

TITLE 70
WATERCOURSES AND PORT DISTRICTS

CHAPTER 18
PORT DISTRICTS -- REVENUE BONDS AND WARRANTS

70-1801. REVENUE BONDS AUTHORIZED. The port commission of any port district is authorized, for the purpose of carrying out the lawful powers granted port districts by the laws of the state, to contract indebtedness and to issue revenue bonds evidencing such indebtedness in conformity with this act.

[70-1801, added 1969, ch. 55, sec. 100, p. 144.]

70-1802. REVENUE BONDS -- PURPOSES. All such revenue bonds authorized under the terms of this act may be issued and sold by the port district from time to time and in such amounts as is deemed necessary by the port commission to provide sufficient funds for the carrying out of all port district powers and, without limiting the generality thereof, shall include the following: acquisition, construction, reconstruction, maintenance, repair and operation of industrial and economic development facilities and port properties and facilities, including the cost thereof, engineering, inspection, accounting, fiscal and legal expenses, the cost of issuance of bonds, including printing, engraving and advertising and other similar expenses, the establishment of bond reserves, and the payment of interest on bonds issued for any project during the period of actual construction and for not exceeding twelve (12) months after the completion thereof.

[70-1802, added 1969, ch. 55, sec. 101, p. 144; am. 2001, ch. 189, sec. 3, p. 653.]

70-1803. REVENUE BONDS -- TERMS -- INTEREST RATE. Such revenue bonds shall bear such date or dates, mature at such time or times, be in such denominations, bear interest at a rate or rates, payable at such time or times, be payable at such place or places, be in such form either coupon or registered or both, carry such registration privileges and be subject to such terms of redemption as the port commission shall by resolution determine.

[70-1803, added 1969, ch. 55, sec. 102, p. 144; am. 1970, ch. 133, sec. 22, p. 309.]

70-1804. REVENUE BONDS -- SOURCES OF PAYMENT -- SINKING FUNDS -- NEGOTIABLE INSTRUMENTS. Bonds issued under the provisions of this act shall be payable solely out of revenues of the port district other than those revenues derived from ad valorem taxes. Such bonds shall be authorized by resolution of the port commission, which resolution shall create a special fund or funds into which the port commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district sufficient to pay the principal of and interest on such bonds as the same shall become due and, if deemed necessary, to maintain adequate reserves therefor. Such fund or funds shall be drawn upon for the sole purpose of paying the principal of and interest on bonds issued pursuant to this act.

The bonds shall be negotiable instruments within the provisions and intent of the laws of this state even though they shall be payable solely from such special fund or funds, and the ad valorem tax revenue of the port district may not be used to pay, secure or guarantee the payment of the principal of an interest on such bonds. The bonds and any coupons attached thereto shall state upon their face that they are payable solely from such special fund or funds. If the port commission fails to set aside and pay into such fund or funds the payment provided for in such resolution, the holder of any such bonds may bring suit to compel compliance with the provisions of the resolution.

[70-1804, added 1969, ch. 55, sec. 103, p. 144.]

70-1805. REVENUE BONDS -- COVENANTS AND CONDITIONS -- TRUSTEES. The port commission may provide such covenants as it may deem necessary to secure and guarantee the payment of the principal of and interest on such bonds, including, but not limited to, covenants to create reserve accounts and to authorize the deposit of certain moneys therein for the purpose of securing and guaranteeing the payment of such principal and interest, to establish, maintain and collect tariffs, rates, charges, fees, rentals and sales prices sufficient to pay and guarantee the payment of such principal and interest and to maintain an adequate coverage over annual debt service, to appoint a state or national bank or trust company as trustee for the bondholders to hold, invest and disburse moneys set aside and pledged to pay and guarantee the payment of such bonds and/or as trustee for the safeguarding and disbursing of the proceeds of the sale of such bonds, to fix such powers and duties of such trustee or trustees as may be found necessary to carry out the purposes of this act, and to make any and all other covenants not inconsistent with the provisions of this act which in the judgment of the port commission will increase the marketability of such bonds. The port commission may also provide that revenue bonds payable out of the same source or sources may be later issued on a parity with any revenue bonds being issued and sold. The provisions of this act and any resolution or resolutions providing for the authorization, issuance and sale of such bonds, shall constitute a contract with the holders of such bonds and the provisions thereof shall be enforceable by any owner or holder of such bonds by mandamus or any appropriate suit, action or proceeding at law and equity in any court of competent jurisdiction.

[70-1805, added 1969, ch. 55, sec. 104, p. 144.]

70-1806. REVENUE BONDS -- SIGNING AND SEALING -- INTEREST COUPONS -- SALE. Such bonds shall be signed on behalf of the port district by the president of the port commission and shall be attested by the secretary of the port commission, one (1) of which signatures may be a facsimile signature, and shall have the seal or facsimile seal of the port district impressed thereon. All interest coupons attached thereto shall be signed with the facsimile signatures of said officials. Such bonds shall be sold in the manner and at such price as the port district shall deem advisable, either at public or private sale.

[70-1806, added 1969, ch. 55, sec. 105, p. 144.]

70-1807. REVENUE WARRANTS -- TERMS AND COVENANTS. Port districts may also issue revenue warrants for the same purposes for which they may issue revenue bonds and the provisions of this act relating to the terms, conditions, covenants, issuance and sale of revenue bonds shall be applicable to such revenue warrants.

[70-1807, added 1969, ch. 55, sec. 106, p. 144.]

70-1808. FUNDING OR REFUNDING BONDS. The port commission of any port district may by resolution, from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund any outstanding revenue or other warrants, bonds, and any premiums thereon, and coupons evidencing interest upon any such bonds at or before the maturity or first optional redemption date of such coupons, warrants or bonds, and may combine various outstanding revenue warrants and parts or all of various series and issues of outstanding revenue bonds and matured coupons in the amount thereof to be funded or refunded.

The port commission shall create a special fund for the sole purpose of paying the principal of and interest on such funding or refunding revenue bonds, into which fund the commission shall obligate and bind the port district to set aside and pay any part or parts of, or all of, or a fixed proportion of, or a fixed amount of the gross revenue of the port district sufficient to pay such principal and interest as the same shall become due, and if deemed necessary to maintain adequate reserves therefor.

Such funding or refunding bonds shall be negotiable instruments within the provisions and intent of the laws of this state, and the tax revenue of the port district may not be used to pay, secure, or guarantee the payment of the principal of and interest on such bonds.

The port district may exchange such funding or refunding bonds for the warrants, bonds, and coupons being funded or refunded, or it may sell such funding or refunding bonds in the manner and at such price as the port commission shall deem to be for the best interest of the district and its inhabitants, either at public or private sale.

The provisions of this act relating to the terms, conditions, covenants, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

[70-1808, added 1969, ch. 55, sec. 107, p. 144; am. 2001, ch. 164, sec. 1, p. 574.]

70-1809. CONSTRUCTION OF REVENUE BOND AND WARRANT PROVISIONS. This act shall be complete authority for the issuance of the revenue bonds and warrants hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations relative to the issuance of such bonds or warrants contained in any other act shall not apply to the revenue bonds or warrants issued under this act. Any laws inconsistent herewith shall be deemed modified to conform with the provisions of this act for the purpose of this act only.

[70-1809, added 1969, ch. 55, sec. 108, p. 144.]