

Regular Session, 2012

HOUSE BILL NO. 615

BY REPRESENTATIVE ST. GERMAIN

TRANSPORTATION DEPT: Revises names of offices within DOTD

1 AN ACT

2 To amend and reenact R.S. 3:2571(A) and 2572, R.S. 30:2199(A), R.S. 33:7556, R.S. 36:  
3 508(A), R.S. 38:17, 20, 23, 26(C), 31(2), 32(A) and (B)(introductory paragraph), 33,  
4 34(A) and (B)(introductory paragraph), 84(B), 90.1(8), 90.4(A)(1)(introductory  
5 paragraph), (B)(1) and (2)(introductory paragraph), 90.7, 90.8, 90.12(B), 91, 226,  
6 301(C)(2)(c), 306(C) and (D), 307(A)(1) and (2), 315, 319, 338(B), 402(A), 491,  
7 492, 511, 2044(5), 3074(A)(4), (D)(4) and (9)(c), 3086.24(H)(1), and 3306(B), and  
8 R.S. 40:1236.2(C)(4)(a)(v), relative to the Department of Transportation and  
9 Development; to reassign duties of offices within the Department of Transportation  
10 and Development; to rename the office of public works, hurricane flood protection  
11 and intermodal transportation, within the Department of Transportation and  
12 Development; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 3:2571(A) and 2572 are hereby amended and reenacted to read as  
15 follows:

16 §2571. Livestock allowed on levees; conditions

17 A. Horses, mules, cattle, hogs, sheep, or livestock of any description may go  
18 on the levees, or the space between the base of the levees and the draining ditch at  
19 any time, except where, in the judgment of the levee commissioners of a district and

1 the office of ~~public works~~ engineering, damage would occur to the levees from  
2 exposure to wear, tear, and abuse.

3 \* \* \*

4 §2572. Impounding livestock; sale if not redeemed

5 The levee commissioners of a district and the office of ~~public works~~  
6 engineering may impound or cause to be impounded any horses, mules, cattle, hogs,  
7 sheep, or other livestock of any description found violating this Part, and hold them  
8 impounded until the owner of the livestock shall redeem them by paying the  
9 expenses of impounding and keeping the stock. In case the stock is not redeemed  
10 from impoundment within eight days of notification to the owner of the  
11 impoundment and pending sale, then it shall be the duty of the constable to proceed  
12 to the place of impounding, and there, without previous advertisement, sell the  
13 animals thus impounded for cash to the highest bidder, except that in the cases of  
14 horses and mules, they shall be disposed of as is now provided by law in the several  
15 parishes for strays.

16 Section 2. R.S. 30:2199(A) is hereby amended and reenacted to read as follows:

17 §2199. Applications; comments; local government

18 A. The secretary shall furnish a copy of each permit or license application  
19 to the Department of Wildlife and Fisheries, the office of ~~public works~~ engineering  
20 within the Department of Transportation and Development, the Department of  
21 Health and Hospitals, the Department of Justice, and the local governing authorities  
22 of any municipality and parish within whose territorial jurisdiction the facility or  
23 activity is or will be located. The permittee shall file with the secretary two extra  
24 copies of each application, with one copy to be provided to the first intervener and  
25 the other copy to be used by the office to allow for public access and inspection of  
26 the application.

27 \* \* \*

1 Section 3. R.S. 33:7556 is hereby amended and reenacted to read as follows:

2 §7556. Advice and services of office of ~~public works~~ engineering, Department of  
3 Wildlife and Fisheries, and office of environmental affairs

4 The district and the board of commissioners therefor shall have, with respect  
5 to all of the powers and functions prescribed by this Chapter, the advice and the  
6 services of the office of ~~public works~~ engineering of the Department of  
7 Transportation and Development, the Department of Wildlife and Fisheries, and the  
8 office of environmental affairs. It shall be the duty of ~~said~~ the department and  
9 offices to make such reports, inspections, and investigations, render such reports,  
10 estimates, and recommendations and furnish such plans and specifications as the  
11 board of commissioners for the district may request.

12 Section 4. R.S. 36:508(A) is hereby amended and reenacted to read as follows:

13 §508. Office of engineering; functions; chief engineer; powers and duties

14 A. There is hereby created within the Department of Transportation and  
15 Development, the office of engineering, which shall administer engineering matters  
16 related to the state's highway program with respect to project development, design,  
17 construction, maintenance, extension, improvement, and regulation of roads,  
18 highways, expressways, bridges, and related matters, and any other special highway  
19 engineering program as may be directed by the secretary. The office shall also  
20 administer the public works functions of the state related to flood and drainage  
21 control, reclamation, water resources, soil conservation, mapping, disaster relief, and  
22 related matters, the state's participation in the National Flood Insurance Program, 42  
23 U.S.C. 4001 et seq., and other special programs as may be directed by the secretary.

24 \* \* \*

25 Section 5. R.S. 38:17, 20, 23, 26(C), 31(2), 32(A) and (B)(introductory paragraph),  
26 33, 34(A) and (B)(introductory paragraph), 84(B), 90.1(8), 90.4(A)(1)(introductory  
27 paragraph), (B)(1) and (2)(introductory paragraph), 90.7, 90.8, 90.12(B), 91, 226,  
28 301(C)(2)(c), 306(C) and (D), 307(A)(1) and (2), 315, 319, 338(B), 402(A), 491, 492, 511,

1 2044(5), 3074(A)(4), (D)(4) and (9)(c), 3086.24(H)(1), and 3306(B) are hereby amended and  
2 reenacted as follows:

3 §17. Divisions to exercise functions of department; contracts; grants of money;  
4 reports

5 A. The assistant secretary shall exercise the functions of the office of ~~public~~  
6 ~~works~~ engineering, subject to the direction and control of the secretary.

7 B. The assistant secretary may enter into written contracts with the federal  
8 government or any federal agency, or any political subdivision of the state or private  
9 individual for the construction, operation, or maintenance of any public works which  
10 under this Chapter the department may administer and may receive and disburse  
11 grants of money from the agencies or persons for these purposes. All grants of  
12 money shall be credited by the treasurer in a special account subject to withdrawal  
13 only by the assistant secretary of the office of ~~public works~~ engineering. Any  
14 portion of any grant unexpended at the end of any fiscal year shall remain to the  
15 credit of the department for expenditure during the succeeding fiscal years.

16 C. A complete and itemized report of the public improvements fund of the  
17 office of ~~public works~~ engineering of the previous fiscal year's expenditures shall  
18 be made by October first of each year. The report submitted shall include the source  
19 of all funds expended on public works projects from the public improvements fund,  
20 a project description, the location of the project, the amount of funds granted for each  
21 project, and the date and payee of each disbursement of funds expended on each  
22 project. The office shall request each recipient of funds from the public  
23 improvements fund to provide, in detail, a description of the project for which the  
24 funds were used, a listing of the date and amount of all disbursements of funds, to  
25 whom each payment was made and for what purpose. If the recipient submits the  
26 requested information, the office shall include same in the report. If the information  
27 is not submitted, the office shall make note of such fact in the report. The report  
28 shall be submitted to the legislative auditor and to the House and Senate ~~Committees~~

1 ~~on Transportation, Highways, and Public Works~~ committees on transportation,  
2 highways, and public works.

3 \* \* \*

4 §20. Red River Compact Commission membership

5 A. There shall be two members appointed to represent the state of Louisiana  
6 on the Red River Compact Commission as required by Act No. 71 of the 1978  
7 Regular Session of the Legislature. One member shall be the ~~assistant secretary~~  
8 chief engineer of the office of ~~public works~~ engineering of the Department of  
9 Transportation and Development or his designee and one member shall be appointed  
10 by the governor, subject to Senate confirmation.

11 B. The member of the Red River Compact Commission appointed by the  
12 governor to represent the state as provided by Article IX of the Red River Compact  
13 contained in Act No. 71 of the 1978 Regular Session of the Legislature shall be  
14 entitled to receive a per diem allowance of fifty dollars for each day of a meeting of  
15 the administration or any of its committees actually attended by such member, to be  
16 paid out of funds available for the purpose by the office of ~~public works~~ engineering  
17 of the Department of Transportation and Development, on his own warrant. In  
18 addition, such member of the administration shall be entitled to be reimbursed for  
19 expenses actually incurred in attending meetings of the administration or its  
20 committees, or in the transaction of any business of the administration, to be paid out  
21 of funds available for that purpose by the office of ~~public works~~ engineering of the  
22 Department of Transportation and Development.

23 \* \* \*

24 §23. Permit or consent required

25 All dams, as herein above described, both federal and ~~non-federal~~ nonfederal  
26 but excluding the Toledo Bend Dam, shall be under the jurisdiction of the state  
27 acting through the chief engineer of the Department of Transportation and  
28 Development, office of ~~public works~~ engineering. The chief engineer, or his  
29 authorized representative, shall have supervision and overview of the construction,

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1 modification, operation, and maintenance of the dams to the extent required to  
2 protect life and property and to provide for the safety and welfare of the public. No  
3 person, partnership, association, corporation, agency, or political subdivision shall  
4 construct any such dam or make, construct, or permit to be made or constructed any  
5 change in the dam without first obtaining the written consent or permit of the chief  
6 engineer. No permit is required for routine maintenance.

7 \* \* \*

8 §26. Violations; orders of chief engineer; remedial measures; emergency situations;  
9 designated operation and maintenance

10 \* \* \*

11 C. The commission or political subdivision under whose authority the  
12 following dams are established, is hereby authorized to transfer the maintenance and  
13 operation thereof to the Department of Transportation and Development, office of  
14 ~~public works engineering~~, and the Department of Transportation and Development,  
15 office of ~~public works engineering~~, is hereby authorized and directed to operate and  
16 maintain the dam, water-control structures, gates, spillway, and related  
17 appurtenances to the extent that it deems necessary to ~~insure~~ ensure that the ~~man-~~  
18 ~~made~~ manmade impoundment structure and the attendant water-control devices are  
19 functioning to design capabilities.

20 \* \* \*

21 §31. Definitions

22 \* \* \*

23 (2) "Office" means the office of ~~public works engineering~~ of the Department  
24 of Transportation and Development.

25 \* \* \*

26 §32. Louisiana Water Resources Program; powers, duties, and functions

27 A. There is hereby established in the office of ~~public works engineering~~ the  
28 Louisiana Water Resources Program, the purpose of which shall be planning for the  
29 wise management of Louisiana's water resources on a statewide basis. This purpose

1 shall be fulfilled through the implementation of the powers, duties, and functions of  
2 the office of ~~public works~~ engineering as described in ~~R.S. 38:32(B)~~ Subsection B  
3 of this Section.

4 B. The office of ~~public works~~ engineering shall be authorized to engage in  
5 the following activities:

6 \* \* \*

7 §33. Regional planning commissions

8 A. Each of the eight regional planning commissions created throughout the  
9 state pursuant to the authorization provided in Subparts C and F of Part IV of  
10 Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950 shall be authorized  
11 to and shall assist the office of ~~public works~~ engineering in preparation of that  
12 office's annual report to the governor, the House Committee on Transportation,  
13 Highways and Public Works, the Senate Committee on Transportation, Highways  
14 and Public Works, and the Joint Legislative Committee on the Budget regarding  
15 priorities for project funding in accordance with the requirements of R.S. 38:32.

16 B. Each planning commission shall solicit proposals for project funding from  
17 local governments and from special districts, boards, and commissions having water  
18 resources and sewerage responsibilities, which entities are located within the area of  
19 jurisdiction of the planning commission. Each planning commission shall set a  
20 deadline for receipt of project proposals, following which it shall rank in order of  
21 priority those projects needing and deserving of project funding. Each planning  
22 commission shall establish guidelines acceptable to and approved by the office of  
23 ~~public works~~ engineering by which to evaluate and rank project proposals.

24 C. Each planning commission shall prepare and submit to the office of ~~public~~  
25 ~~works~~ engineering a report setting forth a list of projects recommended for funding.  
26 Said report shall be submitted to the office at least one hundred twenty days prior to  
27 the date upon which the office plans to submit its comprehensive list of prioritized  
28 projects to the governor, the House Committee on Transportation, Highways and

1 Public Works and the Senate Committee on Transportation, Highways and Public  
2 Works, and the Joint Legislative Committee on the Budget.

3 §34. Project evaluation and ranking

4 A. Upon receipt of reports by the regional planning commissions as required  
5 by R.S. 38:33, the office of ~~public works~~ engineering shall evaluate them on a  
6 regional basis and shall rank them in order of priority for funding, according to its  
7 rules and regulations and consistent with water resource plans and program priorities  
8 as developed in the office of environmental affairs, where applicable.

9 B. The report by the office of ~~public works~~ engineering shall be submitted  
10 to the governor, the House Committee on Transportation, Highways and Public  
11 Works and the Senate Committee on Transportation, Highways and Public Works,  
12 and the Joint Legislative Committee on the Budget by January ~~15th~~ fifteenth of each  
13 calendar year. The report shall include narrative providing the following information  
14 for each proposal contained in the report:

15 \* \* \*

16 §84. Parishes and municipalities authorized to comply with federal flood insurance  
17 act

18 \* \* \*

19 B. The office of ~~public works, hurricane flood protection, and intermodal~~  
20 ~~transportation~~ engineering shall cooperate with the Federal Insurance Administrator  
21 of the Federal Emergency Management Agency in the planning and carrying out of  
22 state participation in the National Flood Insurance Program and shall aid, advise, and  
23 cooperate with parishes and municipalities endeavoring to qualify for participation  
24 in said program.

25 \* \* \*

26 §90.1. Definitions

27 \* \* \*



1 (8) "Office" means the office of ~~public works, hurricane flood protection,~~  
2 ~~and intermodal transportation engineering~~ of the Department of Transportation and  
3 Development.

4 \* \* \*

5 §90.4. Methodology for flood-control project evaluation

6 A.(1) Applications for funding of any flood-control projects under the  
7 Statewide ~~Flood-Control~~ Flood Control Program may be submitted by any duly  
8 authorized municipal, parish, or other governing authority. Applications shall be  
9 made to the office of ~~public works, hurricane flood protection, and intermodal~~  
10 ~~transportation engineering~~ by October first of each year, beginning in 1993, for  
11 consideration of funding in the following fiscal year. Applications submitted in  
12 accordance with the provisions of this Chapter shall not be subject to the provisions  
13 of R.S. 39:101. Sponsoring authorities with a population of fifty thousand persons  
14 or more shall be responsible for the preparation of applications for their respective  
15 projects. For sponsoring authorities with a population of less than fifty thousand  
16 persons, the office shall prepare the applications for the projects, or the sponsoring  
17 authority may prepare its application in the event the office cannot accomplish  
18 required engineering services in a timely manner. Information to be provided in the  
19 application shall include but not be limited to the following:

20 \* \* \*

21 B.(1) Applications shall be reviewed by the office of ~~public works, hurricane~~  
22 ~~flood protection, and intermodal transportation engineering~~, the Louisiana  
23 Geological Survey, the division of administration, ~~the office of engineering~~, United  
24 States Soil Conservation Service, and any other appropriate state agencies.

25 (2) Projects shall then be systematically evaluated by a flood control project  
26 evaluation committee consisting of the assistant secretary of the office of ~~public~~  
27 ~~works, hurricane flood protection, and intermodal transportation engineering~~, the  
28 director of the Louisiana Geological Survey, and the commissioner of the division  
29 of administration, or their designated representatives. The assistant secretary of the  
30 office of ~~public works, hurricane flood protection, and intermodal transportation~~



1 B. The recipient authority shall submit its share of project construction funds  
2 prior to the awarding of a contract in all instances in which the office of ~~public~~  
3 ~~works, hurricane flood protection, and intermodal transportation~~ engineering is  
4 performing the contract operation and administration.

5 \* \* \*

6 §91. Creation of the Louisiana Water Resources Information Center

7 A. The Department of Transportation and Development, office of ~~public~~  
8 ~~works, hurricane flood protection, and intermodal transportation~~ engineering, is  
9 hereby directed to establish and create a Louisiana Water Resources Information  
10 Center to be administered by and housed in the office of ~~public works, hurricane~~  
11 ~~flood protection, and intermodal transportation~~ engineering and to implement an  
12 indexing and data accessing system that will contain, in part, all information past,  
13 present, and future for water and water-related resource data so collected by federal,  
14 state, and local agencies in the state of Louisiana.

15 B. The Louisiana Water Resources Information Center, within the  
16 Department of Transportation and Development, office of ~~public works, hurricane~~  
17 ~~flood protection, and intermodal transportation~~ engineering, shall promulgate rules  
18 necessary to develop a program that will index or access all water-related resources  
19 data from the various host federal, state, and local agencies so as to serve as a central  
20 access point for all Louisiana water data, making said data more available, thereby  
21 reducing duplication of collection of said water data and increasing its use.

22 \* \* \*

23 §226. Permits for levee crossings

24 If an appointed board or commission having jurisdiction over levees receives  
25 letters of no objection from the United States Army Corps of Engineers and the  
26 Louisiana Department of Transportation and Development, office of ~~public works~~  
27 engineering, or, for levees in the coastal area as defined in R.S. 49:214.2(3), the  
28 Office of Coastal Protection and Restoration, in response to a request to the board  
29 or commission for a permit or letter of no objection to a levee crossing or a request  
30 to renew or transfer an existing permit, it shall be incumbent upon and a ministerial

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1 duty of the executive or administrative officer to issue the requested permit or letter  
 2 of no objection to the crossing, subject to any conditions or stipulations contained  
 3 in the letters received from the United States Army Corps of Engineers and the  
 4 Louisiana Department of Transportation and Development, office of ~~public works~~  
 5 engineering, or for levees in the coastal area as defined in R.S. 49:214.2(3), the  
 6 Office of Coastal Protection and Restoration. The board or commission may impose  
 7 customary fees, bonds, and other general stipulations. The executive or  
 8 administrative officer shall enforce such permits for levee crossings only to the  
 9 extent of the conditions and stipulations contained in the permit or letter of no  
 10 objection.

11 \* \* \*

12 §301. Construction and maintenance of levees and drainage; care and inspection of  
 13 levees; measure of compensation; right of entry; bicycle paths and walkways

14 \* \* \*

15 C.

16 \* \* \*

17 (2)

18 \* \* \*

19 (c) ~~The amount of compensation due to the owner shall be paid from funds~~  
 20 ~~appropriated by the legislature by the office of public works of the~~ The amount of  
 21 compensation due to the owner shall be paid, from funds appropriated by the  
 22 legislature, by the office of engineering of the Department of Transportation and  
 23 Development. The levee board shall immediately notify the office of ~~public works~~  
 24 engineering of the estimate of the amount of compensation due to the owner, the  
 25 amount of revenues available to the board, and the amount of insufficient revenues.  
 26 Upon such notification, the office of ~~public works~~ engineering shall make its own  
 27 estimate of the monies available to the levee board, and the amount of compensation  
 28 to the owner. If the estimates of the levee board and the office of ~~public works~~

1 engineering differ, the estimates of the office of ~~public works~~ engineering shall be  
2 controlling.

3 \* \* \*

4 §306. General powers and duties of board

5 \* \* \*

6 C. The board shall examine all of the accounts and operations of the board  
7 and determine in what manner work shall be undertaken. The board shall also be  
8 invested with the control of all public levees in the district, with authority to require  
9 ~~the office of public works~~ of the Department of Transportation and Development to  
10 lay off, furnish estimates, and perform all engineering work necessary to the  
11 location, construction, and repairs of levees, reserving, however, the right to the  
12 parishes in which the levees are located, also to provide funds and to construct and  
13 repair levees and exercise the powers now conferred to it by law. All works shall be  
14 advertised in accordance with the provisions of R.S. 38:2211 et seq., to be let out by  
15 means of sealed proposals to the lowest responsible bidder, reserving to the board  
16 authority to reject all bids. In case of emergency as defined in Paragraph (6) of R.S.  
17 38:2211, the board may make contracts for the building and repair of and guarding  
18 the levees without advertisement or sealed proposals. It shall use all means at its  
19 command to strengthen, repair, or construct any portion of the levees that may  
20 demand attention.

21 D. The board of commissioners shall cause to be kept an exact and accurate  
22 statement of the work performed by the authority of the board, giving in detail the  
23 work done, the levees built or repaired, and all other work done or authorized to be  
24 done by the board. The board shall keep an accurate account of the finances of the  
25 levee district and annually cause to be made a statement showing the exact, accurate,  
26 and true condition of the finances of the district, showing specially the receipts and  
27 resources thereof in detail, the amount and character of each amount of money or  
28 assets received, whether in money, bills of exchange, bills receivable, property, or  
29 other things of value. The account shall show in detail the expenditures made by  
30 authority of the board, the costs of levees built or repaired, salaries paid, property

1 purchased, costs of work done, other incidental expenditures not herein mentioned,  
 2 and any and all expenditures made by authority of the board. It shall show the  
 3 balances on hand, all details of the various money, money fines, or things of value  
 4 at the time of the statement. The statement shall be made in triplicate, one copy of  
 5 which shall be forwarded to the governor, one copy shall be forwarded to the  
 6 legislative auditor, and one copy shall be kept on record in the files and records of  
 7 the board. A representative ~~of the office of public works, or its successor,~~ of the  
 8 Department of Transportation and Development shall attend each regular meeting  
 9 of the levee board and such other meetings if requested by the board, and to report  
 10 to and advise it as to the location, construction, and repairs of all levees in the  
 11 district. ~~The office of public works, or its successor,~~ The Department of  
 12 Transportation and Development shall be responsible for locating all levees,  
 13 furnishing estimates and specifications, and performing all engineering work  
 14 required of them by the levee board or levee and drainage board.

15 \* \* \*

16 §307. Orleans Levee District; powers of board of commissioners

17 A.(1) The board of commissioners of the Orleans Levee District shall have  
 18 and exercise all and singular the powers now conferred upon that board by law, as  
 19 well as such powers as are herein granted. The board shall have full and exclusive  
 20 right, jurisdiction, power, and authority to locate, relocate, construct, maintain,  
 21 extend, and improve levees, embankments, seawalls, jetties, breakwaters, ~~water-~~  
 22 ~~basins~~ water basins, and other works in relation to such projects and to conduct all  
 23 dredging operations necessary in connection therewith or incidental thereto along,  
 24 over, and on the shores, bottom, and bed of Lake Pontchartrain in the parish of  
 25 Orleans from its western boundary to the boundary line separating township 11  
 26 south, range 12 east, from township 11 south, range 13 east, at a distance not to  
 27 exceed three miles from the present shore line, as the board may determine, and  
 28 along and on the shores adjacent to the lake and along the canals connected  
 29 therewith. The levees, embankments, seawalls, jetties, breakwaters, water basins,  
 30 and other works shall be of such character and extent and of such height, width,

1 slope, design, and material as the board determines, with power and authority to  
 2 improve and to protect the same with such other structures as are deemed necessary  
 3 and proper by the board. All final plans and specifications covering and relating to  
 4 works of a permanent nature shall be submitted to the office of ~~public works~~  
 5 engineering or its successor for approval as to soundness of engineering practice and  
 6 feasibility, but not as to form, extent of area, or detail and such plans and  
 7 specifications shall be approved by the office of ~~public works~~ engineering prior to  
 8 their adoption by the levee board.

9 (2) The office of ~~public works~~ engineering, or its successor, shall promptly  
 10 and with all possible preference over other work pass upon the plans and  
 11 specifications so submitted to it by the levee board.

12 \* \* \*

13 §315. Dedication of artificial waterways as public navigable waterways; approval

14 Wherever there presently exists or may hereafter be created within the  
 15 territorial limits of any levee district or levee and drainage district in the state of  
 16 Louisiana, except in the parish of Orleans, any canal or other artificial waterway  
 17 created by any levee district or levee and drainage district for the purpose of  
 18 constructing a levee or other public work and where said canal or other artificial  
 19 waterway is navigable in fact and connects with or enters into any lake, river, stream,  
 20 bayou, or other navigable waters, the governing authority of said levee district or  
 21 levee and drainage district shall have the authority, with the approval of the office  
 22 of ~~public works~~ engineering of the Department of Transportation and Development  
 23 and with the concurrence of the ~~U.S.~~ United States district engineer, to dedicate and  
 24 declare said canal or other artificial waterway, in whole or in part, as a waterway  
 25 subject to the free and unrestricted navigation by the public; however, nothing herein  
 26 shall be construed as authorizing the taking of private property, except as now  
 27 provided by the constitution and laws of this state.

28 \* \* \*

1           §319. Emergency procedures manual

2                   Each board of commissioners of each levee district and levee and drainage  
3           district shall prepare a written procedures manual to be used during periods of  
4           emergency to facilitate the immediate and orderly actions of each board during an  
5           emergency. The manual shall initially be completed by December 1, 1985, and shall  
6           be submitted on or before that date to the office of ~~public works~~ engineering, or its  
7           successor, and the Joint Legislative Committee on Transportation, Highways and  
8           Public Works for review. Thereafter, the manual shall be updated every two years  
9           and resubmitted for review.

10                                   \*       \*       \*

11           §338. Construction, maintenance, and repairs of levees in Pontchartrain Levee  
12           District; supervision and control

13                                   \*       \*       \*

14                   B. Where money has been contributed under the provisions of this Chapter  
15           to the construction, maintenance, or repair of any levee, the money shall be expended  
16           solely when not less than a like amount is contributed by the Pontchartrain Levee  
17           District for the similar purpose, and the work shall be done under the supervision and  
18           control of the office of ~~public works~~ engineering.

19                                   \*       \*       \*

20           §402. Appropriation of funds raised for levee purposes

21                   A. Any levee board or levee and drainage board with the approval of the  
22           office of ~~public works~~ engineering may appropriate any funds raised under the  
23           provisions of R.S. 38:401 or any funds now on deposit in the state treasury  
24           heretofore raised for the purpose of levee work to be done jointly with the  
25           Mississippi River Commission under the terms of the Act of Congress approved on  
26           the first day of March, 1917\*. Upon the filing with the state auditor and treasurer of  
27           the resolution of the levee board or levee and drainage board setting forth the  
28           appropriation, the amount indicated shall remain in the state treasury in a fund for  
29           this purpose to be untouched for any purpose, subject to being paid out upon the  
30           warrant of the Mississippi River Commission according to any method it may adopt.



1 The appropriation may be withdrawn from the state treasury upon the warrant of the  
2 president of any levee board or levee and drainage board countersigned by the  
3 secretary and approved by the office of ~~public works~~ engineering, with the levee  
4 board or levee and drainage board's resolution attached thereto, and disposed of as  
5 the Mississippi River Commission shall deem proper. If the funds are to be  
6 deposited in any state or federal depository, evidence of that fact shall be delivered  
7 to the state treasurer within ten days from the time of the withdrawal of the fund  
8 from the state treasury.

9 \* \* \*

10 §491. Authority to borrow money and issue bonds

11 The levee districts and levee and drainage districts of Louisiana under the  
12 terms of any law which may be enacted by the Congress of the United States may  
13 borrow money from the United States ~~Government~~ government to be used for the  
14 purpose of constructing, repairing, or maintaining a levee, levees, drainage, or other  
15 works designed to protect the territory of the levee districts from the flood waters of  
16 the Mississippi River, upon terms which the ~~Congress~~ congress may determine, and  
17 in evidence of the loans, may issue and deliver to the proper federal authorities at par  
18 value, negotiable bonds of the levee districts and levee and drainage districts, secured  
19 by the pledge of revenues and taxes. The bonds shall bear interest as provided in  
20 R.S. 39:1421 et seq., and in terms provide for their repayment, principal, and interest  
21 on an amortization plan by means of equal annual installments which will liquidate  
22 the bonds in periods ranging from twenty to forty years. The bonds shall not exceed  
23 fifteen percent of the total assessed valuation of property subject to levee taxation in  
24 any district issuing them, including the bond issues of the district heretofore  
25 authorized, issued, and outstanding. In all cases the loan shall be formally approved  
26 by the office of ~~public works~~ engineering whose approval shall be expressly written  
27 or printed in or across each bond.

28 §492. Form of bonds

29 The form of the bonds and interest coupons attached shall be as prescribed  
30 by the attorney general of the state, and each bond shall expressly show that the form

1       thereof has been so prescribed and prepared by the officer whose official signature  
 2       together with the signature of the ~~director of the office of public works and chief~~  
 3       engineer of the office of engineering and the president and secretary of the levee  
 4       board or levee and drainage board availing itself of the provisions of this Subpart  
 5       shall appear on each bond. The bonds issued under this Subpart shall be without  
 6       prejudice to the bonds heretofore issued by the several levee districts and levee and  
 7       drainage districts under the provisions of existing laws.

8   \*       \*       \*

9       §511. Anticipation of revenues for five years; authority to borrow money and issue  
 10       certificates of indebtedness

11               The boards of commissioners of the duly organized levee districts and levee  
 12       and drainage districts, in their discretion, may anticipate, for five years in advance  
 13       of their availability, through the existing processes of law, their annual revenues, by  
 14       borrowing any sums which in their judgment may be required for the needs of the  
 15       district, duly recommended and approved by the office of ~~public works~~ engineering,  
 16       and issuing certificates of indebtedness, upon the terms they may see fit, at rates of  
 17       interest as provided in R.S. 39:1421 et seq., or by issuing refunding certificates of  
 18       indebtedness for the refunding of any outstanding certificates of indebtedness and  
 19       to secure the certificates by pledge of the revenues of the district for the year or years  
 20       so anticipated.

21   \*       \*       \*

22       §2044. General powers and duties of the board

23               The board of commissioners shall have all powers necessary or convenient  
 24       for carrying out its purposes, including but not limited to the following rights and  
 25       powers:

26   \*       \*       \*

27               (5) The board shall be responsible for all major drainage in the district,  
 28       excluding the Red River and its levees, and local drainage along streets, highways,  
 29       and roads and may request the office of ~~public works~~ engineering of the Department  
 30       of Transportation and Development to lay out, furnish estimates, and perform all

1 engineering work necessary to the location, construction, and repairs of the drain and  
2 drainage facilities or may employ an engineer or engineers to perform such services.

3 \* \* \*

4 §3074. Board of commissioners; appointments; tenure; replacement; compensation

5 A. The board of commissioners shall consist of fifteen members who shall  
6 be appointed and commissioned by the governor. Each appointment by the governor  
7 shall be submitted to the Senate for confirmation. The following members shall be  
8 appointed and commissioned within ninety days after the effective date of this Part:

9 \* \* \*

10 (4) One member, being the ~~assistant secretary~~ chief engineer or a member  
11 of his staff designated by him, shall be appointed and shall represent the office of  
12 ~~public works engineering~~ of the Department of Transportation and Development as  
13 well as other state institutions which are users of groundwater.

14 \* \* \*

15 D. The board shall procure replacements for those members whose terms  
16 expire by the following procedure:

17 \* \* \*

18 (4) Sixty days prior to the expiration of the term of the member representing  
19 the office of ~~public works engineering~~ of the Department of Transportation and  
20 Development as well as other state institutions that are users of groundwater, the  
21 board shall notify the ~~assistant secretary of the office of public works~~ chief engineer  
22 of the Department of Transportation and Development that he shall name a nominee  
23 for membership.

24 \* \* \*

25 (9) In case a vacancy occurs more than ninety days prior to the normal  
26 expiration date, the governor shall appoint and commission a replacement within  
27 thirty days of its occurrence to fill the unexpired term, such replacement to be the  
28 nominee of:

29 \* \* \*

1           (c) ~~The assistant secretary of the office of public works if the~~ The chief  
2           engineer of the Department of Transportation and Development, if the vacancy is the  
3           member representing the office of ~~public works~~ engineering and other state  
4           institutions that are users of groundwater.

5   \*           \*           \*

6           §3086.24. Powers

7   \*           \*           \*

8           H.(1) The board shall have full power and authority to cooperate and  
9           contract with the United States government, or any of its agencies, the state of  
10          Louisiana, or any of its departments, agencies, commissions, districts, or other  
11          political subdivisions, or with any person, firm, partnership, or corporation, with the  
12          view of accomplishing the construction, maintenance, and operation of pumping  
13          facilities and appurtenant pipeline facilities, the purpose of which would be to  
14          provide fresh water for said Bayou Lafourche. In the event that such pumping  
15          facilities and appurtenant pipeline facilities are constructed, erected, or installed by  
16          the state of Louisiana, the office of ~~public works~~ engineering of the Department of  
17          Transportation and Development, state of Louisiana, the board of commissioners for  
18          the Lafourche Basin Levee District, the board of commissioners for the Atchafalaya  
19          Basin Levee District, the board of commissioners for the Lafourche Parish Water  
20          District No. 1 or other local interests, and the board of commissioners for the Bayou  
21          Lafourche Freshwater District, or any of them, it shall be the obligation of the board  
22          of commissioners for the Bayou Lafourche Fresh Water District, and the board is  
23          hereby authorized and directed to operate and maintain such pumping and pipeline  
24          facilities so as to provide an adequate supply of fresh water in Bayou Lafourche.

25   \*           \*           \*

26          §3306. General powers and duties of the board

27   \*           \*           \*

28          B. The board shall be vested with the control of all public drainage, flood  
29          control and water resources development, reservoirs, and diversion canals in the  
30          district. The board shall have the authority in connection with the proposed

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

1 construction of any reservoir to have conducted a comprehensive study to determine  
2 the economic impact on the parishes of East Feliciana and St. Helena of  
3 accompanying commercial and residential development and growth. The board shall  
4 have the authority to require the office of ~~public works~~ engineering to lay out,  
5 furnish estimates, and perform all engineering work necessary to the establishment  
6 of adequate drainage, flood control, and water resources development.

7 \* \* \*

8 Section 6. R.S. 40:1236.2(C)(4)(a)(v) is hereby amended and reenacted to read as  
9 follows:

10 §1236.2. Air ambulance services; licensure

11 \* \* \*

12 C. An applicant seeking licensure as an air ambulance service shall:

13 \* \* \*

14 (4) Submit to and successfully complete an inspection by the department to  
15 include the following:

16 (a) An inspection of all aircraft utilized as air ambulances to ensure that all  
17 required medical and safety equipment is present and operational. The medical and  
18 safety equipment shall conform to local protocol as established by the medical  
19 director of the air ambulance service. The list of required medical and safety  
20 equipment shall be established under rules promulgated by the department and shall  
21 be based upon the recommendations of an advisory committee to be composed of the  
22 following persons:

23 \* \* \*

24 (v) One representative of the Department of Transportation and  
25 Development, office of ~~public works, hurricane flood protection, and intermodal~~  
26 transportation engineering, aviation section.

27 \* \* \*

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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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St. Germain

HB No. 615

**Abstract:** Revises the names of certain offices within DOTD.

Proposed law renames the office of public works, hurricane flood protection and intermodal transportation, to the office of engineering.

(Amends R.S. 3:2571(A) and 2572, R.S. 30:2199(A), R.S. 33:7556, R.S. 36:508(A), R.S. 38:17, 20, 23, 26(C), 31(2), 32(A) and (B)(intro. para.), 33, 34(A) and (B)(intro. para.), 84(B), 90.1(8), 90.4(A)(1) (intro. para.), (B)(1) and (2)(intro. para.), 90.7, 90.8, 90.12(B), 91, 226, 301(C)(2)(c), 306(C) and (D), 307(A)(1) and (2), 315, 319, 338(B), 402(A), 491, 492, 511, 2044(5), 3074 (A)(4), (D)(4) and (9)(c), 3086.24(H)(1), and 3306(B), and R.S. 40:1236.2(C)(4)(a)(v))