

CHAPTER 10. GREATER KROTZ SPRINGS PORT COMMISSION

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Acts 1956, Nos. 228 and 246, added a new Chapter 9, containing R.S. 34:1401 to 34:1406, to this Title to create and establish the Greater Krotz Springs Port Commission. However, Acts 1956, No. 190, creating and establishing the Greater Ouachita Port Commission, was designated Chapter 9, containing R.S. 34:1401 to 34:1406. Therefore, the provisions of Acts 228 and 246 were renumbered as Chapter 10, containing R.S. 34:1451 to 34:1456, on authority of R.S. 24:253.

§ 1451. Creation of Greater Krotz Springs Port Commission

A. There is hereby created a commission to be known as the Greater Krotz Springs Port Commission, which shall be composed of nine members, who shall serve without compensation, but who may receive per diem at an amount not to exceed seventy-five dollars, appointed by the governor to serve at the pleasure of the governor. A member of the commission may be removed by the governor with or without cause and at the governor's discretion.

B. Any vacancy on the commission for any reason shall be filled in the same manner as the original appointment, for the unexpired term of office. Each commissioner shall be a citizen of the United States and a qualified voter of the State of Louisiana and the Parish of St. Landry.

C. Each appointment by the governor shall be submitted to the Senate for confirmation at the next regular session of the legislature after the appointment shall have been made.

Added by Acts 1956, No. 228, § 1; Acts 1956, No. 246, § 1. Amended by Acts 1960, No. 387, § 1; Acts 1966, No. 446, § 1; Acts 1970, No. 613, § 1; Acts 1976, No. 195, § 1, eff. Aug. 1, 1976; Acts 1982, No. 377, § 1; Acts 1984, No. 798, § 2, eff. July 13, 1984; Acts 1984, No. 888, § 2, eff. July 20, 1984.

History and Source of Law

Section 2 of Acts 1960, No. 387 provided that the provisions of that Act became effective upon the expiration of the terms of office of each of the members appointed under the provisions of Acts 228 and 246 of 1956. The above-mentioned 1956 provisions read as follows:

"§ 1451. Creation of Greater Krotz Springs Port Commission

"There is hereby created a commission to be known as the Greater Krotz Springs Port Commission, which shall be composed of nine members, who shall serve without compensation, appointed as follows:

"(a) Two commissioners appointed by the governing authority of the parish of St. Landry;

"(b) Two commissioners appointed by the governing authority of the town of Krotz Springs;

"(c) Two commissioners appointed by the governing authority of the city of Opelousas;

"(d) Two commissioners appointed by the governing authority of the city of Eunice;

"(e) One commissioner appointed directly by the governor of the state of Louisiana.

"The commissioner initially appointed by the governor and one of the two commissioners initially appointed by the governing authority of the city of Opelousas and one of the two commissioners initially appointed by the governing authority of the city of Eunice shall be appointed for a term of two years. One of the two commissioners initially appointed by the governing authority of the parish of St. Landry and one commissioner initially appointed by the governing authority of the town of Krotz Springs shall serve for four years; and the remaining commissioners shall be appointed for terms of six years. At the expiration of these initial terms their successors shall be appointed for terms of six years.

"Any vacancy on the commission for any reason shall be filled in the same manner as the original appointment, for the unexpired term of office. Each commissioner shall be a citizen of the United States and a qualified voter and taxpayer of the state of Louisiana."

As amended by Acts 1960, No. 446, § 1, effective upon expiration of the terms of members appointed under the 1956 provisions, this section read:

§ 1451. Creation of Greater Krotz Springs Port Commission

"A. There is hereby created a commission to be known as the Greater Krotz Springs Port Commission, which shall be composed of nine members, who shall serve without compensation, appointed as follows:

"(1) Two commissioners appointed by the governor from a list of six names submitted by the governing authority of the parish of St. Landry;

"(2) Two commissioners appointed by the governor from a list of six names submitted by the governing authority of the town of Krotz Springs;

"(3) Two commissioners appointed by the governor from a list of six names submitted by the governing authority of the city of Opelousas;

"(4) Two commissioners appointed by the governor from a list of six names submitted by the governing authority of the city of Eunice; and

"(5) One commissioner appointed directly by the governor of the state of Louisiana.

"B. The commissioner initially appointed by the governor and one of the two commissioners initially appointed by the governing authority of the city of Opelousas and one of the two commissioners initially appointed by the governing authority of the city of Eunice shall be appointed for a term of two years. One of the two commissioners initially appointed by the governing authority of the parish of St. Landry and one commissioner initially appointed by the governing authority of the town of Krotz Springs shall serve for four years; and the remaining commissioners shall be appointed for terms of six years. At the expiration of these initial terms their successors shall be appointed for terms of six years.

"C. Any vacancy on the commission for any reason shall be filled in the same manner as the original appointment, for the unexpired term of office. Each commissioner shall be a citizen of the United States and a qualified voter and taxpayer of the state of Louisiana."

The 1966 amendment rewrote the section to read:

"A. There is hereby created a commission to be known as the Greater Krotz Springs Port Commission, which shall be composed of nine members, who shall serve without compensation, appointed as follows:

"(1) Two commissioners appointed by the governing authority of the parish of St. Landry;

"(2) Two commissioners appointed by the governing authority of the town of Krotz Springs;

"(3) Two commissioners appointed by the governing authority of the city of Opelousas;

"(4) Two commissioners appointed by the governing authority of the city of Eunice; and

"(5) One commissioner shall be elected by the appointed commissioners at their initial meeting.

"B. The commissioner initially elected by the appointed commissioners and one of the two commissioners initially appointed by the governing authority of the city of Opelousas and one of the two commissioners initially appointed by the governing authority of the city of Eunice shall be appointed for a term of two years. One of the two commissioners initially appointed by

the governing authority of the parish of St. Landry and one commissioner initially appointed by the governing authority of the town of Krotz Springs shall serve for four years; and the remaining commissioners shall be appointed for terms of six years. At the expiration of these initial terms their successors shall be appointed for terms of six years.

"C. Any vacancy on the commission for any reason shall be filled in the same manner as the original appointment, for the unexpired term of office. Each commissioner shall be a citizen of the United States and a qualified voter and taxpayer of the state of Louisiana."

The 1970 amendment rewrote subsecs. A and B of the section to read:

"A. There is hereby created a commission to be known as the Greater Krotz Springs Port Commission, which shall be composed of nine members, who shall serve without compensation, and who shall be appointed by majority vote of the legislative delegation from the parish of St. Landry.

"B. The members of the board of commissioners serving on July 29, 1970 shall serve until September 1, 1970. Beginning on September 1, 1970, the members of the board shall be appointed as provided herein. Of the initial members appointed, four shall serve six year terms and five shall serve two year terms, thereafter members of the commission shall serve six year terms."

The 1976 amendment rewrote the section to read:

"A. There is hereby created a commission to be known as the Greater Krotz Springs Port Commission, which shall be composed of nine members, who shall serve without compensation, but who may receive per diem at an amount not to exceed fifty dollars, appointed as follows:

"(1) Two commissioners appointed by the governing authority of the parish of St. Landry.

"(2) Two commissioners appointed by the governing authority of the town of Krotz Springs.

"(3) Two commissioners appointed by the governing authority of the city of Opelousas.

"(4) Two commissioners appointed by the governing authority of the city of Eunice; and

"(5) One commissioner shall be elected by the appointed commissioners at their initial meeting.

"B. The members of the board of commissioners whose terms expire on September 1, 1976, shall be initially appointed for

terms of six years each in the following manner:

"(1) One commissioner appointed by the governing authority of the parish of St. Landry.

"(2) One commissioner appointed by the governing authority of the town of Krotz Springs.

"(3) One commissioner appointed by the governing authority of the city of Opelousas.

"(4) One commissioner appointed by the governing authority of the city of Eunice.

"The members of the board of commissioners whose terms expire on September 1, 1978, shall be initially appointed in the following manner:

"(1) One commissioner appointed for a term of four years by the governing authority of the parish of St. Landry.

"(2) One commissioner appointed for a term of four years by the governing authority of the town of Krotz Springs.

"(3) One commissioner appointed for a term of two years by the governing authority of the city of Opelousas.

"(4) One commissioner appointed for a term of two years by the governing authority of the city of Eunice.

"(5) The appointed commissioners shall elect a commissioner to serve for a term of two years.

"At the expiration of these initial terms the successors of all nine commissioners shall be appointed for terms of six years each.

"C. Any vacancy on the commission for any reason shall be filled in the same manner as the original appointment, for the unexpired term of office. Each commissioner shall be a citizen of the United States and a qualified voter and taxpayer of the State of Louisiana."

The 1982 amendment, in subsec. A, substituted "seventy-five" for "fifty" in the introductory clause.

Acts 1984, No. 798, § 2 and Acts 1984, No. 888, § 2 both rewrote this section to read as set forth as the text above, by identical language except that Act 798 contained "and taxpayer" following "qualified voter" in subsec. B. On authority of R.S. 24:253, the text of this section as amended by Acts 1984, No. 888, § 2 was set out above.

Section 3 of Acts 1984, No. 888 (§ 2 of which amended this section) provides:

"The terms of the members of the Greater Baton Rouge Port Commission and the Greater Krotz Springs Port Commission in office prior to twelve o'clock noon on March

12, 1984, shall be deemed to have terminated as of March 12, 1984; however, any such member shall remain in office until his successor is appointed and takes office."

Section 3 of Acts 1984, No. 888 and section 3 of Acts 1984, No. 798 were identical except that Act 798 did not contain "Greater Baton Rouge Port Commission and the". On authority of R.S. 24:253, section 3 of Acts 1984, No. 888 was noted under this section.

Title of Acts 1956, No. 228:

An Act to amend Title 34 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter to be designated as Chapter 9 thereof to contain R.S. 1401 through 1406, creating and establishing the Greater Krotz Springs Port Commission, defining its territorial limits; providing for a governing authority and establishing its powers and duties; and providing for the establishment of facilities, sources of revenue, the creation of bonded indebtedness, and the maintenance and operation of the said Greater Krotz Springs Port Commission; and to appropriate Two Hundred Thousand (\$200,-

000.00) Dollars for the fiscal year 1956-1957 out of the General Fund of the State of Louisiana to the Greater Krotz Springs Port Commission for the purpose of payment of necessary surveys, engineering studies, expenses of purchasing land and constructing and improving the port area of the Greater Krotz Springs Port Commission and other expenses incidental thereto. Acts 1956, No. 228.

Title of Acts 1956, No. 246:

An Act to amend Title 34 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter to be designated as Chapter 9 thereof to contain R.S. Sections 1401 through 1406, creating and establishing the Greater Krotz Springs Port Commission, defining its territorial limits; providing for a governing authority and establishing its powers and duties; and providing for the establishment of facilities, sources of revenue, the creation of bonded indebtedness, and the maintenance and operation of the said Greater Krotz Springs Port Commission. Acts 1956, No. 246.

Library References

Navigable Waters ↔14(2).
C.J.S. Navigable Waters § 17.

§ 1452. Officers of the board; meetings

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 office of the secretary and treasurer may be held by one person. The commission shall meet in regular session once each month, and shall also meet in special session at the call of the president of the commission, or on the written request of three members of the commission. A majority of the members of the commission shall constitute a quorum and all actions 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.

Added by Acts 1956, No. 228, § 1; Acts 1956, No. 246, § 1.

Library References

Navigable Waters ↔14(2).
C.J.S. Navigable Waters § 17.

§ 1453. Rights and powers of the board

The commission shall exercise the powers herein conferred upon it within the port area consisting of the entire parish of St. Landry as the boundaries and limits are presently fixed by law.

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 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.

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. The legislature may confer additional powers upon the commission, not inconsistent with the provisions hereof, provided, however, that it shall not impair any contract lawfully entered into by the commission. Title to all property and improvements thereon operated by the commission shall vest in the state of Louisiana.

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.

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.

Added by Acts 1956, No. 228, § 1; Acts 1956, No. 246, § 1.

Library References

Municipal Corporations ↯719(2).	C.J.S. Municipal Corporations § 1813.
Navigable Waters ↯14(2, 4).	C.J.S. Navigable Waters §§ 12, 17.
Wharves ↯12, 16.	C.J.S. Wharves §§ 7, 12.

§ 1454. Authority for issuance of bonds

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; provided, however, that the amount of such bonds and notes outstanding at any one time shall not exceed fifteen 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 St. Landry and the state of Louisiana shall be and are hereby pledged. 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.

There shall never be levied for and in the port area any ad valorem tax upon and limited solely to the property in the port area.

Added by Acts 1956, No. 228, § 1; Acts 1956, No. 246, § 1. Amended by Acts 1976, No. 325, § 1.

History and Source of Law

The 1976 amendment substituted reference to the Board of Liquidation of the State Debt.

Library References

Municipal Corporations ↯911.	C.J.S. Navigable Waters §§ 12, 17.
Navigable Waters ↯14(2, 4).	
C.J.S. Municipal Corporations §§ 1907, 1908.	

§ 1455. Prescriptive period; sale of bonds

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 hereof shall be sold to the highest bidder, at a public sale, for not less than par and accrued interest, after advertisement at least once a week, for not less than thirty days by the commission in the District, Chicago, Illinois, New York, 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.

Added by Acts 1956, No. 228, § 1; Acts 1956, No. 246, § 1.

Library References

Municipal Corporations \S 921(1), 955(1½). C.J.S. Navigable Waters § 17.
 Navigable Waters \S 14(2).
 C.J.S. Municipal Corporations §§ 1930-1933, 1973.

§ 1456. Right to expropriate

The Greater Krotz Springs 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.

Added by Acts 1956, No. 228, § 1; Acts 1956, No. 246, § 1.

Cross References

Expropriation by port commissions, see R.S. 19:141 et seq.

Library References

Eminent Domain \S 25. C.J.S. Navigable Waters § 17.
 Navigable Waters \S 14(2).
 C.J.S. Eminent Domain § 51.

§ 1457. Repealed by Acts 1970, No. 613, § 2

History and Source of Law

The repealed section, which prohibited payment of per diem to commission members who were also legislators, was added by Acts 1961, No. 100, § 1. See, now, R.S. 34:1451.