

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 54 of Title 34 of the Louisiana Revised Statutes of 1950, to be  
3 compromised of R.S. 34:5221 through 5224, and to repeal Act No. 461 and Act No.  
4 459 of the 2023 Regular Session of the Legislature, relative to Louisiana ports; to  
5 create the Louisiana Ports and Waterways Investment Commission; to provide for  
6 the purpose, board appointments, powers, duties, functions, and governance of the  
7 commission; to provide for the development of a strategic plan and investment  
8 program; to provide for oversight; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 54 of Title 34 of the Louisiana Revised Statutes of 1950,  
11 compromised of R.S. 34:5221 through 5224 is hereby enacted to read as follows:

12 CHAPTER 54. LOUISIANA PORTS AND WATERWAYS INVESTMENT

13 COMMISSION

14 §5221. Creation; purpose

15 A. The Louisiana Ports and Waterways Investment Commission, referred to  
16 as the "commission" in this Chapter, is hereby created within the governor's office.

17 The domicile of the council shall be East Baton Rouge Parish.

18 B. The commission is created to serve as an advocate for all of the state's  
19 ports and waterways investment interests. To that end, the commission is charged  
20 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 appointed by the governor who shall serve as chairman.

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

17           (3) The secretary of the Department of Economic Development, or his  
18           designee.

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

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

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

23           (a) Two members from inland ports.

24           (b) Two members from coastal ports.

25           (c) Two members from deep water ports.

26           (7) One representative of Louisiana Railroads Association appointed by the  
27           governor.

28           (8) One representative of Louisiana Motor Transport Association appointed  
29           by the governor.

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

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

7           §5223. Powers and duties of the commission

8           A. The commission shall:

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

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

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

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

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

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

23          B.(1) The commission may:

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

27          (b) Accept and use, in accordance with law, gifts, grants, bequests, and  
28          endowments for purposes consistent with the responsibilities and functions of the

1 council and take such actions as are necessary to comply with any conditions  
2 required for such acceptance.

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

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

7 §5224. Development of the Strategic Plan and Investment Program

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

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

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

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

18 B. The board shall develop the plans in accordance with the following  
19 procedures:

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

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

27 (3) After adoption of a plan or revisions to a plan, the board shall submit the  
28 plan or revisions to the House Committee on Transportation, Highways and Public  
29 Works and the Senate Committee on Transportation, Highways, and Public Works

1        for review and comment. The committees, acting individually or jointly, shall have  
2        sixty days to hold a hearing on the proposed plan or revisions.

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

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

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

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

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

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

16        Section 2. Act No. 461 and Act. No. 459 of the 2023 Regular Session of the  
17        Legislature are repealed in their entirety.

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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)]

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HB 971 Reengrossed

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 commission by a board of directors composed of the following members:

- (1) One member appointed by the governor and who will serve as chairman.

- (2) The commissioner of multimodal commerce in the Dept. of Transportation and Development.
- (3) The secretary of the Dept. of Economic Development or his designee.
- (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 as follows:
  - (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 governor.
- (8) One representative of the La. Motor Transport Commission appointed by the governor.

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.

Present law created the Southwest La. Port Authority Advisory Commission and provides for its purpose, powers, jurisdiction, and duties.

Proposed law repeals present law.

Present law renamed and reorganized the Dept. of Economic Development as the Department of Commerce and moved multimodal commerce from the Dept. of Transportation and Development to the Dept. of Commerce.

Proposed law repeals present law.

(Adds R.S. 34:5221-5224; Repeals Act No. 461 and 459 of the 2023 R.S.)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify that the board is to be composed of one member appointed by the governor who will serve as chairman, instead of requiring the member be from the governor's staff.
3. Change the appointing authority for the member from the Louisiana Roads Association from the general counsel to the governor.
4. Change the appointing authority for the representative from the Louisiana Motor Transport Association from the executive director to the governor.
5. Repeal provisions that created the Southeast Louisiana Port Authority Advisory Commission.

6. Repeal provisions to rename and reorganize the Department of Economic Development to the Department of Commerce.