

2023 Regular Session

HOUSE BILL NO. 581

BY REPRESENTATIVE WRIGHT

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

PORTS/HARBORS/TERMINALS: Provides relative to the creation of the Louisiana Port Authority

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

AN ACT

To amend and reenact R.S. 34:3451(2), 3452 through 3454, 3455(A), 3456(A), 3457(A)(introductory paragraph), 3457.1, 3458(B), 3459 through 3461, 3471(1), 3472 through 3476, 3477(B), and 3479 through 3481 and R.S. 36:508.3(A)(1), to enact Chapter 53 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:5221 through 5224, and R.S. 36:509(F)(3), and to repeal R.S. 34:3471(4) and R.S. 36:508.3(D)(2), relative to Louisiana ports; to create the Louisiana Port Authority; to provide for powers, duties, functions, and governance of the authority; to provide for transfer of certain powers, duties, functions, and resources from the Department of Transportation and Development to the Louisiana Port Authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 53. LOUISIANA PORT AUTHORITY

§5221. Creation; purpose

A. The Louisiana Port Authority, hereafter in the Chapter referred to as the "authority", is hereby created within the Department of Transportation and Development. The domicile of the authority is East Baton Rouge Parish.

1 B. The authority is created to serve as an advocate for all of the state's ports,
2 to articulate a vision for the future of the state's ports through development of a
3 master plan for such development, to provide focus and coordination for the state's
4 efforts to attract international trade to the state's ports, to set funding priorities for the
5 development and growth of the state's ports and its water transportation system, and
6 to leverage the financing capacity of the state's ports through coordinated financing
7 arrangements, all as more specifically provided for by this Chapter.

8 §5222. Board of directors

9 A. The authority shall be governed by a board of directors, which is solely
10 responsible for setting policy and managing the activities of the authority.

11 B. The board is composed of the following members:

12 (1) The governor or his designee, who shall serve as chairman of the board.

13 (2) The secretary of the Department of Transportation and Development or
14 his designee.

15 (3) The secretary of the Department of Economic Development or his
16 designee.

17 (4) The governor shall appoint three members from a single list of six
18 nominations submitted by Louisiana ports. Members appointed pursuant to this
19 Paragraph serve at the pleasure of the governor.

20 C. The board shall elect from among its members officers other than the
21 chairman as it deems necessary.

22 D. A majority of the members of the board shall constitute a quorum for the
23 transaction of business and all official action of the board shall require the favorable
24 vote of a majority of the members of the board.

25 E. The board shall adopt rules for the transaction of its business and shall
26 keep an accurate record of all of its proceedings and official actions. All papers,
27 documents, and records pertaining to the board shall be filed at the domicile of the
28 board.

1 §5223. Powers and duties of the authority

2 A. The authority shall:

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

5 (2) In accordance with the Administrative Procedure Act, make, alter,
6 amend, and promulgate rules and regulations necessary for the administration of the
7 functions of the authority.

8 (3) Organize, plan, supervise, direct, administer, execute, and be responsible
9 for the functions and programs vested in the authority, in the manner and to the
10 extent provided by this Chapter.

11 (4) Advise the governor on problems concerning the administration of the
12 authority and the functions and operations of Louisiana ports.

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

15 (6) On an annual basis, compile and provide all information necessary for
16 confecting an annual budget.

17 B. The authority may:

18 (1) Employ, appoint, remove, assign, and promote such personnel as is
19 necessary for the efficient administration of the authority and the performance of its
20 powers, duties, functions, and responsibilities.

21 (2) Accept and use, in accordance with law, gifts, grants, bequests, and
22 endowments for purposes consistent with the responsibilities and functions of the
23 authority and take such actions as are necessary to comply with any conditions
24 required for such acceptance.

25 (3) Issue bonds and incur debt on behalf of a Louisiana port.

26 (4) Do such other things, not inconsistent with law, as are necessary to
27 perform properly the functions vested in it.

1 §5224. Master plan

2 A.(1) The board shall, in accordance with the procedures set forth in this
3 Section, develop a master plan for coordinated port development and growth. In
4 addition, the board, in accordance with the procedures set forth in this Section, shall
5 review, revise, and amend the master plan when necessary or, at a minimum, every
6 four years.

7 (2) The master plan shall include requests for funding of projects and
8 programs related to port development. The annual plan shall include at least a
9 three-year projection of funding of projects and programs, including but not limited
10 to relevant public or private funding sources.

11 B. The board shall develop the master plan in accordance with the following
12 procedure:

13 (1) The board shall conduct not less than three public hearings in separate
14 locations at three ports in different regions for the purpose of receiving comments
15 and recommendations from the public and elected officials. The board shall conduct
16 a round of such hearings every other year to receive comments on the effectiveness
17 of the existing plan and proposals for revisions to the plan.

18 (2) After adoption of a plan or revisions to a plan, the board shall submit the
19 plan or revisions to the House Committee on Transportation, Highways and Public
20 Works and the Senate Committee on Transportation, Highways and Public Works
21 for review and comment. The committees, acting individually or jointly, shall have
22 sixty days in which to hold a hearing on the proposed plan or revisions.

23 (3) The board shall consider any recommendations made by either
24 committee that were adopted at a meeting of the committee and incorporate such
25 recommendations as it deems appropriate.

26 (4) The board shall submit the plan or revisions to the Board of International
27 Commerce. Any plan or revisions shall become effective only upon approval of the
28 Board of International Commerce by formal action at a public hearing.

1 (c) Description of project area.

2 B. Applications shall be reviewed by the ~~department~~ authority and any other
3 appropriate state agencies within sixty days after receipt of such applications by the
4 ~~department~~ authority.

5 C. Procedures for review and evaluation shall be developed by the
6 ~~department~~ authority. Prior to implementing the review and evaluation procedures,
7 the ~~department~~ authority shall secure the approval of these procedures by the joint
8 committee in accordance with the Administrative Procedure Act. The procedures
9 and a set of guidelines for completing project applications shall be made available
10 to eligible port authorities upon request.

11 D. The ~~department~~ authority may contract with the Louisiana State
12 University Ports and Waterways Institute for any of the duties associated with the
13 development of the port priority program, including but not limited to the
14 development, review, and evaluation of plans and specifications, and the
15 development of the port priority program list. However, development of and
16 authority over the final determination of the port priority list shall remain with the
17 ~~department~~ authority and the joint committee as provided in this Chapter.

18 E. The ~~department~~ authority shall insure that an inventory is maintained of
19 ports, navigable waterways, and water transportation facilities, public and private,
20 with respect to their location, capacities, and capabilities and serve as a
21 clearinghouse for inquiries for ports and waterways information, data, and technical
22 and research assistance.

23 F. The ~~department~~ authority shall have prepared each year a summary report
24 containing projections of state, federal, local, and private financial requirements for
25 expanding or renovating existing ports and waterways facilities, constructing new
26 ones, and maintaining these facilities.

27 §3453. Priority list of projects; public hearings; final program

28 Each quarter, the ~~department~~ authority shall prepare and shall furnish a
29 prioritized list of projects, based on the applications received by the ~~department~~

1 authority during that quarter, to the joint committee. The joint committee shall
2 receive the prioritized list of projects from the ~~department~~ authority for each of the
3 first three quarters of the year, and shall call a public hearing within thirty days of
4 receiving the list in order to receive public testimony regarding any project on the
5 list. At such hearing, the joint committee shall vote to either accept, reject, or
6 modify the list. Each quarter, the ~~department~~ authority shall reprioritize the list of
7 projects to reflect the cumulative list of projects recommended by the ~~department~~
8 authority. After application recommendations for the last quarter are made by the
9 ~~department~~ authority, the ~~department~~ authority shall submit the final port
10 construction and development priority program for the ensuing fiscal year to the
11 joint committee for approval. Prior to the convening of the regular session of the
12 legislature, the joint committee shall hold a public hearing for the purpose of
13 reviewing the final program for the ensuing fiscal year. Prior to such hearing, the
14 ~~department~~ authority shall publish the appropriate official notice in the necessary
15 journals. The final program shall be based upon the anticipated revenues to be
16 appropriated by the legislature or other funding obligation authority and the projects
17 shall be listed in order of priority. When this final construction program is presented
18 to the legislature for funding or funding obligation authority for the ensuing fiscal
19 year, the legislature shall not add any projects to this final construction program.
20 Any project recommended by the ~~department~~ authority and approved by the joint
21 committee but for which funds are unavailable in the fiscal year for which it was
22 approved shall remain on the prioritized list of projects and shall be carried forward
23 to the next fiscal year. Such project shall retain its place on the prioritized list of
24 projects and shall receive a higher priority over newly recommended projects in the
25 next fiscal year.

26 §3454. Supplemental list of projects

27 The ~~department~~ authority also shall provide to the joint committee annually
28 a supplemental list of projects proposed to be commenced or authorized within the
29 ensuing four years which are in various stages of planning and preparation. The

1 supplemental list shall be subject to change by the ~~department~~ authority until the
2 ~~department~~ authority finally approves each project for construction.

3 §3455. Projects undertaken by the ~~department~~ authority

4 A. After adoption of the ~~department's~~ authority's recommendations by the
5 joint committee, the approved list of projects shall be forwarded to the ~~department~~
6 authority for implementation. The approved list shall be implemented by the
7 ~~department~~ authority by the use of funds appropriated, funding obligation authority,
8 or pursuant to the cash management program as provided by R.S. 48:251(D).
9 Funding or funding obligation authority shall be allocated to projects in accordance
10 with the prioritized list of projects approved by the joint committee. Funding
11 obligation authority may be granted or authorized for a project from funds
12 appropriated or obligated for another project or projects within the Port Priority
13 Construction and Development Program provided that such authority does not
14 impede such project or projects. Such funding obligation authority shall be
15 extinguished for a project at such time as funds are made available for obligation for
16 the project. The ~~department~~ authority shall not delete, add, or substitute any projects
17 for those approved by the joint committee, except as provided in R.S. 34:3456;
18 however, the ~~secretary of the department~~ commissioner of the authority may, at his
19 discretion, authorize projects to be undertaken and financed due to an emergency out
20 of ~~the secretary's~~ emergency ~~fund~~ funds.

21 * * *

22 §3456. Commencement of projects; substitutions; Port of New Orleans

23 A. The projects planned for the year for which appropriations have been
24 made or which have funding obligation authority shall be commenced in that year;
25 however, if a project cannot be commenced within the year for which it is
26 authorized, the ~~secretary of the department~~ commissioner of the authority shall file
27 with the project records a public statement as to the factors causing the delay, and
28 the next priority project shall be substituted therefor. When the delaying factors
29 have been overcome, the delayed project shall be placed in the highest priority for

1 the next ensuing fiscal year. Projects which have been funded or which have
2 obligation authority shall retain such funding or authority until the project is
3 completed and the project costs are liquidated.

4 * * *

5 §3457. Allocation, reallocation of funds; deposit to Transportation Trust Fund

6 A. The Transportation Trust Fund shall be the source of state funds provided
7 for any port project on the priority list approved pursuant to the provisions of this
8 Chapter. Prior to the commencement of any work, the ~~department~~ authority shall
9 require the presiding officer of each port authority involved in a project to execute
10 an agreement and statement of sponsorship to provide a ten percent local match for
11 the cost of construction of the project including the cost of any items stipulated under
12 the provisions of Paragraph (1) of this Subsection. The ~~department~~ authority shall
13 further stipulate that such agreement include but not be limited to the following:

14 * * *

15 §3457.1. Reimbursement for project construction

16 A sponsoring port authority may make application under the provisions of
17 this Chapter to utilize its own funds for project construction and to be reimbursed by
18 the Port Construction and Development Priority Program provided that all program
19 criteria are met in accordance with the provisions of this Chapter, the project is listed
20 in the recommended construction program, and all program criteria are met in
21 accordance with the program's "Procedural Manual for Funded Projects" and the
22 rules and regulations promulgated by the ~~department~~ authority to implement the
23 provisions of this Chapter.

24 §3458. Preparation of plans and specifications; letting of bids for construction;
25 supervision of construction

26 * * *

27 B. For port authorities located in a parish with a population of less than fifty
28 thousand persons, the ~~department~~ authority may prepare the necessary plans and

1 specifications, may let the contract for bid, and may supervise the construction of the
2 project.

3 §3459. Inspection

4 A. The ~~department~~ authority shall approve the engineering and construction
5 plans for any proposed projects that are prepared by consultant or contract engineers
6 for any recipient port authority. The ~~department~~ authority may inspect the
7 construction of a project at any time to assure project compliance.

8 B. The ~~department~~ authority shall inspect a complete project with the
9 consultant or contract engineer. The engineer shall certify that construction is in
10 accordance with plans and specifications. The ~~department~~ authority may inspect a
11 completed project at any time to assure that the project is being maintained in
12 accordance with project specifications and agreements.

13 §3460. System of administration

14 Each recipient authority shall adopt a system of administration which shall
15 require approval of the ~~department~~ authority for any expenditures made out of state
16 and local matching funds, and no recipient authority shall expend any funds without
17 the approval of the ~~department~~ authority. Each recipient authority shall adopt a
18 system of administration which shall include the development of a capital
19 improvement program on a selective basis, centralized purchasing of equipment and
20 supplies, centralized accounting, and selective maintenance and construction based
21 upon engineering plans and inspections. Funds appropriated for a project shall not
22 be expended for any other purpose. All contracts for materials, construction, or
23 services shall be advertised and awarded to the lowest responsible bidder in
24 accordance with the provisions of R.S. 38:2212. However, a port may utilize the
25 design-build method as permitted by R.S. 34:3523 for any port priority project that
26 a notice of intent is advertised for in accordance with R.S. 34:3523 prior to
27 December 31, 2015.

1 §3461. Audit of distribution to recipient port authorities

2 The state monies distributed to the recipient authorities and the local
3 matching funds shall be audited by the legislative auditor or a certified public
4 accountant at least biennially pursuant to R.S. 24:513(A) and shall issue and
5 distribute all audit reports pursuant to R.S. 24:516(A). To the extent that funds
6 available to the legislative auditor permit, the audits of each recipient port authority
7 of the use of the monies shall include an investigation of any failure to comply with
8 the recommendations for planning, design, and construction adopted by the
9 ~~department~~ authority. The recipient port authority shall certify annually to the
10 legislative auditor that the funds made available under this Chapter have been
11 expended in accordance with the standards established by law.

12 * * *

13 §3471. Definitions

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

16 (1) ~~"Department" means the Department of Transportation and~~
17 ~~Development.~~ "Authority" means the Louisiana Port Authority.

18 * * *

19 §3472. Methodology for dredging and deepening project evaluation

20 A.(1) Applications for funding of any waterway project may be submitted
21 by any governmental entity on a quarterly basis, except as provided in R.S. 34:3476.
22 Applications shall be submitted to the ~~office~~ authority no later than the first of
23 March, June, September, and December of each calendar year for consideration of
24 funding or funding obligation authority in the following fiscal years. Applications
25 submitted in accordance with the provisions of this Chapter shall be subject to the
26 provisions of R.S. 39:101 through 128. Information to be provided in the application
27 shall include but not be limited to the following:

28 (a) Description of the project and demonstration of immediate need for the
29 project.

1 (b) Preliminary project design and cost estimate.

2 (c) Description of project area.

3 (2) Project applications shall not be subject to formal review and evaluation
4 until the information required in the application has been submitted.

5 B. Applications shall be reviewed by the ~~office~~ authority and any other
6 appropriate state agencies within sixty days after receipt of such applications by the
7 ~~office~~ authority.

8 C. Procedures for review and evaluation shall be developed by the ~~office~~
9 authority. Prior to implementing the review and evaluation procedures, the ~~office~~
10 authority shall secure the approval of these procedures by the oversight committees
11 in accordance with the Administrative Procedure Act. The procedures and a set of
12 guidelines for completing project applications shall be made available to eligible
13 governmental entities upon request.

14 D. The ~~office~~ authority may contract for any of the duties associated with the
15 development of the waterway dredging and deepening priority program, including
16 but not limited to the development, review, and evaluation of plans and
17 specifications, and the development of the waterway dredging and deepening priority
18 program list. However, development of and authority over the final determination
19 of the waterway dredging and deepening priority list shall remain with the
20 ~~department~~ authority and the joint committee as provided in this Chapter.

21 E. The ~~office~~ authority shall insure that an inventory is maintained of
22 waterways, public and private, with respect to their location, capacities, and
23 capabilities and serve as a clearinghouse for inquiries for waterways information,
24 data, and technical and research assistance.

25 F. The ~~office~~ authority shall have prepared each year a summary report
26 containing projections of state, federal, local, and private financial requirements for
27 dredging and deepening waterways.

1 §3473. Priority list of projects; public hearings; final program

2 Each quarter, the ~~office~~ authority shall prepare and furnish to the joint
3 committee a prioritized list of projects based on the applications received by the
4 ~~office~~ authority during that quarter. The joint committee shall receive the prioritized
5 list of projects from the ~~office~~ authority for each of the first three quarters of the
6 year, and shall call a public hearing within thirty days of receiving the list in order
7 to receive public testimony regarding any project on the list. At such hearing, the
8 joint committee shall vote to either accept, reject, or modify the list. Each quarter,
9 the ~~office~~ authority shall reprioritize the list of projects to reflect the cumulative list
10 of projects recommended by the ~~office~~ authority. After application
11 recommendations for the last quarter are made by the ~~office~~ authority, the ~~office~~
12 authority shall submit the final waterway dredging and deepening priority program
13 for the ensuing fiscal year to the joint committee for approval. Prior to the
14 convening of the regular session of the legislature, the joint committee shall hold a
15 public hearing for the purpose of reviewing the final program for the ensuing fiscal
16 year. Prior to such hearing, the ~~office~~ authority shall publish the appropriate official
17 notice on the ~~department's~~ authority's website. The final program shall be based
18 upon the anticipated revenues to be appropriated by the legislature or other funding
19 obligation authority and the projects shall be listed in order of priority. When this
20 final construction program is presented to the legislature for funding or funding
21 obligation authority for the ensuing fiscal year, the legislature shall not add any
22 projects to this final construction program. Any project recommended by the ~~office~~
23 authority and approved by the joint committee for which funds are unavailable in the
24 fiscal year but for which it was approved shall remain on the prioritized list of
25 projects and shall be carried forward to the next fiscal year.

26 §3474. Supplemental list of projects

27 The ~~office~~ authority also shall provide to the joint committee annually a
28 supplemental list of projects proposed to be commenced or authorized within the
29 ensuing four years which are in various stages of planning and preparation. The

1 supplemental list shall be subject to change by the ~~office~~ authority until the ~~office~~
2 authority finally approves each project.

3 §3475. Projects undertaken by the ~~office~~ authority

4 A. After adoption of the ~~office~~ authority's recommendations by the joint
5 committee, the approved list of projects shall be forwarded to the ~~office~~ authority for
6 implementation. The approved list shall be implemented by the ~~office~~ authority by
7 the use of funds appropriated, funding obligation authority, or pursuant to the cash
8 management program as provided by R.S. 48:251(D). Funding or funding obligation
9 authority shall be allocated to projects in accordance with the prioritized list of
10 projects approved by the joint committee. Funding obligation authority may be
11 granted or authorized for a project from funds appropriated or obligated for another
12 project or projects within the Waterway Dredging and Deepening Priority Program
13 provided that such authority does not impede such project or projects. Such funding
14 obligation authority shall be extinguished for a project at such time as funds are
15 made available for obligation for the project. The ~~office~~ authority shall not delete,
16 add, or substitute any projects for those approved by the joint committee, except as
17 provided in R.S. 34:3476.

18 B. No waterway project shall be undertaken by the ~~office~~ authority except
19 those included in the approved program listing which are funded or which have
20 funding obligation authority for that fiscal year.

21 §3476. Commencement of projects; substitutions

22 The projects planned for the year for which appropriations have been made
23 or which have funding obligation authority shall be commenced in that year;
24 however, if a project cannot be commenced within the year for which it is
25 authorized, the commissioner of the ~~office~~ authority of multimodal commerce shall
26 file with the project records a public statement as to the factors causing the delay.
27 Projects which have been funded or which have obligation authority shall retain such
28 funding or authority until the project is completed and the project costs are
29 liquidated.

1 §3477. Allocation, reallocation of funds; deposit to Dredging and Deepening Fund

2 * * *

3 B. Prior to the commencement of any work, the ~~office~~ authority shall require
4 the presiding officer of each governmental entity involved in a project to execute an
5 agreement and statement of sponsorship to provide no less than a ten percent local
6 match for the cost of the project.

7 * * *

8 §3479. Inspection

9 A. The ~~office~~ authority shall approve the engineering and construction plans
10 for any proposed projects that are prepared by consultant or contract engineers for
11 any recipient governmental entity. The ~~office~~ authority may inspect the construction
12 of a project at any time to assure project compliance.

13 B. The ~~office~~ authority shall inspect a completed project with the consultant
14 or contract engineer. The engineer shall certify that construction is in accordance
15 with plans and specifications. The ~~office~~ authority may inspect a completed project
16 at any time to assure that the project is being maintained in accordance with project
17 specifications and agreements.

18 §3480. System of administration

19 Each governmental entity shall adopt a system of administration which shall
20 require approval of the ~~office~~ authority for any expenditures made out of state and
21 local matching funds, and no governmental entity shall expend any funds on an
22 approved project without the approval of the ~~office~~ authority. Each governmental
23 entity shall adopt a system of administration which shall include the development of
24 a capital improvement program on a selective basis, centralized purchasing of
25 equipment and supplies, centralized accounting, and selective maintenance and
26 construction based upon engineering plans and inspections. All contracts for
27 materials, construction, or services shall be advertised and awarded to the lowest
28 responsible bidder in accordance with the provisions of R.S. 38:2212.

1 §3481. Audit of distribution to recipient governmental entities

2 The state monies distributed to the governmental entity and the local
3 matching funds shall be audited by the legislative auditor or a certified public
4 accountant at least biennially pursuant to R.S. 24:513(A) and shall issue and
5 distribute all audit reports pursuant to R.S. 24:516(A). To the extent that funds
6 available to the legislative auditor permit, the audits of each recipient governmental
7 entity of the use of the monies shall include an investigation of any failure to comply
8 with the recommendations for planning, design, and construction adopted by the
9 ~~office~~ authority. The recipient governmental entity shall certify annually to the
10 legislative auditor that the funds made available under this Chapter have been
11 expended in accordance with the standards established by law.

12 Section 3. R.S. 36:508.3(A)(1) is hereby amended and reenacted and R.S.
13 36:509(F)(3) is hereby enacted to read as follows:

14 §508.3. Office of multimodal commerce; functions; commissioner; deputy
15 commissioner; powers and duties

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

22 * * *

23 §509. Transfer of agencies to Department of Transportation and Development

24 * * *

25 F. The following agencies are placed within the Department of
26 Transportation and Development and shall perform and exercise their powers, duties,
27 functions, and responsibilities in accordance with the provisions of R.S. 36:801.1:

28 * * *

29 (3) Louisiana Port Authority (R.S. 34:5221 et seq.).

1 Section 4. R.S. 34:3471(4) and R.S. 36:508.3(D)(2) are hereby repealed in their
2 entirety.

3 Section 5. The governor shall appoint members of the board as required by this Act
4 no later than September 1, 2023, and the governor or his designee shall call the first meeting
5 of the board for a date no later than October, 1, 2023.

6 Section 6. It is the intention of the legislature that personnel and resources of the
7 Department of Transportation and Development engaged in or dedicated to functions
8 transferred to the Louisiana Port Authority by this Act will also be transferred to the
9 authority.

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 581 Original

2023 Regular Session

Wright

Abstract: Creates the La. Port Authority (LPA).

Proposed law creates the LPA to serve as an advocate for all of the state's ports, to articulate a vision for the future of the state's ports through development of a master plan for such development, 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 authority by a board of directors composed of the following members:

- (1) The governor or his designee, who shall serve as chairman of the board.
- (2) The secretary of the Dept. of Transportation and Development (DOTD) or his designee.
- (3) The secretary of the Dept. of Economic Development or his designee.
- (4) The governor shall appoint three members from a single list of six nominations submitted by La. ports. Such appointees serve at the pleasure of the governor.

Proposed law provides that the authority shall:

- (1) Represent the public interest in the administration of proposed law.
- (2) Promulgate rules and regulations necessary for the administration of the functions of the authority.
- (3) Organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs vested in the authority.

- (4) Advise the governor on problems concerning the administration of the authority 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 provides that the authority may:

- (1) Employ personnel as necessary.
- (2) Accept and use, in accordance with law, gifts, grants, bequests, and endowments for purposes consistent with the responsibilities and functions of the authority and take such actions as are necessary to comply with any conditions required for such acceptance.
- (3) Issue bonds and incur debt on behalf of a La. port.
- (4) Do such other things, not inconsistent with law, as are necessary to perform properly the functions vested in it.

Proposed law requires the board to develop a master plan for coordinated port development and growth and to review, revise, and amend the master plan when necessary, at least every four years. Provides for review of the plan and proposed revisions by the legislative transportation committees and for approval of the plan and proposed revisions by the Bd. of International Commerce.

Present law creates the Port Construction and Development Priority Program and the Waterway Dredging and Deepening Priority Program. Both programs are managed and implemented by DOTD.

Proposed law retains present law except to transfer responsibility for the programs to the LPA.

Present law creates the office of multimodal commerce within DOTD 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.

Proposed law retains present law except to remove responsibility for port and water transportation systems from the office.

Proposed law expresses intention of the legislature that personnel and resources of DOTD engaged in or dedicated to functions transferred to the LPA by proposed law will also be transferred to the authority.

(Amends R.S. 34:3451(2), 3452-3454, 3455(A), 3456(A), 3457(A)(intro. para.), 3457.1, 3458(B), 3459-3461, 3471(1), 3472-3476, 3477(B), and 3479-3481 and R.S. 36:508.3(A)(1); Adds R.S. 34:5221-5224, and R.S. 36:509(F)(3); Repeals R.S. 34:3471(4) and R.S. 36:508.3(D)(2))