

**RS 34:1651**

## CHAPTER 13. GREATER LAFOURCHE PORT COMMISSION

§1651. Greater Lafourche Port Commission; creation; members; election by divisions; vacancies; qualifications; officers; meetings; per diem; removal for excessive absences

A. There is hereby created a commission, to be known as the Greater Lafourche Port Commission, which shall be composed of nine members.

B. Each member of the commission shall be elected to a designated division of the commission to serve a term of six years. The divisions shall be for the sole purpose of nomination and election of commission members. The divisions shall be designated alphabetically as Divisions "A" through "I" respectively. Each commission member in office on the effective date of this Subsection as amended in 1980 shall be placed in one of the designated divisions by name alphabetically. A candidate for nomination and election to the commission shall, at the time of filing his declaration as a candidate therefor, designate only one division of the commission for which he is a candidate. The electors of the port area shall elect one member from among the candidates for each division of the commission, beginning with the congressional elections in 1982.

C. Should a vacancy occur in the office of any member of the commission, for any reason whatsoever, the vacancy shall be filled for the remainder of the unexpired term as provided by Article VI, Section 13 of the Louisiana Constitution of 1974.

D. Each commissioner shall be a citizen of the United States and a qualified voter and taxpayer of the state of Louisiana, and of the tenth ward, parish of Lafourche as the boundaries and limits of said ward are presently fixed by law. Not more than two members of the legislature may serve as members of the commission at the same time.

E. 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 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 five 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 the meetings shall be held.

F. The commission may fix a per diem not to exceed one hundred fifty dollars to be paid to members of the commission for each day the member attends a meeting of the commission and each day the member spends on business of the commission authorized by the commission, not to exceed six per diem payments per month.

Added by Acts 1960, No. 222, §1. Amended by Acts 1961, No. 97, §1; Acts 1962, No. 11, §1; Acts 1963, No. 116, §2; Acts 1976, No. 160, §1; Acts 1980, No. 623, §1, eff. July 23, 1980; Acts 2003, No. 177, §1, eff. June 5, 2003; Acts 2009, No. 25, §1.

**RS 34:1652****§1652. Rights and powers of the commission**

A. The commission shall exercise the powers herein conferred upon it within the port area, consisting of the entire tenth ward of the parish of Lafourche as the boundaries and limits of said ward are presently fixed by law.

B. The commission may authorize a reasonable travel allowance for its members in the performance of their official duties.

C. The commission shall regulate the commerce and traffic within the port area in such manner as may, in its judgment, be for the best interest of the port area. Title to all property and improvements thereon acquired by the commission shall vest in the commission. The commission is hereby vested with authority to:

(1) Employ such officers, agents and employees as it deems necessary for the performance of its powers and duties, and may prescribe the powers and duties and fix the compensation of such officers, agents and employees.

(2) Contract, upon such terms as it may agree upon, for legal, financial, engineering and other professional services necessary or expedient in the conduct of its affairs.

(3) Utilize the services of the executive departments of the state upon mutually agreeable terms and conditions.

(4) Own, administer, construct, acquire, operate and maintain docks, wharves, landings, elevators, sheds, warehouses, basins, locks, slips, laterals, canals, levees and all other property, structures, equipment, facilities and works of public improvements necessary and proper for the use and development of the business of the commission.

(5) Maintain proper depths of water at all wharves and landings, and dredge and maintain shipways, bayous, waterways, channels, slips, basins and turning basins.

(6) Establish harbor lines within the port area by agreement with the United States Corps of Engineers, and establish, operate and maintain navigable waterway systems in cooperation with the federal government, the state of Louisiana and its various agencies, subdivisions and public bodies.

(7) 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.

(8) Acquire by right of eminent domain, purchase, lease or otherwise, the land that may be necessary for the business of the commission.

(9) Acquire by purchase, lease or otherwise, industrial plant sites and necessary property or appurtenances therefor, and acquire or construct industrial plant buildings, with necessary machinery and equipment, within the port area.

(10) Receive by gift, grant, donation, or otherwise any sum of money, or property, aid or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm or corporation.

(11) Provide such light, water, police protection and other services for its facilities as it deems advisable.

(12) Establish and charge reasonable fees, rates, tariffs or other charges for the use of all facilities administered by it and for all services rendered by it.

(13) 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.

(14) Charge a reasonable fee to each vessel arriving in ballast or carrying cargo of any kind.

(15) 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 or 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 not exceeding forty years; provided, however, that no exclusive franchise shall be granted to any carrier.

(16) Lease or sublease for processing, manufacturing, commercial or business purposes, lands or buildings owned, acquired or leased as lessee by it, which leases may run for any term not exceeding forty years at a fixed rental, but may run for a term not exceeding ninety-nine years provided they shall contain a clause or clauses for readjustment of the rentals upon the expiration of a primary term of forty years.

(17) Borrow from any person or corporation using or renting any facility of the commission such sums as shall be necessary to improve the same and to erect and construct such improvements, and agree that the loan therefor shall be liquidated by deducting from the rent, dockage, wharfage or tollage charges payable for such property, a percentage thereof to be agreed on, subject, however, to any covenants or agreements made with the holders of revenue bonds issued under the authority hereinafter set forth.

(18) Mortgage properties constructed or acquired by the commission, and mortgage and pledge any lease or leases and the rents, income and other advantages arising out of any lease or leases granted, assigned or subleased by the commission.

(19) Sell immovable property owned by the commission after legal notice as provided by law for the judicial sale of immovable property.

(20)(a) Make and enter into agreements, including cooperative endeavor agreements, with the Department of Transportation and Development, the state of Louisiana, or any political subdivision thereof, or any private entities and corporations, upon such terms as it may agree upon, to make improvements to highway and bridge infrastructure and provide for the operation thereof along Louisiana Highway 1 from the vicinity of its junction with Louisiana Highway 3235 at the southern end of Golden Meadow, Louisiana, to the Jefferson Parish line at Grand Isle, Louisiana, and Louisiana Highway 3090.

(b) The commission may receive by gift, grant, donation, special dedication, or otherwise any sum of money, property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof or any person, firm, or corporation for the financing and funding of highway and bridge infrastructure improvements along Louisiana Highway 1 from the vicinity of its junction with Louisiana Highway 3235 at the southern end of Golden Meadow, Louisiana, to the Jefferson Parish line at Grand Isle, Louisiana, and Louisiana Highway 3090. The commission may utilize any existing funding mechanisms for such highway and bridge infrastructure improvements and shall be further authorized to utilize new and innovative funding mechanisms including but not limited to toll collections, and further, the commission shall be deemed to constitute an authority as defined in R.S. 48:2021 with the powers and duties of an authority as set forth in the Louisiana Transportation Development Act and as further provided in R.S. 34:1662.

(c) Highway and bridge infrastructure improvements along the routes referred to in this Paragraph include but shall not be limited to additional capacity projects along the existing highway alignment, additional capacity projects along new highway alignments, and construction of new or improvements to existing bridge structures. The commission may also establish the direction of travel and set minimum speed limits and maximum weight limitations on such highway or bridge infrastructure improvements.

(21) Exercise all powers which may be exercised by an airport district as provided in R.S. 2:326 through 329 and 331 within the geographical jurisdiction of the commission.

(22) Do any and all things necessary or proper for the government, regulation, development, and control of the business of the commission.

D. The commission is hereby further vested with and granted all powers capable of being delegated by the legislature under Article 14, Section 31 of the Louisiana Constitution of 1921, as amended and continued in effect by the Louisiana Constitution of 1974.<sup>1</sup>

Added by Acts 1960, No. 222, §1. Amended by Acts 1976, No. 160, §2; Acts 2001, No. 364, §1; Acts 2003, No. 105, §1, eff. May 28, 2003.

<sup>1</sup>Now R.S. 34:340.1 et seq.

**RS 34:1652.1**

## §1652.1. Port and harbor police

A. The commission may, in its discretion, appoint, fix salaries of, and pay port and harbor police; said police to consist of any number of people of good character and citizens of the state, not under eighteen years of age.

B. Each of the port and harbor police so appointed shall furnish bond in a sum to be fixed by the commission at not less than one thousand dollars, conditioned on the faithful performance of his duties, and any person injured or damaged by any port or harbor police may sue upon said bond.

C. The port and harbor police shall have, under the direction and control of the commission, the same power to make arrests, in and upon the property within the jurisdiction of the commission and approaches thereto, and to execute and return all criminal warrants and processes, as sheriffs of this state have, and shall under the same direction and authority, have all the powers of sheriffs as peace officers in all places and on all premises under the jurisdiction and control of the commission, and the streets and approaches thereto.

D. Any persons arrested by officers of the commission and the return of all warrants or processes served by said officers shall be forthwith surrendered or delivered to the criminal sheriff of the parish of Lafourche; provided this shall in no way deprive the sheriff or deputy sheriff in the parish of Lafourche from making arrests or from serving warrants or process of court in any such place or on any such premises.

E. The commission shall make rules and regulations for the conduct, management, and control of the port and harbor police, and shall, from time to time, enlarge, modify, or change such rules and regulations in its discretion.

Added by Acts 1972, No. 22, §1; Acts 2001, No. 364, §1.

**RS 34:1652.2**

## §1652.2. Ordinances

All ordinances enacted by the commissioners, acting as the governing authority of the commission, concerning the territory, jurisdiction and control of the port area, and the proper conduct thereof, shall be enforceable by fine not to exceed five hundred dollars or imprisonment not to exceed six months in the parish jail, or both fine and imprisonment, in the discretion of the court. The commission shall by proper ordinances make rules and regulations for the conduct, management and control of the port, its commerce, traffic and navigation, the waters and landings within its territorial jurisdiction, the structures and other facilities under its administration, and for the government thereof, which the commission may, in its judgment, find to be necessary or proper in the exercise of the powers now conferred upon it by the constitution and statutes of the state of Louisiana, and shall, from time to time, enlarge, modify or change such rules and regulations in its discretion. By such ordinances the commission may, without limitation of such powers granted herein, adopt such rules and regulations with respect to the safety and efficiency of port operations, the protection of property, life and personal safety and welfare of its employees and of the public; the control, use and protection of the landings, docks, wharves, warehouses, equipment and other facilities and improvements and appurtenances thereto, under its administration; the navigation and use of the waters within its jurisdiction; the loading, unloading, transfer or transshipment of cargoes from, to or between all water craft and other vehicles within its jurisdiction; the prevention of interference with and the obstruction of facilities and services necessary or related to the orderly and efficient handling of the commerce and traffic of the port; the protection, removal and disposition of cargoes; and generally with respect to the safety and efficiency of the operations of the port. The Criminal District Court for the Parish of Lafourche shall have jurisdiction of the trial and punishment of all violations of the ordinances passed by the commission committed within the parish of Lafourche.

Added by Acts 1972, No. 22, §1.

**RS 34:1652.3****§1652.3. Private wharves; administration and maintenance**

Riparian owners or their lessees of property along the banks of navigable waterways and the owners or lessees of the bed of any navigable stream, lake, or other body of water within the port area may, with the consent of the commission, and in conformity to plans and specifications approved by the governing authority thereof, erect and maintain on the bature, banks or bed of any navigable stream, lakes or other bodies of water owned or leased by them, such wharves, buildings or improvements as may be required for public or private purposes; but in all cases, such wharves, buildings or improvements shall remain subject to the administration and control of the commission with respect to their maintenance and to the fees and charges to be exacted for their use by the public.

The commission may expropriate without compensation any private wharves, landings, buildings or other structures erected by owners or their lessees on such waterways whenever such wharves, landings, buildings or other structures have been erected by the owners or lessees subsequent to Aug. 1, 1972 without first obtaining the consent of the commission for the construction or erection of the same, and its approval of the plans and specifications for their construction or erection. Nothing herein shall apply to the operations of a mineral lessee of the state upon the shores, banks or water bottoms covered by such lease and authorized by the provisions of R.S. 30:172.

Added by Acts 1972, No. 22, §1.

**RS 34:1652.4**

## §1652.4. Advertisement; exemption

The prohibition, contained in R.S. 43:111, against advertising in any newspaper, book, pamphlet or periodical, shall not apply to the Greater Lafourche Port Commission in carrying out its functions and duties under the constitution and laws of this state.

Added by Acts 1972, No. 22, §1.



**RS 34:1652.5**

## §1652.5. Authority to enter into agreements with United States

The commission may enter into an agreement with the United States, with the approval of the governor and/or attorney general, to provide that the construction, maintenance and operation of jetties in the Gulf of Mexico by said commission shall not affect the location of shoreline, coastline or boundaries of the State of Louisiana.

Added by Acts 1974, No. 167, §1.

**RS 34:1652.6**

## §1652.6. Additional powers; industrial development

A. The commission shall have authority to construct and/or acquire industrial parks and/or industrial plant buildings within the port area, including sites and other necessary property or appurtenances therefor, and to acquire, construct, improve, operate, maintain and provide improvements and services necessary therefor, including but not limited to roads, street lighting, bridges, rail facilities, drainage, sewers, sewerage disposal facilities, solid waste disposal facilities, waterworks and other utilities and related properties. The commission shall also have the authority to sell, lease or otherwise dispose of, by suitable and appropriate contract, to any enterprise locating or existing within the port area, all or any part of an industrial plant site, industrial plant building or other property owned by the commission. In determining the consideration for any contract to lease, sell or otherwise dispose of lands, buildings or other property of the commission, the board may take into consideration the value of the lands, buildings or other properties involved as well as the potential value of the economic impact of the industrial or business enterprise being induced to locate or expand within the port area. Such economic impact may include increased employment, increased use of local labor, wages and salaries to be paid, consumption of local materials, products and resources and special tax revenues to be generated by the industrial or business enterprise acquiring or leasing lands, buildings or other property from the commission.

The resolution or ordinance adopted by the board authorizing any lease, sale or other disposition of lands, buildings or other property of the commission shall set forth, in a general way, the terms of the authorized lease, sale or other disposition and such resolution or ordinance shall be published as soon as possible in one issue of the official journal of the commission or board. For a period of thirty days from the date of publication of any such resolution or ordinance, any interested person may contest the legality of such resolution or ordinance or the validity of the authorized lease, sale or other disposition of commission property, after which time, no one shall have any cause of action to contest the legality of said resolution or ordinance or to draw in question the legality of the authorized lease, sale or other disposition of commission property for any cause whatsoever, and it shall be conclusively presumed thereafter that every legal requirement has been complied with, and no court shall have authority to inquire into such matters after the lapse of said thirty days.

B. Said commission may provide access by public road to any and all entrances to the premises of each and every plant in the area employed for industrial purposes, for use by employees of such industry or for use by employees of independent contractors working on such premises, or for delivery of materials or supplies, other than by rail or water transportation, to such premises.

C. Notwithstanding any other laws to the contrary, and in addition to any other authority or powers granted said commission, the commission shall have full power and authority to levy on all taxable property within the port area an ad valorem tax not to exceed fifteen mills, provided said commission has received prior approval for the levy of said millage by a vote of the qualified electors within the port area at an election called by the governing authority of said port area for said purposes. Said election shall be conducted under the general election laws of the state of Louisiana applicable for such election.

Added by Acts 1976, No. 160, §3.

**RS 34:1653**

## §1653. Authority for issuance of bonds; levy of taxes

A. The commission, as governing authority of Greater Lafourche Port District, 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 all or any part of the revenue derived from the ad valorem taxes in this Section provided, revenues derived from the operation of properties and facilities maintained and operated by it, and all other revenues received by the commission from other sources. Such bonds shall be issued by the commission with such dates, forms, terms, series, interest rates, maturities, denominations, redemption, registration and convertibility provisions and security provisions as the commission may determine in compliance with the provisions of Subpart B of Part VIII of Chapter 1 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:340.1 through 340.6, and the commission shall have complete authority to incur debt and issue bonds of each type in every manner provided by the constitutional provision. Unless otherwise provided in the authorizing resolution, all bonds, when authorized to be issued, shall constitute a general obligation of the commission to the payment of which the full faith and credit of the commission and the district shall be and are hereby pledged. In addition to the pledge of revenues to secure the 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, it may pledge all or any part of such moneys for the further securing of the payment of the principal and interest of its bonds or notes.

B. The commission may levy within the district an ad valorem tax of five mills on the dollar upon all taxable property for the needs and lawful purposes of the commission, such tax having been heretofore voted at an election held on April 8, 1961. The revenues from the tax shall constitute revenues of the commission which may be pledged to the payment of its negotiable bonds or notes and, if so pledged, the tax shall be levied and collected as long as the bonds or notes are outstanding in a sufficient amount to pay such bonds or notes in principal and interest as they respectively mature. Any resolution authorizing the issuance of bonds or notes of the commission may contain such covenants as the commission may deem proper to assure the enforcement, collection and proper application of tax or other revenues pledged and dedicated to the payment and security of the respective bonds or notes.

Added by Acts 1960, No. 222, §1. Amended by Acts 1962, No. 11, §1; Acts 1968, No. 521, §2; Acts 2019, No. 278, §1, eff. June 11, 2019.

**RS 34:1654**

§1654. Prescriptive period; sale of bonds; limitation on interest rates

A. For a period of thirty days from the date of the publication of any resolution of the commission authorizing the issuance of its bonds or notes, any interested person 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 right or 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 thirty days. The newspaper to be used for any such publication shall be a newspaper published in the district, or if no newspaper is published therein, then a newspaper published and having general circulation in Lafourche Parish.

B. 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 in a newspaper of general circulation within the port area and in a financial newspaper or journal published in New Orleans, New York or Chicago, 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 and in that event the commission may publicly negotiate for the sale of such bonds.

C. Repealed by Acts 2019, No. 278, §2, eff. June 11, 2019.

Added by Acts 1960, No. 222, §1. Amended by Acts 1963, No. 116, §1; Acts 1967, No. 71, §1; Acts 1968, No. 521, §3; Acts 2019, No. 278, §2, eff. June 11, 2019.

**RS 34:1655****§1655. Right to expropriate**

The Greater Lafourche Port Commission may acquire by expropriation, in accordance with the expropriation laws of the state, any properties necessary for the construction of port facilities and a deep sea channel, provided, however, that said Port Commission shall not have the right to expropriate minerals or mineral rights, and shall not have the right to expropriate existing facilities.

Should the properties expropriated hereunder cease to be used for the purposes for which they were expropriated, such properties shall revert to the original landowner, or his heirs or assigns, provided such landowner, or his heirs or assigns, shall reimburse said Port Commission, or its successor, in the full amount originally paid by the Port Commission for such land.

Added by Acts 1960, No. 222, §1. Amended by Acts 1961, No. 97, §1.

**RS 34:1656****§1656. Refunding bonds; issuance**

A. Bonds may be issued under authority of this Part or under authority of any other available law for the purpose of refunding all or any part of bonds heretofore or hereafter issued by the commission. The refunding bonds may run for not longer than forty years and may bear interest at not to exceed six per cent per annum, but in all other respects shall have such details and the proceedings authorizing the bonds may contain such provisions as may be determined by the commission, including, but without limitation, provisions as to denomination, maturities, places of payment, registration, convertibility into bonds of other denominations, method of sale and delivery, manner of execution, reservation of options to redeem prior to maturity, and covenants for the security and better marketability of the bonds. No election shall be necessary to the issuance of refunding bonds. Any refunding bonds so issued may be exchanged for the bonds to be refunded or may be sold in such manner as may be determined by the commission or may be sold in part and exchanged in part. If sold, the proceeds thereof may be applied to the payment of the bonds refunded or, as to such bonds as are not yet maturing or redeemable or voluntarily surrendered by the holders thereof, such proceeds may be deposited in escrow to be held until such time as the bonds to be refunded become available for payment, and during such period of escrow may be invested in direct obligations of the United States of America or any of its agencies or in obligations fully guaranteed by the United States of America, in which case such obligations must mature or be payable in advance of maturity at the option of the holder in such manner and must bear interest at such rates as to provide funds which, together with any uninvested money placed in the escrow, will be sufficient to pay when due or called for redemption the bonds refunded, together with interest accrued and to accrue thereon and redemption premiums, if any, and such refunding bonds proceeds or obligations so purchased therewith which, with other funds legally available to the commission for such purpose, may be deposited in escrow with a banking corporation or association doing business in Louisiana which is a member of Federal Deposit Insurance Corporation or any successor thereto. There may be included in the refunding bonds so issued bonds in an amount sufficient to pay interest accrued on the bonds refunded, any redemption premiums to be paid thereon, and expenses to be reasonably incurred in connection with the refunding. Such refunding bonds may be made payable from any or all taxes and other revenue which were or could have been pledged to the payment of the bonds refunded.

Acts 1968, No. 521, §4.

**RS 34:1657****§1657. Fees; ad valorem tax, borrowing money**

The commission may charge a reasonable fee to each vessel using the port facilities. It may also charge for each copy of any certificate issued by it or its deputies for inspecting hatches, surveying cargoes and the like in regard to vessels using the port facilities in the port area. The master of each vessel shall, however, be furnished free one copy of all surveys upon his vessel or cargo. The commission may, when authorized so to do by a vote of a majority in number and value of the property taxpayers of the district qualified to vote at an election held for the purpose in accordance with law, and for the period of time authorized in said elections, levy annually an ad valorem tax not to exceed two and one-half mills on the dollar on the property subject to taxation situated in the district. All funds derived under this section may be used to defray the administrative, operative, and maintenance expenses of the board. The commission may likewise borrow money for the said purpose from time to time and issue certificates of indebtedness secured by any fees authorized under this section and by any taxes authorized under this section provided that such indebtedness shall in no year exceed the estimated revenues for such year.

Acts 1968, No. 521, §4.

**RS 34:1658****§1658. Bond issues; voted bonds**

In addition to those bonds authorized in Section 34:1653 the Commission is further authorized to incur debt and issue negotiable bonds, payable from taxes to be levied on all taxable property in the district, up to ten per cent of the value of the assessed valuation of the property in said district, to acquire lands for the uses of the district and to provide funds for the making and construction of the public works and improvements outlined in this Part, when authorized so to do by a vote of a majority in number and value of the property taxpayers of the district qualified to vote at an election held for the purpose in accordance with law.

The commission may, upon its own initiative, call a special election and submit to the qualified tax paying voters of the district the question of incurring such debt and issuing negotiable bonds. The commission shall call such special election when requested so to do by petition in writing signed by one-fourth of the property taxpayers in number eligible to vote at such election.

All such elections and all proceedings for the issuance and sale of bonds shall be called, held, and conducted in accordance with the laws authorizing and governing elections and authorizing the issuance of bonds for such purposes by other political subdivisions which are authorized to incur debt and issue bonds of like character. The provisions of such laws shall govern and control all elections held hereunder in so far as the same may be applicable thereto.

Acts 1968, No. 521, §4.



**RS 34:1659****§1659. Taxes for payment of bonds**

The commission shall levy annually on all property situated within the district subject to taxation any special taxes that may be necessary to provide for the payment of principal and interest on the bonds authorized to be issued under this Part, but for bonds issued under R.S. 34:1653, or any bonds issued to refund bonds issued under said section, the aggregate rate of taxation shall not exceed five mills of the dollar.

These special taxes 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; these taxes 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 any taxes within said 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.

Acts 1968, No. 521, §4.

**RS 34:1660**

## §1660. Collection of taxes

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 all taxes authorized by this Part. The sheriff and ex officio tax collector for the parish of Lafourche shall make a monthly settlement with the treasurer of the commission and receive from him a receipt for the amount of taxes paid over in the same manner as tax collectors are required to settle with the auditor of the state. The tax collector shall receive from the treasurer the same quietus for a full settlement of taxes due and exigible in any given year and account for the delinquents or deductions in the same manner as though accounting to the auditor of the state for state taxes. The sheriff and ex officio tax collector shall retain from all taxes collected by him for the district the commission thereon allowed him by law on special taxes and shall deposit the amount thereof with the parish treasurer to the credit of the sheriff's salary fund. Upon failure of the tax collector to comply with the provisions of this section the commission shall proceed against him and the sureties on his official bond for the collection of whatever money may be owing to the commission for such special taxes.

Acts 1968, No. 521, §4.

**RS 34:1661**

## §1661. Ad valorem tax

On and after July 29, 1970 the commission may, when necessary, levy annually an ad valorem tax not to exceed two and one-half mills on the dollar on the property subject to taxation situated in any or all of the port area. All funds derived under this section shall be used to defray the maintenance and operations costs and expenses.

Notwithstanding any other law to the contrary, the avails of the tax authorized to be levied hereunder shall in no way be pledged prior to the levy thereof as security for any indebtedness whatsoever.

The procedures necessary for the collection and levy of the tax authorized under the provisions of this section may be instituted prior to the actual levy thereof, including the listing of properties necessarily subject to said tax on the tax rolls of the parish.

Until July 29, 1970, no bonds or other evidences of indebtedness whether of interim nature or otherwise shall be issued in any manner by the Greater Lafourche Port Commission pledging directly or indirectly the bonds or other revenues authorized to be issued under the provisions of this section except as follows: The Greater Lafourche Port Commission is hereby authorized to issue certificates of indebtedness provided that the payments to amortize all of said certificates shall not exceed the total sum of fifteen thousand dollars per year pledging directly or indirectly the bonds or other revenues authorized to be issued under the provisions of this section.

Added by Acts 1970, No. 322, §1.

**RS 34:1662****§1662. Transportation development**

A. Notwithstanding any provision of this Chapter or the Louisiana Transportation Development Act, R.S. 48:2020 et seq., hereafter in this Section, the "Development Act", to the contrary, the commission is hereby deemed to constitute an "authority" with the rights, powers, duties, obligations, and authority granted to an authority under the Development Act. However, the provisions of R.S. 48:2022 shall not apply, and in the exercise of such rights, powers, duties, obligations, and authority, the port commission shall govern the authority.

B. In connection with the exercise of its rights, powers, duties, and obligations as an authority under the Development Act, the commission may contract with any person, partnership, association, or corporation desiring the use of any part of a project, including the right-of-way adjoining the paved portion, for placing thereon telephone, water, fiber optic, telegraph, electric light, or power lines, gas stations, garages, and restaurants, or for any other purpose, and to fix the terms, conditions, rents, and rates of charges for such use. Any utilities which are placed within the right-of-way shall be locatable through the one-call system and the utility companies shall place locator strips on any buried object. The contract or lease shall require the removal, at the expense of the lessee, of any utilities or other obstructions placed within the right-of-way when expansion of the toll facility requires such removal. Installation and removal of utility facilities shall be consistent with rules and regulations promulgated by the federal government and the Louisiana Department of Transportation and Development.

C. Additionally, nothing in the Development Act shall be construed as limiting the ability of the commission to condemn any roadway, path, highway, transit way, bridge, tunnel, or other paved surface or structure that is replaced with a project undertaken pursuant to the Development Act.

D. Any debt incurred by the commission to finance a project in accordance with the Development Act shall be excluded from the calculation of debt for the purpose of any debt limitations applicable to the commission.

Acts 2003, No. 105, §1, eff. May 28, 2003.