

Regular Session, 2013

HOUSE BILL NO. 289

BY REPRESENTATIVE HARRIS

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), (B), (C), and (E), 335.4(A), 335.5(C),
3 335.6, and 338.4 and to enact R.S. 34:338.5, relative to the Alexandria Regional
4 Port; to provide for territorial limits of the port; to provide for the board of
5 commissioners of the port and its membership, duties, and powers, including the
6 power to levy taxes, incur debt, issue and sell bonds, advertise local notices, refund
7 bonds, and the defeasance of securities of public entities; to provide for an effective
8 date; and to provide for 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), (B), (C), and (E), 335.4(A), 335.5(C),
14 335.6, and 338.4 are hereby amended and reenacted and R.S. 34:338.5 is enacted to read as
15 follows:

16 §335.1. Creation and territorial limits

17 The ~~Alexandria Regional~~ Alexandria-Pineville Regional Port Authority
18 hereinafter referred to as the "port", is hereby created as a political subdivision of the
19 state, and its territorial limits shall be concurrent with that of the ~~municipal limits of~~
20 ~~the city of Alexandria~~ territorial limits of Rapides Parish.

1 §335.2. Board of commissioners; membership; officers; meetings

2 A. The port shall be governed by a board of commissioners composed of
3 ~~eight~~ nine members, hereinafter referred to as the "board of commissioners" who
4 shall serve without compensation and who shall be appointed for terms as follows:

5 (1) Five of the commissioners shall be appointed by the mayor of the city of
6 Alexandria and confirmed by the Alexandria City Council. ~~Each commissioner shall~~
7 ~~be a citizen of the United States, a qualified voter of the state of Louisiana, and a~~
8 ~~resident of the city of Alexandria.~~

9 (2) ~~Three of the~~ commissioners shall be appointed ~~as follows:~~ by the mayor
10 of the city of Pineville and confirmed by the Pineville governing authority.

11 ~~(a)~~ (3) One commissioner shall be appointed at large by the parish governing
12 authority of Rapides Parish by the remaining incorporated municipalities in Rapides
13 Parish, based upon approved resolution of the respective boards of aldermen, known
14 as the "small towns appointment".

15 ~~(b)~~ (4) ~~One commissioner appointed at large by the parish governing~~
16 ~~authority of Grant Parish. The Rapides Parish police jury shall approve the small~~
17 ~~towns appointment nomination unless the nomination is rejected for any reason. In~~
18 ~~the event of rejection of the initial nomination, the remaining incorporated~~
19 ~~municipalities shall submit a different nomination within thirty days of notice of the~~
20 ~~rejection of the nomination, which shall be transmitted to the mayors of the~~
21 ~~municipalities of Ball and Woodworth by certified mail, as well as publication of the~~
22 ~~resolution rejecting such nomination in the official parish journal.~~

23 ~~(c)~~ (5) ~~One commissioner appointed at large by the parish governing~~
24 ~~authority of Avoyelles Parish. In the event the second small towns nomination is~~
25 ~~rejected, then the appointment shall be made within thirty days by the Rapides Parish~~
26 ~~Police Jury.~~

27 (6) If at any time, after the passage of thirty days following the notice by
28 certified mail from the Rapides Parish Police Jury, the small towns appointment is

1 not submitted by formal resolution to the mayors of the municipalities of Ball and
2 Woodworth, then the Rapides Parish Police Jury shall make the appointment.

3 ~~B.(1) One of the commissioners initially appointed by the mayor shall serve~~
4 ~~an initial term of one year. Two of the commissioners initially appointed by the~~
5 ~~mayor shall serve an initial term of two years. Two of the commissioners initially~~
6 ~~appointed by the mayor shall serve an initial term of three years. Thereafter, the~~
7 ~~successors to each of the commissioners appointed by the mayor shall be appointed~~
8 ~~for terms of four years. The commissioners representing the Red River Waterway~~
9 ~~Commission shall serve terms concurrent with their terms on that commission. Each~~
10 ~~commissioner appointed shall be a citizen of the United States and a domiciliary of~~
11 ~~and qualified voter of Rapides Parish for at least one year preceding the date of his~~
12 ~~appointment and during the entirety of his term in office.~~

13 (2) To the extent possible, persons appointed to the board of commissioners
14 shall be individuals with expertise in one or more of the following areas:

15 (a) Economic development.

16 (b) Public finance or administration.

17 (c) Senior level management.

18 (d) Urban planning.

19 (e) Banking or finance.

20 (f) Practice of law, medicine, or another licensed profession.

21 (g) Public relations

22 (h) Construction.

23 (i) Real estate, appraisal, or commercial development.

24 (j) Labor.

25 ~~C. In the event that any commissioner ceases to be a commissioner for any~~
26 ~~reason, his successor shall be appointed in the same manner as the original~~
27 ~~appointment and shall serve for the remainder of the unexpired term. The~~
28 ~~commissioners initially appointed by the mayor of Alexandria shall serve an initial~~
29 ~~term of one year. Thereafter, the successors to each of the commissioners appointed~~

1 by the mayor of Alexandria shall be appointed for terms of four years. The
2 commissioners initially appointed by the mayor of Pineville shall serve an initial
3 term of two years. Thereafter, the successors to each of the commissioners appointed
4 by the mayor of Pineville shall be appointed for terms of four years. The initial
5 small towns appointment shall serve a term of four years.

6 D.(1) Any commissioner who fails to attend fifty percent or more of the
7 board of commissioners meetings, regular and special, in any calendar year shall be
8 disqualified and automatically removed from office, and that commissioner's
9 position shall be vacant, as of the first day of the succeeding calendar year. Such
10 vacated position shall be filled by the respective nominating entity for the remainder
11 of the vacated term. The former commissioner shall not be eligible for reappointment
12 until the expiration of the balance of the vacated term.

13 (2) Any vacancy in the membership of the board occurring by reason of
14 expiration of term of office, or by reason of death, resignation, disqualification, or
15 otherwise, shall be filled by the respective nominating entity within thirty days after
16 receipt of written notice of the vacancy. In the event that the respective nominating
17 entity fails to fill the vacancy within thirty days after the receipt of written
18 notification of the vacancy, the board shall appoint an interim successor to serve on
19 the board until the position is filled by the respective nominating entity responsible
20 for the appointment of such member. If the board fails to fill a vacancy in its
21 membership within such thirty-day period, any two authorities of either the Rapides
22 Parish Police Jury, city of Alexandria, or city of Pineville by resolutions adopted by
23 a majority thereof, shall appoint an interim successor to serve on the board until the
24 position is filled by the respective nominating entity responsible for the appointment
25 of such member.

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

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

9 §335.3. Authority, powers, and duties of board; officers; agents

10 A. The board of commissioners shall exercise the powers herein conferred
11 upon it within the port area, consisting of the ~~entire city of Alexandria, including the~~
12 ~~port facility owned by the city of Alexandria~~ entirety of Rapides Parish.

13 B.(1) The board of commissioners may authorize a reasonable travel
14 allowance for its members in the performance of their official duties. The board of
15 commissioners may further reimburse to its members actual expenses incurred in the
16 performance of their official duties on behalf of the port.

17 (2) ~~It~~ The board of commissioners may employ an executive director and
18 other such officers, agents, and employees as it finds necessary in the performance
19 of its duties, and it may prescribe the duties, powers, and compensation of the
20 officers, agents, and employees. The board of commissioners, on terms as it agrees
21 upon, may contract for legal, financial, engineering, and other professional services
22 necessary or expedient in the conduct of its affairs, and, on terms and conditions
23 mutually agreeable, may utilize the services of other executive departments of the
24 state.

25 (3) The board of commissioners may adopt bylaws and other rules and
26 regulations to conduct port business.

27 (4) The board of commissioners shall adopt an annual budget in accordance
28 with the Local Government Budget Act, R.S. 39:1301 et seq. The port shall be
29 subject to audit by the legislative auditor pursuant to R.S. 24:513.

1 (5) The board of commissioners shall cause minutes and records to be kept
2 of all its proceedings and it shall select a newspaper of general circulation within its
3 territorial jurisdiction as its official journal in which it shall publish its minutes and
4 official notices as required by law.

5 C.(1) In addition to the powers and duties elsewhere granted in this Part, the
6 board of commissioners may exercise all powers necessary for the operation of a
7 freshwater inland port. The board of commissioners shall regulate the commerce and
8 traffic within ~~the port area~~ Rapides Parish in a manner as may, in its judgment, be
9 for the best interests of the state.

10 (2) The board shall have charge of, operate, and administer public wharves,
11 docks, sheds, and landings on the Red River within the territorial jurisdiction of
12 Rapides Parish.

13 (3) ~~It~~ The board of commissioners may:

14 (a) Construct or acquire and equip wharves, landings, and other structures
15 useful for the commerce of the port and provide mechanical facilities therefor.

16 (b) Erect sheds or other structures on the wharves and landings.

17 (c) Provide light, water, police protection, and other services for its facilities
18 as it deems advisable.

19 (d) Construct or acquire, maintain, and operate basins, locks, canals,
20 warehouses, and elevators.

21 (e) Charge for the use of all facilities administered by it and for all services
22 rendered by it.

23 (f) Establish fees, rates, tariffs, or other charges as it deems fit.

24 (g) Establish harbor lines within the port area by agreement with the United
25 States Army Corps of Engineers.

26 (h) Construct, own, operate, and maintain terminal rail facilities and other
27 common carrier rail facilities for the purpose of rendering rail transportation to and
28 from the facilities to be erected, owned, and operated by the port in both intrastate
29 and interstate commerce.

1 ~~(3) Title to all property and improvements acquired by the port shall rest in~~
2 ~~the port.~~

3 (i) Sue and be sued.

4 (j) Acquire by gift, grant, purchase, lease, expropriation, or otherwise, and
5 hold and use any real property, real, personal, or mixed, tangible or intangible, or any
6 interest therein necessary or desirable for carrying out the objects and purposes of
7 the port.

8 (k) Sell, transfer, and convey any property acquired by it, or any interest
9 therein at any time, to accomplish the objects and purposes of the port.

10 (l) Enter into contracts, cooperative endeavors, or intergovernmental
11 agreements to achieve the authority's objects and purposes, including but not limited
12 to professional services agreements and other agreements for the purchase, lease,
13 acquisition, sale, construction, operation, maintenance, and improvements of land,
14 public works, and facilities, as the board of commissioners may deem necessary or
15 convenient to accomplish the objects and purposes of the port.

16 (m) Borrow money and pledge all or part of its revenues, leases, rentals, and
17 other advantages as security for such loans. No bonds, other debt obligations, or
18 contracts of the port shall be a charge upon the income, property, or revenue of
19 Rapides Parish, the city of Alexandria or the city of Pineville, nor any other
20 municipality in the parish; nor shall any obligations of the port be obligations of
21 these governmental entities.

22 (n) Allow the use of any facilities, land, and improvements owned by the
23 port for any lawful purpose.

24 (4) The board of commissioners shall be the appropriate governing body for
25 all purposes provided in the Louisiana Enterprise Free Zone Act, R.S. 51:1781 et al.,
26 within the area comprised of property owned or formerly owned by the port, and
27 shall have the power to perform all such acts specified by applicable laws and
28 regulations to achieve such purposes.

29 * * *

1 E. The board of commissioners may make and enter into contracts, leases,
2 and other agreements with political subdivisions, including the city of Alexandria
3 and the city of Pineville, for the management and operation of port and ancillary
4 facilities, including industrial park property adjacent to the port facility. This right
5 shall include the construction and operation of warehouses, storage facilities, and
6 other buildings used in connection with the port.

7 * * *

8 §335.4. Authority to levy and collect taxes; issuance of bonds

9 A. (1) The board of commissioners, when authorized to do so by a vote of a
10 majority of the electors residing in ~~the port~~ Rapides Parish qualified to vote and
11 voting at an election for such purpose in accordance with law, may levy annually on
12 all property situated within the port subject to taxation an ad valorem tax not to
13 exceed ten mills on the dollar. The board of commissioners, upon its own initiative,
14 may call a special election and submit to the qualified electors of the port the
15 question of authorizing the levy of such a tax. The board of commissioners shall call
16 such a special election when requested to do so by a petition in writing signed by at
17 least one-fourth of the qualified electors eligible to vote at such election. These
18 special taxes shall be levied, assessed, and collected on the property within ~~the port~~
19 Rapides Parish and owned by the port under the same methods, terms, and conditions
20 and at the same time as state and parish taxes are levied, assessed, and collected.
21 These taxes shall be secured by the same liens upon the property subject to taxation
22 within the port as taxes for state and other parish purposes. The property subject to
23 any taxes within said ~~port territorial jurisdiction of Rapides Parish~~ shall be sold for
24 failure to pay the same in the same manner as property is sold for delinquent state,
25 parish, and other taxes under the laws of the state.

26 (2) The board of commissioners may incur funded general or bonded debt,
27 levy taxes, and call for any tax or other election by first obtaining approval by

1 authorizing ordinance adopted by the governing authorities of the cities of Alexandria and
2 Pineville or Rapides Parish.

3 * * *

4 §335.5. Testing validity of bonds; prescription; sale of bonds

5 * * *

6 C. The provisions of this Part shall not be deemed to supersede the
7 requirements of R.S. 39:501 through 514.* Notwithstanding any provisions of this
8 Part to the contrary, the provisions of R.S. 39:1421 through 1429 shall be applicable
9 to the ~~Alexandria~~ Alexandria-Pineville Regional Port.

10 §335.6. Advertisement

11 The prohibition contained in R.S. 43:111 against advertising in any
12 newspaper, book, pamphlet, or periodical shall not apply to the board of
13 commissioners of the ~~Alexandria~~ Alexandria-Pineville Regional Port in carrying out
14 its functions and duties under the constitution and laws of this state.

15 * * *

16 §338.4. Refunding bonds

17 The governing authority of the ~~district port~~ by resolution and in compliance
18 with R.S. 34:335.4(A)(2) may authorize the issuance of refunding bonds, and such
19 refunding bonds may be either sold and the proceeds applied to or deposited in
20 escrow for the retirement of outstanding bonds or they may be delivered in exchange
21 for the outstanding bonds. The total of principal and interest to be paid upon any
22 such refunding bonds shall not exceed the total of the principal amount of the bonds
23 to be refunded, the premium (if any) payable upon their redemption and the interest
24 which would have been paid upon such bonds were they not to be refunded.

25 §338.5. Securities

26 Bonds, certificates, or other evidences of indebtedness issued by the port or
27 any subdistrict of the port, pursuant to this Part are deemed to be securities of public
28 entities within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana
29 Revised Statutes of 1950, and shall be subject to defeasance in accordance with the

1 provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, and
 2 may be refunded in accordance with the provisions of Chapters 14-A and 15 of the
 3 Louisiana Revised Statutes of 1950, and may be also issued as short-term revenue
 4 notes of a public entity under Chapter 15-A of Title 39 of the Louisiana Revised
 5 Statutes of 1950.

6 Section 2. The terms of all members of the board of commissioners of the
 7 Alexandria Regional Port serving on August 1, 2013, shall terminate on the effective date
 8 of this Act, and new members of the board shall be appointed in accordance with R.S.
 9 34:335.2 as amended by this Act.

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)]

Harris

HB No. 289

Abstract: Provides with respect to the Alexandria Regional Port Authority, its boundaries and its board of commissioners

Present law provides the territorial limits of the port shall be concurrent with the municipal limits of the city of Alexandria. Proposed law provides the territorial limits of the port shall be concurrent with the territorial limits of Rapides Parish.

Proposed law provides for a nine member board of commissioners, rather than an eight-member board. Changes membership as follows:

- (1) Provides that five commissioners shall be appointed by the mayor of the city of Alexandria and confirmed by the Alexandria City Council.
- (2) Removes provisions for one commissioner appointed at-large by the parish governing authority of Rapides Parish. Provides instead for one commissioner appointed by the remaining incorporated municipalities of Rapides Parish based on the approved resolution by the respective board of aldermen. Such nomination is known as the "small towns appointment".
- (3) Removes provisions for one commissioner appointed at-large by the governing authority of Grant Parish and one appointed at large by the governing authority of Avoyelles Parish. Provides instead for three commissioners appointed by the mayor of Pineville and confirmed by the Pineville governing authority.

Proposed law requires each commissioner appointed to be a U.S. citizen and a domiciliary of and qualified voter in Rapides Parish for at least one year preceding the date of his appointment and during the entirety of his term of office.

Proposed law requires appointees to be individuals with experience in one or more of the following areas:

- (1) Economic development.
- (2) Public finance or administration.
- (3) Senior level management.
- (4) Urban planning.
- (5) Banking or finance.
- (6) Practice of law, medicine, or another licensed professions.
- (7) Public relations.
- (8) Construction.
- (9) Real estate, appraisal, or commercial development.
- (10) Labor.

Proposed law provides for staggered four-year terms for commissioners with commissioners appointed in 2013 by the mayor of Alexandria to serve an initial term of one year, commissioners appointed in 2013 by the mayor of Pineville to serve an initial term of two years, and commissioners appointed in 2013 as the small towns appointment shall serve an initial term of four years.

Proposed law provides that any commissioner who does not attend at least half of the board meetings annually shall be automatically removed from office. Provides that the vacant position shall be filled by the respective nominating entity for the remainder of the vacated term. Provides that the former commissioner shall not be eligible for appointment until the expiration of the remainder of the vacated term.

Proposed law provides that in the event of a vacancy occurring due to expiration of term of office, or by reason of death, resignation, disqualification, or otherwise, shall be filled by the respective nominating entity within thirty days after receipt of written notice of the vacancy. In the event that the respective nominating entity fails to fill the vacancy within thirty days after the receipt of written notification of the vacancy, the board shall appoint an interim successor to serve in the board until the position is filled by the respective nominating entity responsible for the appointment of such member. If the board fails to fill a vacancy in its membership within such thirty day period, any two authorities of either the Rapides Parish Police Jury, city of Alexandria, or city of Pineville by resolutions adopted by a majority thereof, shall appoint an interim successor to serve on the board until the position is filled by the respective nominating entity responsible for the appointment of such member.

Present law provides for the board of commissioners to exercise powers within the port area, consisting of the city of Alexandria. Proposed law provides that the board exercises powers throughout the port area, consisting of Rapides Parish.

Proposed law modifies present law in regards to the authorities, powers, and duties of the board of commissioners. Additional powers specified include employment of an executive director, adopting board bylaws and other rules and regulations, the adoption of an annual budget in accordance with the Local Government Budget Act, record keeping during all meetings, and selecting an official journal.

Present law gives the board of commissioners power to regulate commerce and traffic within the port area. Proposed law retains this authority and grants the board all powers necessary for operation of a freshwater inland port.

Proposed law grants the board of commissioners power to operate and administer public wharves, docks, sheds, and landings on the Red River within the territorial limits of Rapides Parish.

Proposed law gives the board of commissioners power to:

- (1) Sue and be sued.
- (2) Acquire by gift, grant, purchase, lease, expropriation, or otherwise, and to hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein.
- (3) Sell, transfer, and convey any property acquired by it or interests therein.
- (4) Enter into contracts, cooperative endeavors, and agreements to achieve the port objects and purposes, including agreements to acquire, sell, construct, operate, maintain and improve land, public works, and facilities.
- (5) Borrow money and pledge all or part of its revenues, leases, rentals, and other advantages as security for such loans. No bonds or other debts held by the port shall become an obligation of Rapides Parish or municipalities in the parish.
- (6) Allow the use of any facilities, land, and improvements for lawful purposes.

Proposed law designates the board of commissioners as the appropriate governing body for all purposes provided in the La. Enterprise Free Zone Act.

Present law authorizes the port to levy an ad valorem tax not to exceed 10 mills on the dollar subject to voter approval. Proposed law specifies that the provisions apply to voters in Rapides Parish.

Proposed law provides that the board of commissioners may incur funded general or bonded debt, levy taxes, and call for any tax or other election by first obtaining approval by authorizing ordinance adopted by the governing authorities of the cities of Alexandria and Pineville or Rapides Parish.

Present law provides that the testing validity of bonds are not applicable to the Alexandria Regional Port. Proposed law provides that the testing validity of bonds shall not be deemed applicable to the Alexandria-Pineville Regional Port.

Present law provides that the prohibition contained in present law against advertising in any newspaper, book, pamphlet shall not apply to the board of commissioner of the Alexandria Regional Port. Proposed law adds Pineville under the jurisdiction of the port to the Alexandria-Pineville Regional Port.

Proposed law provides that the governing authority of the port by resolution and in compliance with R.S. 34:335.4(A)(2) may authorize the issuance of refunding bonds, and such refunding bonds may be either sold and the proceeds applied to or deposited in escrow for the retirement of outstanding bonds or they may be delivered in exchange for the outstanding bonds.

Proposed law provides that bonds, certificates, or other evidences of indebtedness issued by the port or any subdistrict of the port, pursuant to proposed law are deemed to be securities of public entities within the meaning of present law, relative to securities of public entities and fully registered securities of public entities, and shall be subject to defeasance in accordance with present law, relative to defeasance of securities of public entities, and may be refunded in accordance with the provisions of present law, relative to refunding of securities of public entities and advance refunding of bonds, and may be also issued as short-

term revenue notes of a public entity under present law, relative to short-term revenue notes of public entities.

Proposed law provides that the terms of board of commission members serving on Aug. 1, 2013, terminate on that date and requires that new members be appointed as provided in proposed law.

(Amends R.S. 34:335.1, 335.2, 335.3(A), (B), (C), and (E), 335.4(A), 335.5(C), 335.6, and 338.4; Adds R.S. 34:338.5)