

SENATE BILL NO. 528

BY SENATOR CROWE

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 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~~ **described as follows to wit: beginning at a point having latitude 28.953797 degrees north and longitude 89.316072 degrees west; thence proceed to a point having latitude 28.941817 degrees north and 89.316192 degrees west; thence proceed to a point having latitude 28.918486 degrees north and 89.336992 degrees west; thence proceed to a point having latitude 28.918692 degrees north and longitude 89.349631 degrees west; thence proceed to a point having latitude 28.940650 degrees north and longitude 89.353161 degrees west; thence proceed to a point having latitude 28.953931 degrees north and 89.324425 degrees west; thence proceed to the point of beginning** and designed to accommodate deep draft

1 container vessels and their cargoes, including all intermodal structures, property, and
2 equipment used for transportation, and facilities directly related thereto and
3 necessary or useful to the operation thereof, whether landward, onshore, or seaward
4 of the main structures or facilities themselves, including any facility which is part of
5 a gulf transfer container terminal.

6 * * *

7 §3495. Duties of board; officers; rules; meetings; quorum

8 A. The board of commissioners shall be the governing body of the authority
9 with full power to promulgate rules and regulations for the maintenance and
10 operation of said authority **but may defer certain matters to the executive board**
11 **provided for in Subsection C of this Section for consideration and action. Any**
12 **action taken by the executive board shall be ratified by the board of**
13 **commissioners**. Prior to the adoption of any rule or regulation for the maintenance
14 and operation of said authority, such rule or regulation shall be subject to the
15 approval of the House and Senate committees on transportation, highways, and
16 public works **and the Joint Legislative Committee on the Budget**.

17 * * *

18 C. The commissioners shall elect a president, **two vice presidents, a**
19 **secretary, and a treasurer** from among themselves **the members of the board of**
20 **commissioners** to serve for a term of two years **and who shall constitute the**
21 **executive board**.

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

24 * * *

25 F. The board of commissioners **or the executive board** shall meet at least
26 once every ninety days, or upon the written request of three members, or upon the
27 written request of the president. The board may, upon the affirmative vote of a
28 majority of its members, extend the ninety-day time interval between regular
29 meetings.

30 G. All matters to be acted upon by the board of commissioners **or the**

executive board shall require the affirmative vote of a majority of the board, with the exception that the affirmative vote of not less than ten commissioners shall be required to select the executive director.

* * *

§3499.1. Audit and inspection of records

A. Any contract, agreement, memorandum of understanding, or cooperative endeavor agreement entered into in order to carry out the purposes of this Chapter by the authority with 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.

B. Any party to a contract listed in Subsection A of this Section shall allow the legislative auditor, the legislative auditor's authorized representatives, and the state of Louisiana, independently and with or through the authority, 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 set forth in R.S. 24:513 et seq.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____