

2024 Regular Session

HOUSE BILL NO. 971 (Substitute for House Bill No. 685 by Representative Wright)

BY REPRESENTATIVE WRIGHT

PORTS/HARBORS/TERMINALS: Creates the Louisiana Ports and Waterways Investment Commission

1 AN ACT

2 To enact Chapter 53 of Title 34 of the Louisiana Revised Statutes of 1950, to be
3 compromised of R.S. 34:5221 through 5224, relative to Louisiana ports; to create the
4 Louisiana Ports and Waterways Investment Commission; to provide for the purpose,
5 board appointments, powers, duties, functions, and governance of the commission;
6 to provide for the development of a strategic plan and investment program; to
7 provide for oversight; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 53 of Title 34 of the Louisiana Revised Statutes of 1950,
10 compromised of R.S. 34:5221 through 5224 is hereby enacted to read as follows:

11 CHAPTER 53. LOUISIANA PORTS AND WATERWAYS INVESTMENT
12 COMMISSION

13 §5221. Creation; purpose

14 A. The Louisiana Ports and Waterways Investment Commission, referred to
15 as the "commission" in this Chapter, is hereby created within the independent
16 governor's office. The domicile of the council shall be East Baton Rouge Parish.

17 B. The commission is created to serve as an advocate for all of the state's
18 ports and waterways investment interests. To that end, the commission is charged
19 with the following:

1 (1) Articulating a vision for the future of the state's ports and waterways
2 through development of a strategic plan and investment program for such purpose.

3 (2) Providing focus and coordination for the state's efforts to attract
4 international trade to the state's ports and waterways investments.

5 (3) Setting funding over all priorities for the development and growth of the
6 state's ports and its water transportation system.

7 (4) Leveraging the financing capacity of the state's ports through coordinated
8 financing arrangements, all as more specifically provided for by this Chapter.

9 §5222. Board of directors

10 A. The commission shall be governed by a board of directors, which shall
11 be solely responsible for setting the policy and managing the activities of the
12 commission.

13 B. The board shall be composed of the following members:

14 (1) One member from the office of governor appointed by the governor who
15 shall serve as chairman and report directly to the governor.

16 (2) The commissioner of Multimodal Commerce in the Department of
17 Transportation and Development.

18 (3) The secretary of the office of international commerce of the Department
19 of Economic Development, or his designee.

20 (4) One member of the House of Representatives appointed by the speaker
21 of the House of Representatives.

22 (5) One member of the Senate appointed by the president of the Senate.

23 (6) Six members appointed by the governor as follows:

24 (a) Two members from inland ports.

25 (b) Two members from coastal ports.

26 (c) Two members from deep water ports.

27 (7) One representative of Louisiana Railroads Association appointed by the
28 general counsel.

1 (8) One representative of Louisiana Motor Transport Association appointed
2 by the executive director.

3 C. A majority of the members of the board shall constitute a quorum for the
4 purpose of transacting business and all official actions of the board shall require the
5 favorable vote of two-thirds of the entire membership of the board.

6 D. The board shall adopt rules for transacting its business and shall keep an
7 accurate record of all of its proceedings and official actions. All papers, documents,
8 and records pertaining to the board shall be filed at the domicile of the board.

9 §5223. Powers and duties of the commission

10 A. The commission shall:

11 (1) Represent the public interest in the administration of this Chapter and
12 shall be responsible to the governor, the legislature, and the public therefor.

13 (2) Promulgate and amend rules and regulations, in accordance with the
14 Administrative Procedure Act, necessary for the administration of the functions of
15 the commission.

16 (3) Organize, plan, supervise, direct, administer, execute, and be responsible
17 for the functions and programs vested in the commission, in the manner and to the
18 extent provided by this Chapter.

19 (4) Advise the governor on problems concerning the administration of the
20 commission and the functions and operations of Louisiana ports.

21 (5) Make reports and recommendations on its own initiative or upon the
22 request of the governor, the legislature, or any committee or member thereof.

23 (6) Compile and provide, on an annual basis, all information necessary for
24 confecting an annual budget.

25 B.(1) The commission may:

26 (a) Employ, appoint, remove, assign, and promote such personnel as is
27 necessary for the efficient administration of the council and the performance of its
28 powers, duties, functions, and responsibilities.

1 (b) Accept and use, in accordance with law, gifts, grants, bequests, and
2 endowments for purposes consistent with the responsibilities and functions of the
3 council and take such actions as are necessary to comply with any conditions
4 required for such acceptance.

5 (c) Take any other action, consistent with the law, as may be necessary to
6 properly perform the functions vested in it.

7 (2) Any decision made by the commission shall require a two-thirds vote of
8 the entire membership to be approved.

9 §5224. Development of the Strategic Plan and Investment Program

10 A.(1) The board shall, in accordance with the procedures set forth in this
11 Section, do the following:

12 (a) Develop a strategic plan and investment program for the economic
13 development of Louisiana Ports and Waterways Investment Commission.

14 (b) Review, revise, and amend the strategic plan when necessary or, at a
15 minimum, every two years.

16 (2) The strategic plan shall include requests for funding of projects and
17 programs related to port development. The investment plan shall include at least a
18 two-year projection of funding of projects and programs, including but not limited
19 to relevant public or private funding sources.

20 B. The board shall develop the plans in accordance with the following
21 procedures:

22 (1) The strategic plan and investment program shall be separate and distinct
23 from the port priority program with the office of multimodal commerce.

24 (2) The board shall conduct not less than three public hearings in separate
25 locations at three ports in different regions of the state for the purpose of receiving
26 comments and recommendations from the public and elected officials. A round of
27 such hearings shall be conducted every other year to receive comments on the
28 effectiveness of the existing plan and proposals for revisions to the plan.

1 (3) After adoption of a plan or revisions to a plan, the board shall submit the
2 plan or revisions to the House Committee on Transportation, Highways and Public
3 Works and the Senate Committee on Transportation, Highways, and Public Works
4 for review and comment. The committees, acting individually or jointly, shall have
5 sixty days to hold a hearing on the proposed plan or revisions.

6 (4) The board shall consider any recommendations made by either
7 committee that were adopted at a meeting of the committee and incorporate such
8 recommendations as it deems appropriate.

9 (5) The board shall submit the plan or program revisions to the Louisiana
10 Board of International Commerce for review and advice.

11 C. The strategic plan and investment program shall include but not be limited
12 to the following:

13 (1) A list of projects and programs intended to enhance trade utilizing
14 Louisiana ports.

15 (2) A schedule and estimated cost for the implementation of each project or
16 program.

17 D. The strategic plan and investment program shall receive an appropriation
18 upon the agreement of the governor and the legislature.

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)]

HB 971 Engrossed

2024 Regular Session

Wright

Abstract: Creates the Louisiana Ports and Waterways Investment Commission and provides its purpose, powers, duties, functions, governance, and appointments.

Proposed law creates the La. Ports and Waterways Investment Commission to serve as an advocate for all of the state's ports, to articulate a vision for the future of the state's ports and waterways investment through the development of strategic plan and investment program for such purpose, to provide focus and coordination for the state's efforts to attract international trade to the state's ports, to set funding priorities for the development and growth of the state's ports and its water transportation system, and to leverage the financing capacity of the state's ports through coordinated financing arrangements.

Proposed law provides for governance of the council by a board of directors composed of the following members:

- (1) One member from the office of the governor who serves as chairman.
- (2) The commissioner of multimodal commerce in the Dept. of Transportation and Development.
- (3) The secretary or their designee of International Commerce of the Dept. of Economic Development.
- (4) One member of the House of Representatives appointed by the speaker of the House of representatives.
- (5) One member of the Senate appointed by the president of the Senate.
- (6) Six members appointed by the governor:
 - (a) Two members from inland ports.
 - (b) Two members from coastal ports.
 - (c) Two members from deep water ports.
- (7) One representative of the La. Roads Commission appointed by the general counsel.
- (8) One representative of the La. Motor Transport Commission appointed by the executive director.

Proposed law requires a majority of the members of the board to constitute a quorum for the transaction of business and all official action of the board requires the favorable vote of 2/3rds the entire membership of the board.

Proposed law requires the commission to do the following:

- (1) Represent the public interest in the administration of proposed law.
- (2) Promulgate and amend rules and regulations, in accordance with the Administrative Procedure Act, necessary for the administration of the functions of commission.
- (3) Organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs vested in the commission.
- (4) Advise the commissioner on problems concerning the administration of the commission and the functions and operations of La. ports.
- (5) Make reports and recommendations.
- (6) Compile and provide all information necessary for confecting an annual budget.

Proposed law authorizes the commission to do the following:

- (1) Employ personnel as necessary.
- (2) Accept and use, in accordance with the law, gifts, grants, bequests, and endowments for purposes consistent with the responsibilities and functions of the commission and take such actions as are necessary to comply with any conditions required for such acceptance.
- (3) Do such other things, consistent with the law, as are necessary to perform properly the functions vested in it.

Proposed law requires a 2/3rds vote for any decision by the commission.

Proposed law requires the board to develop a strategic plan and investment program for the economic development of La. Ports. In addition, requires the board to review, revise, and amend the strategic plan and investment program when necessary, or every two years.

Proposed law requires that the strategic plan and investment program be separate and distinct from the port priority program with the office of multimodal commerce.

Proposed law requires the board to submit the plan and program, or revisions to the La. Board of International Commerce for review and advice.

Proposed law specifies that the strategic plan and investment program will only receive an appropriation upon agreement of the governor and the legislature.

Proposed law requires that after the adoption of a plan or revisions, that the board submit the plan or revisions to the House and Senate committees on Transportation for review and comment. Requires the committees, acting individually or jointly, have 60 days to hold a hearing on the plan or revisions. Additionally, requires the board to consider the committee's recommendations.

Proposed law requires the plan or program be submitted to the La. Board of International Commerce for review and advice.

Proposed law requires the strategic plan and investment program to include but not be limited to the following:

- (1) A list of projects and programs intended to enhance trade utilizing La. ports.
- (2) A schedule and estimated cost for the implementation of each project or program.

(Adds R.S. 34:5221-5224)