

2015 Regular Session

HOUSE BILL NO. 830

BY REPRESENTATIVES HARRIS AND HALL

PORTS/HARBORS/TERMINALS: Creates the Central Louisiana Regional Port

1 AN ACT

2 To amend and reenact R.S. 34:335.1, 335.2(A), (B), and (C), and 335.3(A) and (E) and to
3 repeal R.S. 34:3522, relative to a port in Rapides Parish; to change the territorial
4 limits of the Alexandria Regional Port to be generally conterminous with the
5 boundaries of Rapides Parish; to change the name of the Alexandria Regional Port;
6 to provide relative to the membership of a board of commissioners for a port that has
7 boundaries that are generally coterminous with the boundaries of Rapides Parish; to
8 provide for the powers of a board of commissioners for a port that has boundaries
9 that are generally coterminous with the boundaries of Rapides Parish; to provide for
10 the terms of board commissioners for a port that has boundaries that are generally
11 coterminous with the boundaries of Rapides Parish; to repeal authority for a port
12 whose territorial limits are generally conterminous with the boundaries of Rapides
13 Parish; to provide for transitional matters; and to provide for related matters.

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

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 34:335.1, 335.2(A), (B), and (C), and 335.3(A) and (E) are hereby
18 amended and reenacted to read as follows:

19 §335.1. Creation and territorial limits

20 The ~~Alexandria Regional Port~~ Central Louisiana Regional Port, hereinafter
21 referred to as the "port", is hereby created as a political subdivision of the state, and

1 its territorial limits shall be concurrent with that of the ~~municipal limits of the city~~
2 ~~of Alexandria~~ parish of Rapides, excluding any private port facility.

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

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

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

11 (2) ~~Three of the commissioners shall be appointed as follows:~~

12 (a) ~~One commissioner~~ Three commissioners shall be appointed at large by
13 the parish governing authority of Rapides Parish. Each commissioner shall be a
14 citizen of the United States, a qualified voter of the state of Louisiana, and a resident
15 of Rapides Parish.

16 (b) ~~(3) One commissioner appointed at large by the parish governing~~
17 ~~authority of Grant Parish.~~ Two commissioners shall be appointed by the mayor of
18 Pineville and confirmed by the Pineville City Council. Each commissioner shall be
19 a citizen of the United States, a qualified voter of the state of Louisiana, and a
20 resident of the city of Pineville.

21 (c) ~~(4) One commissioner appointed at large by the parish governing~~
22 ~~authority of Avoyelles Parish.~~ One commissioner shall be appointed by the mayors
23 of the incorporated municipalities in Rapides Parish other than the cities of
24 Alexandria and Pineville. The commissioner shall be a citizen of the United States,
25 a qualified voter of the state of Louisiana, and a resident of an incorporated
26 municipality within Rapides Parish other than the cities of Alexandria or Pineville.

27 B. ~~One of the commissioners initially appointed by the mayor shall serve an~~
28 ~~initial term of one year. Two of the commissioners initially appointed by the mayor~~
29 ~~shall serve an initial term of two years. Two of the commissioners initially~~

1 ~~appointed by the mayor shall serve an initial term of three years. Thereafter, the~~
 2 ~~successors to each of the commissioners appointed by the mayor shall be appointed~~
 3 ~~for terms of four years. The commissioners representing the Red River Waterway~~
 4 ~~Commission shall serve terms concurrent with their terms on that commission.~~
 5 Commissioners shall be appointed to four-year terms after the initial terms as
 6 provided in Paragraphs (1) through (4) of this Subsection:

7 (1) The four commissioners appointed by the mayor of the city of Alexandria
 8 and confirmed by the Alexandria City Council shall serve initial terms of four years,
 9 three years, two years, and one year, respectively, as designated by the mayor.

10 (2) The three commissioners appointed by the governing authority of
 11 Rapides Parish shall serve initial terms of four years, three years, and two years,
 12 respectively, as designated by the governing authority of Rapides Parish.

13 (3) The two commissioners appointed by the mayor of Pineville and
 14 confirmed by the Pineville City Council shall serve initial terms of four years and
 15 three years, respectively, as designated by the mayor.

16 (4) The commissioner appointed by the mayors of the incorporated
 17 municipalities in Rapides Parish, other than the cities of Alexandria and Pineville,
 18 shall serve an initial term of four years.

19 C. (1) In the event that any commissioner ceases to be a commissioner for
 20 any reason, his successor shall be appointed in the same manner as the original
 21 appointment and shall serve for the remainder of the unexpired term.

22 (2) In the event that a nominating entity fails to appoint a commissioner
 23 within ninety days after the effective date of this Paragraph, the board shall appoint
 24 an interim commissioner to serve on the board until the position is filled by the
 25 respective nominating entity responsible for the appointment of such commissioner.

* * *

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

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

1 Rapides, ~~including excluding any private~~ the port facility ~~owned by the city of~~
2 Alexandria.

3 * * *

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

10 * * *

11 Section 2. R.S. 34:3522 is hereby repealed in its entirety.

12 Section 3. The commissioners of the Alexandria Regional Port Authority in office
13 on the effective date of this Act who were appointed by the Mayor of Alexandria and the
14 governing authority of Rapides Parish shall remain as commissioners of the Central
15 Louisiana Regional Port until such time as appointments are made pursuant to this Act.

16 Section 4. The Central Louisiana Regional Port is hereby assigned and subsumes all
17 of the duties and responsibilities previously exercised by the Alexandria Regional Port with
18 regard to previously executed agreements and contracts, the purposes of which are under the
19 duties, jurisdiction, responsibilities, and powers granted to the Central Louisiana Regional
20 Port. The Central Louisiana Regional Port is here given the power to execute, sign, modify,
21 amend, and renew any such agreement on its own behalf or on behalf of the Alexandria
22 Regional Port.

23 Section 5. All unfinished business, references in laws and documents, employees,
24 property, obligations, and books and records of the prior plans, projects, policies, and
25 programs assumed by this Act into the Central Louisiana Regional Port shall be transferred
26 as provided in this Act. Any pending or unfinished business of the prior plans, projects,
27 policies, and programs shall be taken over and be completed by the Central Louisiana
28 Regional Port created by this Act with the same power and authorization as that of prior
29 plans, projects, policies, and programs and the new port authority shall be the successor in

1 every way to the prior plans, projects, policies, and programs for the purpose of completing
2 such business. Any reference in laws and documents to either of the prior plans, projects,
3 policies, and programs shall be deemed to apply to the new Central Louisiana Regional Port.
4 Any legal proceeding to which the prior plans, projects, policies, and programs are a party
5 and which is filed, initiated, or pending before any court on the effective date of this Act, and
6 all documents involved in or affected by said legal proceeding, shall retain their
7 effectiveness and shall be continued in the name of the Central Louisiana Regional Port. All
8 further legal proceedings and documents in the continuation, disposition, and enforcement
9 of such legal proceeding shall be in the name of the Central Louisiana Regional Port, and
10 the Central Louisiana Regional Port shall be substituted for the prior plans, projects, policies,
11 and programs without necessity for amendment of any document. This Act shall not be
12 construed so as to impair the effectiveness of any rule or policy of either of the prior plans,
13 projects, policies, and programs and any such rule or policy shall remain effective as
14 provided therein or until changed in accordance with law. This Act shall not be construed
15 so as to impair the contractual or other obligations of either of the prior plans, projects,
16 policies, and programs or of the state of Louisiana. All obligations of the prior plans,
17 projects, policies, and programs shall be the obligations of the new Central Louisiana
18 Regional Port. The new Central Louisiana Regional Port shall be the successor in every way
19 to the prior plans, projects, policies, and programs, including all of their obligations and
20 debts. All dedications and allocations of revenues and sources of revenues heretofore made
21 to or for either of the prior plans, projects, policies, and programs shall continue in the same
22 manner, to the same extent, and for the same purposes as were provided prior to the
23 enactment of this Act, unless and until other provision is made therefor. All books, papers,
24 records, money, actions, and other property of every kind, movable and immovable, real and
25 personal, heretofore possessed, controlled, or used by either of the prior plans, projects,
26 policies, and programs are hereby transferred to the new Central Louisiana Regional Port.
27 All employees heretofore engaged in the performance of duties of the prior plans, projects,
28 policies, and programs, insofar as practicable and necessary, are transferred to the new
29 Central Louisiana Regional Port and insofar as practicable and necessary shall continue to

1 perform the duties heretofore performed, subject to policies and procedures of the new
2 Central Louisiana Regional Port, applicable state civil service laws, rules, and regulations,
3 and other applicable laws. Subject to such laws, positions in the unclassified service shall
4 remain in the unclassified service.

5 Section 6. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

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)]

HB 830 Original

2015 Regular Session

Harris

Abstract: Changes the name of the Alexandria Regional Port to the Central Louisiana Regional Port and changes the territorial limits of such port from the municipal limits of the city of Alexandria to the parish of Rapides, excluding any private port facility.

Present law provides for an Alexandria Regional Port with territorial limits concurrent with that of the municipal limits of the city of Alexandria.

Proposed law changes the name of the Alexandria Regional Port to the Central Louisiana Regional Port and changes territorial limits of such port from the municipal limits of the city of Alexandria to the parish of Rapides, excluding any private port facility.

Present law provides that the Alexandria Regional Port shall be governed by a board of commissioners composed of eight members, who serve without compensation and who are appointed as follows:

- (1) Five of the commissioners are appointed by the mayor of the city of Alexandria and confirmed by the Alexandria City Council. Each commissioner is to be a citizen of the United States, a qualified voter of the state of Louisiana, and a resident of the city of Alexandria.
- (2) Three of the commissioners are appointed as follows: one commissioner appointed at large by the parish governing authority of Rapides Parish, one commissioner appointed at large by the parish governing authority of Grant Parish, and one commissioner appointed at large by the parish governing authority of Avoyelles Parish.

Proposed law modifies present law and provides that the Central Louisiana Regional Port shall be governed by a board of commissioners composed of the following members, who shall serve without compensation and who shall be appointed as follows:

- (1) Four of the commissioners shall be appointed by the mayor of the city of Alexandria and confirmed by the Alexandria City Council. Each commissioner shall be a citizen of the United States, a qualified voter of the state of Louisiana, and a resident of the city of Alexandria.
- (2) Three commissioners shall be appointed by the parish governing authority of Rapides Parish. Each commissioner shall be a citizen of the United States, a qualified voter of the state of Louisiana, and a resident of Rapides Parish.
- (3) Two commissioners shall be appointed by the mayor of Pineville and confirmed by the Pineville City Council. Each commissioner shall be a citizen of the United States, a qualified voter of the state of Louisiana, and a resident of the city of Pineville.
- (4) One commissioner shall be appointed by the mayors of the incorporated municipalities other than Alexandria and Pineville. The commissioner shall be a citizen of the United States, a qualified voter of the state of Louisiana, and a resident of an incorporated municipality within Rapides Parish other than Alexandria or Pineville.

Present law provides that one of the commissioners initially appointed by the mayor of Alexandria the served an initial term of one year. Two of the commissioners initially appointed by the mayor of Alexandria served an initial term of two years. Two of the commissioners initially appointed by the mayor of Alexandria served an initial term of three years. Thereafter, the successors to each of the commissioners appointed by the mayor of Alexandria are appointed for terms of four years. The commissioners representing the Red River Waterway Commission are to serve terms concurrent with their terms on that commission.

Proposed law removes present law and provides that the commissioners for board of the Central Louisiana Regional Port shall be appointed to four-year terms after initial terms as provided in proposed law:

- (1) The four commissioners appointed by the mayor of the city of Alexandria and confirmed by the Alexandria City Council shall serve initial terms of four years, three years, two years, and one year, respectively, as designated by the mayor.
- (2) The three commissioners appointed by the governing authority of Rapides Parish shall serve initial terms of four years and three years, respectively, as designated by the governing authority of Rapides Parish.
- (3) The two commissioners appointed by the mayor of Pineville and confirmed by the Pineville City Council shall serve initial terms of four years and three years, respectively, as designed by the mayor.
- (4) The commissioner appointed by the mayors of the incorporated municipalities outside of Alexandria and Pineville shall serve an initial term of four years.

Proposed law provides that in the event that a nominating entity fails to appoint a commissioner ninety days after the effective date of proposed law, the board shall appoint an interim commissioner to serve on the board until the position is filled by the respective nominating entity responsible for the appointment of such commissioner.

Present law provides the board of commissioners shall exercise its powers within the port area, consisting of the entire city of Alexandria, including the port facility owned by the city of Alexandria.

Proposed law provides that the board of commissioners shall exercise its powers within the port area, consisting of the entire parish of Rapides, excluding any private port facility.

Proposed law provides for transitional provisions to complete the transfer of all obligations, rights, duties, property, and the like from the existing Alexandria Regional Port to the proposed Central Louisiana Regional Port.

Present law establishes a port authority in Rapides parish and provides for the jurisdiction, rights, powers, privileges, immunities of the port authority and the composition of the board of commissioners.

Proposed law repeals present law.

(Amends R.S. 34:335.1, 335.2(A), (B), and (C), and 335.3(A) and (E); Repeals R.S. 34:3522)