

SENATE BILL NO. 214

BY SENATORS MCMATH, CATHEY, CONNICK, CORTEZ, DUPLESSIS, FESI,
HEWITT, MILLIGAN, REESE, SMITH AND TALBOT AND
REPRESENTATIVE GAROFALO

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

To amend and reenact R.S. 36:101(B) and (C)(1) and 107, to enact R.S. 36:108(C) and (D) and Chapter 44 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2701, relative to the Department of Economic Development; to create the office of port development within the department; to provide for powers and duties of the office; to provide for a commissioner of port development; to provide for a port development advisory commission; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:101(B) and (C)(1) and 107 are hereby amended and reenacted and R.S. 36:108(C) and (D) are hereby enacted to read as follows:

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

* * *

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

C.(1) The Department of Economic Development shall be composed of the

1 executive office of the secretary, the office of management and finance, the office
 2 of business development, **the office of port development**, and such other offices as
 3 shall be created by law.

4 * * *

5 §107. Assistant secretaries

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

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

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

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

29 §108. Offices; purposes and functions

30 * * *

1 **C. The office of port development shall perform the following functions**
 2 **of the state:**

3 **(1) Include in various activities the facilities, capacities, and capabilities**
 4 **of ports and intermodal and infrastructure transportation systems functioning**
 5 **in the state.**

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

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

10 **(4) Identify obstacles to growth of Louisiana ports and develop remedies**
 11 **for such obstacles.**

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

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

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

17 **(8) Perform any other functions as suggested by the Port Development**
 18 **Advisory Commission.**

19 **D. Notwithstanding any other provision of this Section to the contrary,**
 20 **the Offshore Terminal Authority, including the deepwater ports licensed**
 21 **thereunder, is specifically excluded from this Section and shall remain under**
 22 **the jurisdiction of the Department of Transportation and Development.**

23 Section 2. Chapter 44 of Title 51 of the Louisiana Revised Statutes of 1950,
 24 comprised of R.S. 51:2701, is hereby enacted to read as follows:

25 **CHAPTER 44. PORT DEVELOPMENT ADVISORY COMMISSION**

26 **§2701. Port Development Advisory Commission**

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

29 **(1) The secretary of the Department of Economic Development or his**
 30 **designee.**

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

2 **(3) The chairs of the Senate Committee on Commerce, Consumer**
3 **Protection and International Affairs and the House Committee on Commerce**
4 **or their designees.**

5 **(4) Three representatives of the Ports Association of Louisiana selected**
6 **by its board of directors, including one representative each representing inland,**
7 **deepwater, and coastal ports.**

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

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

11 **(7) A member of the House of Representatives selected by the speaker of**
12 **the House of Representatives.**

13 **B. The Port Development Advisory Commission shall meet and develop**
14 **an operational plan for the 2024 Regular Session of the Legislature for the**
15 **following:**

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

20 **(2) The organizational structure of the office of port development, with**
21 **a further initial allocation of the office's powers, duties, responsibilities, officers,**
22 **equipment, and employees among the specific divisions provided for in R.S.**
23 **36:108(C), to become effective on July 1, 2024.**

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

26 **C. The operational plan of the Port Development Advisory Commission**
27 **shall be presented to the Senate Committee on Commerce, Consumer Protection**
28 **and International Affairs and the House Committee on Commerce, meeting**
29 **jointly, for their review, amendment, and approval no later than February 1,**
30 **2024.**

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

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

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

9 G. The department and Senate Legislative Services shall provide staff
10 support for the commission.

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

13 Section 3.(A) The provisions of Section 1 of this Act shall become effective when
14 an Act of the Louisiana Legislature containing a specific appropriation of monies for the
15 implementation of the provisions of this Act becomes effective or July 1, 2024, whichever
16 is later.

17 (B) The provisions of this Section and Section 2 of this Act shall become effective
18 upon signature by the governor or, if not signed by the governor, upon expiration of the time
19 for bills to become law without signature by the governor, as provided by Article III, Section
20 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
21 by the legislature, the provisions of this Section and Section 2 of this Act shall become
22 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____