

Regular Session, 2008

SENATE BILL NO. 658

BY SENATOR CROWE

GOVERNMENT ORGANIZATION. Creates the Department of Ports, Maritime and International Trade. (See Act)

1 AN ACT
2 To enact Chapter 4 of Title 36 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 36:151 through 158, relative to the Department of Ports, Maritime and
4 International Trade; to create and provide for the Department of Ports, Maritime and
5 International Trade in the executive branch of state government; to provide for the
6 department, its officers and offices, and their powers, duties, functions, and
7 responsibilities; to provide for the transfer of certain employees to the Department
8 of Ports, Maritime and International Trade; to create the Ports, Maritime and
9 International Trade Commission; and to provide for the effectiveness of the Act; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 4 of Title 36 of the Louisiana Revised Statutes of 1950, to be
13 comprised of R.S. 36:151 through 158, is hereby enacted to read as follows:

14 **CHAPTER 4. DEPARTMENT OF PORTS, MARITIME**

15 **AND INTERNATIONAL TRADE**

16 **§151. Legislative findings and Purpose**

17 **A. The Legislature of Louisiana hereby finds that the economy of the**

1 state is extremely dependent on ports and the maritime industry. A recent
2 economic study found that ports account for approximately twenty-three
3 percent of the gross state product. In addition to providing billions of state and
4 local tax revenue, the maritime industry provides one out of every eight jobs in
5 the state. Statistics from the United States Army Corps of Engineers reveal that
6 cargo handled by Louisiana's ports accounts for nearly twenty-five percent of
7 the nation's waterborne commerce.

8 B. Considering the great importance of ports and the maritime industry
9 to the state of Louisiana, the Legislature of Louisiana finds that it is necessary
10 to create a department to coordinate the activities and assist the various port
11 authorities in their continued mission to provide good paying jobs and assist the
12 nation in obtaining cargo from international sources.

13 §152. Department of Ports, Maritime and International Trade; creation;
14 domicile; composition; purposes and functions

15 A. The Department of Ports, Maritime and International Trade is
16 created and shall be a body corporate with the power to sue and be sued. The
17 domicile of the department shall be in Baton Rouge, parish of East Baton
18 Rouge.

19 B. The Department of Ports, Maritime and International Trade, through
20 its offices and officers, shall be responsible for and perform the functions of the
21 state related to the welfare of the ports and maritime industry and to promote
22 international maritime trade with other nations.

23 C. (1) The Department of Ports, Maritime and International Trade shall
24 be composed of the executive office of the secretary and the office of
25 management and finance, and such other offices as shall be created by law.

26 (2) The secretary of the ports, maritime and international trade, upon
27 recommendation of the Ports, Maritime and International Trade Commission,
28 may establish the organization of the department subject to the provisions of
29 this Chapter, in accordance with the authority of such commission as provided

1 by law.

2 (3) Whenever the Ports, Maritime and International Trade Commission
3 determines that the administration of the functions of the department may be
4 more efficiently performed by eliminating, merging, or consolidating existing
5 offices or establishing new offices, the commission shall present a plan therefore
6 to the legislature for its approval by statute.

7 §153. Officers of the department; compensation for one office only

8 A. The officers of the department shall be the secretary, the deputy
9 secretary if a deputy secretary is appointed, and the undersecretary each of
10 whom shall be selected and shall perform functions as provided in this Title.

11 B. No person serving as secretary, deputy secretary, or undersecretary
12 shall receive any additional salary from the state other than that salary which
13 he receives by virtue of serving in any one of such offices.

14 C. Notwithstanding any provision herein to the contrary, the
15 department shall work in conjunction with the Department of Economic
16 Development and the Department of Transportation and Development and the
17 Department of State Civil Service to transfer any employees who are employed
18 to support or administer duties associated with the activities of the ports in
19 Louisiana to the Department of Ports, Maritime and International Trade.

20 §154. Secretary

21 There shall be a secretary of ports, maritime and international trade who
22 shall be appointed by the governor. Any person appointed as secretary shall be
23 knowledgeable about ports and the maritime industry. He shall serve at the
24 pleasure of the governor at a salary fixed by the governor which salary shall not
25 exceed the amount approved for such position by the legislature while in session.
26 The secretary shall serve as the executive head and chief administrative officer
27 of the Department of Ports, Maritime and International Trade and shall have
28 the responsibility for the policies of the department, except as otherwise
29 provided by this Title, and for the administration, control, and operation of the

1 functions, programs, and affairs of the department as provided by law. He shall
2 perform his functions under the general control and supervision of the
3 governor.

4 §155. Powers and duties of the secretary

5 A. In addition to the functions, powers, and duties otherwise vested in
6 the secretary by law, he shall:

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

9 (2) Determine the policies of the department, except as otherwise
10 provided by this Title.

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

14 (4) Advise the governor on problems concerning the administration of
15 the department.

16 (5) Act as the sole agent of the state or, in necessary cases, appoint a
17 designee within the department to cooperate with the federal government and
18 with other state and local agencies in matters of mutual concern and in the
19 administration of federal funds granted to the state or directly to the
20 department or an office thereof to aid in the furtherance of any function of the
21 department and its offices. For this purpose he may take such actions, in
22 accordance with any applicable state law, necessary to meet such federal
23 standards as are established for the administration and use of such federal
24 funds, except as otherwise specifically provided for in this Title or by the
25 constitution and laws of this state.

26 (6) Make and publish an annual report to the governor and the
27 legislature concerning the operations of the department and submit with each
28 report such recommendations as he deems necessary for the more effective
29 internal structure and administration of the department, and make other

1 reports and recommendations on his own initiative or upon request of the
2 governor, the legislature, or any committee or member thereof.

3 (7) Provide for the ongoing merger and consolidation of the agencies and
4 functions transferred to the department and submit a report thereon to the
5 governor and the legislature, which report shall accompany the budget
6 statement which he submits under provisions of R.S. 39:33. Such report shall
7 include a statement of the goals of the department and of the programs thereof
8 and shall summarize the accomplishments of the department in meeting such
9 goals and implementing such programs. The report shall also contain a specific
10 statement of the reorganization and consolidation plan for the department for
11 the next year and shall include a report on the implementation of such
12 reorganization and consolidation plan for the previous year. The report
13 concerning reorganization shall specifically detail the extent to which the
14 department has achieved goals stated the previous year with respect to merger
15 and consolidation of functions, abolition of agencies, consolidation of offices,
16 elimination of job positions, and efficiency and economy in delivery of services.
17 The report shall contain any recommendations with respect to reorganization
18 which may require legislative action under the provisions of this Title. A copy
19 of the report and recommended legislation shall also be submitted by the
20 secretary to the presiding officer of both houses of the legislature. The
21 presiding officer shall refer the report to the appropriate committee having
22 jurisdiction of the subject matter as provided in the rules of the respective
23 houses.

24 **B. The secretary shall have the authority to:**

25 **(1)(a)(i) Employ, appoint, remove, assign, and promote such personnel**
26 **as is necessary for the efficient administration of the executive office of the**
27 **secretary and the performance of its powers, duties, functions, and**
28 **responsibilities and such other personnel, who are not assigned to an office, as**
29 **may be necessary for the efficient administration of the department and for the**

1 performance of the responsibilities, powers, duties, and functions of agencies
2 transferred to it.

3 (ii) Employ, assign, and remove all personnel employed for the
4 department on a contractual basis.

5 (iii) Transfer the personnel of the department as necessary for the
6 efficient administration of the department and its programs.

7 (b) All of the above are to be accomplished in accordance with
8 applicable civil service laws, rules, and regulations, and with policies and rules
9 of the Department of Ports, Maritime and International Trade, and all are
10 subject to budgetary control and applicable laws.

11 (2) Appoint, subject to gubernatorial approval, advisory councils,
12 boards, and commissions necessary in the administration of the department,
13 except as otherwise provided by law or by executive order.

14 (3) Accept and use, in accordance with law, gifts, grants, bequests, and
15 endowments for purposes consistent with the responsibilities and functions of
16 the department and take such actions as are necessary to comply with any
17 conditions required for such acceptance.

18 (4) Do other such things, not inconsistent with law, as are necessary to
19 perform properly the functions vested in him.

20 §156. Deputy secretary

21 There may be a deputy secretary of the Department of Ports, Maritime
22 and International Trade who shall be appointed by the secretary with consent
23 of the Senate and who shall serve at the pleasure of the secretary at a salary
24 fixed by the secretary, which salary shall not exceed the amount approved for
25 such position by the legislature while in session. The duties and functions of the
26 deputy secretary shall be determined and assigned by the secretary. If
27 appointed, he shall serve as acting secretary in the absence of the secretary.

28 §157. Undersecretary; functions; office of management and finance

29 A. There shall be an undersecretary of the Department of Ports,

1 Maritime and International Trade who shall be appointed by the governor
2 subject to confirmation by the Senate and who shall serve at the pleasure of the
3 governor at a salary fixed by the governor, which salary shall not exceed the
4 amount approved for such position by the legislature while in session. The
5 undersecretary shall be directly responsible to and shall perform his functions
6 under the supervision and control of the secretary.

7 B. The undersecretary shall direct and be responsible for the functions
8 of the office of management and finance within the Department of Ports,
9 Maritime and International Trade. In such capacity he shall be responsible for
10 accounting and budget control, procurement and contract management, data
11 processing, management and program analysis, personnel management, and
12 grants management for the department and all of its offices, including all
13 agencies transferred to the Department of Ports, Maritime and International
14 Trade, except as otherwise specifically provided in this Title. He shall employ,
15 appoint, remove, assign, and promote such personnel as is necessary for the
16 efficient administration of the office of management and finance and the
17 performance of its powers, duties, functions, and responsibilities, in accordance
18 with applicable civil service laws, rules, and regulations, and with policies and
19 rules of the department, all subject to budgetary control and applicable laws.
20 The undersecretary shall exercise all powers and authority granted to him in
21 this Title subject to the overall direction and control of the secretary.

22 C. The duties and functions of the office of management and finance and
23 of the undersecretary shall be as provided for in this Section, and these duties
24 and functions shall not be subject to change by the secretary, except that the
25 undersecretary shall perform such additional duties and functions as are
26 assigned by the secretary.

27 §158. Creation of the Ports, Maritime and International Trade Commission

28 A. The Ports, Maritime and International Trade Commission is placed
29 within the Department of Ports, Maritime and International Trade and shall be

1 **made up of the following members:**

2 **(1) One member appointed by the Board of Commissioners of the Port**
3 **of New Orleans.**

4 **(2) One member appointed by the Port of South Louisiana Commission.**

5 **(3) One member appointed by the Greater Baton Rouge Port**
6 **Commission.**

7 **(4) One member appointed by the Board of Commissioners of the St.**
8 **Bernard Port, Harbor and Terminal District.**

9 **(5) One member appointed by the governing authority of the**
10 **Plaquemines Port, Harbor and Terminal District.**

11 **(6) One member appointed by the Board of Commissioners of the Lake**
12 **Charles Harbor and Terminal District.**

13 **(7) One member appointed by the Board of Commissioners of the**
14 **Abbeville Harbor and Terminal District.**

15 **(8) One member appointed by the Board of Commissioners of the**
16 **Alexandria Regional Port.**

17 **(9) One member appointed by the Avoyelles Parish Port Commission.**

18 **(10) One member appointed by the Caddo-Bossier Port Commission.**

19 **(11) One member appointed by the Columbia Port Commission.**

20 **(12) One member appointed by the Grand Isle Port Commission.**

21 **(13) One member appointed by the Greater Lafourche Port**
22 **Commission.**

23 **(14) One member appointed by the Greater Ouachita Port Commission.**

24 **(15) One member appointed by the Commissioner of the Jefferson**
25 **Parish Economic Development and Port Commission.**

26 **(16) One member appointed by the Lake Providence Port Commission.**

27 **(17) One member appointed by the Board of Commissioners of the**
28 **Mermentau River Harbor and Terminal District.**

29 **(18) One member appointed by the Millennium Port Authority.**

1 **(19) One member appointed by the Board of Commissioners of the**
2 **Morgan City Port Harbor and Terminal District.**

3 **(20) One member appointed by the Natchitoches Port Commission.**

4 **(21) One member appointed by the Pointe Coupee Port Commission.**

5 **(22) One member appointed by the Board of Commissioners of the Port**
6 **of Iberia District.**

7 **(23) One member appointed by the Red River Parish Port Commission.**

8 **(24) One member appointed by the South Tangipahoa Parish Port**
9 **Commission.**

10 **(25) One member appointed by the Terrebonne Port Commission.**

11 **26. One member appointed by the Board of Commissioners of the**
12 **Vidalia Harbor and Terminal District.**

13 **(27) One member appointed by the Board of Commissioners of the West**
14 **Calcasieu Port.**

15 **(28) One member appointed by the West Cameron Port Commission.**

16 **(29) One member appointed by the West Feliciana Parish Port**
17 **Commission.**

18 **(30) One member appointed by the Board of Commissioners of the West**
19 **St. Mary Port, Harbor and Terminal District.**

20 **B. The commission shall perform all of the following:**

21 **(1) Meet periodically and advise the secretary as to matters related to**
22 **the administration of the department.**

23 **(2) Advise the secretary with regard to administration of funds in the**
24 **Louisiana Waterways Infrastructure and Development Fund, provided for in**
25 **R.S. 51:1371.**

26 **(3) Advise the governor regarding appointments to the board of the**
27 **Louisiana Waterways Infrastructure Bank, appointed pursuant to in R.S.**
28 **51:1372(B)(1).**

29 Section 2. It is the intent of the legislature in enacting this Act that the Department

1 of Ports, Maritime and International Trade in the office of the governor be created and that
 2 it will be one of the twenty-one departments of the executive branch authorized by Article
 3 IV, Section 1 of the Constitution of Louisiana. It is the further intent of the legislature no
 4 additional state funds shall be expended and no additional personnel shall be appointed or
 5 employed as a result of the enactment of this Act but that existing employees from the
 6 Department of Transportation and Development and the Department of Economic
 7 Development assigned to port and maritime related matters will staff the new Department
 8 of Ports, Maritime and International Trade. It is further the intent of the legislature that the
 9 new department is created as a means to assist the various port commissions of the state and
 10 is not intended to interfere with or assume any power currently held by the commissions.

11 Section 3. This Act shall take effect and become operative when the Act originated
 12 as Senate Bill 24 of the 2008 Regular Session of the Legislature becomes effective.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Proposed law creates the Dept. of Ports, Maritime and International Trade as one of the departments in the executive branch of state government. Provides that the department shall perform the functions of the state relating to the welfare of ports and maritime trades.

Proposed law provides that the department shall be composed of the executive office of the secretary, the office of management and finance, and such other offices as shall be created by law. Provides that new offices may be created by statute upon submission of a plan therefor by the department secretary.

Proposed law provides that the department officers are the secretary, the deputy secretary if a deputy secretary is appointed, and the undersecretary.

Proposed law provides that the secretary be appointed by the governor with Senate confirmation and must be knowledgeable about ports and the maritime industry. Provides that he shall serve at the pleasure of the governor at a salary fixed by the governor (not exceeding the amount approved for such position by the legislature while in session), and shall serve as the executive head and chief administrative officer of the department, under the general control and supervision of the governor.

Proposed law provides for the powers and duties of the secretary. Except as otherwise provided by law, he shall:

- (1) Represent the public interest in carrying out his office and be responsible to the governor, the legislature, and the public therefor.
- (2) Determine department policies.
- (3) Organize, plan, administer, and be responsible for the functions and programs vested

of the department, as provided by law.

- (4) Advise the governor on problems concerning department administration.
- (5) Act as the sole agent of the state (or designate another department officer) to cooperate with the federal government and with other state and local agencies in matters of mutual concern and in the administration of federal funds.
- (6) Make and publish an annual report to the governor and the legislature concerning the department operations, submit with each report recommendations for the more effective internal structure and administration of the department, and make other reports and recommendations on his own initiative or upon request of the governor, the legislature, or any committee or member thereof.
- (7) Provide for the ongoing merger and consolidation of the agencies and functions transferred to his department and submit a report thereon to the governor and the legislature.

Proposed law, in accordance with applicable civil service law and rules and with department policies and rules and subject to budgetary control and applicable laws, grants the secretary the authority to:

- (1) Employ, appoint, remove, assign, and promote personnel necessary for the efficient administration of the executive office of the secretary and for the efficient administration of the department and its agencies.
- (2) Employ, assign, and remove all personnel employed for the department on a contractual basis.
- (3) Transfer department personnel.

Proposed law further grants the secretary authority to:

- (1) Appoint, subject to gubernatorial approval, advisory councils, boards, and commissions necessary in department administration.
- (2) Accept and use, in accordance with law, gifts, grants, bequests, and endowments for purposes consistent with the responsibilities and functions of the department and take such actions as are necessary to comply with any conditions required for such acceptance.
- (3) Formulate and promulgate rules of administration for the department relating to employment and management.
- (4) Do other such things, not inconsistent with law, as are necessary to perform his functions properly.

Proposed law authorizes a deputy secretary of the department to be appointed by the secretary with Senate consent, who shall serve at the pleasure of the secretary, at a salary fixed by the secretary (not exceeding the amount approved for such position by the legislature while in session). Provides that his duties and functions shall be determined and assigned by the secretary and that, if appointed, he shall serve as acting secretary in the absence of the secretary.

Proposed law requires that there be an undersecretary of the department, appointed by the governor, subject to senate confirmation, to serve at the pleasure of the governor at a salary fixed by the governor (not exceeding the amount approved for such position by the legislature while in session). Requires that he be directly responsible to and perform his

functions under the supervision and control of the secretary. Provides that the undersecretary shall direct and be responsible for the functions of the office of management and finance and be responsible for accounting and budget control, procurement and contract management, data processing, management and program analysis, personnel management, and grants management for the department and all of its offices and agencies. Provides that he employ, appoint, remove, assign, and promote personnel necessary for administration of the office of management and finance. Provides that these duties are not subject to change by the secretary, except that he may assign additional duties to the undersecretary.

Proposed law creates the Ports, Maritime and International Trade Commission and is placed within the Department of Ports, Maritime and International Trade and shall be made up of the following members:

- (1) One member appointed by the Board of Commissioners of the Port of New Orleans.
- (2) One member appointed by the Port of South Louisiana Commission.
- (3) One member appointed by the Greater Baton Rouge Port Commission.
- (4) One member appointed by the Board of the St. Bernard Port, Harbor and Terminal District.
- (5) One member appointed by the governing authority of the Plaquemines Port, Harbor and Terminal District.
- (6) One member appointed by the Board of Commissioners of the Lake Charles Harbor and Terminal District.
- (7) One member appointed by the Board of Commissioners of the Abbeville Harbor and Terminal District.
- (8) One member appointed by the Board of Commissioners of the Alexandria Regional Port.
- (9) One member appointed by the Avoyelles Parish Port Commission.
- (10) One member appointed by the Caddo-Bossier Port Commission.
- (11) One member appointed by the Columbia Port Commission.
- (12) One member appointed by the Grand Isle Port Commission.
- (13) One member appointed by the Greater Lafourche Port Commission.
- (14) One member appointed by the Greater Ouachita Port Commission.
- (15) One member appointed by the Commissioner of the Jefferson Parish Economic Development and Port Commission.
- (16) One member appointed by the Lake Providence Port Commission.
- (17) One member appointed by the Board of Commissioners of the Mermentau River Harbor and Terminal District.
- (18) One member appointed by the Millennium Port Authority.
- (19) One member appointed by the Board of Commissioners of the Morgan City Port Harbor and Terminal District.

- (20) One member appointed by the Natchitoches Port Commission.
- (21) One member appointed by the Pointe Coupee Port Commission.
- (22) One member appointed by the Board of Commissioners of the Port of Iberia District.
- (23) One member appointed by the Red River Parish Port Commission.
- (24) One member appointed by the South Tangipahoa Parish Port Commission.
- (25) One member appointed by the Terrebonne Port Commission.
- (26) One member appointed by the Board of Commissioners of the Vidalia Port Harbor and Terminal District.
- (27) One member appointed by the Board of Commissioners of the West Calcasieu Port.
- (28) One member appointed by the West Cameron Port Commission.
- (29) One member appointed by the West Feliciana Parish Port Commission.
- (30) One member appointed by the Board of Commissioners of the West St. Mary Port, Harbor and Terminal District.

Proposed law provides for the duties of the Ports, Maritime and International Trade Commission to be as follows:

- (1) Meet periodically and advise the secretary as to matters related to the administration of the department.
- (2) Advise the secretary as to the funds in the Louisiana Waterways Infrastructure and Development Fund.
- (3) Advise the governor regarding appointments to the board of the Louisiana Waterways Infrastructure Bank.

Proposed law specifies that legislative intent is to create the Dept. of Ports, Maritime and International Trade in the office of the governor and transfers its powers, duties, functions, employees and responsibilities in state government related to ports and maritime trade to the new department. Further specifies legislative intent that the present Dept. of Ports, Maritime and International Trade is succeeded by the Dept. of Ports, Maritime and International Trade created in the Act that will be one of the 21 departments in the executive branch. Provides that the new department shall be the successor of the former department in every way and that no additional state funds shall be expended or additional personnel appointed or employed as a result of the Act. Further specifies that the legislative intent is that the new department is created as a means to assist the various port commissions of the state and is not intended to interfere with or assume any power currently held by the commissions.

Proposed law is effective when the Act that was originated as S. B. 24 of the 2008 Regular Session becomes law.

(Adds R.S. 36:151 - 158)