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DIGEST

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Morrish

SB No. 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 prohibits the district from conducting "port activities" in Cameron Parish, with certain exceptions. Defines "port activities" as: the acquisition or leasing of land for the construction, operation, or maintenance of docks, wharfs, sheds, slips, canals, machinery, or industrial plant facilities or facilities for the handling of cargos or materials of any type and other substantially similar activities, other than dredged materials in connection with construction operation and maintenance of the Calcasieu River and Pass 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 also authorizes the district to expropriate property in Cameron Parish with the approval of the governing authority of Cameron Parish.

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 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, unless the act of sale reserves that right for the seller.

Proposed law provides that the owner of expropriated property shall have the right of first refusal for the purchase of the 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.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the engrossed bill.

1. Authorize the district to expropriate property in Cameron Parish with the approval of the governing authority of Cameron Parish.
2. Prohibit the district from conducting "port activities" and defines "port activities".
3. Give Cameron Parish the right of first refusal on the purchases of property acquired by the district, unless the seller reserved its right of first refusal in the act of sale.
4. Give the owner of expropriated property the right of first refusal.