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#### Editors' Notes

#### DESIGNATION AS SUBPART A

<The provisions of Part VIII of Chapter 1 of Title 34 were originally enacted by Acts 1969, No. 43 and were designated as [R.S. 34:338.1](#) to [34:338.4](#). Acts 1975, No. 101 enacted [R.S. 34:340.1](#) to [34:340.6](#) and designated those sections as Subpart B of Part VIII. Pursuant to the statutory revision authority of the Louisiana State Law Institute, the sections enacted by Acts 1969, No. 43 were designated as Subpart A of Part VIII under the heading "Taxing and Bonding Authority".>

LSA-R.S. T. 34, Ch. 1, Pt. VIII, Subpt. A, Refs & Annos, LA R.S. T. 34, Ch. 1, Pt. VIII, Subpt. A, Refs & Annos  
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LSA-R.S. 34:338.1

§ 338.1. Special tax; bonding; election

[Currentness](#)

For the purpose of obtaining funds for the maintenance, operation and improvement of the facilities of the district, each port, harbor and terminal district heretofore or hereafter created under the constitution and laws of this state is hereby authorized to levy on the taxable property within the district a special ad valorem tax not in excess of ten mills on the dollar of assessed valuation and to pledge all or part of the revenues therefrom to the payment of bonds to be issued by the district, provided the levy of the tax and the issuance of the bonds shall have been authorized by vote of a majority in number and amount of the property taxpayers qualified to vote in an election to be called and held for that purpose in accordance with existing laws.

**Credits**

Added by Acts 1969, No. 43, § 1.

LSA-R.S. 34:338.1, LA R.S. 34:338.1

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LSA-R.S. 34:338.2

§ 338.2. Collection of special tax

Currentness

Any special tax authorized as provided herein shall be levied, assessed and collected on the property within the district under the same methods, terms and conditions and at the same time as state and parish taxes are levied, assessed and collected; the tax shall be secured by the same liens upon the property subject to taxation within the district as taxes for state and parish purposes; the property subject to the tax within the district shall be sold for failure to pay the same in the same manner as property is sold for delinquent state, parish and other taxes under the laws of the state. The provisions of the constitution and all laws regulating the collection of taxes, the creating of tax liens and mortgages, tax penalties and tax sales shall also apply to the collection of the taxes herein authorized.

**Credits**

Added by Acts 1969, No. 43, § 2.

LSA-R.S. 34:338.2, LA R.S. 34:338.2

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LSA-R.S. 34:338.3

§ 338.3. Issuance of bonds

[Currentness](#)

When authorized as provided herein, each port, harbor and terminal district may issue bonds and pledge the proceeds of the special tax herein provided for, or any part thereof, to the payment of such bonds and shall use the proceeds from the sale of the bonds for the purposes of the district. Any such bonds so issued shall be solely the obligations of the district, for which the full faith and credit of the district may be pledged, and shall not be obligations of the state and a recital to this effect shall be contained in the bonds. The bonds shall be authorized by a resolution of the governing authority of the district and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates not exceeding six percentum per annum, payable annually or semi-annually, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms of redemption not exceeding 105% of the principal amount thereof, and be entitled to such priority on the revenues of the district as such resolution or resolutions may provide. The bonds shall be signed by such officers as the district shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officer or officers of the district as it shall designate. Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the officer or officers whose facsimile signature or signatures may be upon the coupons shall have ceased to be such officer or officers at the time such bonds shall actually have been delivered. The bonds shall be sold for not less than par and accrued interest, to the highest bidder at a public sale after advertisement by the district at least once a week for not less than thirty days in a newspaper of general circulation within the district and in a financial newspaper or journal published in New Orleans, New York or Chicago, reserving to the district the right to reject any and all bids and to re-advertise for 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 governing authority of the district to be unsatisfactory, then in that event the said governing authority may publicly negotiate for the sale of such bonds without further advertisement. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are provided herein. For a period of thirty days from the date of publication of the resolution authorizing the issuance of bonds hereunder, any persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of the resolution or of the bonds authorized thereby for any cause whatsoever. If no suit, action or proceeding is begun contesting the validity of the bond issue within the thirty days herein prescribed, the authority to issue the bonds and to provide for the payment thereof, the legality thereof and of all of the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters. Such bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instrument law of Louisiana.

**Credits**

Added by Acts 1969, No. 43, § 3.

**§ 338.3. Issuance of bonds, LA R.S. 34:338.3**

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LSA-R.S. 34:338.3, LA R.S. 34:338.3

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LSA-R.S. 34:338.4

§ 338.4. Refunding bonds

*Currentness*

The governing authority of the district by resolution 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. The total of principal and interest to be paid upon any such refunding bonds shall not exceed the total of the principal amount of the bonds to be refunded, the premium (if any) payable upon their redemption and the interest which would have been paid upon such bonds were they not to be refunded.

**Credits**

Added by Acts 1969, No. 43, § 4.

LSA-R.S. 34:338.4, LA R.S. 34:338.4

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LSA-R.S. 34:340.1

§ 340.1. Revenue producing structures

Currentness

Any revenue producing wharf, dock, warehouse, elevator, industrial facility, or other structure owned or to be acquired by such districts from the proceeds of bonds issued by them is hereby declared to be a revenue producing public utility as that term is used and defined by the constitution and laws of the state in connection with the issuance of revenue bonds of political subdivisions of the state.

**Credits**

Added by Acts 1975, No. 101, § 1.

LSA-R.S. 34:340.1, LA R.S. 34:340.1

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LSA-R.S. 34:340.2

§ 340.2. Authority to issue bonds; security

[Currentness](#)

A. As a grant of power in addition to any other authority to issue bonds, port, harbor, and terminal districts are authorized, with the approval of the State Bond Commission, to issue negotiable bonds for any purpose within the authority delegated them and to pledge for the payment of the principal and interest of such negotiable bonds the income and revenues derived or to be derived from the properties and facilities maintained and operated by them, or received by the districts from other sources.

B. In addition to the pledge of income and revenues to secure said bonds, the districts 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 them.

C. Such districts further are 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, donation, in its discretion, to pledge all or any part of such moneys for the further securing of the payment or the principal and interest of their bonds.

**Credits**

Added by Acts 1975, No. 101, § 1.

[Notes of Decisions \(5\)](#)

LSA-R.S. 34:340.2, LA R.S. 34:340.2

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LSA-R.S. 34:340.3

§ 340.3. Bonds, procedures

Currentness

A. Such bonds shall be authorized by a resolution of the governing authority of the district and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates not exceeding the maximum rates provided in [R.S. 39:1424](#), [39:1425](#), as the same now exists or may be hereafter amended, payable semiannually, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms or redemption not exceeding one hundred five percent of the principal amount thereof, and be entitled to such priority on the revenues of the district as such resolution or resolutions may provide.

B. The bonds shall be signed by such officers as the district determines, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officer or officers of the district as it shall designate.

C. Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing the bonds or the officer or officers whose facsimile signature or signatures may be upon the coupons have ceased to be such an officer or officers at the time the bonds actually have been delivered.

D. The bonds shall be sold for not less than par and accrued interest to the highest bidder at a public sale after advertisement by the district in the manner provided by [R.S. 39:1426](#), as the same now exists or may be hereafter amended, reserving to the district the right to reject any and all bids and to readvertise for bids.

E. If after advertisement as hereinabove provided no bids are received, or if such bids as are received are considered in the discretion of the governing authority of the district to be unsatisfactory, the governing authority may publicly negotiate for the sale of the bonds without further advertisement.

**Credits**

Added by Acts 1975, No. 101, § 1.

LSA-R.S. 34:340.3, LA R.S. 34:340.3

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Subpart B. Additional Bonding Authority

LSA-R.S. 34:340.4

§ 340.4. Bonds; contestability

Currentness

A. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are contemplated by this Subpart.

B. For a period of thirty days after the date of publication of the resolution authorizing the issuance of bonds hereunder any persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, but after that time no one shall have any cause or right of action to contest the legality of the resolution or of the bonds authorized hereby for any cause whatsoever.

C. If no suit, action, or proceedings is begun contesting the validity of the bond issue within the thirty days herein prescribed, the authority to issue the bonds and to provide for the payment thereof, the legality thereof, and of all of the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters.

**Credits**

Added by Acts 1975, No. 101, § 1.

LSA-R.S. 34:340.4, LA R.S. 34:340.4

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LSA-R.S. 34:340.5

§ 340.5. Bonds; character

[Currentness](#)

Such bonds shall have all the qualities of negotiable instruments under the law merchant and the Negotiable Instrument Law of the state of Louisiana.

#### **Credits**

Added by Acts 1975, No. 101, § 1.

LSA-R.S. 34:340.5, LA R.S. 34:340.5

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LSA-R.S. 34:340.6

§ 340.6. Nothing to affect Port of New Orleans

[Currentness](#)

Nothing in this Subpart shall add to or detract from the provisions of law relative to the Board of Commissioners of the Port of New Orleans, the rights under all of said provisions being preserved.

**Credits**

Added by Acts 1975, No. 101, § 1.

LSA-R.S. 34:340.6, LA R.S. 34:340.6

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Subpart C. Title to Property

LSA-R.S. 34:340.10

§ 340.10. [Blank]

Currentness

LSA-R.S. 34:340.10, LA R.S. 34:340.10

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[Subpart C. Title to Property](#)

LSA-R.S. 34:340.11

§ 340.11. Title to property

[Currentness](#)

Notwithstanding any other law to the contrary, title to property and improvements thereon acquired by a port, harbor, or terminal district shall vest in the district.

#### **Credits**

Added by Acts 1985, No. 604, § 1, eff. July 13, 1985.

LSA-R.S. 34:340.11, LA R.S. 34:340.11

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LSA-R.S. 34:340.12

§ 340.12. Purpose

[Currentness](#)

It is the intent of the legislature by means of this Subpart to establish a procedure to promote public health and safety and prevent the spread of infectious diseases by controlling rodent populations entering Louisiana from vessels and barges.

#### **Credits**

Added by [Acts 1997, No. 554, § 1, eff. July 3, 1997](#).

LSA-R.S. 34:340.12, LA R.S. 34:340.12

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LSA-R.S. 34:340.13

§ 340.13. Control, testing, and monitoring center; establishment

[Currentness](#)

Each port and terminal accepting vessel and barge traffic entering Louisiana waters may establish and maintain a rodent control, testing, and monitoring center. The purposes of the center shall be the detection, evaluation, control, and prevention of infectious diseases spread by rodents from the vessels and barges. The port and terminal may impose reasonable inspection requirements to implement the provisions of this Subpart.

**Credits**

Added by [Acts 1997, No. 554, § 1, eff. July 3, 1997](#).

LSA-R.S. 34:340.13, LA R.S. 34:340.13

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LSA-R.S. 34:340.14

§ 340.14. Fees

[Currentness](#)

Each port authority participating in this program may promulgate rules and regulations, including the charges to be levied on vessels and barges to pay for the necessary costs of administration and enforcement of the provisions of this Subpart.

#### **Credits**

Added by [Acts 1997, No. 554, § 1, eff. July 3, 1997](#).

LSA-R.S. 34:340.14, LA R.S. 34:340.14

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LSA-R.S. 34:340.15

§ 340.15. Employment of personnel or contractors

[Currentness](#)

The port or terminal may employ personnel or contractors in accordance with law to implement the provisions of this Subpart. The cost of the personnel or contractors shall be paid for by the fees authorized by this Subpart. The port or terminal shall keep records in accordance with law of the fees collected and amounts expended to implement the provisions of this Subpart.

**Credits**

Added by [Acts 1997, No. 554, § 1, eff. July 3, 1997](#).

LSA-R.S. 34:340.15, LA R.S. 34:340.15

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LSA-R.S. 34:340.16

§ 340.16. Short title

[Currentness](#)

The provisions of this Subpart may be cited as the Rodent Control and Prevention of Infectious Diseases Act.

#### **Credits**

Added by [Acts 1997, No. 554, § 1, eff. July 3, 1997](#).

LSA-R.S. 34:340.16, LA R.S. 34:340.16

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[Subpart E. Security Plans](#)

LSA-R.S. 34:340.21

§ 340.21. Port security and safety plan; statewide

[Currentness](#)

A. In addition to the authority granted in this Chapter and by other state or federal laws and regulations, ports in the state of Louisiana shall have the authority to develop and undertake port security and safety plans for protection of all persons, maritime facilities, and vessels operating within their respective physical and operational jurisdictions. Such plans will set forth how the port will deter and respond to transportation security incidents utilizing authority granted in this Chapter and in other state and federal laws and regulations, including but not limited to the “Maritime Transportation Security Act of 2002”, United States Code Title 46, Subtitle VI, Chapter 701.

B. The port commissions, districts, and authorities in the state of Louisiana shall have the authority to enter into cooperative endeavor agreements with federal, state, and local political subdivisions or agencies to implement a port security and safety plan as required by the Maritime Transportation Security Act. In addition, the ports in the state of Louisiana together with other governmental agencies may enter into cooperative endeavor agreements with privately owned and operated facilities, vessels, and fleets to implement applicable security and safety plans. All security and safety plans for ports and privately owned or operated facilities, vessels, and fleets in the state of Louisiana shall be classified as “Security Sensitive Information”.

C. Notwithstanding any other provisions of law, information developed relative to public and private security plans, vessel or fleet security plans, port or facility vulnerability assessments, security and safety plans, or other information related to security plans, procedures, or programs for facilities or vessels shall not be required to be disclosed to the public and shall not be deemed a public record under the provisions of [R.S. 44:1 et seq.](#)

D. Nothing in this Subpart shall prevent the disclosure of information pertaining to the names of consultants competing for business from public entities or consultants selected through the public bidding process nor the amount of fees paid by the public entity to such consultants for implementing port security and safety plans, procedures, or programs for port commissions, districts, authorities, privately owned or operated facilities, vessels, and fleets.

**Credits**

Added by [Acts 2003, No. 667, § 1.](#)

LSA-R.S. 34:340.21, LA R.S. 34:340.21

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