

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, and 335.3(A), to enact R.S. 34:335.7 through  
3 335.9, and to repeal R.S. 34:335.4(A) and 3522, relative to the Alexandria Regional  
4 Port; to provide with respect to the port's territorial boundaries; to provide with  
5 respect to the composition of the board of commissioners; to provide for term limits;  
6 to provide for a method for filling vacancies of the board; to remove the authority of  
7 the board to levy an ad valorem tax under certain circumstances; to remove the  
8 authority of the board to acquire land by expropriation for certain purposes of the  
9 district; to provide for additional powers of the board; to authorize the port to acquire  
10 land under certain circumstances; to remove the board of commissioners of port  
11 authorities and the powers of the board of commissioners for port authorities; and to  
12 provide for related matters.

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

16 Be it enacted by the Legislature of Louisiana:

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

19 PART VII-B. ALEXANDRIA REGIONAL PORT

20 §335.1. Creation and territorial limits

21 The Alexandria Regional Port ~~hereinafter referred~~ referred to in this Part as  
22 the "port", is hereby created as a political subdivision of the state, ~~and its territorial~~

1 ~~limits shall be concurrent with that of the municipal limits of the city of Alexandria~~  
2 The boundaries of the port shall be coterminous with the boundaries of Rapides and  
3 Grant parishes, except that its authority and jurisdiction shall not include any private  
4 ports, docks, or wharves.

5 §335.2. Board of commissioners; membership; officers; meetings

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

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

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

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

20 (b) ~~One~~ Two ~~commissioners~~ members shall be appointed at large by the  
21 ~~parish~~ governing authority of ~~Grant~~ Rapides Parish. One of such members  
22 commissioners shall be a citizen of the United States and a resident of Rapides Parish  
23 residing south of the Red River outside the city limits of the city of Alexandria. One  
24 of such members shall be a citizen of the United States and a resident of Rapides  
25 Parish residing north of the Red River outside the city limits of the city of Pineville.

26 (c) ~~One commissioner appointed at large by the parish governing authority~~  
27 ~~of Avoyelles Parish.~~ (c) One commissioner appointed by the parish governing  
28 authority of Grant Parish.

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

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

22          C.D. In the event that any commissioner ceases to be a commissioner for any  
23          reason, his successor shall be appointed in the same manner as the original  
24          appointment and shall serve for the remainder of the unexpired term. Any vacancy  
25          in the membership of the board occurring by reason of the expiration of the term of  
26          the office, or by reason of death, resignation, disqualification, or otherwise, shall be  
27          filled by the respective appointing authority within thirty days after receipt by such  
28          party of written notification of the vacancy. In the event that the respective  
29          appointing authority fails to fill the vacancy within thirty days after receipt of written

1        notification of the vacancy, the board shall appoint an interim successor to serve on  
2        the board until the position is filled by the respective appointing authority  
3        responsible for the appointment of such member.

4            ~~D.~~ E. The board of commissioners shall elect from among its members a  
5        president, who shall have no vote except in the event of a tie vote, a vice president,  
6        a secretary, and a treasurer, whose respective duties shall be prescribed by the board.  
7        At the option of the board of commissioners, the offices of the secretary and  
8        treasurer may be held by one person. The board of commissioners shall meet in  
9        regular session once each month and shall also meet in special session at the call of  
10       the president of the commission or on the written request of ~~five~~ four members of the  
11       board. A majority of the members of the board of commissioners, not including  
12       vacancies, shall constitute a quorum, and all actions or resolutions of the board shall  
13       be approved by the affirmative vote of not less than a majority of the members of the  
14       board at the meeting. The board of commissioners shall prescribe rules governing  
15       its meetings and shall fix a place at which the meetings shall be held.

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

19           (1) Adoption of bylaws and other rules and regulations for conduct of port  
20        business.

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

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

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

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

26           G. Any member who misses fifty percent of the board's meetings, regular  
27        and special, in any given calendar year shall be disqualified and removed  
28        automatically from office and that person's position shall be vacant as of the first day  
29        of the succeeding calendar year. Such vacated position shall be filled in the same

1 manner as the original appointment for the balance of the vacated term. The former  
2 member shall not be eligible for reappointment until expiration of the balance of the  
3 vacated term.

4 §335.3. Authority, powers, and duties of board; officers; agents

5 A. The board of commissioners shall exercise the powers ~~herein~~ referred to  
6 herein conferred upon it within the port area, consisting of the entire city of  
7 Alexandria, including the port facility owned by the city of Alexandria, all port  
8 property and within its territorial boundaries referenced in the provisions contained  
9 in R.S. 34:335.1, excluding any privately owned port facility.

10 \* \* \*

11 §335.7. Acquisition of lands; public aid

12 A. The board of commissioners is authorized to acquire by purchase,  
13 donation, appropriation, or otherwise any lands in the district needed for railways,  
14 wharves, sheds, buildings, canals, channels, and other facilities required for the  
15 operation of the board and to be owned and operated by the port. The board of  
16 commissioners may also provide that payments for such lands be made out of funds  
17 under its control not otherwise specifically appropriated.

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

22 §335.8. Present rights of Rapides Parish

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

27 §335.9. Transitional

28 R.S. 34:335.1 through 335.9 shall be construed as a continuation of and as  
29 a substitute for the provisions of Article VI, Section 32 of the Louisiana Constitution

1        of 1921, and not as new enactments, and shall be amended or repealed only in  
2        accordance with Article VI, Section 43 of the Louisiana Constitution of 1974.

3        Section 2. R.S. 34:335.4(A) and 3522 are hereby repealed in their entirety.

4        Section 3. This Act shall become effective on July 1, 2009; if vetoed by the governor  
5        and subsequently approved by the legislature, this Act shall become effective on July 1,  
6        2009, or on the day following such approval by the legislature, whichever is later.

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#### 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)]

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Dixon

HB No. 774

**Abstract:** Provides relative to the territorial boundaries, governance, powers, duties, vacancies, meetings, land acquisition, 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 and 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 that 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 and the issuance of general obligation bonds with voter approval.

Proposed law repeals provisions of present law of the authority to levy and collect taxes.

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 Grant and Rapides parishes except that its port authority shall not include any private ports, docks, or wharves.

Proposed law restores membership of the board of commissioners of eight as follows:

- (1) Three members appointed by the mayor of the city of Alexandria, subject to confirmation by the Alexandria City Council.
- (2) Two members appointed by the mayor of the city of Pineville each of whom shall be a resident of the city of Pineville, and shall be subject to confirmation by the Pineville City Council.
- (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 outside the city limits of the city of Alexandria and the other member appointed at large shall reside north of the Red River outside of the city limits of the city of Pineville.
- (4) One member appointed by the governing authority of Grant Parish.

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, 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 U. S., state of La., or any of the political subdivision for carrying out the objects and purposes of the port.

Present law creates a port authority in parishes with a population between 125,000 and 130,000 as determined by the most recent federal decennial census and provides for it to be governed by a board of six members, who shall serve without compensation.

Present law requires three commissioners to be appointed by the mayor of the municipality having the largest population in the parish as determined by the most recent federal decennial census, subject to the approval by the governing authority of the municipality; one by a mayor of the municipality with the second largest population; and one at-large commissioner appointed by the mayors of the remaining municipalities.

Present law further provides for the port's jurisdiction and the board of commissioners of such port's powers and duties.

Proposed law repeals present law provisions.

(Amends R.S. 34:335.1, 335.2, and 335.3(A); Adds R.S. 34:335.7-335.9; Repeals R.S. 34:335.4(A) and 3522)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Adds the parish of Grant to the territorial limits of the port.
2. Provides that the boundaries of the port authority and its jurisdiction shall not include wharves and docks.
3. Restores the member of the board appointed by the governing authority of Grant Parish.
4. Provides for members of the board residency requirements.
5. Removes the authority of the port being allowed to expropriate property and its board of commissioners from levying taxes on property within the port's territorial jurisdiction.
6. Removes port authorities' board of commissioners and such port's powers and duties.