

West's Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 34. Navigation and Shipping

Chapter 7. Greater Baton Rouge Port Commission

LSA-R.S. 34:1221

§ 1221. Creation of Greater Baton Rouge Port Commission; per diem; number of days per diem allowed

Currentness

A. There is hereby created a commission to be known as the Greater Baton Rouge Port Commission which shall be composed of fifteen members appointed by the governor who shall serve at the pleasure of the governor. The members shall receive per diem; provided, however, that the per diem of each member shall not exceed seventy-five dollars per day during the time the member is in actual attendance upon the board, or performing duties authorized by the board. The per diem shall be payable for a maximum of twenty-four days per year, except if an emergency is declared by the governor. During the period of an emergency as determined by the governor, the commission shall be authorized to hold as many meetings or emergency activities as the commission deems necessary and the members shall be paid per diem for such meetings or activities. Members shall be appointed as follows:

(1) Three commissioners shall be appointed by the governor from a panel of six names submitted by the legislative delegation of the parish of West Baton Rouge;

(2) Six commissioners shall be appointed by the governor from a panel of eighteen names submitted by the East Baton Rouge Parish legislative delegation;

(3) Two commissioners shall be appointed by the governor from a panel of six names submitted by the legislative delegation of the parish of Iberville;

(4) Two commissioners shall be appointed by the governor from a panel of six names submitted by the legislative delegation of the parish of Ascension;

(5) Two commissioners shall be appointed by the governor from a panel of six names submitted by Louisiana Farm Bureau Federation, Inc. Of the six names submitted, three shall reside on the east side of the Mississippi River in Ascension, East Baton Rouge, or Iberville Parishes and three shall reside on the west side of the Mississippi River in Ascension, Iberville, or West Baton Rouge Parishes and the governor shall appoint one of the nominees from the east side and one from the west side of the Mississippi River.

B. If any person so appointed ceases to be a member of the commission for any reason, his successor shall be appointed by the governor from a panel of three names submitted in the same manner as provided in Subsection A hereof. Each commissioner shall be a citizen of the United States and a qualified voter of this state.

C. Each appointment by the governor shall be submitted to the Senate for confirmation.

Credits

Added by Acts 1952, No. 10, § 1. Amended by Acts 1975, No. 788, § 1; Acts 1975, No. 789, § 1; Acts 1977, No. 602, § 1, eff. July 19, 1977; Acts 1984, No. 888, § 1, eff. July 20, 1984.

LSA-R.S. 34:1221, LA R.S. 34:1221

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LSA-R.S. 34:1222

§ 1222. Officers of the board; meetings

Currentness

The commission shall elect from among its own members a president, a vice president, a secretary, and a treasurer, whose respective duties shall be prescribed by the commission. At the option of the commission the offices of the secretary and treasurer may be held by one person. The commission shall meet in regular session as provided in [R.S. 34:1221](#) and shall also meet in special session at the call of the president of the commission, or on the written request of five members of the commission. A majority of the members of the commission shall constitute a quorum and all action or resolutions of the commission must be approved by the affirmative vote of not less than a majority of all members of the commission. The commission shall prescribe rules to govern its meetings and shall fix the place at which meetings shall be held.

Credits

Added by Acts 1952, No. 10, § 2. Amended by Acts 1985, No. 844, § 1.

LSA-R.S. 34:1222, LA R.S. 34:1222

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LSA-R.S. 34:1223

§ 1223. Rights and powers of the board

Currentness

A. The commission shall exercise the powers herein conferred upon it within the port area consisting of the parishes of East Baton Rouge, West Baton Rouge, Iberville, and Ascension as the boundaries and limits are presently fixed by law, except the industrial areas created in the parish of East Baton Rouge by the provisions of Section 1.08(b) of the Plan of Government for the parish of East Baton Rouge and the city of Baton Rouge.

B. The commission may authorize a reasonable travel allowance for its members in the performance of their official duties, and it may employ such officers, agents, and employees, including an employee who shall, in addition to other responsibilities assigned by the director, act as a liaison with the other Mississippi River ports, as it may find necessary in the performance of its duties, and may prescribe the duties, powers, and compensation of such officers, agents, and employees. The commission may upon such terms as it may agree upon, contract for legal, financial, engineering, and other professional services necessary or expedient in the conduct of its affairs, and it may, upon terms and conditions mutually agreeable, utilize the services of the other executive departments of the state.

C. The commission shall regulate the commerce and traffic within such port area in such manner as may, in its judgment, be for the best interest of the state. It shall have charge of, and administer public wharves, docks, sheds and landings and shall be empowered to construct or acquire and equip wharves and landings and other structures useful for the commerce of the port area and to provide mechanical facilities therefor; to erect sheds or other structures on such wharves and landings; to maintain proper depths of water at all such wharves and landings; to provide light, water, police protection and other services for its facilities as it may deem advisable; to construct or acquire, maintain and operate basins, locks, canals, warehouses and elevators; to charge for the use of all facilities administered by it and for all services rendered by it, such fees, rates, tariffs or other charges as it may establish; to establish harbor lines within the port area by agreement with the corps of engineers; and to construct, own, operate and maintain terminal rail facilities and other common carrier rail facilities for the purpose of rendering rail transportation to and from the facilities to be erected, owned and operated by the commission in both intrastate and interstate commerce. Title to all property and improvements thereon operated by the commission shall vest in the State of Louisiana.

D. The commission may charge a reasonable fee to each vessel arriving in the port area in ballast or carrying cargo of any kind. It may also charge for each copy of any certificate issued by it or by any of its officers or employees for inspecting hatches, surveying cargo, or making other surveys or inspections of vessels in the port area, but shall furnish, without charge, to the master of each such vessel one copy of all surveys upon his vessel or cargo.

§ 1223. Rights and powers of the board, LA R.S. 34:1223

E. The commission shall have authority to make and enter into contracts, leases and other agreements with railroads, trucking companies, barge lines and with any and all companies interested in the transportation, storage and shipping of goods and other products, whether by rail, truck line, barge line, ocean going vessels or otherwise for the use of facilities administered by the commission or any part or portion thereof, for a period of time not exceeding forty years. No exclusive franchise, however, shall be granted to any carrier.

Credits

Added by Acts 1952, No. 10, § 3. Amended by Acts 1983, No. 439, § 1; Acts 1985, No. 844, § 1.

[Notes of Decisions \(4\)](#)

LSA-R.S. 34:1223, LA R.S. 34:1223

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LSA-R.S. 34:1224

§ 1224. Authority for issuance of bonds; ad valorem tax

[Currentness](#)

A. The commission, with the approval of the State Bond Commission, is authorized to incur debt for its lawful purposes and to issue in its name, negotiable bonds or notes therefor, and to pledge, for the payment of the principal and interest of such negotiable bonds or notes, the revenues derived from the operation of properties and facilities maintained and operated by it, or received by the commission from other sources; however, the amount of such bonds and notes outstanding at any one time shall not exceed one hundred million dollars. Such bonds, when authorized to be issued, shall constitute, first, a general obligation of the commission, and secondly, the full faith and credit of the parish of East Baton Rouge, the parish of West Baton Rouge, the parish of Iberville, and thirdly, the state of Louisiana, and shall be and are hereby pledged. The full faith and credit of the parish of Ascension is hereby irrevocably pledged on a parity with that of the parishes of East Baton Rouge, West Baton Rouge, and Iberville in respect to the Commission's bonds, notes, and obligations presently outstanding, as well as to all bonds, notes, and obligations hereafter authorized, sold, and incurred by the Commission. In addition to the pledge of revenues to secure said bonds and notes, the commission may further secure their payment by a conventional mortgage upon any or all of the properties constructed or acquired, or to be constructed and acquired by it. The commission is further authorized to receive, by gift, grant, donation, or otherwise any sum of money, aid or assistance from the United States, the state of Louisiana, or any political subdivision thereof, and unless otherwise provided by the terms of such gift, grant, or donation, in its discretion, to pledge all or any part of such monies for the further securing of the payment of the principal and interest of its bonds or notes.

B. The commission shall have authority, when authorized to do so by a vote of the majority of the electors residing in the port area qualified to vote and voting at an election for such purpose in accordance with law, to levy annually on all property situated within the port area subject to taxation an ad valorem tax not to exceed two and one-half mills on the dollar. The commission shall not have the authority to levy the tax provided for in [R.S. 34:338.1](#).

Credits

Added by Acts 1952, No. 10, § 4. Amended by Acts 1976, No. 325, § 1; Acts 1983, No. 439, § 1; [Acts 1990, No. 402, § 1](#).

LSA-R.S. 34:1224, LA R.S. 34:1224

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LSA-R.S. 34:1225

§ 1225. Prescriptive period

[Currentness](#)

For a period of sixty days from the date of the adoption of any resolution of the commission authorizing the issuance of its bonds or notes, any person interested may test the legality of said resolution and the validity of said bonds or notes issued or proposed to be issued thereunder, after which time no one shall have any cause of action to contest the regularity, formality or legality of said resolution or to draw in question the legality of said bonds or notes or the debt represented thereby for any cause whatever, and it shall be conclusively presumed that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of said sixty days.

Any bonds issued in accordance with the provisions of this Chapter shall be sold to the highest bidder, at a public sale, for not less than par and interest, after advertisement at least once a week, for not less than thirty days by the commission in Baton Rouge, Chicago, New York, and such other places as the commission may determine, reserving to the commission the right to reject any and all bids, and the right to readvertise for new bids. If after advertisement as hereinabove provided, no bids are received, or if such bids as are received are considered in the discretion of the commission to be unsatisfactory, then in that event the commission may publicly negotiate for the sale of such bonds.

Credits

Added by Acts 1952, No. 10, § 5.

LSA-R.S. 34:1225, LA R.S. 34:1225

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LSA-R.S. 34:1226

§ 1226. Right to expropriate

[Currentness](#)

The Greater Baton Rouge Port Commission may acquire by expropriation in accordance with the expropriation law of the State of Louisiana any wharves, landings or any other properties necessary for the benefit and advantage of the commerce of the said commission.

Credits

Added by Acts 1952, No. 10, § 6.

[Notes of Decisions \(4\)](#)

LSA-R.S. 34:1226, LA R.S. 34:1226

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