
SENATE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Senator Hewitt to Engrossed House Bill No. 67 by Representative Gregory Miller

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 34:2472(A)," delete the remainder of the line, and delete line 3, and on line 4, delete "membership of the commission;" and insert "2473(F)(3), 3492(1) and (14), 3493(A)(1), 3494(A) and (B)(11), 3499(F), and 3501 and to repeal R.S. 34:3494(B)(12), relative to ports, harbors, and terminals; to provide for governing authority membership, titles of certain officer positions, definitions, terminals, transportation of cargo, and purchases;"

AMENDMENT NO. 2

On page 1, line 6, delete "and 2473(F)(3)" and insert "2473(F)(3), 3492(1) and (14), 3493(A)(1), 3494(A) and (B)(11), 3499(F), and 3501"

AMENDMENT NO. 3

On page 2, after line 10, insert the following:

"§3492. Definitions

For the purposes of this Chapter, unless the context clearly otherwise requires, the following definitions shall apply and shall be equally applicable to both the singular and plural forms of any of the defined terms:

* * *

(1) "Authority development program" means a full and complete plan for the development, construction, and operation of deep draft ~~container~~ vessel and intermodal terminal facilities not in existence on July 1, 2008, including but not limited to research and experimentation; promotion; financing; all phases of technical development and refinement; construction; operation and maintenance, including renovation, retirement, and reconstruction; regulation of any aspect of such a plan; and any other action the authority deems necessary to the fulfillment of such a plan.

* * *

(14) "Transfer Terminal facilities" or "facilities" means a structure, a series of structures, or a facility constructed after July 1, 2008, developed pursuant to the authority development program on the lower end of the east bank of Southwest Pass in Plaquemines Parish on state owned property and designed to accommodate deep draft ~~container~~ vessels and their cargoes, including all intermodal structures, property, and equipment used for transportation, and facilities directly related thereto and necessary or useful to the operation thereof, whether landward, onshore, or seaward of the main structures or facilities themselves, including any facility which is part of a gulf transfer ~~container~~ terminal, as defined herein.

§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, 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;

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

* * *

§3494. Board of commissioners; qualifications; term; vacancies; compensation

A. The authority shall be governed by a board of ~~fifteen~~ fourteen commissioners, consisting of the secretary of the Department of Economic Development and the secretary of the Department of Transportation and Development, the chairmen of the House and Senate committees on transportation, highways, and public works or their designees and ~~eleven~~ ten commissioners appointed by the governor to be chosen on the basis of their demonstrated experience in maritime or business leadership, or both, and their stature and ability to act effectively for the best interests of Louisiana. Such commissioners shall not be appointed or elected commissioners or board members of any other Louisiana port.

B. Commissioners shall be chosen as follows:

* * *

~~(11) One member selected by the New Orleans Public Belt Railway, and appointed by the governor, who shall be a non-voting member.~~

~~(12)~~ The commissioners appointed shall be appointed for terms of six years. A member shall serve until his successor is appointed unless removed as provided for in Paragraph (C)(1) of this Section. A commissioner may be reappointed, but no commissioner shall serve more than two consecutive terms.

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§3499. Powers

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F. The authority may lease or sublease lands leased from the state of Louisiana and is authorized to negotiate and enter into leases, subleases, contracts, or agreements with any person in order to facilitate the acquisition, construction, or operation of terminal facilities constructed or acquired after July 1, 2008, for unloading, temporarily storing, and transporting after unloading, ~~containerized~~ cargo in accordance with a license or licenses granted by the authority. However, the provisions of R.S. 33:4715.1, Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950, and R.S. 38:2211 et seq., shall not apply to this Subsection.

* * *

§3501. Purchases

The authority may purchase machinery and equipment related to the operation of deep draft ~~container~~ vessels and intermodal terminal facilities, including but not limited to ~~container~~ cranes. The provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, R.S. 38:2211 et seq., shall not be applicable to such purchases made with nonstate funds.

Section 2. R.S. 34:3494(B)(12) is hereby repealed."