

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 776****2026 Regular Session****Bourriaque**

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

**Synopsis of Senate Amendments**

1. Removes "both public and private" from the definition of "benefit cost ratio".
2. Changes the definition of "large project" to mean a project that meets project cost, benefit cost ratio, return on state investment, and investment requirements established by the office of multimodal commerce by rule promulgated in accordance with the Administrative Procedure Act.
3. Changes the definition of "standard project" to mean a project, other than a large project, that meets benefit cost ratio and return on state investment requirements established by the office of multimodal commerce by rule promulgated in accordance with the Administrative Procedure Act.
4. Removes the 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.
5. Provides for the office of multimodal commerce to promulgate administrative rules regarding: (a) the project cost range, benefit cost ratio, and return on state investment for a project to qualify as a large project; (b) the benefit cost ratio and return on statement investment required for a project to qualify as a standard project; and (c) the maximum amount of state participation in standard projects and large projects, and the maximum annual allotment per port for each.
6. Makes technical changes.

**Digest of Bill as Finally Passed by Senate**

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, required to implement the total project and derive the benefits and with total benefits being equal to the revenues less 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 that meets project cost, benefit cost ratio, return on state investment, and investment requirements established by the office of multimodal commerce by rule promulgated in accordance with the Administrative Procedure Act.
- (3) "Standard project" means a project, other than a large project, that meets benefit cost ratio and return on state investment requirements established by the office of multimodal commerce by rule promulgated in accordance with the Administrative

Procedure Act.

Present law (R.S. 34:3452(D)) authorizes the Dept. of Transportation and Development (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 replaces 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 department's website.

Proposed law modifies present law by changing the publication of the official notice from the department'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.

Requires the office of multimodal commerce to promulgate rules in accordance with the Administrative Procedure Act by establishing the following:

- (1) The project cost range, benefit cost ratio, and return on state investment for a project to qualify as a large project.
- (2) The benefit cost ratio and return on state investment required for a project to qualify as a standard project.
- (3) The maximum amount of state participation in standard projects and large projects,

and the maximum annual allotment per port for each.

(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))