

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 698 By Senator Morrish**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Prohibit the district from conducting "port activities" as defined in proposed law and that functions of the District necessary for construction, operation, and maintenance of the Project is not to be considered "port activities".
2. Authorizes the District to conduct port activities on any property in Cameron Parish pursuant to an intergovernmental agreement or cooperative agreement with the approval of the governing authority of Cameron Parish.
3. Grants to Cameron Parish the right of first refusal prior to any sale of property purchased or expropriated by the harbor and terminal district, unless first refusal was reserved buy the seller in the act of sale or if in favor of the owner from whom the property was expropriated.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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 ("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" as to property owned by the District in Cameron Parish, except for property located in certain specified property sections/townships which is referred to as "exempt property". 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. Excludes from the definition of "port activities", any function of the District necessary for construction, operation, and maintenance of the Calcasieu River and Pass Project

Authorized the District to conduct port activities on any property in Cameron Parish pursuant to an intergovernmental agreement or cooperative agreement with the approval of the governing authority of Cameron Parish.

Proposed law authorizes the district to acquire by purchase, lease, expropriation, or otherwise any land for the purposes of the construction, operation, and maintenance of the

Calcasieu River and Pass Project. Provides that venue for any petition for expropriation filed by the district for property located in Cameron Parish be pursuant to R.S. 19:2.1.

Proposed law provides that the District shall not acquire by purchase, lease, expropriation, or otherwise, or convey, sell, assign, or donate 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. Provides that this prohibition does not apply to "exempted property".

Proposed law provides that prior to the sale of any land by the District in Cameron Parish purchased or expropriated by the District, the governing authority of Cameron Parish shall have the first right of refusal for the purchase of the land which right is subordinate to the right of first refusal if reserved in the act of sale by the sell of the property sold to the District or if the right of first refusal is in favor of the owner from whom the property was expropriated..

Proposed law provides that if any provision of proposed law is found to be invalid or unenforceable in a final, unappealable judgement by a court of competent jurisdiction, this finding will not affect any other provision in 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)

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