
DIGEST

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SB 279 Reengrossed

2018 Regular Session

Morrish

Proposed law creates the Calcasieu-Cameron Navigation District in Calcasieu and Cameron parishes to improve and maintain the Calcasieu River and to serve as agent for the state of Louisiana which is the local sponsor and nonfederal sponsor for the Calcasieu River and Pass Project (the project).

Proposed law excludes from the district's territory any facility that compensates any other public navigation district for dredging or managing dredge material.

Proposed law requires the district to function as the single entity responsible for acting to secure rights-of-way, and to furnish assurances for the construction, operation, and maintenance of the project as designated by the United States Army Corps of Engineers. Provides for the district to provide the nonfederal sponsor's local cost share, including requirements presently in effect or in the future required by law, regulation, or assurance agreements, requirements for new features or project modifications, and requirements to provide real estate, rights-of-way, and easements for sites to dispose of dredged materials.

Proposed law provides for the Lake Charles Harbor and Terminal District to continue as the nonfederal sponsor for the project as provided in R.S. 34:218 until such time as an ad valorem tax is passed by a majority of the qualified electors in each parish within the district and receipt of tax monies by the district.

Proposed law prohibits the district from engaging in port activities as defined in R.S. 34:218 within its territory.

Proposed law provides that Calcasieu Parish is the district's domicile, but allows district offices to be maintained in Cameron Parish. Provides that the district's secretary may reside in Calcasieu or Cameron Parish and that the district's books and records shall be kept where the secretary resides.

Proposed law provides for the district to be governed by a five-member board of commissioners appointed as follows:

- (1) The port director of the Cameron Parish Port, Harbor, and Terminal District, or his designee.
- (2) The port director of the Lake Charles Harbor and Terminal District, or his designee.
- (3) A state-commissioned river port pilot appointed by the Associated Branch Pilots for the Port of Lake Charles.
- (4) Two commissioners appointed by the governor and subject to Senate confirmation, representing separate facilities that utilize the Calcasieu Ship Channel for commerce involving deep draft seagoing vessels, one representing a facility located in Cameron Parish and one representing a facility located in Calcasieu Parish.

Proposed law provides for appointed commissioners to serve four-year terms and not more than two consecutive terms and to serve without compensation except for payment of necessary expenses incurred to attend board meetings or to attend to board business.

Proposed law provides for board members to elect a president, vice president, secretary, and treasurer but allows one member to hold the offices of secretary and treasurer.

Proposed law provides for a regular board meeting each month and for special meetings upon the president's call or the written request of three members. Provides that a quorum is three members.

Proposed law provides for the powers of the board necessary to maintain and improve the project, including the collection of reasonable charges to use structures, works, and facilities administered by the board and services rendered by the board.

Proposed law requires board contracts for construction or purchase of materials to be in accordance with the Public Bid Law.

Proposed law authorizes the board to levy annually an ad valorem tax not to exceed five mills on the dollar on property subject to taxation in the district, provided that the levy is authorized by a favorable vote of a majority of the qualified electors in each parish within the district at an election called within three years of the effective date of proposed law and held for that purpose according to existing law.

Proposed law authorizes the board to pledge all or part of its revenues to payment of bonds but specifies that total annual tax collections shall not exceed \$20 million. Additionally, authorizes the board, provided sufficient monies are received from the ad valorem tax, to make annual payments as follows:

- (1) \$500,000 to the Cameron Parish Port, Harbor, and Terminal District.
- (2) \$500,000 to the Lake Charles Harbor and Terminal District.
- (3) \$300,000 to the West Calcasieu Port.
- (4) \$200,000 to the Vinton Harbor and Terminal District.

Proposed law provides for sunset of the district on July 1st of the year following an unfavorable vote to pass and levy an ad valorem tax.

Proposed law authorizes the board to incur debt and to issue tax-secured bonds with approval of the State Bond Commission in accordance with existing law not to exceed forty years in duration and to bear interest not to exceed five percent per annum, payable semi-annually, subject to terms of redemption not to exceed one hundred five percent of bond principal.

Effective Aug. 1, 2018.

(Adds R.S. 34:481-490)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Excludes from the district's territory any facility that meets all of the following three conditions:
 - (1) The facility is not located on the Calcasieu Ship Channel.
 - (2) The facility neither imports nor exports cargo through the Calcasieu Ship Channel.
 - (3) The facility is located within a Foreign Trade Zone.
2. Requires a favorable vote of a majority of the qualified electors in Cameron and Calcasieu parishes to levy an ad valorem tax.
3. Authorizes property acquisition by purchase, donation, lease, or expropriation.

4. Changes the limit of ad valorem tax collections from \$30 million to \$20 million.
5. Makes technical corrections.

Senate Floor Amendments to engrossed bill

1. Remove the authority of the board to acquire property by expropriation.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the reengrossed bill:

1. Specify that the districts territory excludes any facility that compensates any other public navigation district for dredging or managing dredge material.
2. Remove the prohibition that the restricts the facility from being located on the Calcasieu Ship Channel, importing and exporting cargo through the Calcasieu Ship Channel, and being located within a Foreign-Trade Zone.
3. Provide that the appointed commissioners serve no more than two consecutive terms of office, instead of three consecutive terms.