

SENATE BILL NO. 573

BY SENATOR CHABERT AND REPRESENTATIVE LEGER

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AN ACT

To amend and reenact R.S. 36:501(C)(1), 502, and 508.1(A), (B), (E), and (F) and to enact R.S. 36:508.3 and 508.4, relative to the creation of an office of multimodal commerce in the Department of Transportation and Development; to provide for powers and duties of the office and the commissioner; to create a Multimodal Commerce Advisory Commission; to provide for the creation of an operational plan by such commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:501(C)(1), 502, and 508.1(A), (B), (E), and (F) are hereby amended and reenacted and R.S. 36:508.3 is hereby enacted to read as follows:

§501. Department of Transportation and Development; creation; domicile; composition; purposes and functions

\* \* \*

C.(1) The Department of Transportation and Development shall be composed of the executive office of the secretary, the office of management and finance, the office of engineering, the office of ~~multimodal~~ planning, the office of operations, **the office of multimodal commerce**, and such other offices as shall be created by law.

\* \* \*

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

A.(1) The officers of the department shall be the secretary, undersecretary, deputy secretary, chief engineer, assistant secretary of ~~multimodal~~ planning, **commissioner of multimodal commerce**, and assistant secretary of operations, each of whom shall be selected and shall perform functions as provided in this Title.

(2) The secretary, undersecretary, deputy secretary, assistant secretary of

1 ~~multimodal~~ planning, assistant secretary of operations, executive director of the  
 2 Offshore Terminal Authority, **commissioner of multimodal commerce**, and such  
 3 other positions which may be authorized by the State Civil Service Commission or  
 4 the state constitution shall be the only unclassified positions in the Department of  
 5 Transportation and Development. All other positions in the department shall be in  
 6 the classified state service. The secretary shall fill such positions as in his opinion  
 7 and judgment are necessary to the operation of the department in accordance with  
 8 applicable rules and regulations of the State Civil Service Commission and  
 9 applicable law.

10 B. No person serving as a secretary, undersecretary, deputy secretary, chief  
 11 engineer, assistant secretary of ~~multimodal~~ planning, assistant secretary of  
 12 operations, **commissioner of multimodal commerce**, or in any other office in the  
 13 department shall receive any additional salary from the state other than that salary  
 14 which he receives by virtue of serving in any one of such offices. Any statewide  
 15 elected official appointed to serve as a secretary or deputy secretary shall not receive  
 16 any additional salary from the state other than that salary which he receives as a  
 17 statewide elected official.

18 C. Notwithstanding any provision herein to the contrary, subject to approval  
 19 of the governor, any person, including any statewide elected official, serving or  
 20 appointed to serve as a secretary or deputy secretary may receive additional  
 21 compensation for part-time services rendered as an instructor in postsecondary  
 22 educational institutions, or as a member of the National Guard.

23 \* \* \*

24 §508.1. Office of ~~multimodal~~ planning; functions; assistant secretary; powers and  
 25 duties

26 A. There is hereby created within the Department of Transportation and  
 27 Development, the office of ~~multimodal~~ planning, which shall administer the planning  
 28 and programming matters of the department related to strategic and intermodal  
 29 issues, highways, bridge and pavement management, data collection and analysis,  
 30 congestion, safety, aviation, public transportation, public mass transit, **and** railroad

1 and water transportation systems, and related matters, and any other special  
2 programs as may be directed by the secretary.

3 B. The office of ~~multimodal~~ planning shall be under the immediate  
4 supervision of the assistant secretary, who shall be appointed by the governor and  
5 shall serve at the pleasure of the secretary. The assistant secretary shall be a  
6 competent engineer or an urban or regional transportation planner of recognized  
7 ability and standing who is familiar with the operations of public transportation  
8 departments and who, at a minimum, has earned a bachelor's degree. The assistant  
9 secretary shall give his whole time to the duties of his office.

10 \* \* \*

11 E. The assistant secretary shall administer all department functions and duties  
12 for which the office of ~~multimodal~~ planning is responsible. He shall also have such  
13 other duties as may be assigned to him by the secretary, by the provisions of this  
14 Chapter, or by the laws of this state. He shall report the proceedings of his office  
15 annually to the secretary of the department and at such other times as the secretary  
16 may designate, and he shall make any additional reports as are required by the  
17 secretary.

18 F. The secretary is specifically authorized and empowered to perform any of  
19 the duties of the assistant secretary when the assistant secretary is absent or  
20 incapacitated or when in the opinion of the secretary it would be in the best interest  
21 of the department. The assistant secretary with approval of the secretary may  
22 designate a member of the senior staff in the office of ~~multimodal~~ planning to  
23 perform any duties required of the assistant secretary.

24 \* \* \*

25 **§508.3. Office of multimodal commerce; functions; commissioner; deputy**  
26 **commissioner; powers and duties**

27 **A.(1) There is hereby created within the Department of Transportation**  
28 **and Development, the office of multimodal commerce, which shall administer**  
29 **the planning and programming functions of the department related to strategic**  
30 **and intermodal issues, aviation, commercial trucking, intercity public mass**

1 transit, railroad expansion and development, port and water transportation  
2 systems, and related matters, and any other special programs as may be  
3 directed by the governor.

4 (2) The office shall advise the office of planning on intermodal issues and  
5 implement the master plan as it relates to intermodal transportation.

6 (3) Notwithstanding Paragraph (1) of this Subsection, any powers, duties,  
7 responsibilities and corresponding department employees, equipment, facilities,  
8 and funding of the Department of Transportation and Development with  
9 respect to federal programs on rail safety and the administration of federal rail  
10 safety and hazard mitigation funds and the like shall remain with the office of  
11 engineering of the Department of Transportation and Development.

12 B. The office of multimodal commerce shall be vested with the powers,  
13 duties, responsibilities, budgetary authority, and department employees,  
14 equipment, facilities, and funding necessary to carry out the functions conferred  
15 upon it by the provisions of Paragraphs (1) and (2) of Subsection (A) of this  
16 Section.

17 C. (1) The office of multimodal commerce shall be under the supervision  
18 of a commissioner of multimodal commerce, who shall administer all  
19 department functions and duties for which the office of multimodal commerce  
20 is responsible. The commissioner shall be appointed by the governor, subject to  
21 Senate confirmation, and shall serve at the pleasure of the governor.

22 (2) The commissioner shall have authority, in accordance with applicable  
23 rules and regulations of the civil service commission, to employ, appoint,  
24 transfer, assign, and promote such personnel as is necessary for the efficient  
25 administration of the office of multimodal commerce.

26 (3) The commissioner shall receive an annual salary fixed by the  
27 governor, which salary shall not exceed the amount approved for such position  
28 by the legislature while in session, and shall be allowed his actual and necessary  
29 traveling expenses incurred in the discharge of his official duties.

30 D. The powers, duties, responsibilities, budgetary authority, employees,

1 equipment, facilities, and funding of the office of multimodal commerce shall  
2 be allocated among the following divisions of such office:

3 (1) Commercial trucking.

4 (2) Ports and harbors.

5 (3) Aviation.

6 (4) Rail.

7 (5) Maritime.

8 (6) Intercity public mass transit.

9 Section 2. R.S. 36:508.4 is hereby enacted to read as follows:

10 §508.4. Multimodal Commerce Advisory Commission

11 A. The Multimodal Commerce Advisory Commission is hereby  
12 established within the office of multimodal commerce. It shall be composed of  
13 the following:

14 (1) The commissioner of administration, or his designee, who shall be  
15 chair of the commission.

16 (2) The secretary of the Department of Economic Development, or his  
17 designee.

18 (3) The secretary of the Department of Transportation and Development,  
19 or his designee.

20 (4) The chairs of the Senate and House committees on Transportation,  
21 Highways, and Public Works, or their designees.

22 (5) The chairs of the Senate Committee on Commerce, Consumer  
23 Protection, and International Affairs and the House Committee on Commerce,  
24 or their designees.

25 (6) A representative of the Ports Association of Louisiana selected by its  
26 board of directors.

27 (7) A representative of the Louisiana Association of Waterway Operators  
28 and Shipyards selected by its board of directors.

29 (8) The president of the Louisiana Airport Managers and Associates, or  
30 his designee.

1           (9) A representative of the Louisiana Motor Transport Association  
2           selected by its board of directors.

3           (10) A representative of the Louisiana Railroad Association selected by  
4           its board of directors.

5           (11) The chairman of the Louisiana Board of International Commerce,  
6           or his designee.

7           (12) The chairman of the board of the Offshore Marine Service  
8           Association, or his designee.

9           (13) A Louisiana representative of the Southern Rail Commission  
10          appointed by the governor.

11          (14) A representative at-large selected by the president of the Senate.

12          (15) A representative at-large selected by the speaker of the House of  
13          Representatives.

14          B. The Multimodal Commerce Advisory Commission shall meet and  
15          develop an operational plan for the 2015 Regular Session of the Legislature for  
16          the following:

17           (1) An allocation of the department employees, equipment, facilities, and  
18           funding the commission finds necessary to carry out the functions conferred  
19           upon the office of multimodal commerce by the provisions of R.S. 36:508.3 to  
20           become effective on July 1, 2016.

21           (2) The organizational structure of the office of multimodal commerce,  
22           with a further initial allocation of the office's powers, duties, responsibilities,  
23           officers, equipment, and employees among the specific divisions provided for in  
24           R.S. 36:508.3(D), to become effective on July 1, 2016.

25           (3) Proposed legislation for the 2015 Regular Session of the Legislature  
26           necessary to implement the operational plan on July 1, 2016.

27          C. The operational plan of the Multimodal Commerce Advisory  
28          Commission shall be presented to the Senate and House committees on  
29          Transportation, Highways, and Public Works for their review, amendment, and  
30          approval no later than February 1, 2015.

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

7                    **F. After July 1, 2016, the commission shall continue to exist in an**  
8                    **advisory capacity to the commissioner.**

9                    Section 3. The provisions of Section 1 of this Act shall become effective on July 1,  
10                  2016.

11                  Section 4. This Section and Sections 2 and 3 of this Act shall become effective upon  
12                  signature by the governor or, if not signed by the governor, upon expiration of the time for  
13                  bills to become law without signature by the governor, as provided by Article III, Section  
14                  18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved  
15                  by the legislature, this Section and Sections 2 and 3 of this Act shall become effective on the  
16                  day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_