

2026 Regular Session

HOUSE BILL NO. 776

BY REPRESENTATIVE BOURRIAQUE

PORTS/HARBORS/TERMINALS: Modifies the Port Construction and Development Priority Program

1 AN ACT

2 To amend and reenact R.S. 34:3452(A)(1)(introductory paragraph) and (D), 3453,  
3 3457(A)(introductory paragraph) and 3473 and to enact R.S. 34:3451(6) through (8)  
4 and 3457(C), relative to the Port Construction and Development Priority Program;  
5 to modify the entities the department can contract with to assist in the development  
6 of the port priority program; to provide for the maximum amounts allotted to port  
7 projects; to provide for definitions; to direct the Louisiana State Law Institute to  
8 alphabetize and renumber definitions; to provide for proper notice of public hearings;  
9 to require a local match based on the appropriate project category; and to provide for  
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 34:3452(A)(1)(introductory paragraph) and (D), 3453,  
13 3457(A)(introductory paragraph) and 3473 are hereby amended and reenacted and R.S.  
14 34:3451(6) through (8) and 3457(C) are hereby enacted to read as follows:

15 §3451. Definitions

16 As used in this Chapter, unless the context clearly indicates otherwise, the  
17 following definitions shall apply:

18 \* \* \*

19 (6) "Benefit cost ratio" means the total benefits divided by the total cost of  
20 a project with the total cost being equal to the total investment, both public and  
21 private, required to implement the total project and derive the benefits and with total

1 benefits being equal to the revenues and expenses, number of jobs, payroll benefits,  
2 spin-off benefits of payroll, shipping costs, or any other benefits that are  
3 determinable.

4 (7) "Large project" means a project with a total project cost between forty  
5 million dollars and eighty million dollars with a benefit cost ratio greater than or  
6 equal to five, a return on the state's investment greater than or equal to three and one  
7 half, and a private investment of between twenty-five and fifty percent of the total  
8 project cost.

9 (8) "Standard project" means a project with a benefit cost ratio greater than  
10 or equal to one and a return on the state's investment greater than or equal to two and  
11 three hundred seventy-five thousandths.

12 §3452. Methodology for port project evaluation

13 A.(1) Applications for funding of any port construction or development  
14 project may be submitted by any port authority on a quarterly basis, except as  
15 provided in R.S. 34:3456. Applications shall be submitted to the department no later  
16 than the first of March, June, September, and December of each calendar year for  
17 consideration of funding or funding obligation authority in the following fiscal years.  
18 Applications submitted in accordance with the provisions of this Chapter shall be  
19 subject to the provisions of R.S. 39:101 through 128. The maximum amount for  
20 participation in standard projects shall be twenty-one million dollars, with a  
21 maximum allotment of seven million dollars per year per port and the maximum  
22 amount for participation in large projects shall be thirty-three million dollars, with  
23 a maximum allotment of eleven million dollars per year per port. Information to be  
24 provided in the application shall include but not be limited to the following:

25 (a) Description of the project and demonstration of immediate need for the  
26 project.

27 (b) Preliminary project design and cost estimate.

28 (c) Description of project area.

29 \* \* \*



1 year, the legislature shall not add any projects to this final construction program.  
 2 Any project recommended by the department and approved by the joint committee  
 3 but for which funds are unavailable in the fiscal year for which it was approved shall  
 4 remain on the prioritized list of projects and shall be carried forward to the next  
 5 fiscal year. Such project shall retain its place on the prioritized list of projects and  
 6 shall receive a higher priority over newly recommended projects in the next fiscal  
 7 year.

8 \* \* \*

9 §3457. Allocation, reallocation of funds; deposit to Transportation Trust Fund

10 A. The Transportation Trust Fund shall be the source of state funds provided  
 11 for any port project on the priority list approved pursuant to the provisions of this  
 12 Chapter. Prior to the commencement of any work, the department shall require the  
 13 presiding officer of each port authority involved in a project to execute an agreement  
 14 and statement of sponsorship to provide ~~a ten percent~~ the local match requirement  
 15 in the appropriate category of projects pursuant to Subsection C of this Section for  
 16 the cost of construction of the project including the cost of any items stipulated under  
 17 the provisions of Paragraph (1) of this Subsection. The department shall further  
 18 stipulate that such agreement include but not be limited to the following:

19 \* \* \*

20 C. The following project categories shall require the stipulated local match  
 21 as defined by the department:

22 (1) A Standard Project will require a ten percent local match.

23 (2) A Large Project will require a twenty percent local match, subject to the  
 24 legislature allocating additional Transportation Trust Fund dollars to the Port  
 25 Construction and Development Priority Program.

26 \* \* \*

27 §3473. Priority list of projects; public hearings; final program

28 Each quarter, the office shall prepare and furnish to the joint committee a  
 29 prioritized list of projects based on the applications received by the office during that

1 quarter. The joint committee shall receive the prioritized list of projects from the  
2 office for each of the first three quarters of the year, and shall call a public hearing  
3 within thirty days of receiving the list in order to receive public testimony regarding  
4 any project on the list. At such hearing, the joint committee shall vote to either  
5 accept, reject, or modify the list. Each quarter, the office shall reprioritize the list of  
6 projects to reflect the cumulative list of projects recommended by the office. After  
7 application recommendations for the last quarter are made by the office, the office  
8 shall submit the final waterway dredging and deepening priority program for the  
9 ensuing fiscal year to the joint committee for approval. Prior to the convening of the  
10 regular session of the legislature, the joint committee shall hold a public hearing for  
11 the purpose of reviewing the final program for the ensuing fiscal year. Prior to such  
12 hearing, the office shall publish the appropriate official notice ~~on the department's~~  
13 website in the Official Journal of the State, as provided for in R.S. 43:81, beginning  
14 on July 1, 2027. The final program shall be based upon the anticipated revenues to  
15 be appropriated by the legislature or other funding obligation authority and the  
16 projects shall be listed in order of priority. When this final construction program is  
17 presented to the legislature for funding or funding obligation authority for the  
18 ensuing fiscal year, the legislature shall not add any projects to this final construction  
19 program. Any project recommended by the office and approved by the joint  
20 committee for which funds are unavailable in the fiscal year but for which it was  
21 approved shall remain on the prioritized list of projects and shall be carried forward  
22 to the next fiscal year.

23 Section 2. The Louisiana State Law Institute is hereby authorized and directed to  
24 alphabetize and renumber the definitions contained in R.S. 34:3451 and to correct any cross-  
25 references to the renumbered paragraphs if necessary, consistent with the provisions of this  
26 Act.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 776 Engrossed

2026 Regular Session

Bourriaque

**Abstract:** Modifies certain procedures the Department of Transportation and Development utilizes in the Port Construction and Development Priority Program.

Present law (R.S. 34:3451) provides for definitions.

Proposed law adds the following definitions:

- (1) "Benefit cost ratio" means the total benefits divided by the total cost of a project with the total cost being equal to the total investment, both public and private, required to implement the total project and derive the benefits and with total benefits being equal to the revenues and expenses, number of jobs, payroll benefits, spin-off benefits of payroll, shipping costs, or any other benefits that are determinable.
- (2) "Large project" means a project with a total project cost between \$40 million and \$80 million with a benefit cost ratio greater than or equal to five, a return on the state's investment greater than or equal to three and ½, and a private investment of between 25% and 50% of the total project cost.
- (3) "Standard project" means a project with a benefit cost ratio greater than or equal to one and a return on the state's investment greater than or equal to 275/1000 and 375/1000.

Present law (R.S. 34:3452(A)) provides that applications for funding of any port construction or development project may be submitted by any port authority on a quarterly basis, except as provided in present law. Further requires applications to be submitted to the Dept. of Transportation and Development (DOTD) no later than the first of March, June, Sept., and Dec. of each calendar year for consideration of funding or funding obligation authority in the following fiscal years. Additionally requires that applications submitted be governed by present law. Further requires information to be provided in the application pertaining to certain requirements.

Proposed law requires the maximum amount for participation in standard projects be \$21 million, with a maximum allotment of \$7 million per year per port and the maximum amount for participation in large projects be \$33 million, with a maximum allotment of \$11 million per year per port.

Present law (R.S. 34:3452(D)) authorizes the DOTD to contract with the La. State University Ports and Waterways Institute for any duties associated with the development of the port priority programs, including but not limited to the development, review, and evaluation of plans and specifications, and the development of the prior priority program list. Further requires that the final determination of the port priority list remain with the DOTD and the joint transportation committees.

Proposed law modifies present law to change from the La. State University Ports and Waterways Institute as the only available contracting entity to any state college or university.

Present law (R.S. 34:3453)) provides for the DOTD's required procedure for public hearings regarding port priority projects and the determination for the final program decision. Further

requires that prior to the public hearings, the DOTD must publish the appropriate official notice of the hearing in the necessary journals.

Proposed law retains present law but changes the publication of the official notice from the necessary journals to the Official Journal of the State, beginning on July 1, 2027.

Present law (R.S. 34:3457(A)) requires the Transportation Trust Fund be the source of state funds for any port project on the priority list approved in present law. Further requires that prior to the commencement of any work, the presiding officer of each port authority involved in a project execute an agreement and statement of sponsorship to provide a 10% local match for the cost of construction of the project.

Proposed law removes the 10% local match requirement and replacing the requirement with project categories, based on the difference percentage local matches.

Proposed law (R.S. 34:3457(C)) creates categories for projects that require a local match, with different percentages for each category as follows:

- (1) A standard project requires a 10% local match.
- (2) A large project requires a 20% local match, subject to the legislature allocating additional Transportation Trust Fund dollars to the Port Construction and Development Priority Program.

Present law (R.S. 34:3473) provides for the DOTD's required procedure for public hearings regarding dredging and deepening project evaluations and the determination for the final program decision. Further requires that prior to the public hearings, the DOTD must publish the appropriate official notice of the hearing on the dept.'s website.

Proposed law modifies present law by changing the publication of the official notice from the dept.'s website to the Official Journal of the State, beginning on July 1, 2027.

Directs the La. State Law Institute to alphabetize and renumber definitions contained in proposed law.

(Amends R.S. 34:3452(A)(1)(intro. para.) and (D), 3453, 3457(A)(intro. para.) and 3473; Adds R.S. 34:3451(6)-(8) and 3457(C))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Add the definition of "benefit cost ratio" as the total benefits divided by the total cost of a project with the total cost being equal to the total investment, both public and private, required to implement the total project and derive the benefits and with total benefits being equal to the revenues and expenses, number of jobs, payroll benefits, spin-off benefits of payroll, shipping costs, or any other benefits that are determinable.
3. Add the definition of "large project" as a project with a total project cost between forty million dollars and eighty million dollars with a benefit cost ratio greater than or equal to five, a return on the state's investment greater than or equal to three and one half, and a private investment of between twenty-five and fifty percent of the total project cost.

4. Add the definition of "standard project" as a project with a benefit cost ratio greater than or equal to one and a return on the state's investment greater than or equal to two and three hundred seventy-five thousandths.
5. Add a requirement that the maximum amount for participation in standard projects be twenty-one million dollars, with a maximum allotment of seven million dollars per year per port and the maximum amount for participation in large projects be thirty-three million dollars, with a maximum allotment of eleven million dollars per year per port.
6. Add a start date of July 1, 2027 for the Department of Transportation and Development to publish the official notices in the Official Journal of the State, instead of necessary journals.
7. Remove that the categorized projects in proposed law not be funded by state funds.
8. Add the requirement that large projects requiring a 20% local match is subject to the legislature allocating additional Transportation Trust Fund dollars to the Port Construction and Development Priority Program.
9. Delete "a very large project" from the categories requiring local matches.
10. Directs the La. State Law Institute to alphabetize and renumber definitions contained in proposed law.