

SENATE BILL NO. 698

BY SENATORS MORRISH AND JOHNS AND REPRESENTATIVE KLECKLEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

To enact R.S. 34:218, relative to the Lake Charles Harbor and Terminal District; to provide for recognition as the local sponsor and for additional powers and authority of the district; to provide for the Calcasieu River and Pass Project; to provide for the acquisition and sale of certain lands; to provide for terms, exceptions, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:218 is hereby enacted to read as follows:

§218. Calcasieu River and Pass Project

A.(1) In addition to any other provision of law, the Lake Charles Harbor and Terminal District is authorized and empowered to carry out any and all functions within or outside of its territorial limits necessary to serve, on behalf of the state of Louisiana which shall be the local sponsor, as agent for the state and as the single entity responsible to act and to secure rights of way, to furnish assurances to the secretary of the United States Army, and for the construction, operation, and maintenance of the Calcasieu River and Pass Project as designated by the United States Army Corps of Engineers.

(2)(a) Notwithstanding the provisions of this Section to the contrary, the Lake Charles Harbor and Terminal District, or any person on behalf of the district including but not limited to lessees, assignees, or any third party otherwise occupying property, shall not as to property the district owns in Cameron Parish, other than that property which it currently owns in Sections 43 and 44, Township 12 South, Range 9 West and in Sections 1 and 12, Township 12 South, Range 10 West, in the Southwestern Land District,

1 Louisiana Meridian, Cameron Parish, Louisiana, hereafter referred to as "the
2 exempt property", undertake any port activities in Cameron Parish.

3 (b) As used in this Section, "port activities" shall mean the acquisition
4 or leasing of land for the construction, operation, or maintenance of docks,
5 wharfs, sheds, slips, canals, machinery, or industrial plant facilities or facilities
6 for the handling of cargos or materials of any type and other substantially
7 similar activities, other than dredged materials in connection with construction
8 operation and maintenance of the Calcasieu River and Pass Project. Any
9 function by the Lake Charles Harbor and Terminal District necessary for the
10 construction, operation, and maintenance of the Calcasieu River and Pass
11 Project shall not be considered port activities.

12 (c) The Lake Charles Harbor and Terminal District may conduct port
13 activities on any property in Cameron Parish pursuant to an intergovernmental
14 agreement or cooperative agreement with the approval of the governing
15 authority of Cameron Parish. As to the exempt property as defined in
16 Subparagraph (a) of this Paragraph, nothing in this Section shall require the
17 Lake Charles Harbor and Terminal District to enter into any
18 intergovernmental agreement or cooperative agreement with the governing
19 authority of Cameron Parish.

20 B. The district shall have the authority to acquire by purchase, lease,
21 expropriation, or otherwise, any land for the purposes of the construction,
22 operation, and maintenance of the Calcasieu River and Pass Project. The venue
23 for any petition for expropriation filed by the district for property located in
24 Cameron Parish shall be in accordance with R.S. 19:2.1.

25 C.(1) The district shall not acquire by purchase, lease, expropriation, or
26 otherwise, or convey, sell, assign, or donate any land in Cameron Parish, except
27 for the purposes of the construction, operation, and maintenance of the
28 Calcasieu River and Pass Project or pursuant to a cooperative endeavor
29 agreement with the governing authority of Cameron Parish.

30 (2) The provisions of this Subsection shall not apply to the exempt

1 property as defined in Subparagraph (A)(2)(a) of this Section.

2 (3) Prior to the sale of any land in Cameron Parish purchased or
3 expropriated by the Lake Charles Harbor and Terminal District, the governing
4 authority of Cameron Parish shall have the first right of refusal for the
5 purchase of such land, which right is subordinate to the following:

6 (a) A first right of refusal if so reserved in the act of sale by the seller of
7 the property sold to the district.

8 (b) A first right of refusal in favor of the owner from whom the property
9 was expropriated.

10 Section 2. If any provision or item of this Act, or the application thereof, should be
11 found to be invalid or unenforceable in a final, unappealable judgment by a court of
12 competent jurisdiction, then such provision shall be ineffective to the extent of such
13 invalidity or parts unenforceable, but shall not affect other provisions, items, or applications
14 of the Act which can be given effect without the invalid provision, item, or application and
15 to this end the provisions of this Act are hereby declared severable.

16 Section 3. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____