority shall authorize revenue bonds by one or more resolutions executed by  
19                  ~~the secretary of the Department of Transportation and Development~~ an authorized  
20                  officer of the board of commissioners and approved by the State Bond  
21                  Commission. Any revenue bonds issued pursuant to this Section also may be secured  
22                  by a trust agreement by and between the authority and one or more corporate trustees  
23                  or fiscal agents, which may be any trust company or bank having the powers of a  
24                  trust company within or without this state. Any resolution authorizing the issuance  
25                  of revenue bonds shall be published one time in the official journal of the state;  
26                  however, it shall not be necessary to publish any exhibits to ~~such~~ the resolution if the  
27                  same are available for public inspection and ~~such~~ this fact is stated in the  
28                  publication. For thirty days after the date of publication, any person in interest may  
29                  contest the legality of the resolution, any provision of the revenue bonds to be issued

pursuant to it, the provisions therein made for the security and payment of the revenue bonds, and the validity of all other provisions and proceedings relating to the authorization and issuance of ~~such~~ **the** bonds. After that time, no person may contest the regularity, formality, legality, or effectiveness of the resolution, any provisions of the revenue bonds to be issued pursuant to it, the provisions for the security and payment of the revenue bonds, and the validity of all other provisions and proceedings relating to their authorization and issuance, for any cause whatsoever. Thereafter, it shall be conclusively presumed that the revenue bonds are legal and that every legal requirement for the issuance of the revenue bonds has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.

\* \* \*

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

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sharon F. Lyles.

---

#### DIGEST

SB 234 Original

2020 Regular Session

Hewitt

Present law provides for definitions of "Authority Development Program", "Revenue bond project", "Revenue bonds", and "Transfer Terminal facilities" or "facilities" applicable to the Louisiana International Deep Water Gulf Transfer Terminal Authority.

Proposed law deletes the word "container" from the definitions of "Authority Development Program" and "Transfer Terminal facilities" or "facilities" and changes statutory references in the definitions of "Revenue bond project" and "Revenue bonds" from R.S. 34:3112.1 relative to bonds of the Offshore Terminal Authority to R.S. 34:3503 relative to bonds of the LA International Deep Water Gulf Terminal Authority.

Present law contains several instances [R.S. 34:3493(A)(1), 3499(F), and 3501] where use of the words "container" or "containerized" restrict or limit the authority.

Proposed law deletes the words "container" or "containerized" to remove the restriction or limitation.

Present law provides for the issuance of revenue bonds by the authority and requires

execution of bond resolutions that authorize revenue bonds by the secretary of DOTD. The secretary is a member of the authority's board of commissioners; however, DOTD has no oversight over the authority.

Proposed law changes present law to provide for execution of the authority's bond resolutions by an authorized officer of the authority's board of commissioners.

Proposed law makes technical corrections.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 34:3492(1), (10), (11), and (14), 3493(A)(1), 3499(F), 3501, and 3503(A)(2) and (3))