

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Commerce to Reengrossed Senate Bill No. 214 by Senator McMath

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line, delete lines 3 through 16,
3 and insert the following:

4 "R.S. 36:101(B) and (C)(1), 104(A)(14) and 107, to enact R.S. 36:108(C) and 108.1,
5 relative to the Department of Economic Development; to create the office of port
6 development within the department; to provide for powers and duties of the office,
7 to provide for a commissioner of port development; to provide for a port
8 development advisory commission; to provide for effectiveness; and to provide for"

9 AMENDMENT NO. 2

10 On page 2, delete lines 2 through 29, delete pages 3 through 16, and on page 17, delete lines
11 1 through 7, and insert the following:

12 "Section 1. R.S. 36:101(B) and (C)(1), 104(A)(14) and 107 are hereby
13 amended and reenacted and R.S. 36:108(C) is hereby enacted to read as follows:

14 §101. Department of Economic Development; creation; domicile;
15 composition; purposes and functions

16 * * *

17 B. The Department of Economic Development, through its offices and
18 officers, shall be responsible for fostering the growth of industry, **ports**, and other
19 commercial enterprises in Louisiana that will contribute to the overall improvement
20 of the economy of the state. The department shall promote the advantages of
21 Louisiana to out-of-state business and industry, facilitate the expansion of existing
22 enterprises, **including port development**, and coordinate with other state agencies
23 and units of local government plans and programs aimed at developing optimum
24 conditions for new and expanding industrial and commercial enterprises in
25 Louisiana.

26 C.(1) The Department of Economic Development shall be composed of the
27 executive office of the secretary, the office of management and finance, the office
28 of business development, **the office of port development**, and such other offices as
29 shall be created by law.

30 * * *

31 §104. Powers and duties of the secretary of economic development

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

34 * * *

35 (14) Notwithstanding other provisions in this Subsection, the secretary of the
36 Department of Economic Development may provide targeted economic development
37 efforts in priority economic development zones. ~~Such~~ **These** targeted programs shall
38 be in addition to programs already in existence or any programs that may have been

1 implemented in these areas by the department under normal circumstances. "Priority
2 economic development zone" means any parish listed as one of the ten parishes with
3 the highest unemployment rates in Louisiana and any municipality listed as one of
4 the twenty-five municipalities with the highest unemployment rates in Louisiana as
5 of July first of any given year and according to statistics compiled by the Louisiana
6 Workforce Commission.

7 * * *

8 §107. Assistant secretaries

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

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

23 C. Except as otherwise provided in R.S. 36:801, each assistant secretary **or**
24 **commissioner** shall employ, appoint, remove, assign, and promote such personnel
25 as is necessary for the efficient administration of his office and its programs and the
26 performance of its powers, duties, functions, and responsibilities, in accordance with
27 applicable civil service laws, rules, and regulations, and with policies and rules of
28 the department, all subject to budgetary control and applicable laws.

29 D. Each assistant secretary **or commissioner** shall exercise all powers and
30 authority granted to him in this Title subject to the overall direction and control of
31 the secretary.

32 §108. Offices; purposes and functions

33 A. The purposes for which the offices of the Department of Economic
34 Development are created shall be as set forth in this Section.

35 * * *

36 **C. The office of port development shall perform the following functions**
37 **of the state:**

38 **(1) Include in various activities the facilities, capacities, and capabilities**
39 **of ports and intermodal and infrastructure transportation systems functioning**
40 **in the state.**

41 **(2) Develop and implement a statewide port strategic plan, subject to**
42 **legislative approval by concurrent resolution.**

43 **(3) Provide for the attraction, retention, and expansion of industrial and**
44 **business investments at or near Louisiana ports.**

1 (4) Identify obstacles to growth of Louisiana ports and develop remedies
2 for such obstacles.

3 (5) Identify sources of nonstate funds for economic development
4 purposes and develop and implement a plan to increase access to these funds.

5 (6) Cooperate and collaborate with regional and local economic
6 development entities throughout the state with regard to port development.

7 (7) Perform any other functions as directed by the secretary or
8 governor.

9 (8) Perform any other functions as suggested by the Port Development
10 Advisory Commission.

11 (9) Notwithstanding anything contained in this Section to the contrary,
12 the Offshore Terminal Authority, including the deepwater ports licensed
13 thereunder, is specifically excluded from the this Section and shall remain
14 under the jurisdiction of the Department of Transportation and Development.

15 Section 2. R.S. 36:108.1 is hereby enacted to read as follows:

16 §108.1 Port Development Advisory Commission

17 A. The Port Development Advisory Commission is hereby established
18 within the office of port development. It shall be composed of the following:

19 (1) The secretary of the Department of Economic Development or his
20 designee.

21 (2) The commissioner of multimodal commerce or his designee.

22 (3) The chairs of the Senate Committee on Commerce, Consumer
23 Protection and International Affairs and the House Committee on Commerce
24 or their designees.

25 (4) Three representatives of the Ports Association of Louisiana selected
26 by its board of directors, including one representative each representing inland,
27 deepwater, and coastal ports.

28 (5) Two representatives of the Regional Economic Alliance of Louisiana
29 selected by its membership including one located outside of the coastal zone.

30 (6) A member of the Senate selected by the president of the Senate.

31 (7) A member of the House of Representative selected by the speaker of
32 the House of Representatives.

33 B. The Port Development Advisory Commission shall meet and develop
34 an operational plan for the 2024 Regular Session of the Legislature for the
35 following:

36 (1) An allocation of the department employees, equipment, facilities, and
37 funding the commission finds necessary to carry out the functions conferred
38 upon the office of port development by the provisions of R.S. 36:108(C) to
39 become effective on July 1, 2024.

40 (2) The organizational structure of the office of port development, with
41 a further initial allocation of the office's powers, duties, responsibilities, officers,

1 equipment, and employees among the specific divisions provided for in R.S.
2 36:108(C), to become effective on July 1, 2024.

3 (3) Proposed legislation for the 2024 Regular Session of the Legislature
4 necessary to implement the operational plan on July 1, 2024.

5 C. The operational plan of the Port Development Advisory Commission
6 shall be presented to the Senate Committee on Commerce, Consumer
7 Protection and International Affairs and the House Committee on Commerce,
8 meeting jointly, for their review, amendment, and approval no later than
9 February 1, 2024.

10 D. A majority of the members of the commission shall constitute a
11 quorum for the purpose of taking any action, and actions of the commission
12 may be taken by an affirmative vote of the members of the commission present.

13 E. The commission shall elect a chairman and may elect other officers
14 as it deems appropriate.

15 F. Members of the commission shall serve without compensation, except
16 per diem or expenses reimbursement to which they may be individually entitled
17 as members of the constituent organizations.

18 G. The department and Senate Legislative Services shall provide staff
19 support for the commission.

20 H. After July 1, 2024, the commission shall continue to exist in an
21 advisory capacity to the commissioner.

22 Section 3. The provisions of Section 1 of this Act shall become effective on July 1,
23 2024.

24 Section 4. This Section and Sections 2 and 3 of this Act shall become effective upon
25 signature by the governor or, if not signed by the governor, upon expiration of the time for
26 bills to become law without signature by the governor, as provided by Article III, Section
27 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
28 by the legislature, this Section and Sections 2 and 3 of this Act shall become effective on the
29 day following such approval."