

2024 Regular Session

HOUSE BILL NO. 685

BY REPRESENTATIVE WRIGHT

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

1 AN ACT

2 To amend and reenact R.S. 34:3451(2), 3452 through 3454, 3455(A), 3456(A),

3 3457(A)(introductory paragraph), 3457.1, 3458(B), 3459 through 3461, 3471(1),

4 3472 through 3476, 3477(B), and 3479 through 3481 and R.S. 36:508.3(A)(1), to

5 enact Chapter 53 of Title 34 of the Louisiana Revised Statutes of 1950, to be

6 comprised of R.S. 34:5221 through 5224, and R.S. 36:509(F)(3), and to repeal R.S.

7 34:3471(4) and R.S. 36:508.3(D)(2), relative to Louisiana ports; to create the

8 Louisiana Port Multimodal Council; to provide for powers, duties, functions, and

9 governance of the council; to provide for transfer of certain powers, duties,

10 functions, and resources from the Department of Transportation and Development

11 to the Louisiana Port Multimodal Council; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

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

15 CHAPTER 53. LOUISIANA PORT MULTIMODAL COUNCIL

16 §5221. Creation; purpose

17 A. The Louisiana Port Multimodal Council, hereafter in the Chapter referred

18 to as the "council", is hereby created within the Department of Transportation and

19 Development. The domicile of the council is East Baton Rouge Parish.

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

9           §5222. Board of directors

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

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

13           (1) The commissioner of Ports Multimodal Commerce, who shall serve as  
14           chairman of the board.

15           (2) The secretary of the Department of Transportation and Development or  
16           his designee.

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

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

22           C. The board shall elect two members of the legislature, one from the House  
23           of Representatives and one from the Senate one member will represent trucking, and  
24           the other member will represent railroads respectively.

25           D. A majority of the members of the board shall constitute a quorum for the  
26           transaction of business and all official action of the board shall require the favorable  
27           vote of a majority of the members of the board.

28           E. The board shall adopt rules for the transaction of its business and shall  
29           keep an accurate record of all of its proceedings and official actions. All papers,

1 documents, and records pertaining to the board shall be filed at the domicile of the  
2 board.

3 §5223. Powers and duties of the council

4 A. The council shall:

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

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

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

13 (4) Advise the governor on problems concerning the administration of the  
14 council and the functions and operations of Louisiana ports.

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

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

19 B. The council may:

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

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

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

28 (4) Do such other things, not inconsistent with law, as are necessary to  
29 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 Louisiana Board of  
27       International Commerce. Any plan or revisions shall become effective only upon  
28       approval of the Louisiana Board of International Commerce by formal action at a  
29       public hearing.

1                   C. The master plan shall include but not be limited to the following:

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

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

6                   Section 2.    R.S. 34:3451(2), 3452 through 3454, 3455(A), 3456(A),  
7                   3457(A)(introductory paragraph), 3457.1, 3458(B), 3459 through 3461, 3471(1), 3472  
8                   through 3476, 3477(B), and 3479 through 3481 are hereby amended and reenacted to read  
9                   as follows:

10                  §3451. Definitions

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

13    \*       \*       \*

14                  (2)    ~~"Department" means the Department of Transportation and~~  
15                  ~~Development.~~ "Council" means the Louisiana Port Multimodal Council.

16    \*       \*       \*

17                  §3452. Methodology for port project evaluation

18                  A.(1) Applications for funding of any port construction or development  
19                  project may be submitted by any port council on a quarterly basis, except as provided  
20                  in R.S. 34:3456. Applications shall be submitted to the ~~department~~ council no later  
21                  than the first of March, June, September, and December of each calendar year for  
22                  consideration of funding or funding obligation council in the following fiscal years.  
23                  Applications submitted in accordance with the provisions of this Chapter shall be  
24                  subject to the provisions of R.S. 39:101 through 128. Information to be provided in  
25                  the application shall include but not be limited to the following:

26                  (a) Description of the project and demonstration of immediate need for the  
27                  project.

28                  (b) Preliminary project design and cost estimate.

29                  (c) Description of project area.

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

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

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

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

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

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

1 §3453. Priority list of projects; public hearings; final program

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

28 §3454. Supplemental list of projects

29 The ~~department~~ council also shall provide to the joint committee annually a

1 supplemental list of projects proposed to be commenced or authorized within the  
2 ensuing four years which are in various stages of planning and preparation. The  
3 supplemental list shall be subject to change by the ~~department~~ council until the  
4 ~~department~~ council finally approves each project for construction.

5 §3455. Projects undertaken by the ~~department~~ council

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

23 \* \* \*

24 §3456. Commencement of projects; substitutions; Port of New Orleans

25 A. The projects planned for the year for which appropriations have been  
26 made or which have funding obligation authority shall be commenced in that year;  
27 however, if a project cannot be commenced within the year for which it is  
28 authorized, the ~~secretary of the department~~ commissioner multimodal commerce  
29 shall file with the project records a public statement as to the factors causing the



1 delay, and the next priority project shall be substituted therefor. When the delaying  
2 factors have been overcome, the delayed project shall be placed in the highest  
3 priority for the next ensuing fiscal year. Projects which have been funded or which  
4 have obligation authority shall retain such funding or authority until the project is  
5 completed and the project costs are liquidated.

6 \* \* \*

7 §3457. Allocation, reallocation of funds; deposit to Transportation Trust Fund

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

16 \* \* \*

17 §3457.1. Reimbursement for project construction

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

26 §3458. Preparation of plans and specifications; letting of bids for construction;  
27 supervision of construction

28 \* \* \*

29 B. For port authorities located in a parish with a population of less than fifty  
30 thousand persons, the ~~department~~ council 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~~ council 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~~ council may inspect the  
7 construction of a project at any time to assure project compliance.

8 B. The ~~department~~ council 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~~ council 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~~ council 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~~ council. Each recipient authority shall adopt a system  
18 of administration which shall include the development of a capital improvement  
19 program on a selective basis, centralized purchasing of equipment and supplies,  
20 centralized accounting, and selective maintenance and construction based upon  
21 engineering plans and inspections. Funds appropriated for a project shall not be  
22 expended for any other purpose. All contracts for materials, construction, or services  
23 shall be advertised and awarded to the lowest responsible bidder in accordance with  
24 the provisions of R.S. 38:2212. However, a port may utilize the design-build method  
25 as permitted by R.S. 34:3523 for any port priority project that a notice of intent is  
26 advertised for in accordance with R.S. 34:3523 prior to December 31, 2015.

27 §3461. Audit of distribution to recipient port authorities

28 The state monies distributed to the recipient authorities and the local  
29 matching funds shall be audited by the legislative auditor or a certified public

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

9 \* \* \*

10 §3471. Definitions

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

13 (1) ~~"Department" means the Department of Transportation and~~  
 14 ~~Development.~~ "Council" means the Louisiana Port Multimodal Council.

15 \* \* \*

16 §3472. Methodology for dredging and deepening project evaluation

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

- 25 (a) Description of the project and demonstration of immediate need for the
- 26 project.
- 27 (b) Preliminary project design and cost estimate.
- 28 (c) Description of project area.

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

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

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

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

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

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

26 §3473. Priority list of projects; public hearings; final program

27 Each quarter, the ~~office~~ council shall prepare and furnish to the joint  
28 committee a prioritized list of projects based on the applications received by the  
29 ~~office~~ council during that quarter. The joint committee shall receive the prioritized

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

22 §3474. Supplemental list of projects

23 The ~~office~~ council also shall provide to the joint committee annually a  
24 supplemental list of projects proposed to be commenced or authorized within the  
25 ensuing four years which are in various stages of planning and preparation. The  
26 supplemental list shall be subject to change by the ~~office~~ council until the ~~office~~  
27 council finally approves each project.

28 §3475. Projects undertaken by the ~~office~~ council

29 A. After adoption of the ~~office~~ council's recommendations by the joint

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

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

17 §3476. Commencement of projects; substitutions

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

26 §3477. Allocation, reallocation of funds; deposit to Dredging and Deepening Fund

27 \* \* \*

28 B. Prior to the commencement of any work, the ~~office~~ council shall require  
 29 the presiding officer of each governmental entity involved in a project to execute an

1 agreement and statement of sponsorship to provide no less than a ten percent local  
2 match for the cost of the project.

3 \* \* \*

4 §3479. Inspection

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

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

14 §3480. System of administration

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

25 §3481. Audit of distribution to recipient governmental entities

26 The state monies distributed to the governmental entity and the local  
27 matching funds shall be audited by the legislative auditor or a certified public  
28 accountant at least biennially pursuant to R.S. 24:513(A) and shall issue and  
29 distribute all audit reports pursuant to R.S. 24:516(A). To the extent that funds

1 available to the legislative auditor permit, the audits of each recipient governmental  
 2 entity of the use of the monies shall include an investigation of any failure to comply  
 3 with the recommendations for planning, design, and construction adopted by the  
 4 ~~office~~ council. The recipient governmental entity shall certify annually to the  
 5 legislative auditor that the funds made available under this Chapter have been  
 6 expended in accordance with the standards established by law.

7 Section 3. R.S. 36:508.3(A)(1) is hereby amended and reenacted and R.S.  
 8 36:509(F)(3) is hereby enacted to read as follows:

9 §508.3. Office of multimodal commerce; functions; commissioner; deputy  
 10 commissioner; powers and duties

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

17 \* \* \*

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

19 \* \* \*

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

23 \* \* \*

24 (3) Louisiana Port Multimodal Council (R.S. 34:5221 et seq.)

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

27 Section 5. The governor shall appoint members of the board as required by this Act  
 28 no later than September 1, 2024, and the governor or his designee shall call the first meeting  
 29 of the board for a date no later than July, 1, 2025.



1 Section 6. It is the intention of the legislature that personnel and resources of the  
2 Department of Transportation and Development engaged in or dedicated to functions  
3 transferred to the Louisiana Port Multimodal Council by this Act will also be transferred to  
4 the council.

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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 685 Original

2024 Regular Session

Wright

**Abstract:** Creates the La. Port Multimodal Council (LPMC).

Proposed law creates the LPMC 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 council by a board of directors composed of the following members:

- (1) The commissioner of multimodal commerce, will 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 commissioner shall appoint three members from a single list of six nominations submitted by La. ports. Such appointees serve at the pleasure of the commissioner.

Proposed law provides that the council 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 council.
- (3) Organize, plan, supervise, direct, administer, execute, and be responsible for the functions and programs vested in the council.
- (4) Advise the commissioner on problems concerning the administration of the council 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 council 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 council 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 council.

(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))