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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative St. Germain to Engrossed House Bill No. 639 by Representative Smiley

AMENDMENT NO. 1

On page 1, line 4, change "3113(B)," to "3112.1(A)(8) and (C), 3113(B), (E), (G), (H), and (J)(4),"

AMENDMENT NO. 2

On page 1, line 5, after "R.S. 36:504(A)(9)" insert a comma "," and change "and 509(L)," to "509(L), and 913(A),"

AMENDMENT NO. 3

On page 1, line 14, change "R.S. 34:3102(2), 3104, and 3105," to "R.S. 34:3102(2) and (15), 3104, 3105, and 3113(F),"

AMENDMENT NO. 4

On page 11, at the beginning of line 9, change "3113(B)," to "3112.1(A)(8) and (C), 3113(B), (E), (G), (H), and (J)(4),"

AMENDMENT NO. 5

On page 11, line 24, after "disbursements of the" delete "board;" and insert "authority;"

AMENDMENT NO. 6

On page 12, at the end of line 4, delete "their" and insert "its"

AMENDMENT NO. 7

On page 12, line 7, after "pleasure of the" delete "board." and insert "governor."

AMENDMENT NO. 8

On page 12, at the end of line 16, change the period "." to a comma "," and insert "which shall be reasonable in light of fees charged by the authority to provide for its administrative costs attributable to the authority development program."

AMENDMENT NO. 9

On page 13, at the end of line 15, insert "of the Department of Transportation and Development"

AMENDMENT NO. 10

On page 14, at the beginning of line 19, change "executive director" to "authority"

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

AMENDMENT NO. 11

On page 14, delete lines 23 through 27 and insert the following:

"§3112.1. Additional authorization to issue revenue bonds and notes

A. Power to issue revenue bonds and notes. Without reference to any other provisions of the constitution and of the laws of Louisiana and as a grant of power in addition to the authority to issue bonds contained in Section 3112 of this Chapter and to carry out the purposes of this Chapter and promote industrial development in the state, the authority is authorized, with approval of the State Bond Commission, to issue its revenue bonds and notes, herein collectively called revenue bonds, as hereinafter provided, to finance or assist in the financing of the development, acquisition, and/or construction of deepwater ports and offshore terminal facilities licensed by the Secretary of Transportation of the United States of America pursuant to the Deepwater Port Act of 1974, as the same may be amended or supplemented from time to time, and to be emplaced within the coastal waters of Louisiana or seaward thereof and all directly related storage facilities and all functionally related and subordinate facilities and equipment therefor located offshore or onshore. The revenue bonds shall be authorized, secured, and have the details and characteristics set out hereunder.

* * *

(8) Nonliability of officers. ~~No member of the board or~~ Neither the executive director, any officer of the authority, nor the secretary of the Department of Transportation and Development ~~and no~~ nor any officer or member of the State Bond Commission ~~or~~ nor any person executing such revenue bonds shall be liable personally on such bonds.

* * *

C. Construction of Section. The powers and rights conferred by this Section shall be in addition and supplemental to the powers and rights conferred by any other general or special law. This Section does and shall be construed to provide a complete and additional method for the doing of the things authorized thereby. Neither the making of contracts nor the issuance of revenue bonds or refunding revenue bonds or other obligations pursuant to the provisions of this Section need comply with the requirements of any other state law applicable to the making of contracts and the issuance of the revenue bonds or other obligations for the financing of any revenue bond project or projects undertaken pursuant to this Section, except as herein provided. In accordance with Title 36 of the Louisiana Revised Statutes of 1950, the secretary of the Department of Transportation and Development is vested with and is hereby granted the right, power, and authority to do, perform, and exercise for and on behalf of the authority ~~and its board of commissioners~~, all acts and things required to be done and performed in connection with the authorization and issuance of revenue bonds under this Section. No proceedings, notice, or approval shall be required for the issuance of any revenue bonds or any instrument as security therefor, except as provided in this Section. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

* * *

§3113. Environmental protection plan

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B. The environmental protection plan shall be formulated by the ~~three directors, as herein defined, with the advice and consent of the board of commissioners of the authority~~ executive director subject to approval of the secretary of the Department of Transportation and Development.

* * *

E. The environmental protection plan may be amended at any time in accordance with the provisions of the Louisiana Administrative Procedure Act, to reflect changes in the authority development program. Initiation for changes may come from ~~any of the three directors~~ the executive director or any interested person.

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G. The environmental protection plan shall be an integral part of the authority development program. Costs incurred to develop the initial plan, or any amendments to it, shall be considered an internal cost of the authority development program and shall be considered a cost to the same extent that economic, engineering or promotional programs are considered costs. The ~~three directors~~ executive director, subject to approval of the secretary of the Department of Transportation and Development, shall agree on the appropriate level of funding for the developing of the authority environmental protection plan, prepare any amendments thereto, and carry out the requirements of the plan. To the extent possible, federal funds shall be sought to assist in this effort.

H. The best talent available shall be sought to perform the studies and surveys necessary to develop an environmental protection plan and carry out its requirements in accordance with this ~~chapter~~ Chapter. To the extent possible, university-based, public and private researchers in Louisiana shall be utilized. In all cases, the research in support of the environmental protection plan shall be coordinated by ~~agreement of the three directors~~ the executive director. The results of all research done in support of the environmental protection plan shall be open to the public and available to any interested person.

* * *

J. The environmental protection plan shall:

* * *

(4) Present details of how the operational aspects of the authority development program will be conducted so as to minimize environmental problems, including but not limited to a monitoring program by appropriate public or private persons selected by the ~~board of commissioners~~ secretary of the Department of Transportation and Development; establishment of constructional and operational guidelines for environmental protection; strong enforcement provisions and mechanisms to ~~insure~~ ensure cleanup of accidental spills by technical means, with evidence of financial responsibility to ~~insure~~ ensure performance of the cleanup, and compliance with the enforcement provisions of the environmental protection plan. The plan shall consider the circumstances which may justify the temporary cessation of the port activities."

AMENDMENT NO. 12

On page 15, delete line 18, and insert "secretary of the Department of Natural Resources or his designee charged with the development of the coast zone management plan."

AMENDMENT NO. 13

On page 16, line 1, change "36:509(L) is" to "36:509(L) and 913(A) are"

AMENDMENT NO. 14

On page 16, between lines 7 and 8, insert the following:

"§913. Transfer; certain appointing authority retained

A. The agencies transferred by the provisions of R.S. ~~36:509(L) and 629(D)~~ 36:629(D) shall be transferred as provided in this Part except that each agency so transferred shall continue to appoint its own director and assistant director or personnel to fill comparable positions as provided by law.

* * *"

AMENDMENT NO. 15

On page 16, line 8, change "R.S. 34:3102(2), 3104, and 3105," to "R.S. 34:3102(2) and (15), 3104, 3105, and 3113(F)"

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