

SENATE BILL NO. 82

BY SENATOR MORRISH

1 AN ACT

2 To enact Chapter 52 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 34:5201 through 5205, and to repeal Chapters 31 and 32 of Title 34 of the
4 Louisiana Revised Statutes of 1950, comprised of R.S. 34:2501 through 2506 and
5 R.S. 34:2551 through 2556, relative to port, harbor, and terminal districts; to create
6 the Cameron Parish Port, Harbor, and Terminal District; to create the Cameron
7 Parish Port Commission to administer such district; to provide for its members,
8 duties, and powers, including its authority to levy taxes and to issue bonds; to
9 terminate the East Cameron Port, Harbor and Terminal District and the East
10 Cameron Port Commission; to terminate the West Cameron Port, Harbor and
11 Terminal District and the West Cameron Port Commission; to provide for an
12 effective date; and to provide for related matters.

13 Notice of intention to introduce this Act has been published.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Chapter 52 of Title 34 of the Louisiana Revised Statutes of 1950,
16 comprised of R.S. 34:5201 through 5205, is hereby enacted to read as follows:

17 **CHAPTER 52. CAMERON PARISH PORT COMMISSION**

18 **§5201. Creation of district**

19 **The Cameron Parish Port, Harbor, and Terminal District, hereinafter**
20 **referred to as the "district", is hereby created as a political subdivision of the**
21 **state with full corporate powers. The territorial limits and territorial**
22 **jurisdiction of the district shall be composed of all of the area comprising**
23 **Wards 1, 2, 3, 4, 5, and 6 of the parish of Cameron. The district shall have such**
24 **authority, power, and jurisdiction as provided in this Chapter.**

25 **§5202. Governing authority**

26 **A. The Cameron Parish Port Commission, hereinafter referred to as the**

1 "commission", is hereby created and established as the governing authority of
2 the district. The commission shall be composed of eleven commissioners, who
3 shall be appointed as follows:

4 (1) Six commissioners appointed by the governing authority of the parish
5 of Cameron with one commissioner appointed from each ward of the parish
6 who shall be a qualified voter and taxpayer residing in the ward from which he
7 is appointed.

8 (2) Four commissioners appointed by the governing authority of the
9 parish of Cameron with one commissioner each appointed from Ward 3, 4, 5,
10 and 6 of the parish who shall be a qualified voter and taxpayer residing in the
11 ward from which he is appointed.

12 (3) One commissioner appointed by the other members of the
13 commission who shall be a qualified voter and taxpayer residing within the
14 parish of Cameron.

15 B. The members of the commission shall be appointed for terms of four
16 years, except for those initially appointed pursuant to Paragraphs (A)(2) and (3)
17 of this Section who shall serve a term of two years. Thereafter, the successors
18 of all commissioners shall be appointed to serve for terms of four years. Each
19 commissioner, except the commissioner appointed by the other commission
20 members, shall serve at the pleasure of the governing authority of the parish of
21 Cameron. The commissioner appointed by the other members of the
22 commission shall serve at the pleasure of the commission members.

23 C. All vacancies occurring on the commission shall be filled in the
24 manner of the original appointment for the remainder of the unexpired term of
25 the outgoing commissioner.

26 D. The commission shall fix the per diem of its members; however, the
27 per diem of each member shall not exceed twenty dollars per day during the
28 time such member is in actual attendance upon the board. Such per diem shall
29 be payable for a maximum of two days per month. The commission may
30 authorize a reasonable travel allowance for the commissioners in the

1 performance of their official duties.

2 E. The commission shall elect from among the commissioners a
3 president, a vice president, a secretary, and a treasurer, whose respective duties
4 shall be prescribed by the commission. At the option of the commission, the
5 offices of secretary and treasurer may be held by the same person.

6 F. The commission shall meet in a regular session once each month, and
7 shall also meet in a special session at the call of the president of the commission,
8 or on the written request of six or more commissioners. The commission shall
9 prescribe rules to govern its meetings and shall fix the place at which meetings
10 shall be held. A majority of the commissioners shall constitute a quorum for the
11 transaction of business and all actions or resolutions of the commission, to be
12 valid, shall be approved by the affirmative vote of not less than a majority of the
13 members present.

14 §5203. Powers of the district; commission

15 A. The district, acting by and through the commission, shall regulate the
16 commerce and traffic within the district in such a manner as may, in its
17 judgment, be in the best interest of the state. Title to all property and
18 improvements thereon operated by the commission shall be in the public and
19 shall vest in the district.

20 B. The district, acting by and through the commission, shall have and
21 exercise all powers of a political subdivision necessary or convenient for the
22 carrying out of its objects and purposes, including but not limited to the
23 following, and is hereby vested with authority:

24 (1) To sue and to be sued.

25 (2) To adopt, use, and alter at will a corporate seal.

26 (3) To employ such officers, agents, and employees as it deems necessary
27 for the performance of its powers and duties, to prescribe the powers and duties
28 and to fix the compensation of such officers, agents, and employees.

29 (4) To contract, upon such terms as it may agree upon, for legal,
30 financial, engineering, and other professional services necessary or expedient

1 in the conduct of its affairs.

2 (5) To enter into contracts for purchase, acquisition, construction, and
3 improvement of public works and facilities necessary in connection with the
4 purposes of the district.

5 (6) To utilize the services of the executive departments of the state upon
6 mutually agreeable terms and conditions.

7 (7) To own, construct, acquire, operate, and maintain docks, wharves,
8 landings, elevators, sheds, warehouses, basins, locks, slips, laterals, canals, and
9 all other property, structures, equipment, facilities, and works of public
10 improvement necessary or useful for port, harbor, or terminal purposes.

11 (8) To maintain proper depths of water at all wharves and landings; to
12 dredge and maintain shipways, channels, slips, basins, and turning basins.

13 (9) To establish harbor lines, also known as structural limit lines, within
14 the port area by agreement with the Corps of Engineers of the United States.

15 (10) To construct, own, operate, and maintain terminal rail facilities and
16 other common carrier rail facilities for the purpose of rendering rail
17 transportation to and from the facilities and those to be erected, owned, and
18 operated by the commission in both intrastate and interstate commerce.

19 (11) To acquire property, including rights-of-ways, necessary for the
20 benefit and advantage of regulating commerce and traffic within its
21 jurisdiction, by gift, grant, purchase, or expropriation in accordance with the
22 laws of the state, provided that it shall not have the right to expropriate
23 minerals or mineral rights, and that its power to expropriate shall not apply or
24 extend to any existing publicly or privately owned wharf, dock, warehouse,
25 elevator, industrial plant site, industrial structure, or other facility constructed
26 on or adjacent to any navigable waterway, natural or man-made, or to the
27 replacement, improvement, and operation by the owners, lessees, or permittees
28 thereof, or their successors and assigns. Additionally, the district shall not have
29 the right to expropriate land under lease or option to lease on the effective date
30 of this Chapter. Should the properties expropriated under the authority herein

1 conferred cease to be used for the purposes for which they were expropriated,
2 such properties shall revert to the former land owner or his heirs or assigns,
3 provided such land owner or his heirs or assigns shall reimburse the district or
4 commission, or its successor, in the full amount originally paid by the district
5 or commission for such land; to hold and use any franchise or property,
6 immovable, movable, or mixed, corporeal or incorporeal, or any interest
7 therein, necessary or desirable for carrying out the objects and purposes of the
8 district, including but not limited to the establishment, maintenance, and
9 operation of industrial parks, ports, harbors, and terminals.

10 (12) To acquire by purchase or lease industrial plant sites and necessary
11 property or appurtenances therefor; to acquire or construct industrial plant
12 buildings, with necessary machinery and equipment, within such district.

13 (13) To receive by gift, grant, donation, or otherwise, any sum of money,
14 aid, or assistance from the United States, the state of Louisiana, or any political
15 subdivision thereof.

16 (14) To provide such light, water, police protection, and other services
17 for its facilities within the territorial limits and territorial jurisdiction of the
18 district as it deems advisable.

19 (15) To establish and charge reasonable fees, rates, tariffs, or other
20 charges for the use of all facilities administered by it and for all services
21 rendered by it.

22 (16) To charge a reasonable fee to each vessel for the use of its facilities
23 in the port area in ballast or carrying cargo of any kind, provided that it shall
24 not charge any fee, rate, tariff, or other charge to any vessel in ballast or cargo
25 on account of passage through the district unless such vessel or cargo makes use
26 of its facilities or services and shall not by any rule, regulation, or other act
27 require the use of its facilities or services.

28 (17) To charge for each copy of any certificate issued by it or by any of
29 its officers or employees for inspecting hatches, surveying cargo, or for making
30 other surveys or inspections of vessels in the district, provided it shall furnish,

1 without charge, to the master of each such vessel, one copy of all surveys upon
2 his vessel or cargo.

3 (18) To make and enter into contracts, leases, and other agreements with
4 railroads, trucking companies, barge lines, and with any and all companies
5 interested in the transportation, storage, and shipping of goods and other
6 products, whether by rail, truck line, barge line, an oceangoing vessel, or
7 otherwise, for the use of facilities administered by the commission or any part
8 or portion thereof, for a period not exceeding forty years, provided that no
9 exclusive franchise shall be granted to any carrier. The commission may lease
10 or sublease for processing, manufacturing, or commercial business purposes
11 any lands or buildings owned, acquired, or leased as lessee by it, which lease
12 may run for any term not exceeding forty years, at a fixed rental, provided that
13 any such lease may run for a term not exceeding ninety-nine years if it contains
14 a clause or clauses for readjustment of the rentals upon the expiration of a
15 primary term of forty years.

16 (19) In its own name and on its own behalf, to incur debt and to issue
17 revenue bonds, special assessment bonds, certificates, notes, and other evidences
18 of indebtedness, and to levy and cause to be collected certain taxes as provided
19 in this Chapter and as may be provided by general law.

20 (20) To borrow money and pledge all or part of its revenues, leases,
21 rents, or other advantages as security for such loans.

22 (21) To do any and all things necessary or proper for the government,
23 regulation, development, and control of the business of the district, provided
24 that the district shall comply with the constitution, laws, and policies of the state
25 of Louisiana, including but not limited to the Public Records Law and the Open
26 Meetings Law, in carrying out its functions and duties.

27 C. Notwithstanding any provision of this Chapter, the authority, power,
28 and jurisdiction of the Cameron Parish Port, Harbor, and Terminal District is
29 subject to the provisions of R.S. 34:218.

30 D. The provisions of this Chapter shall not be construed to authorize the

1 commission to operate as a public utility or to grant a franchise for service by
2 a public utility that is regulated by the Louisiana Public Service Commission.

3 §5204. Levy of taxes

4 A. For any of the purposes within the authority delegated to the district
5 or the commission, the commission is hereby authorized to levy annually an ad
6 valorem tax not to exceed three mills on the dollar on the property subject to ad
7 valorem property tax situated in the district, when authorized by a majority of
8 the voters in the district qualified to vote under the constitution and laws of this
9 state, who vote at an election held for that purpose. Such election shall be called
10 under the conditions and be conducted in the manner prescribed by the
11 provisions of R.S. 39:551 et seq.

12 B.(1) For any of the purposes within the authority delegated to the
13 district or the commission, the commission is hereby authorized to levy annually
14 a sales and use tax on goods and property within the territorial limits or
15 territorial jurisdiction of the district, provided that any taxes levied by the
16 commission may not exceed the limitation set forth by Article VI, Section 29(A)
17 of the Constitution of Louisiana and shall be imposed, collected, and enforced
18 subject to the terms of the resolution imposing the tax and the provisions of R.S.
19 47:337.1 et seq.

20 (2) Any taxes or assessments of any type to be levied by the district shall
21 be levied only after the commission has adopted an appropriate resolution
22 giving notice of its intention to levy such taxes or assessments, which resolution
23 shall include a general description of the taxes or assessments to be levied, and
24 notice of this intention shall be published once a week for two weeks in the
25 official journal of the district, the first publication to appear at least fourteen
26 days before the public meeting of the commission at which the commission shall
27 meet in an open and public session to hear any objections to the proposed taxes
28 or assessments. The notice of intent so published shall state the date, time, and
29 place of the public hearing. Such taxes or assessments may be levied only after
30 the commission has called a special election submitting the proposition for the

1 levy of such taxes or assessments to the qualified electors of the district, and the
 2 proposition has received the favorable vote of a majority of the electors voting
 3 in the election; however, in the event there are no qualified electors in the
 4 district, no such election shall be required. The powers and rights conferred by
 5 this Section shall be in addition to the powers and rights conferred by any other
 6 general or special law. This Section does and shall be construed to provide a
 7 complete and additional method for the levy of any taxes or assessments. No
 8 election, proceeding, notice, or approval shall be required for the levy of such
 9 taxes or assessments except as provided herein.

10 §5205. Bonds

11 A. The district, acting by and through the commission, is hereby
 12 authorized and empowered to issue and sell from time to time bonds, notes,
 13 renewal notes, refunding bonds, interim certificates, certificates of indebtedness,
 14 certificates of participation, debentures, warrants, commercial paper, or other
 15 obligations or evidences of indebtedness to provide funds for and to fulfill and
 16 achieve its public purpose or corporate purposes, as set forth in this Chapter,
 17 including but not limited to the payment of all or a portion of the costs of a
 18 project, to provide amounts necessary for any corporate purposes, including
 19 necessary and incidental expenses in connection with the issuance of the
 20 obligations, the payment of principal and interest on the obligations of the
 21 district, the establishment of reserves to secure such obligations, and all other
 22 purposes and expenditures of the district incident to and necessary or
 23 convenient to carry out its public functions or corporate purposes, and any
 24 credit enhancement for said obligations.

25 B. Except as may otherwise be provided by the commission, all
 26 obligations issued by the district shall be negotiable instruments and payable
 27 solely from the revenues of the district as determined by the commission, or
 28 from any other sources whatsoever, that may be available to the district but
 29 shall not be secured by the full faith and credit of the state.

30 C. Obligations shall be authorized, issued, and sold by a resolution or

1 resolutions of the commission. Such bonds or obligations may be of such series,
2 bear such date or dates, mature at such time or times, bear interest at such rate
3 or rates, including variable, adjustable, or zero interest rates, be payable at such
4 time or times, be in such denominations, be sold at such price or prices, at
5 public or private negotiated sale, after advertisement as is provided for in R.S.
6 39:1426, be in such form, carry such registration and exchangeability privileges,
7 be payable at such place or places, be subject to such terms of redemption, and
8 be entitled to such priorities on the income, revenue, and receipts of, or
9 available to, the district, as applicable, as may be provided by the commission
10 in the resolution or resolutions providing for the issuance and sale of the bonds
11 or obligations of the district.

12 D. The obligations of the district shall be signed by such officers of the
13 commission by either manual or facsimile signatures as shall be determined by
14 resolution or resolutions of the commission, and shall have impressed or
15 imprinted thereon the seal of the district, or a facsimile thereof.

16 E. Any obligations of the district may be validly issued, sold, and
17 delivered, notwithstanding that one or more of the officers of the commission
18 signing such obligations, or whose facsimile signature or signatures may be on
19 the obligations, shall have ceased to be such officer of the commission at the
20 time such obligations shall actually have been delivered.

21 F. Obligations of the district may be sold in such manner and from time
22 to time as may be determined by the commission to be most beneficial, subject
23 to approval of the State Bond Commission, and the district may pay all
24 expenses, premiums, fees, or commissions, which it may deem necessary or
25 advantageous in connection with the issuance and sale thereof.

26 G. The district may authorize the establishment of a fund or funds for
27 the creation of a debt service reserve, a renewal and replacement reserve, or
28 such other funds or reserves as the commission may approve with respect to the
29 financing and operation of any project funded with the proceeds of such bonds
30 and as may be authorized by any bond resolution, trust agreement, indenture

1 of trust, or similar instrument or agreement pursuant to the provisions of which
2 the issuance of bonds or other obligations of the district may be authorized.

3 H. Any cost, obligation, or expense incurred for any of the purposes or
4 powers of the district shall be a part of the project costs and may be paid or
5 reimbursed as such out of the proceeds of bonds or other obligations issued by
6 the district.

7 I. For a period of thirty days from the date of publication of the
8 resolution authorizing the issuance of bonds hereunder, any persons in interest
9 shall have the right to contest the legality of the resolution and the legality of the
10 bond issue for any cause, after which time no one shall have any cause or right
11 of action to contest the legality of said resolution or of the bonds authorized
12 thereby for any cause whatsoever. If no suit, action, or proceeding is begun
13 contesting the validity of the bond issue within the thirty days herein
14 prescribed, the authority to issue the bonds and to provide for the payment
15 thereof, and the legality thereof and all of the provisions of the resolution
16 authorizing the issuance of the bonds shall be conclusively presumed, and no
17 court shall have authority to inquire into such matters.

18 J. Neither the members of the commission nor any person executing the
19 bonds shall be personally liable for the bonds or be subject to any personal
20 liability by reason of the issuance thereof; however, the limitation of liability
21 provided for in this Paragraph shall not apply to any gross negligence or
22 criminal negligence on the part of any member of the commission or person
23 executing the bonds. No earnings or assets of the district shall accrue to the
24 benefit of any private person.

25 K. All obligations authorized to be issued by the district pursuant to the
26 provisions of this Section, together with interest thereof, income therefrom, and
27 gain upon the sale thereof, shall be exempt from all state and local taxes.

28 L. The state and all public officers, any parish, municipality, or other
29 subdivision or instrumentality of the state, any political subdivision, any bank,
30 banker, trust company, savings bank and institution, building and loan

1 association, savings and loan association, investment company or any person
 2 carrying on a banking or investment business, any insurance company or
 3 business, insurance association, and any person carrying on an insurance
 4 business, and any executor, administrator, curator, trustee, and other fiduciary,
 5 and any retirement system or pension fund may legally invest any sinking funds
 6 monies, or other funds belonging to them or within their control in any bonds
 7 or other obligations issued by the district, pursuant to the provisions of this
 8 Section, and such bonds or other obligations shall be authorized security for all
 9 public deposits. It is the purpose of this Section to authorize such persons, firms,
 10 corporations, associations, political subdivisions and officers, or other entities,
 11 public or private, to use any funds owned or controlled by them, including but
 12 not limited to sinking, insurance, investment, retirement, compensation, pension
 13 and trust funds, and funds held on deposit, for the purchase of any such bonds
 14 or other obligations of the district, and that any such bonds shall be authorized
 15 security for all public deposits. However, nothing contained in this Section with
 16 regard to legal investments or security for public deposits shall be construed as
 17 relieving any such person, firm, corporation, or other entity from any duty of
 18 exercising reasonable care in selecting securities.

19 Section 2. Chapters 31 and 32 of Title 34 of the Louisiana Revised Statutes of 1950,
 20 comprised of R.S. 34:2501 through 2506 and R.S. 34:2551 through 2556, are hereby
 21 repealed.

22 Section 3. The terms of the board of commissioners of the East Cameron Port,
 23 Harbor and Terminal District and the West Cameron Port, Harbor and Terminal District
 24 serving on December 31, 2016, shall terminate on that date.

25 Section 4. Any taxes, fees, or other charges authorized prior to January 1, 2017, and
 26 being levied and collected by the East Cameron Port, Harbor and Terminal District and the
 27 West Cameron Port, Harbor and Terminal District shall continue to be levied and collected
 28 by the commission in accordance with the terms of such taxes, fees, or other charges
 29 authorization.

30 Section 5. A. The Cameron Parish Port, Harbor, and Terminal District (hereinafter,

1 "district") is hereby assigned and subsumes all of the duties and responsibilities previously
2 exercised by the East Cameron Port, Harbor and Terminal District and the West Cameron
3 Port, Harbor and Terminal District (hereinafter, "East and West districts") with regard to
4 previously executed agreements, and such district may execute, sign, modify, amend, and
5 renew any such agreement.

6 B. All unfinished business, references in laws and documents, employees, property,
7 obligations, and books and records of the East and West districts shall be assumed by the
8 Cameron Parish Port, Harbor, and Terminal District and shall be transferred as provided in
9 this Section. Any pending or unfinished business of the East Cameron Port, Harbor and
10 Terminal District and the West Cameron Port, Harbor and Terminal District shall be taken
11 over and be completed by the district, and the district shall be the successor in every way to
12 the East and West districts for the purpose of completing such business. Any reference in
13 laws and documents to the East and West districts shall be deemed to apply to the district.
14 Any legal proceeding to which the East and West districts are a party and which is filed,
15 initiated, or pending before any court on the effective date of this Section, and all documents
16 involved in or affected by such legal proceeding, shall retain their effectiveness and shall be
17 continued in the name of the district. All further legal proceedings and documents in the
18 continuation, disposition, and enforcement of such legal proceeding shall be in the name of
19 the district, and the district shall be substituted in the prior plans, projects, policies, and
20 programs without necessity for amendment of any document. This Act shall not be construed
21 so as to impair the effectiveness of any rule or policy of either of the East and West districts
22 and any such rule or policy shall remain effective or until changed in accordance with law.
23 This Act shall not be construed so as to impair the contractual or other obligations of the
24 East and West districts and all obligations of the East and West districts shall be the
25 obligations of the district. The district shall be the successor in every way to the East and
26 West districts, including all of their obligations and debts. All dedications and allocations
27 of revenues and sources of revenues heretofore made to or for either the East or West
28 districts shall continue in the same manner, to the same extent, and for the same purposes
29 as were provided prior to the enactment of this Act, unless and until other provision is made
30 therefor. All books, papers, records, money, actions, and other property of every kind,

1 movable and immovable, real and personal, heretofore possessed, controlled, or used by the
 2 East and West districts are hereby transferred to the district. All employees heretofore
 3 engaged in the performance of duties of the East and West districts, insofar as practicable
 4 and necessary, are transferred to the district, and insofar as practicable and necessary shall
 5 continue to perform the duties heretofore performed, subject to policies and procedures of
 6 the district and other applicable laws.

7 Section 6. This Act shall become effective on January 1, 2017; if vetoed by the
 8 governor and subsequently approved by the legislature, this Act shall become effective on
 9 January 1, 2017, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____