

Regular Session, 2012

SENATE BILL NO. 698

BY SENATORS MORRISH AND JOHNS AND REPRESENTATIVE KLECKLEY

PORTS/HARBORS/TERMINALS. Provides relative to the powers and authority of the Lake Charles Harbor and Terminal District. (2/3-CA6s43(2)) (gov sig)

1 AN ACT

2 To enact R.S. 34:218, relative to the Lake Charles Harbor and Terminal District; to provide
3 for additional powers and authority of the district; to provide for the Calcasieu River
4 and Pass Project; to provide for the acquisition of certain lands; to provide terms,
5 conditions, and requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 34:218 is hereby enacted to read as follows:

8 **§218. Calcasieu River and Pass Project**

9 **A. In addition to any other provision of law, the Lake Charles Harbor**
10 **and Terminal District is authorized and empowered to carry out any and all**
11 **functions within or outside of its territorial limits necessary to serve, on behalf**
12 **of the state of Louisiana which shall be the local sponsor, as agent for the state**
13 **and as the single entity responsible to act and to secure rights of way, to furnish**
14 **assurances to the secretary of the United States Army, and for the construction,**
15 **operation, and maintenance of the Calcasieu River and Pass Project as**
16 **designated by the United States Army Corps of Engineers.**

17 **B. The district shall have the authority to acquire, purchase, or lease any**

1 **land for the purposes of the construction, operation, and maintenance of the**
2 **Calcasieu River and Pass Project.**

3 **C. The district shall not acquire, purchase, or lease any land in Cameron**
4 **Parish, except for the purposes of the construction, operation, and maintenance**
5 **of the Calcasieu River and Pass Project or pursuant to a cooperative endeavor**
6 **agreement with the governing authority of Cameron Parish. The provisions of**
7 **this Subsection shall not apply to any land acquired by the district prior to the**
8 **effective date of this Section. Prior to the sale of any land in Cameron Parish**
9 **by the Lake Charles Harbor and Terminal District, the governing authority of**
10 **Cameron Parish shall have the first right of refusal for the purchase of such**
11 **land.**

12 Section 2. If any provision or item of this Act, or the application thereof, should be
13 found to be invalid or unenforceable in a final, unappealable judgment by a court of
14 competent jurisdiction, then such provision shall be ineffective to the extent of such
15 invalidity or parts unenforceable, but shall not affect other provisions, items, or applications
16 of the Act which can be given effect without the invalid provision, item, or application and
17 to this end the provisions of this Act are hereby declared severable.

18 Section 3. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument was prepared by J. W. Wiley. The following digest,
which does not constitute a part of the legislative instrument, was prepared
by Riley Boudreaux.

DIGEST

Morrish (SB 698)

Present law (Act 66 of the 1960 R.S.) provides that the state is the responsible local agency to hold and save the United States free from damages due to construction and maintenance of the work to be done in connection with the Calcasieu River and Pass Channels. Governor Jimmie H. Davis designated the Lake Charles Harbor and Terminal District, on behalf of the state, to furnish assurances of local cooperation to the secretary of the U.S. Army for the authorized improvement to the Calcasieu River and Pass Project.

Proposed law provides that in addition to any other provision of law, the Lake Charles Harbor and Terminal District is authorized and empowered to carry out any and all functions within or outside of its territorial limits necessary to serve, on behalf of the state which shall be the local sponsor, as agent for the state and as the single entity responsible to act and to secure rights of way, to furnish assurances to the secretary of the U.S. Army, and for the construction, operation and maintenance of the Calcasieu River and Pass Project as designated by the U.S. Army Corps of Engineers ("project").

Proposed law authorizes the district to acquire, purchase, or lease any land for the purposes of the construction, operation, and maintenance of such project.

Proposed law provides that the district shall not acquire, purchase, or lease any land in Cameron Parish, except for the purposes of the construction, operation, and maintenance of the project or pursuant to a cooperative endeavor agreement with the governing authority of Cameron Parish.

Proposed law provides that proposed law will not apply to any land acquired by the district prior to the effective date of the proposed law. Further provides that prior to the sale of any land by the district in Cameron Parish, the governing authority of Cameron Parish will have the first right of refusal for the purchase of such land.

Proposed law provides that if any provision of the proposed law is found to be invalid or unenforceable in a final, unappealable judgement by a court of competent jurisdiction, it will not affect other of the proposed law which can be given effect without the invalid provision.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 34:218)

Summary of Amendments Adopted by Senate

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

1. Deletes a provision that title to any land located in Cameron Parish and acquired by the district prior to Aug. 1, 2012 is ratified as good and merchantable title vested in the name of the district.
2. Inserts a severability clause.