

Regular Session, 2014

SENATE BILL NO. 528

BY SENATOR CROWE

PORTS/HARBORS/TERMINALS. Provides relative to the 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. Any**  
23       **action taken by the executive board shall be ratified by the board of**  
24       **commissioners.** Prior to the adoption of any rule or regulation for the maintenance  
25       and operation of said authority, such rule or regulation shall be subject to the  
26       approval of the House and Senate committees on transportation, highways, and  
27       public works **and the Joint Legislative Committee on the Budget.**

28                               \*       \*       \*

29               C. The commissioners shall elect a president, **two vice presidents, a**

1        secretary, and a treasurer from among themselves the members of the board of  
2        commissioners to serve for a term of two years and who shall constitute the  
3        executive board.

4                D. The executive director, ~~as~~ shall be chosen by the board of commissioners;  
5        ~~shall be the secretary of the board.~~

6                                \*           \*           \*

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

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

16                                \*           \*           \*

17        §3499.1. Audit and inspection of records

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

24               B. Any party to a contract listed in Subsection A shall allow the  
25        legislative auditor, the legislative auditor's authorized representatives, and the  
26        state of Louisiana, independently and with or through the authority, to inspect  
27        and audit all data and financial records of the contracting party related to its  
28        performance with respect to the contract.

29               C. The rights of inspection and audit set forth in this Section shall

1           **commence as of the date of the contract and shall continue until four years have**  
2           **elapsed from the date the contract is terminated.**

3           Section 2. This Act shall become effective upon signature by the governor or, if not  
4           signed by the governor, upon expiration of the time for bills to become law without signature  
5           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7           effective on the day following such approval.

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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 Nancy Vicknair.

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#### 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. Requires any action taken by the executive board to be ratified by the board of commissioners.

Present law requires approval of the House and Senate committees on transportation, highways, and public works prior to the adoption of any rule or regulation for the maintenance and operation of LIGTT.

Proposed law retains present law and also requires approval of the Joint Legislative Committee on the Budget.

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

Proposed law provides that the commissioners shall elect the president, two vice presidents, a secretary and a treasurer from among the members of the board of commissioners 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.

##### Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Requires any action taken by the executive board to be ratified by the board of commissioners.
3. Requires approval of the Joint Legislative Committee on the Budget prior to the adoption of any rule or regulation for the maintenance and operation of LIGTT.
4. Requires the commissioners to elect officers from the members of the board of commissioners and these officers will be the executive board.