

Regular Session, 2011

HOUSE BILL NO. 363

BY REPRESENTATIVE MONICA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PORTS/SOUTH LOUISIANA: Provides relative to the rights and powers of the Port of South Louisiana Commission and executive director

1 AN ACT

2 To amend and reenact R.S. 34:2473(B)(3), (E), and (F)(1) and 2476(B), relative to the Port
3 of South Louisiana Commission; relative to the salaries of its employees; relative to
4 the rights and powers of the commission and executive director for approval of
5 contracts; to provide relative to the acquisition and expropriation of properties; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 34:2473(B)(3), (E), and (F)(1) and 2476(B) are hereby amended and
9 reenacted to read as follows:

10 §2473. Jurisdictional boundaries; rights and powers of commission and executive
11 director

12 * * *

13 B.

14 * * *

15 (3) The executive director shall employ such officers, agents, and employees
16 as he finds necessary in the performance of his duties and may prescribe the duties,
17 powers, and compensation of such officers, agents, and employees. The executive
18 director may execute work contracts with the unclassified employees of the port at
19 a salary which does not exceed seventy-five percent of the salary paid the executive
20 director for a period of not more than two years at salaries within the parameters
21 authorized by the commission. The executive director shall contract for legal,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 financial, engineering, and other professional services necessary or expedient in the
 2 conduct of the port's affairs. All contracts proposed by the executive director for
 3 professional services for ~~an amount~~ amounts exceeding ~~twenty-five thousand dollars~~
 4 parameters within the discretion of the executive director, approved by the
 5 commission shall not be binding or effective until approved by the commission in
 6 a public meeting by a record vote of the majority of its membership. ~~In addition, all~~
 7 ~~contracts for professional services exceeding one hundred twenty-five thousand~~
 8 ~~dollars shall be subject to the provisions of R.S. 39:1503 and 1504 governing~~
 9 ~~requests for proposals and cancellation thereof. The executive director may, upon~~
 10 ~~terms and conditions mutually agreeable, utilize the services of the executive~~
 11 ~~departments of the state.~~

12 * * *

13 E. The port shall through its executive director, upon a record vote of a
 14 majority of the commission, make and enter into contracts, leases, and other
 15 agreements with railroads, trucking companies, bargelines, and with any and all
 16 companies interested in the transportation, storage, and shipping of goods and other
 17 products, whether by rail, truckline, bargeline, oceangoing vessels, or otherwise for
 18 the use of facilities of the port or any part or portion thereon, for a period of time not
 19 exceeding ~~forty~~ one hundred years. However, no exclusive franchise shall be
 20 granted to any carrier.

21 F.(1) Any contracts to be entered into by the executive director for a
 22 duration of more than ~~one~~ three year years or any contract when the contract amount
 23 exceeds ~~twenty-five thousand dollars, except contracts for employment of~~
 24 ~~unclassified personnel, which are entered into by the executive director in the~~
 25 ~~discharge of his official duties as provided in this Chapter~~ the discretionary
 26 parameters of the executive director approved by the commission, shall not be
 27 binding or effective until approved by the commission by a record vote of the
 28 majority of its membership.

29 * * *

1 §2476. Acquisition of properties; expropriation

2 * * *

3 B. The Port of South Louisiana Commission, notwithstanding any laws to
4 the contrary, may acquire by expropriation, in the manner set forth in R.S. 19:141
5 through 160 in accordance with the expropriation laws of the state of Louisiana, any
6 land, servitudes, or improvements necessary for the benefit and advantage of the
7 commerce of the port area or to further its statutory purpose and power as
8 contemplated by this Chapter and not inconsistent with the provisions thereof,
9 including but not limited to industrial development. In every case of expropriation,
10 ~~the question of necessity shall be determined by the court~~ there shall be a
11 presumption that the commission is acting in good faith and in conformity with the
12 law, specifically, and without limitation that it is expropriating for a public purpose,
13 the expropriation is necessary for the benefit and advantage of the commerce of the
14 port area or to further its statutory purposes and powers, and it is expropriating only
15 the property necessary to accomplish a public purpose.

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)]

Monica

HB No. 363

Abstract: Provides for the rights and powers of the executive director to enter into work contracts for unclassified employees, professional service contracts, and contracts relative to use of the port facility and further provides restrictions regarding the terms and amounts of the contracts. Provides for a presumption of good faith relative to expropriation of property.

Present law provides the executive director with the authority to employ officers, agents, and employees and to prescribe their duties, powers, and compensation. Further authorizes the executive director to execute work contracts with the unclassified employees of the port at a salary which does not exceed 75% of the salary paid to the executive director for a period of not more than two years.

Proposed law retains present law but deletes the restriction for an unclassified employee's salary not to exceed 75% of the executive director's salary and further requires the commission's approval of the salary.

Present law requires the executive director to contract for certain professional services and requires approval from the commission on all contracts that exceed \$25,000.

Proposed law removes the \$25,000 restriction and requires commission approval for any amount exceeding the parameters within the discretion of the executive director.

Present law requires all professional service contracts exceeding \$125,000 to be subject to the provisions of state law regarding "request for proposals".

Proposed law deletes present law.

Present law authorizes the executive director to make and enter into contracts, leases, and other agreements with certain companies for the use of port facilities, or any part or portion of the port, for a period of time not to exceed 40 years. No exclusive franchise shall be granted to any carrier.

Proposed law changes the term of the contracts from 40 years to 100 years.

Present law requires commission approval for all contracts entered into for a duration of more than one year or any contract when the contract amount that exceeds \$25,000 except for contracts for employment of unclassified personnel.

Proposed law requires commission approval for all contracts entered into by the executive director for a duration of more than three years or any contract when the contract amount exceeds the discretionary parameters of the executive director.

Present law authorizes the commission to acquire by expropriation any land, servitudes, or improvements necessary for the commerce of the port area. In all expropriation cases, the question of necessity shall be determined by the court.

Proposed law adds a provision that there shall be a presumption that the commission is acting in good faith and in conformity with the law, specifically, and without limitation that it is expropriating for a public purpose, the expropriation is necessary for the commerce of the port area, and is expropriating only the property necessary to accomplish a public purpose.

(Amends R.S. 34:2473(B)(3), (E), and (F)(1) and 2476(B))