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DIGEST

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Crowe

SB No. 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 with 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 in accordance with the provisions of present law.

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.

Summary of Amendments Adopted by House

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

1. Made technical change.
2. Added audits by the legislative auditor of contracting parties shall be in accordance with present law.