

2024 Regular Session

ACT No. 755

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

BY REPRESENTATIVE WRIGHT

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 Chapter 49 of Title 34 of
4 the Louisiana Revised Statutes of 1950, comprised of R.S. 34:3491 through 3506,
5 Chapter 53 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S.
6 34:5210 through 5215, Chapter 44 of Title 51 of the Louisiana Revised Statutes of
7 1950, comprised of R.S. 51:2701, and Sections 1 and 3(A) of Act No. 459 of the
8 2023 Regular Session of the Legislature, relative to Louisiana ports; to create the
9 Louisiana Ports and Waterways Investment Commission; to provide for the purpose,
10 board appointments, powers, duties, functions, and governance of the commission;
11 to provide for the development of a strategic plan and investment program; to
12 provide for oversight to repeal the Louisiana International Deep Water Gulf Transfer
13 Terminal Authority; to repeal the Port Development Advisory Commission; to repeal
14 the office of port development; to repeal the Southeast Louisiana Port Authority
15 Advisory Commission; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

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

19 CHAPTER 54. LOUISIANA PORTS AND WATERWAYS INVESTMENT

20 COMMISSION

21 §5221. Creation; purpose

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

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

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

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

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

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

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

12 §5222. Board of directors

13 A. The commission shall be governed by a board of directors, which shall
 14 be solely responsible for setting the policy and managing the activities of the
 15 commission.

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

17 (1) One member appointed by the governor who shall serve as chairman.

18 (2) The commissioner of multimodal commerce in the Department of
 19 Transportation and Development who shall serve as vice chairman.

20 (3) The secretary of the Department of Economic Development, or his
 21 designee.

22 (4) One member of the House of Representatives appointed by the speaker
 23 of the House of Representatives.

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

25 (6) Six members appointed by the governor from a list of four nominated
 26 individuals, submitted per port classification by the Port Association of Louisiana,
 27 as follows:

28 (a) Two members from inland ports.

29 (b) Two members from coastal ports.

30 (c) Two members from deep water ports.

1 (7) One representative of Louisiana Railroads Association appointed by the
 2 governor.

3 (8) One representative of Louisiana Motor Transport Association appointed
 4 by the governor.

5 C. Members appointed by the governor pursuant to Paragraphs (6) through
 6 (8) of this Subsection shall be the executive director of the entity or his designee,
 7 subject to Senate confirmation.

8 D. A majority of the members of the board shall constitute a quorum for the
 9 purpose of transacting business and all official actions of the board shall require the
 10 favorable vote of two-thirds of the entire membership of the board.

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

14 F. For purposes of this Chapter, the classification of ports as inland, coastal
 15 and deepwater shall be in accordance with the Louisiana Legislative Auditor's
 16 Informational Report regarding Louisiana's Public Port System, dated January 31,
 17 2024, and any subsequent updates or as amended from time to time.

18 §5223. Powers and duties of the commission

19 A. The commission shall:

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

22 (2) Promulgate and amend rules and regulations, in accordance with the
 23 Administrative Procedure Act, necessary for the administration of the functions of
 24 the commission.

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

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

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

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

5 B.(1) The commission may:

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

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

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

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

17 §5224. Development of the Strategic Plan and Investment Program

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

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

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

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

28 B. The board shall develop the plans in accordance with the following
 29 procedures:

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

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

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

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

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

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

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

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

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

26 Section 2. Chapter 49 of Title 34 of the Louisiana Revised Statutes of 1950,
 27 comprised of R.S. 34:3491 through 3506 and Chapter 53 of Title 34 of the Louisiana
 28 Revised Statutes of 1950, comprised of R.S. 34:5210 through 5215 are hereby repealed.

29 Section 3. Chapter 44 of Title 51 of the Louisiana Revised Statutes of 1950,
 30 comprised of R.S. 51:2701 is hereby repealed.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 4. Sections 1 and 3(A) of Act No. 459 of the 2023 Regular Session are
2 hereby repealed.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____