

Regular Session, 2014

SENATE BILL NO. 528

BY SENATOR CROWE

PORTS/HARBORS/TERMINALS. Relative to Louisiana International Deep Water Gulf Transfer Terminal Authority. (gov sig)

AN ACT

To amend and reenact R.S. 34:3493(A)(1), 3495(A), (C), (D), (F), and (G) and to enact R.S. 34:3499.1, relative to the Louisiana International Deep Water Gulf Transfer Terminal Authority; to provide for jurisdiction; to provide for changes in the coordinates; to provide for an executive board; to provide for the legislative auditor; to provide for contracting parties; to provide for financial compliance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:3493(A)(1), 3495(A), (C), (D), (F), and (G) are hereby amended and reenacted and R.S. 34:3499.1 is hereby enacted to read as follows:

§3493. Jurisdiction; domicile

A.(1) The Louisiana International Deep Water Gulf Transfer Terminal Authority shall have only that exclusive jurisdiction as provided herein over a structure, a series of structures, or a facility constructed after July 1, 2008, at the lower end of the east bank at Southwest Pass in Plaquemines Parish on state owned property, ~~beginning at latitude 28.934856 degrees, longitude 89.398368 degrees then east to latitude 28.929035 degrees, longitude 89.390547 then south to latitude~~

1 ~~28.915113 degrees; longitude 89.403934 degrees then west to latitude 28.920933~~
2 ~~degrees; longitude 89.411755 degrees and then back to point of beginning~~ **described**
3 **as follows to wit: beginning at a point having latitude 28.953797 degrees north**
4 **and longitude 89.316072 degrees west; thence proceed to a point having latitude**
5 **28.941817 degrees north and 89.316192 degrees west; thence proceed to a point**
6 **having latitude 28.918486 degrees north and 89.336992 degrees west; thence**
7 **proceed to a point having latitude 28.918692 degrees north and longitude**
8 **89.349631 degrees west; thence proceed to a point having latitude 28.940650**
9 **degrees north and longitude 89.353161 degrees west; thence proceed to a point**
10 **having latitude 28.953931 degrees north and 89.324425 degrees west; thence**
11 **proceed to the point of beginning** and designed to accommodate deep draft
12 container vessels and their cargoes, including all intermodal structures, property, and
13 equipment used for transportation, and facilities directly related thereto and
14 necessary or useful to the operation thereof, whether landward, onshore, or seaward
15 of the main structures or facilities themselves, including any facility which is part of
16 a gulf transfer container terminal.

17 * * *

18 §3495. Duties of board; officers; rules; meetings; quorum

19 A. The board of commissioners shall be the governing body of the authority
20 with full power to promulgate rules and regulations for the maintenance and
21 operation of said authority **but may defer certain matters to the executive board**
22 **provided for in Subsection C of this Section for consideration and action.** Prior
23 to the adoption of any rule or regulation for the maintenance and operation of said
24 authority, such rule or regulation shall be subject to the approval of the House and
25 Senate committees on transportation, highways, and public works.

26 * * *

27 C. The commissioners shall elect a president, **two vice presidents, a**
28 **secretary, and a treasurer** from among themselves to serve for a term of two years
29 **and who shall constitute the executive board.**

1 D. The executive director, ~~as~~ **shall be** chosen by the **board of** commissioners;
2 ~~shall be the secretary of the board.~~

3 * * *

4 F. The board of commissioners **or the executive board** shall meet at least
5 once every ninety days, or upon the written request of three members, or upon the
6 written request of the president. The board may, upon the affirmative vote of a
7 majority of its members, extend the ninety-day time interval between regular
8 meetings.

9 G. All matters to be acted upon by the board of commissioners **or the**
10 **executive board** shall require the affirmative vote of a majority of the board, with
11 the exception that the affirmative vote of not less than ten commissioners shall be
12 required to select the executive director.

13 * * *

14 **§3499.1. Audit and inspection of records**

15 **A. Any contract, agreement, memorandum of understanding, or**
16 **cooperative endeavor agreement entered into in order to carry out the purposes**
17 **of this Chapter by the authority with any other party, whether public or**
18 **private, shall require the contracting party to tender their annual financial**
19 **audit, including all documents required to be submitted to federal regulators,**
20 **to the authority for each year the agreement is in effect.**

21 **B. Any party to a contract listed in Subsection A shall allow the**
22 **legislative auditor, the legislative auditors authorized representatives, and the**
23 **State of Louisiana, independently and with or through the authority, to inspect**
24 **and audit all data and financial records of the contracting party related to its**
25 **performance with respect to the contract.**

26 **C. The rights of inspection and audit set forth in this Section shall**
27 **commence as of the date of the contract and shall continue until four years have**
28 **elapsed from the date the contract is terminated.**

29 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Sharon F. Lyles.

DIGEST

Crowe (SB 528)

Present law provides for Louisiana International Deep Water Gulf Transfer Terminal Authority (LIGTT) to promote, plan, finance, develop, construct, control, license, regulate, supervise, operate, manage, maintain, and modify deepwater terminal facilities to be constructed within the jurisdiction of said authority after July 1, 2008, in order to position Louisiana as an international hub for cargo ships, including super-sized cargo ships.

Present law provides that LIGTT shall have exclusive jurisdiction over a structure, a series of structures, or a facility constructed after July 1, 2008, at the lower end of the east bank at Southwest Pass in Plaquemines Parish on state owned property, beginning at latitude 28.934856 degrees; longitude 89.398368 degrees then east to latitude 28.929035 degrees; longitude 89.390547 then south to latitude 28.915113 degrees; longitude 89.403934 degrees then west to latitude 28.920933 degrees; longitude 89.411755 degrees and then back to point of beginning.

Proposed law retains present law but changes the coordinates for LIGTT.

Present law provides that the board of commissioners shall be the governing body of the LIGTT authority with full power to promulgate rules and regulations for the maintenance and operation of LIGTT.

Proposed law retains present law but provides that the board of commissioners may defer certain matters to the executive board for consideration and action.

Present law provides that the commissioners shall elect a president from among themselves to serve for a term of two years.

Proposed law retains present law but provides commissioners shall elect two vice presidents, a secretary and a treasurer from among themselves to serve for a term of two years and who shall constitute the executive board.

Present law provides that LIGTT shall have exclusive and plenary power to regulate all phases of the construction and operation by any person of terminal facilities within the jurisdiction of the authority.

Proposed law retains present law but provides that any contract, agreement, memorandum of understanding or cooperative endeavor agreement entered into in order to carry out the purposes of LIGTT by any other party, whether public or private, shall require the contracting party to tender their annual financial audit, including all documents required to be submitted to federal regulators, to the authority for each year the agreement is in effect.

Proposed law requires any party to a contract with LIGTT to allow the legislative auditor, the legislative auditors authorized representatives, and the State of La., independently and/or

through LIGTT, to inspect and audit all data and financial records of the contracting party related to its performance with respect to the contract.

Proposed law provides that the rights of inspection and audit set forth shall commence as of the date of the contract and shall continue until four years have elapsed from the date the contract is terminated.

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

(Amends R.S. 34:3493(A)(1), 3495(A), (C), (D), (F), and (G); adds R.S. 34:3499.1)

Summary of Amendments Adopted by Senate

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

1. Requires contracting party to allow inspection of financial records, rather than inspection of all records.