

Regular Session, 2009

HOUSE BILL NO. 774

BY REPRESENTATIVE DIXON

PORTS/HARBORS/TERMINALS: Provides with respect to the Alexandria Regional Port

1 AN ACT

2 To amend and reenact R.S. 34:335.1, 335.2, 335.3(A), and 335.4(A), and to enact R.S. 34:
3 335.7 through 335.9, relative to the Alexandria Regional Port; to provide with
4 respect to the port's territorial boundaries; to provide with respect to the composition
5 of the board of commissioners; to provide for term limits; to provide for a method
6 for filling vacancies of the board; to provide for additional powers of the board; to
7 authorize the port to acquire land under certain circumstances; and to provide for
8 related matters.

9 Notice of intention to introduce this Act has been published
10 as provided by Article III, Section 13 of the Constitution of
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 34:335.1, 335.2, 335.3(A), and 335.4(A) are hereby amended and
14 reenacted and R.S. 34:335.7 through 335.9 are hereby enacted to read as follows:

15 PART VII-B. ALEXANDRIA REGIONAL PORT

16 §335.1. Creation and territorial limits

17 The Alexandria Regional Port ~~hereinafter referred~~ referred to in this Part as
18 the "port", is hereby created as a political subdivision of the state, ~~and its territorial~~
19 ~~limits shall be concurrent with that of the municipal limits of the city of Alexandria~~

1 The boundaries of the port shall be coterminous with the boundaries of Rapides
2 Parish, except that its authority and jurisdiction shall not include any private ports.

3 §335.2. Board of commissioners; membership; officers; meetings

4 A. The port shall be governed by a board of commissioners referred to in this
5 Part as the "board", and shall be composed of ~~eight~~ seven members, who shall serve
6 without compensation and who shall be appointed for terms composed as follows:

7 (1) ~~Five~~ Three of the ~~commissioners~~ members shall be appointed by the
8 mayor of the city of Alexandria and ~~confirmed~~ shall be subject to confirmation by
9 the Alexandria City Council. Each ~~commissioner~~ member appointed pursuant to this
10 Paragraph shall be a citizen of the United States, a qualified voter of the state of
11 Louisiana, and a resident of the city of Alexandria.

12 (2) ~~Three~~ Four of the ~~commissioners~~ members shall be appointed as follows:

13 (a) ~~One~~ Two of the ~~commissioner~~ members shall be appointed ~~at large by the~~
14 ~~parish governing authority of Rapides Parish~~ by the mayor of the city of Pineville.
15 Each member appointed pursuant to this Subparagraph shall be a citizen of the
16 United States, a qualified voter of the state of Louisiana, and a resident of the city
17 of Pineville or a resident of Ward Eleven of Rapides Parish.

18 (b) ~~One~~ Two ~~commissioners~~ members shall be appointed at large by the
19 parish governing authority of ~~Grant~~ Rapides Parish. One of such members
20 commissioners shall be a citizen of the United States and a resident of Rapides Parish
21 residing south of the Red River. One of such members shall be a citizen of the
22 United States and a resident of Rapides Parish residing north of the Red River.

23 (c) ~~One commissioner appointed at large by the parish governing authority~~
24 ~~of Avoyelles Parish.~~

25 B. ~~One of the commissioners initially appointed by the mayor shall serve an~~
26 ~~initial term of one year. Two of the commissioners initially appointed by the mayor~~
27 ~~shall serve an initial term of two years. Two of the commissioners initially~~
28 ~~appointed by the mayor shall serve an initial term of three years. Thereafter, the~~
29 ~~successors to each of the commissioners appointed by the mayor shall be appointed~~

1 ~~for terms of four years. The commissioners representing the Red River Waterway~~
2 ~~Commission shall serve terms concurrent with their terms on that commission. On~~
3 July 1, 2009, the term of each member appointed by the governing authorities of
4 Grant Parish and Avoyelles Parish shall terminate. The three presently seated
5 members appointed by the mayor of the city of Alexandria shall continue to serve
6 during the remainder of the term of the appointing authority. The member appointed
7 by the governing authority of Rapides Parish serving on July 9, 2009, shall continue
8 to serve during the remainder of the term of the appointing authority. The additional
9 member appointed by the governing authority of Rapides Parish pursuant to
10 Subparagraph (A)(2)(b) of this Section and each member appointed by the mayor of
11 the city of Pineville shall serve a term concurrent with the term of the respective
12 appointing authority.

13 C. The membership of said board shall serve without compensation for its
14 services to the board, but it shall be entitled to reimbursement for actual expenses
15 incurred in the performance of its duties.

16 ~~C.D.~~ In the event that any commissioner ceases to be a commissioner for any
17 ~~reason, his successor shall be appointed in the same manner as the original~~
18 ~~appointment and shall serve for the remainder of the unexpired term. Any vacancy~~
19 in the membership of the board occurring by reason of the expiration of the term of
20 the office, or by reason of death, resignation, disqualification, or otherwise, shall be
21 filled by the respective appointing authority within thirty days after receipt by such
22 party of written notification of the vacancy. In the event that the respective
23 appointing authority fails to fill the vacancy within thirty days after receipt of written
24 notification of the vacancy, the board shall appoint an interim successor to serve on
25 the board until the position is filled by the respective appointing authority
26 responsible for the appointment of such member.

27 ~~D:~~ E. The board of commissioners shall elect from among its members a
28 president, who shall have no vote except in the event of a tie vote, a vice president,
29 a secretary, and a treasurer, whose respective duties shall be prescribed by the board.

1 At the option of the board of commissioners, the offices of the secretary and
2 treasurer may be held by one person. The board of commissioners shall meet in
3 regular session once each month and shall also meet in special session at the call of
4 the president of the commission or on the written request of ~~five~~ four members of the
5 board. A majority of the members of the board of commissioners, not including
6 vacancies, shall constitute a quorum, and all actions or resolutions of the board shall
7 be approved by the affirmative vote of not less than a majority of the members of the
8 board at the meeting. The board of commissioners shall prescribe rules governing
9 its meetings and shall fix a place at which the meetings shall be held.

10 F. However, no action of the board shall be authorized on any of the
11 following matters unless approved by a majority of the total membership of the
12 board:

13 (1) Adoption of bylaws and other rules and regulations for conduct of port
14 business.

15 (2) Hiring or firing of the port administrator or executive director.

16 (3) The incurring of funded, general, or bonded debt, levy of taxes, and call
17 for any tax or other election.

18 (4) Adoption or amendment of the annual budget.

19 (5) Sale, lease, or alienation of real property or improvements.

20 G. Any member who misses fifty percent of the board's meetings, regular
21 and special, in any given calendar year shall be disqualified and removed
22 automatically from office and that person's position shall be vacant as of the first day
23 of the succeeding calendar year. Such vacated position shall be filled in the same
24 manner as the original appointment for the balance of the vacated term. The former
25 member shall not be eligible for reappointment until expiration of the balance of the
26 vacated term.

27 §335.3. Authority, powers, and duties of board; officers; agents

28 A. The board of commissioners shall exercise the powers herein referred to
29 herein ~~conferred upon it~~ within the port area, ~~consisting of the entire city of~~

1 ~~Alexandria, including the port facility owned by the city of Alexandria ,all port~~
2 ~~property and within its territorial boundaries referenced in the provisions contained~~
3 ~~in R.S. 34:335.1, excluding any privately owned port facility.~~

4 * * *

5 §335.4. Authority to levy and collect taxes; issuance of bonds

6 A. The board of commissioners, when authorized to do so by a vote of a
7 majority of the electors residing in the ~~port~~ territorial boundaries of the port and
8 qualified to vote and voting at an election for such purpose in accordance with law,
9 may levy annually on all property situated within the territorial boundaries of the
10 port subject to taxation an ad valorem tax not to exceed ten mills on the dollar. The
11 board of commissioners, upon its own initiative, may call a special election and
12 submit to the qualified electors of the port the question of authorizing the levy of
13 such a tax. The board of commissioners shall call such a special election when
14 requested to do so by a petition in writing signed by at least one-fourth of the
15 qualified electors eligible to vote at such election. These special taxes shall be
16 levied, assessed, and collected on the property within the port under the same
17 methods, terms, and conditions and at the same time as state and parish taxes are
18 levied, assessed, and collected. These taxes shall be secured by the same liens upon
19 the property subject to taxation within the port as taxes for state and parish purposes.
20 The property subject to any taxes within said port shall be sold for failure to pay the
21 same in the same manner as property is sold for delinquent state, parish, and other
22 taxes under the laws of the state.

23 * * *

24 §335.7. Acquisition of lands; public aid

25 A. The board of commissioners is authorized to acquire by purchase,
26 donation, expropriation, appropriation, or otherwise any lands in the district needed
27 for railways, wharves, sheds, buildings, canals, channels, and other facilities required
28 for the operation of the board and to be owned and operated by the port. The board

1 of commissioners may also provide that payments for such lands be made out of
2 funds under its control not otherwise specifically appropriated.

3 B. The board of commissioners is further authorized to receive by gift, grant,
4 donation, or otherwise, any sum of money, aid, or assistance from the United States,
5 the state of Louisiana, or any of the political subdivisions thereof, for the purpose of
6 carrying out the objects and purposes of this Chapter.

7 C. In addition to its power to acquire such property in the various modes set
8 out in this Section, the board shall also have power to expropriate property within its
9 territorial limits in the same manner applicable to other port commissions under the
10 provisions of R.S. 19:141 et seq.

11 §335.8. Present rights of Rapides Parish

12 Nothing herein contained shall be construed to deprive the parish of Rapides
13 or its governing authority of any rights or powers which they presently have or exert
14 within the territorial limits of the port, or to confer further police power upon the
15 port.

16 §335.9. Transitional

17 R.S. 34:335.1 through 335.9 shall be construed as a continuation of and as
18 a substitute for the provisions of Article VI, Section 32 of the Louisiana Constitution
19 of 1921, and not as new enactments, and shall be amended or repealed only in
20 accordance with Article VI, Section 43 of the Louisiana Constitution of 1974.

21 Section 2. This Act shall become effective on July 1, 2009; if vetoed by the governor
22 and subsequently approved by the legislature, this Act shall become effective on July 1,
23 2009, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dixon

HB No. 774

Abstract: Provides relative to the territorial boundaries, governance, powers, duties, vacancies, meetings, land acquisition, expropriation of property, rights and powers of Rapides Parish governing authority within the territorial boundaries of the port.

Present law creates the Alexandria Port Authority and provides for an eight-member board to serve without compensation, five members appointed by the mayor of Alexandria. Provides that three members shall be the appointees to the Red River Waterway Commission representing the parishes of Rapides, Grant, and Avoyelles.

Present law established the authority as coterminous with the city of Alexandria.

Present law requires election of officers (president, vice president, secretary, and treasurer from among its members. Allows the board to combine the offices of secretary and treasurer.

Provides the president shall have no vote except in the event of a tie vote. Requires the board to meet regularly once monthly and in special meeting at the call of the president or on written request of five members.

Provides a majority of the members constitute a quorum. Further requires all actions and resolutions be approved by an affirmative vote of at least a majority of those attending the meeting.

Provides that the board prescribe its rules of governing its meetings and requires the board to fix a meeting place.

Present law authorizes the board to regulate commerce and traffic within the area and allow for the construction of wharves, locks, canals, warehouses, elevators, docks, sheds, and other buildings necessary to conduct the business of the port.

Present law provides for contracting and leasing authority within political subdivisions including the city of Alexandria, for the management and operation of port and ancillary facilities, including an industrial park associated with the port.

Present law authorizes the levy and collection of taxes by vote of the people not to exceed 10 mills.

Present law requires the tax collector to collect and remit taxes on a monthly basis to the board and authorizes the issuance of revenue bonds not to exceed 10 million dollars and the issuance of general obligation bonds with voter approval.

Present law requires advertisement of the sale of the bonds in the parish where the parish is domiciled and in either New Orleans, LA, or New York, N.Y.

Present law exempts the port from compliance with the provisions of R.S. 43:111, relative to advertising.

Proposed law changes the territorial limits of the port being concurrent with the municipal limits of the city of Alexandria ~~to~~ the boundaries of the port being coterminous with the boundaries of Rapides Parish, except that its port authority shall not include any private ports.

Proposed law reduces the membership of the board of commissioners ~~from 8 to~~ 7 as follows:

- (1) Three members appointed by the mayor of the city of Alexandria.
- (2) Two members appointed by the mayor of the city of Pineville each of whom shall be a resident of the city of Pineville or a resident of Ward 11 of Rapides Parish.
- (3) Two members appointed at large by the parish governing authority of Rapides Parish, which one of the members appointed at large shall reside south of the Red River and the other member appointed at large shall reside north of the Red River.

Proposed law provides for term limits and provides for filling board vacancies.

Proposed law requires that four members of the board instead of five members can request in writing to call a special meeting of the board. Further provides that a majority of the members of the board not including vacancies shall constitute a quorum.

Proposed law requires that no action of the board be authorized on any of the following matters unless approved by a majority of the total membership of the board:

- (1) Adoption of bylaws, and other rules and regulations for conduct of port business.
- (2) Hiring or firing of the port administrator or executive director.
- (3) The incurring of funded, general or bonded debt, levy of taxes, and call for any tax or other election.
- (4) Adoption or amendment of the annual budget.
- (5) Sale, lease, or alienation of real property or improvements.

Proposed law provides that if a board member misses 50% of the board's meetings whether these meetings are regular or special meetings, the member shall be disqualified and removed from office. Provides that the vacated position on the board shall be filled in the same manner as the original appointment.

Proposed law additional powers of the board include:

- (1) Use of authority on all port property within the boundaries of Rapides Parish, except that its port authority shall not include any private ports.
- (2) Acquire by purchase, donation, expropriation, appropriation, or any land in the district needed for railways, wharves, sheds, buildings, canals, channels, and other facilities to be owned and operated by the port.
- (3) Receive by gift, grant, or donation, any sum of money, aid or assistance from the United States, state of La., or any of the political subdivision for carrying out the objects and purposes of the port.
- (4) Power to expropriate property within its territorial limits in the same manner applicable to other port commissions under provisions of R.S. 19:141 et seq.

Effective July 1, 2009.

(Amends R.S. 34:335.1, 335.2, 335.3(A) and 335.4(A); Adds R.S. 34:335.7-335.9)