

2023 Regular Session

SENATE BILL NO. 214

BY SENATOR MCMATH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ECONOMIC DEVELOP DEPT. Renames and reorganizes the Department of Economic Development as the Department of Commerce, moves the office of multimodal commerce from the Department of Transportation and Development to the Department of Commerce, and transfers powers, duties, and responsibilities with respect to multimodal commerce and corresponding department employees, equipment, facilities, funding, and statutory entities from the Department of Transportation and Development to the Department of Commerce. (7/1/24)

1 AN ACT

2 To amend and reenact R.S. 34:3451(2) and (3), 3455(A), 3471(1), (3) and (4), and 3475(A),

3 R.S. 36:4(A)(2), the section heading of 4.1, 8.1(C)(3), 101(A), (B), and (C)(1), 103,

4 104(A)(14), the introductory paragraph of (B)(1)(a), and (B)(1)(b) and (9), the

5 introductory paragraph of 104.1(A) and 104.1(B)(4), 106(A) and (B), 107, 108(A)

6 and the introductory paragraph of (B), 109, 501(C)(1), 502(A) and (B), and 957, and

7 R.S. 51:3136(A)(9), to enact R.S. 34:3455(C) and 3475(C) and R.S. 36:110 and 111,

8 and to repeal R.S. 36:108(B)(4), 508.3, 508.4, and 509(A)(3), relative to the

9 Department of Economic Development; to rename and reorganize the department to

10 the Department of Commerce; to transfer the office of multimodal commerce from

11 the Department of Transportation and Development to the Department of Commerce;

12 to transfer powers, duties, and responsibilities with respect to multimodal commerce

13 and corresponding department employees, equipment, facilities, funding, and

14 statutory entities from the Department of Transportation and Development to the

15 Department of Commerce; to provide for the commissioner of multimodal

16 commerce; to provide for the multimodal commerce commission; and to provide for

17 related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 34:3451(2) and (3), 3455(A), 3471(1), (3) and (4), and 3475(A) are  
3 hereby amended and reenacted, and R.S. 34:3455(C) and 3475(C) are hereby enacted to read  
4 as follows:

5 §3451. Definitions

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

8 \* \* \*

9 (2) "Department" means the Department of ~~Transportation and Development~~  
10 **Commerce**.

11 (3) "Joint committee" means the House Committee on ~~Transportation,~~  
12 ~~Highways and Public Works~~ **Commerce** and the Senate Committee on  
13 ~~Transportation, Highways and Public Works~~ **Commerce, Consumer Protection**  
14 **and International Affairs**, functioning as a joint legislative committee **meeting**  
15 **jointly**.

16 \* \* \*

17 §3455. Projects undertaken by the department

18 A. After adoption of the department's recommendations by the joint  
19 committee, the approved list of projects shall be forwarded to the department for  
20 implementation. The approved list shall be implemented by the department by the  
21 use of funds appropriated, ~~funding obligation authority, or pursuant to the cash~~  
22 ~~management program as provided by R.S. 48:251(D)~~. Funding or funding obligation  
23 authority shall be allocated to projects in accordance with the prioritized list of  
24 projects approved by the joint committee. Funding obligation authority may be  
25 granted or authorized for a project from funds appropriated or obligated for another  
26 project or projects within the Port Priority Construction and Development Program  
27 provided that such authority does not impede such project or projects. Such funding  
28 obligation authority shall be extinguished for a project at such time as funds are  
29 made available for obligation for the project. The department shall not delete, add,

1 or substitute any projects for those approved by the joint committee, except as  
2 provided in R.S. 34:3456; however, the secretary of the department may, at his  
3 discretion, authorize projects to be undertaken and financed due to an emergency out  
4 of the secretary's emergency fund.

5 \* \* \*

6 **C. The department shall adopt rules in accordance with the**  
7 **Administrative Procedure Act to implement the provisions of this Section.**

8 \* \* \*

9 §3471. Definitions

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

12 (1) "Department" means the Department of ~~Transportation and Development~~  
13 **Commerce**.

14 \* \* \*

15 (3) "Joint committee" means the House Committee on ~~Transportation,~~  
16 ~~Highways and Public Works~~ **Commerce** and the Senate Committee on  
17 ~~Transportation, Highways and Public Works~~ **Commerce, Consumer Protection**  
18 **and International Affairs**, functioning as a joint legislative committee.

19 (4) "Office" means the office of multimodal commerce within the  
20 Department of ~~Transportation and Development~~ **Commerce**.

21 \* \* \*

22 §3475. Projects undertaken by the office

23 A. After adoption of the office's recommendations by the joint committee, the  
24 approved list of projects shall be forwarded to the office for implementation. The  
25 approved list shall be implemented by the office by the use of funds appropriated;  
26 ~~funding obligation authority, or pursuant to the cash management program as~~  
27 ~~provided by R.S. 48:251(D)~~. Funding or funding obligation authority shall be  
28 allocated to projects in accordance with the prioritized list of projects approved by  
29 the joint committee. Funding obligation authority may be granted or authorized for

1 a project from funds appropriated or obligated for another project or projects within  
 2 the Waterway Dredging and Deepening Priority Program provided that such  
 3 authority does not impede such project or projects. Such funding obligation authority  
 4 shall be extinguished for a project at such time as funds are made available for  
 5 obligation for the project. The office shall not delete, add, or substitute any projects  
 6 for those approved by the joint committee, except as provided in R.S. 34:3476.

7 \* \* \*

8 **C. The office shall adopt rules in accordance with the Administrative**  
 9 **Procedure Act to implement the provisions of this Section.**

10 Section 2 R.S. 36:4(A)(2), the section heading of 4.1, 8.1(C)(3), 101(A), (B), and  
 11 (C)(1), 103, 104(A)(14), the introductory paragraph of (B)(1)(a), and (B)(1)(b) and (9), the  
 12 introductory paragraph of 104.1(A) and 104.1(B)(4), 106(A) and (B), 107, 108(A) and the  
 13 introductory paragraph of (B), 109, 501(C)(1), 502(A) and (B), and 957 are hereby amended  
 14 and reenacted and R.S. 36:110 and 111 are hereby enacted to read as follows:

15 §4. Structure of executive branch of state government

16 A. In accordance with the provisions of Article IV, Section 1 and Article  
 17 XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions,  
 18 agencies, and instrumentalities of the executive branch of state government, whether  
 19 constitutional or statutory, and/or their functions, powers, duties, and responsibilities  
 20 shall be allocated, either in the Act by which this Title was created or by legislation  
 21 enacted subsequent thereto, within the departments listed in this Section, except as  
 22 provided in Subsections B and C of this Section, and in order to comply with this  
 23 constitutional mandate, the agencies of the executive branch of state government  
 24 hereinafter enumerated, whether heretofore created by the constitution or by statute,  
 25 and/or their functions, powers, duties, and responsibilities are allocated, in the  
 26 manner hereinafter set forth in this Title, within the following designated  
 27 departments:

28 \* \* \*

29 (2) Department of ~~Economic Development~~ **Commerce**.

\* \* \*

§4.1. Agencies transferred from the Department of ~~Economic Development~~ **Commerce** to the office of the governor; agencies placed within the office of the governor

\* \* \*

§8.1. Litigation oversight; reports to the legislature

\* \* \*

C. The provisions of this Section shall apply to any civil action filed by the following departments or offices, including offices and agencies thereof, collectively referred to in this Section as "agency":

\* \* \*

(3) Department of ~~Economic Development~~ **Commerce**.

\* \* \*

CHAPTER 3. DEPARTMENT OF ECONOMIC DEVELOPMENT **COMMERCE**

§101. Department of ~~Economic Development~~ **Commerce**; creation; domicile; composition; purposes and functions

A.**(1)** The Department of Economic Development is created and **beginning July 1, 2024, shall be renamed the Department of Commerce and shall be restructured as provided in R.S. 36:110. The department** shall be a body corporate with the power to sue and be sued. The domicile of the department shall be in Baton Rouge.

**(2) Beginning July 1, 2024, any reference in this Chapter, this Title, or any other Title of the Louisiana Revised Statutes of 1950 to the "Department of Economic Development" shall mean the "Department of Commerce".**

B. The Department of ~~Economic Development~~ **Commerce**, through its offices and officers, shall be responsible for fostering the growth of industry and other commercial enterprises **and multimodal commerce** in Louisiana that will contribute to the overall improvement of the economy of the state. The department shall promote the advantages of Louisiana to out-of-state business and industry,

1 facilitate the expansion of existing enterprises, administer, provide for, plan, and  
 2 facilitate multimodal transportation, aviation, railroad, public mass transit,  
 3 public transportation, and water transportation systems, and coordinate with  
 4 other state agencies and units of local government plans and programs aimed at  
 5 developing optimum conditions for new and expanding industrial and commercial  
 6 enterprises in Louisiana, including effective and efficient multimodal  
 7 transportation systems for those enterprises.

8 C.(1) The Department of ~~Economic Development~~ Commerce shall be  
 9 composed of the executive office of the secretary, the office of management and  
 10 finance, the office of ~~business~~ economic development, the office of multimodal  
 11 commerce, and such other offices as shall be created by law.

12 \* \* \*

13 §103. Secretary of ~~economic development~~ commerce

14 There shall be a secretary of ~~economic development~~ commerce, who shall  
 15 be appointed by the governor with consent of the Senate and who shall serve at the  
 16 pleasure of the governor at a salary fixed by the governor, which salary shall not  
 17 exceed the amount approved for such position by the legislature while in session.  
 18 The secretary shall serve as the executive head and chief administrative officer of the  
 19 Department of ~~Economic Development~~ Commerce and shall have the responsibility  
 20 for the policies of the department, except as otherwise provided by this Title, and for  
 21 the administration, control, and operation of the functions, programs, and affairs of  
 22 the department; provided that the secretary shall perform his functions under the  
 23 general control and supervision of the governor.

24 §104. Powers and duties of the secretary of ~~economic development~~ commerce

25 A. In addition to the functions, powers, and duties otherwise vested in the  
 26 secretary by law, he shall:

27 \* \* \*

28 (14) Notwithstanding other provisions in this Subsection, the secretary of the  
 29 Department of ~~Economic Development~~ Commerce may provide targeted economic

1 development efforts in priority economic development zones. ~~Such~~ **These** targeted  
 2 programs shall be in addition to programs already in existence or any programs that  
 3 may have been implemented in these areas by the department under normal  
 4 circumstances. "Priority economic development zone" means any parish listed as one  
 5 of the ten parishes with the highest unemployment rates in Louisiana and any  
 6 municipality listed as one of the twenty-five municipalities with the highest  
 7 unemployment rates in Louisiana as of July first of any given year and according to  
 8 statistics compiled by the Louisiana Workforce Commission.

9 \* \* \*

10 B. The secretary shall have the authority to:

11 (1)(a) Except as otherwise specifically provided in R.S. 36:~~110~~, 801, and 803:

12 \* \* \*

13 (b) All of the above are to be accomplished in accordance with applicable  
 14 civil service law, rules, and regulations, and with policies and rules of the  
 15 Department of ~~Economic Development~~ **Commerce**, and all are subject to budgetary  
 16 control and applicable laws.

17 \* \* \*

18 (9) Establish and collect a verification report fee, as defined in R.S. 36:104.1,  
 19 as required for a Department of ~~Economic Development~~ **Commerce** incentive  
 20 program. The fee shall be established and collected as provided in R.S. 36:104.1, and  
 21 as may be further provided by rule promulgated in accordance with the  
 22 Administrative Procedure Act.

23 \* \* \*

24 §104.1. Fee for independent certified public accountant or tax attorney verification  
 25 reports required for certain Department of ~~Economic Development~~  
 26 **Commerce** programs

27 A. In order to protect the integrity of its programs by ensuring that tax credits  
 28 are certified only for eligible expenditures, and to provide for uniformity in  
 29 expenditure verification reporting, the Department of ~~Economic Development~~





1 and the performance of its powers, duties, functions, and responsibilities, in  
 2 accordance with applicable civil service laws, rules, and regulations, and with  
 3 policies and rules of the department, all subject to budgetary control and applicable  
 4 laws. The undersecretary shall exercise all powers and authority granted to him in  
 5 this Title subject to the overall direction and control of the secretary.

6 \* \* \*

7 §107. Assistant secretaries

8 A. Each office within the Department of ~~Economic Development~~ **Commerce**,  
 9 except the office of management and finance ~~and~~, the office of entertainment  
 10 industry development, **the office of economic development, and the office of**  
 11 **multimodal commerce**, shall be under the immediate supervision and direction of  
 12 an assistant secretary. **The office of economic development shall be under the**  
 13 **immediate supervision and direction of the executive director of the office of**  
 14 **economic development. The office of multimodal commerce shall be under the**  
 15 **immediate supervision and direction of a commissioner of multimodal**  
 16 **commerce**. The assistant secretary, **executive director, and the commissioner** of  
 17 each such office shall be appointed by the governor with the consent of the Senate.  
 18 Each shall serve at the pleasure of the governor and shall be paid a salary which shall  
 19 be fixed by the governor, which salary shall not exceed the amount approved for  
 20 such position by the legislature while in session.

21 B. Except as otherwise expressly provided in this Title, the duties and  
 22 functions of each office and its assistant secretary, **executive director, or**  
 23 **commissioner** shall be determined by the secretary, and all of such duties and  
 24 functions shall be exercised under the direct supervision and control of the secretary.

25 C. Except as otherwise provided in R.S. 36:801, each assistant secretary,  
 26 **executive director, and commissioner** shall employ, appoint, remove, assign, and  
 27 promote such personnel as is necessary for the efficient administration of his office  
 28 and its programs and the performance of its powers, duties, functions, and  
 29 responsibilities, in accordance with applicable civil service laws, rules, and

1 regulations, and with policies and rules of the department, all subject to budgetary  
2 control and applicable laws.

3 D. Each assistant secretary, **executive director, and commissioner** shall  
4 exercise all powers and authority granted to him in this Title subject to the overall  
5 direction and control of the secretary.

6 §108. Offices; purposes and functions

7 A. The purposes for which the offices of the Department of ~~Economic~~  
8 ~~Development~~ **Commerce** are created shall be as set forth in this Section.

9 B. The office of ~~business~~ **economic** development shall perform the following  
10 functions of the state:

11 \* \* \*

12 §109. Transfer of boards, commissions, departments, and agencies to Department of  
13 ~~Economic Development~~ **Commerce**

14 A. The Board of Commerce and Industry (Article XIV, Section 14(b.2) of the  
15 1921 Louisiana Constitution made statutory by Article XIV, Section 16(A)(10) of  
16 the 1974 Louisiana Constitution; R.S. 51:921 through 947; R.S. 47:3201 through  
17 3205) is transferred to and hereafter shall be within the Department of ~~Economic~~  
18 ~~Development~~ **Commerce**, in accordance with the provisions of R.S. 36:901, except  
19 that the Board of Commerce and Industry shall continue to exercise those powers,  
20 duties, and functions with respect to the granting of tax exemptions for new  
21 manufacturing establishments or extensions thereof which it is authorized by the  
22 Constitution of Louisiana or by law to exercise.

23 B. The following agencies are placed within the Department of ~~Economic~~  
24 ~~Development~~ **Commerce, office of economic development**, and shall perform and  
25 exercise their powers, duties, functions, and responsibilities as provided by law:

26 (1) The office of entertainment industry development (R.S. 51:938.1).

27 (2) The office of international commerce and the Louisiana Board of  
28 International Commerce (R.S. 51:3131 et seq.).

29 (3) The Louisiana Military Advisory Council (R.S. 29:61 et seq.).

1 C. The Department of Commerce and Industry (R.S. 51:921 through 938) is  
2 hereby abolished and its powers, duties, functions, and responsibilities are  
3 transferred to the secretary of the Department of ~~Economic Development~~ Commerce  
4 and hereafter shall be exercised and performed as provided in R.S. 36:921 et seq.

5 D. The Louisiana Economic Development Corporation and its board of  
6 directors (R.S. 51:2311 et seq.) are placed within the Department of ~~Economic~~  
7 ~~Development~~ Commerce and shall exercise and perform their duties, powers,  
8 functions, and responsibilities in the manner provided for agencies transferred in  
9 accordance with R.S. 36:801.

10 **§110. Office of multimodal commerce; functions; commissioner; deputy**  
11 **commissioner; powers and duties; transition**

12 **A.(1) There is hereby created within the Department of Commerce, the**  
13 **office of multimodal commerce, which shall administer the planning and**  
14 **programming functions of the department related to strategic and intermodal**  
15 **issues, aviation, commercial trucking, intercity public mass transit, railroad**  
16 **expansion and development, port and water transportation systems, and related**  
17 **matters, and any other special programs as may be directed by the governor.**

18 **(2) The office shall coordinate with Department of Transportation and**  
19 **Development, office of planning on intermodal issues, and implement the master**  
20 **plan as it relates to intermodal transportation.**

21 **(3) Notwithstanding Paragraph (1) of this Subsection, any powers, duties,**  
22 **responsibilities and corresponding department employees, equipment, facilities,**  
23 **and funding of the Department of Transportation and Development with**  
24 **respect to federal programs on rail safety and the administration of federal rail**  
25 **safety and hazard mitigation funds and the like shall remain with the office of**  
26 **engineering of the Department of Transportation and Development.**

27 **B. The office of multimodal commerce shall be vested with the powers,**  
28 **duties, responsibilities, budgetary authority, and department employees,**  
29 **equipment, facilities, and funding necessary to carry out the functions conferred**

1 upon it by the provisions of Paragraphs (A)(1) and (2) of this Section.

2 C.(1) The office of multimodal commerce shall be under the supervision  
3 of a commissioner of multimodal commerce, who shall administer all  
4 department functions and duties for which the office of multimodal commerce  
5 is responsible. The commissioner shall be appointed by the governor, subject to  
6 Senate confirmation, and shall serve at the pleasure of the governor.

7 (2) The commissioner shall have authority, in accordance with applicable  
8 rules and regulations of the civil service commission, to employ, appoint,  
9 transfer, assign, and promote such personnel as is necessary for the efficient  
10 administration of the office of multimodal commerce.

11 (3) The commissioner shall receive an annual salary fixed by the  
12 governor, which salary shall not exceed the amount approved for such position  
13 by the legislature while in session, and shall be allowed his actual and necessary  
14 traveling expenses incurred in the discharge of his official duties.

15 D. The powers, duties, responsibilities, budgetary authority, employees,  
16 equipment, facilities, and funding of the office of multimodal commerce shall  
17 be allocated among the following divisions of the office:

18 (1) Commercial trucking.

19 (2) Ports and waterways.

20 (3) Aviation.

21 (4) Freight and passenger rail development.

22 E.(1) Except as provided in Paragraph (2) of this Subsection, the powers,  
23 duties, responsibilities and corresponding department employees, equipment,  
24 facilities, and funding of the Department of Transportation and Development  
25 with respect to the function of administering, managing, providing for,  
26 planning, and facilitating multimodal transportation, aviation, railroads, public  
27 mass transit, public transportation, and water transportation systems, and  
28 related statutory entities made a part of such department, shall be transferred  
29 to the office of multimodal commerce of the Department of Commerce, effective

1 July 1, 2024.

2 (2)(a) In order to avoid duplication and extra expense to government,  
3 and in order to efficiently use existing expertise:

4 (i) The transfer of function provided for in Paragraph (1) of this  
5 Subsection shall not include those employees, equipment, and facilities of the  
6 Department of Transportation and Development which are concerned with  
7 engineering and construction of projects, permitting, or the funding necessary  
8 for costs related to such employees, equipment, and facilities, as determined by  
9 the division of administration. However, the Department of Transportation and  
10 Development shall provide the services and expertise of such employees,  
11 equipment, and facilities upon the request of the office of multimodal commerce  
12 of the Department of Commerce.

13 (ii) The initial level of funding for the employees, equipment, facilities,  
14 and funding transferred pursuant to this Subsection shall not exceed an amount  
15 equal to the percentage that such funding bears to the total funding of the  
16 Department of Transportation and Development in the fiscal year prior to the  
17 transfer.

18 (b) Any powers, duties, responsibilities and corresponding department  
19 employees, equipment, facilities, and funding of the Department of  
20 Transportation and Development with respect to federal programs on rail  
21 safety and the administration of federal rail safety and hazard mitigation funds  
22 and the like shall remain with the Department of Transportation and  
23 Development.

24 §111. Multimodal Commerce Advisory Commission

25 A. The Multimodal Commerce Advisory Commission is hereby  
26 established within the office of multimodal commerce. It shall be composed of  
27 the following:

28 (1) The commissioner of multimodal commerce, who shall be chair of the  
29 commission.

1                   (2) The secretary of the Department of Commerce, or his designee.

2                   (3) The secretary of the Department of Transportation and Development,  
3                   or his designee.

4                   (4) The chairs of the Senate and House committees on transportation,  
5                   highways, and public works, or their designees.

6                   (5) The chairs of the Senate Committee on Commerce, Consumer  
7                   Protection and International Affairs and the House Committee on Commerce,  
8                   or their designees.

9                   (6) A representative of the Ports Association of Louisiana selected by its  
10                  board of directors.

11                  (7) A representative of the Louisiana Association of Waterway Operators  
12                  and Shipyards selected by its board of directors.

13                  (8) The president of the Louisiana Airport Managers and Associates, or  
14                  his designee.

15                  (9) A representative of the Louisiana Motor Transport Association  
16                  selected by its board of directors.

17                  (10) A representative of the Louisiana Railroad Association selected by  
18                  its board of directors.

19                  (11) The chairman of the Louisiana Board of International Commerce,  
20                  or his designee.

21                  (12) The chairman of the board of the Offshore Marine Service  
22                  Association, or his designee.

23                  (13) A Louisiana representative of the Southern Rail Commission  
24                  appointed by the governor.

25                  (14) A representative at-large selected by the president of the Senate.

26                  (15) A representative at-large selected by the speaker of the House of  
27                  Representatives.

28                  B. The Multimodal Commerce Advisory Commission serve in an  
29                  advisory capacity to the commissioner.

1 C. A majority of the members of the commission shall constitute a  
 2 quorum for the purpose of taking any action, and actions of the commission  
 3 may be taken by an affirmative vote of the members of the commission present.

4 D. Members of the commission shall serve without compensation, except  
 5 per diem or expenses reimbursement to which they may be individually entitled  
 6 as members of the constituent organizations.

7 \* \* \*

8 §501. Department of Transportation and Development; creation; domicile;  
 9 composition; purposes and functions

10 \* \* \*

11 C.(1) The Department of Transportation and Development shall be composed  
 12 of the executive office of the secretary, the office of management and finance, the  
 13 office of engineering, the office of planning, the office of operations, ~~the office of~~  
 14 ~~multimodal commerce~~, and such other offices as shall be created by law.

15 \* \* \*

16 §502. Officers of the department; compensation for one office only

17 A.(1) The officers of the department shall be the secretary, undersecretary,  
 18 deputy secretary, chief engineer, assistant secretary of planning, ~~commissioner of~~  
 19 ~~multimodal commerce~~, and assistant secretary of operations, each of whom shall be  
 20 selected and shall perform functions as provided in this Title.

21 (2) The secretary, undersecretary, deputy secretary, assistant secretary of  
 22 planning, assistant secretary of operations, executive director of the Offshore  
 23 Terminal Authority, ~~commissioner of multimodal commerce~~, and such other  
 24 positions which may be authorized by the State Civil Service Commission or the  
 25 state constitution shall be the only unclassified positions in the Department of  
 26 Transportation and Development. All other positions in the department shall be in  
 27 the classified state service. The secretary shall fill such positions as in his opinion  
 28 and judgment are necessary to the operation of the department in accordance with  
 29 applicable rules and regulations of the State Civil Service Commission and

1 applicable law.

2 B. No person serving as a secretary, undersecretary, deputy secretary, chief  
3 engineer, assistant secretary of planning, assistant secretary of operations,  
4 ~~commissioner of multimodal commerce~~, or in any other office in the department  
5 shall receive any additional salary from the state other than that salary which he  
6 receives by virtue of serving in any one of such offices. Any statewide elected  
7 official appointed to serve as a secretary or deputy secretary shall not receive any  
8 additional salary from the state other than that salary which he receives as a  
9 statewide elected official.

10 \* \* \*

11 §957. Effective date of certain transfers and abolitions; continued merger and  
12 consolidation within departments

13 A. The transfer or abolition of each agency transferred or abolished by this  
14 Title, which agency or the functions thereof are transferred to one of the following  
15 departments, shall be effective upon the effective date of this Part: the Department  
16 of State Civil Service, the Department of ~~Economic Development~~ **Commerce**, the  
17 Department of Culture, Recreation and Tourism, the Louisiana Workforce  
18 Commission, the Department of Natural Resources, the Department of Public Safety  
19 and Corrections, the Department of Revenue, the Department of Transportation and  
20 Development, and the Department of Wildlife and Fisheries.

21 \* \* \*

22 Section 3. R.S. 51:3136(A)(9) is hereby amended and reenacted to read as follows:  
23 §3136. Membership of board

24 A. The board shall consist of the following members:

25 \* \* \*

26 (9) The commissioner of the office of multimodal commerce in the  
27 Department of ~~Transportation and Development~~ **Commerce** or his designee.

28 \* \* \*

29 Section 4. R.S. 36:108(B)(4), 508.3, 508.4, and 509(A)(3) are hereby repealed.



1           Section 5. The Louisiana State Law Institute is directed to change all references  
 2 necessary to reflect the renaming of the "Department of Economic Development" to the  
 3 "Department of Commerce" and the "secretary of economic development" to the "secretary  
 4 of commerce" throughout the Louisiana Revised Statutes of 1950, as provided by Section  
 5 1 of this Act.

6           Section 6. This Act shall become effective on July 1, 2024.

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The original instrument was prepared by Alan Miller. The following digest,  
 which does not constitute a part of the legislative instrument, was prepared  
 by Xavier Alexander.

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DIGEST

SB 214 Engrossed

2023 Regular Session

McMath

Present law provides for the structure of state government and creates a Dept. of Economic Development (DED).

Proposed law renames the Dept. of Economic Development as the Department of Commerce (department).

Present law provides for the office of multimodal commerce (office) as an office within the Department of Transportation and Development (DOTD).

Proposed law moves the office to the department.

Present law provides for an office of business development within the DED.

Proposed law renames the office of business development as the office of economic development within the department.

Present law provides for the office to administer the planning and programming functions of the department related to strategic and intermodal issues, aviation, commercial trucking, intercity public mass transit, railroad expansion and development, port and water transportation systems, and related matters, and any other special programs as may be directed by the governor.

Proposed law retains present law.

Present law provides for a commissioner of the office, who shall be appointed by the governor, subject to Senate confirmation, and serve at the pleasure of the governor.

Proposed law retains present law.

Present law provides for a Port Construction and Development Priority Program within the office in the DOTD.

Proposed law moves the Port Construction and Development Priority Program to the department.

Present law provides for legislative oversight for the Port Construction and Development Priority Program to be performed by the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works

functioning as a joint legislative committee.

Proposed law provides for legislative oversight for the Port Construction and Development Priority Program to be performed by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection and International Affairs meeting jointly.

Present law provides for a Waterway Dredging and Deepening Priority Program (WDDPP) within the office within DOTD.

Proposed law moves the WDDPP to the department.

Present law provides for legislative oversight for the WDDPP to be performed by the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works functioning as a joint legislative committee.

Proposed law provides for legislative oversight for the WDDPP to be performed by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection and International Affairs functioning as a joint legislative committee.

Present law provides for implementation of projects as part of the Port Construction and Development Priority Program with funds appropriated for funding obligation authority, or pursuant to the cash management program as provided by present law.

Proposed law provides for implementation of projects as part of the Port Construction and Development Priority Program with funds appropriated.

Proposed law requires the department to adopt rules for implementation of projects as part of the Port Construction and Development Priority Program pursuant to the APA to implement provisions of proposed law.

Present law provides for implementation of projects as part of the WDDPP with funds appropriated for funding obligation authority, or pursuant to the cash management program as provided by present law.

Proposed law requires the office to adopt rules for implementation of projects as part of the WDDPP pursuant to the APA to implement provisions of proposed law.

Present law requires that the powers, duties, responsibilities, budgetary authority, employees, equipment, facilities, and funding of the office of multimodal commerce shall be allocated among the following divisions of such office:

- (1) Commercial trucking.
- (2) Ports and waterways.
- (3) Aviation.
- (4) Freight and passenger rail development.

Proposed law retains present law.

Proposed law requires that, except as provided in proposed law, the powers, duties, responsibilities and corresponding department employees, equipment, facilities, and funding of the DOTD with respect to the function of administering, managing, providing for, planning, and facilitating multimodal transportation, aviation, railroads, public mass transit, public transportation, and water transportation systems, and related statutory entities made a part of such department, be transferred to the office of the department, on July 1, 2024.

Proposed law requires any powers, duties, responsibilities and corresponding department employees, equipment, facilities, and funding of the DOTD with respect to federal programs on rail safety and the administration of federal rail safety and hazard mitigation funds and the like remain with the DOTD.

Present law creates a Multimodal Commerce Advisory Commission to advise the commissioner.

Proposed law retains present law.

Proposed law directs the La. State Law Institute to change all references necessary to reflect the renaming of the "Department of Economic Development" to the "Department of Commerce" and the "secretary of economic development" to the "secretary of commerce" throughout the Louisiana Revised Statutes of 1950.

Effective July 1, 2024.

(Amends R.S. 34:3451(2) and (3), 3455(A), 3471(1), (3) and (4), and 3475(A), R.S. 36:4(A)(2), 4.1(section heading), 8.1(C)(3), 101(A), (B), and (C)(1), 103, 104(A)(14), (B)(1)(a)(intro para) and (b) and (9), 104.1(A)(intro para) and (B)(4), 106(A) and (B), 107, 108(A) and (B) (intro para), 109, 501(C)(1), 502(A) and (B), 957, and R.S. 51:3136(A)(9); adds R.S. 34:3455(C) and 3475(C) and R.S. 36:110 and 111; repeals R.S. 36:108(B)(4), 508.3, 508.4, and 509(A)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Moves the Port Construction and Development Priority Program to the Dept. of Commerce.
2. Provides that the approved list of projects of the Port Construction and Development Priority Program shall be implemented with appropriated funds only.
3. Make technical changes.