

ACT No. 753

Regular Session, 2012

HOUSE BILL NO. 615

BY REPRESENTATIVE ST. GERMAIN

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AN ACT

To amend and reenact 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)(introductory paragraph), 33, 34(A) and (B)(introductory paragraph), 84(B), 90.1(8), 90.4(A)(1)(introductory paragraph), (B)(1) and (2)(introductory paragraph), 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), relative to the Department of Transportation and Development; to reassign duties of offices within the Department of Transportation and Development; to rename the office of public works, hurricane flood protection and intermodal transportation, within the Department of Transportation and Development; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§2571. Livestock allowed on levees; conditions

A. Horses, mules, cattle, hogs, sheep, or livestock of any description may go on the levees, or the space between the base of the levees and the draining ditch at any time, except where, in the judgment of the levee commissioners of a district and the office of ~~public works~~ engineering, damage would occur to the levees from exposure to wear, tear, and abuse.

* * *

1 §2572. Impounding livestock; sale if not redeemed

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

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

14 §2199. Applications; comments; local government

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

24 * * *

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

26 §7556. Advice and services of office of ~~public works~~ engineering, Department of
27 Wildlife and Fisheries, and office of environmental affairs

28 The district and the board of commissioners therefor shall have, with respect
29 to all of the powers and functions prescribed by this Chapter, the advice and the
30 services of the office of ~~public works~~ engineering of the Department of

1 Transportation and Development, the Department of Wildlife and Fisheries, and the
2 office of environmental affairs. It shall be the duty of ~~said~~ the department and
3 offices to make such reports, inspections, and investigations, render such reports,
4 estimates, and recommendations and furnish such plans and specifications as the
5 board of commissioners for the district may request.

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

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

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

18 * * *

19 Section 5. R.S. 38:17, 20, 23, 26(C), 31(2), 32(A) and (B)(introductory paragraph),
20 33, 34(A) and (B)(introductory paragraph), 84(B), 90.1(8), 90.4(A)(1)(introductory
21 paragraph), (B)(1) and (2)(introductory paragraph), 90.7, 90.8, 90.12(B), 91, 226,
22 301(C)(2)(c), 306(C) and (D), 307(A)(1) and (2), 315, 319, 338(B), 402(A), 491, 492, 511,
23 2044(5), 3074(A)(4), (D)(4) and (9)(c), 3086.24(H)(1), and 3306(B) are hereby amended and
24 reenacted as follows:

25 §17. Divisions to exercise functions of department; contracts; grants of money;
26 reports

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

29 B. The assistant secretary may enter into written contracts with the federal
30 government or any federal agency, or any political subdivision of the state or private

1 individual for the construction, operation, or maintenance of any public works which
 2 under this Chapter the department may administer and may receive and disburse
 3 grants of money from the agencies or persons for these purposes. All grants of
 4 money shall be credited by the treasurer in a special account subject to withdrawal
 5 only by the assistant secretary of the office of ~~public works~~ engineering. Any
 6 portion of any grant unexpended at the end of any fiscal year shall remain to the
 7 credit of the department for expenditure during the succeeding fiscal years.

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

23 * * *

24 §20. Red River Compact Commission membership

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

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

13 * * *

14 §23. Permit or consent required

15 All dams, as herein above described, both federal and ~~non-federal~~ nonfederal
 16 but excluding the Toledo Bend Dam, shall be under the jurisdiction of the state
 17 acting through the chief engineer of the Department of Transportation and
 18 Development, office of ~~public works~~ engineering. The chief engineer, or his
 19 authorized representative, shall have supervision and overview of the construction,
 20 modification, operation, and maintenance of the dams to the extent required to
 21 protect life and property and to provide for the safety and welfare of the public. No
 22 person, partnership, association, corporation, agency, or political subdivision shall
 23 construct any such dam or make, construct, or permit to be made or constructed any
 24 change in the dam without first obtaining the written consent or permit of the chief
 25 engineer. No permit is required for routine maintenance.

26 * * *

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

29 * * *

1 C. The commission or political subdivision under whose authority the
 2 following dams are established, is hereby authorized to transfer the maintenance and
 3 operation thereof to the Department of Transportation and Development, office of
 4 ~~public works engineering~~, and the Department of Transportation and Development,
 5 office of ~~public works engineering~~, is hereby authorized and directed to operate and
 6 maintain the dam, water-control structures, gates, spillway, and related
 7 appurtenances to the extent that it deems necessary to ~~insure~~ ensure that the ~~man-~~
 8 ~~made~~ manmade impoundment structure and the attendant water-control devices are
 9 functioning to design capabilities.

10 * * *

11 §31. Definitions

12 * * *

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

15 * * *

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

17 A. There is hereby established in the office of ~~public works engineering~~ the
 18 Louisiana Water Resources Program, the purpose of which shall be planning for the
 19 wise management of Louisiana's water resources on a statewide basis. This purpose
 20 shall be fulfilled through the implementation of the powers, duties, and functions of
 21 the office of ~~public works engineering~~ as described in ~~R.S. 38:32(B)~~ Subsection B
 22 of this Section.

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

25 * * *

26 §33. Regional planning commissions

27 A. Each of the eight regional planning commissions created throughout the
 28 state pursuant to the authorization provided in Subparts C and F of Part IV of
 29 Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950 shall be authorized
 30 to and shall assist the office of ~~public works engineering~~ in preparation of that

1 office's annual report to the governor, the House Committee on Transportation,
2 Highways and Public Works, the Senate Committee on Transportation, Highways
3 and Public Works, and the Joint Legislative Committee on the Budget regarding
4 priorities for project funding in accordance with the requirements of R.S. 38:32.

5 B. Each planning commission shall solicit proposals for project funding from
6 local governments and from special districts, boards, and commissions having water
7 resources and sewerage responsibilities, which entities are located within the area of
8 jurisdiction of the planning commission. Each planning commission shall set a
9 deadline for receipt of project proposals, following which it shall rank in order of
10 priority those projects needing and deserving of project funding. Each planning
11 commission shall establish guidelines acceptable to and approved by the office of
12 ~~public works~~ engineering by which to evaluate and rank project proposals.

13 C. Each planning commission shall prepare and submit to the office of ~~public~~
14 ~~works~~ engineering a report setting forth a list of projects recommended for funding.
15 Said report shall be submitted to the office at least one hundred twenty days prior to
16 the date upon which the office plans to submit its comprehensive list of prioritized
17 projects to the governor, the House Committee on Transportation, Highways and
18 Public Works and the Senate Committee on Transportation, Highways and Public
19 Works, and the Joint Legislative Committee on the Budget.

20 §34. Project evaluation and ranking

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

26 B. The report by the office of ~~public works~~ engineering shall be submitted
27 to the governor, the House Committee on Transportation, Highways and Public
28 Works and the Senate Committee on Transportation, Highways and Public Works,
29 and the Joint Legislative Committee on the Budget by January ~~15th~~ fifteenth of each

1 calendar year. The report shall include narrative providing the following information
2 for each proposal contained in the report:

3 * * *

4 §84. Parishes and municipalities authorized to comply with federal flood insurance
5 act

6 * * *

7 B. The office of ~~public works, hurricane flood protection, and intermodal~~
8 ~~transportation~~ engineering shall cooperate with the Federal Insurance Administrator
9 of the Federal Emergency Management Agency in the planning and carrying out of
10 state participation in the National Flood Insurance Program and shall aid, advise, and
11 cooperate with parishes and municipalities endeavoring to qualify for participation
12 in said program.

13 * * *

14 §90.1. Definitions

15 * * *

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

19 * * *

20 §90.4. Methodology for flood-control project evaluation

21 A.(1) Applications for funding of any flood-control projects under the
22 Statewide ~~Flood-Control~~ Flood Control Program may be submitted by any duly
23 authorized municipal, parish, or other governing authority. Applications shall be
24 made to the office of ~~public works, hurricane flood protection, and intermodal~~
25 ~~transportation~~ engineering by October first of each year, ~~beginning in 1993~~, for
26 consideration of funding in the following fiscal year. Applications submitted in
27 accordance with the provisions of this Chapter shall not be subject to the provisions
28 of R.S. 39:101. Sponsoring authorities with a population of fifty thousand persons
29 or more shall be responsible for the preparation of applications for their respective
30 projects. For sponsoring authorities with a population of less than fifty thousand

1 persons, the office shall prepare the applications for the projects, or the sponsoring
2 authority may prepare its application in the event the office cannot accomplish
3 required engineering services in a timely manner. Information to be provided in the
4 application shall include but not be limited to the following:

5 * * *

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

10 (2) Projects shall then be systematically evaluated by a flood control project
11 evaluation committee consisting of the assistant secretary of the office of ~~public~~
12 ~~works, hurricane flood protection, and intermodal transportation~~ engineering, the
13 director of the Louisiana Geological Survey, and the commissioner of the division
14 of administration, or their designated representatives. The assistant secretary of the
15 office of ~~public works, hurricane flood protection, and intermodal transportation~~
16 engineering shall chair the evaluation committee and the office of ~~public works,~~
17 ~~hurricane flood protection, and intermodal transportation~~ engineering shall provide
18 staff support for the program. The following criteria may be considered in the
19 evaluation:

20 * * *

21 §90.7. Deletion, addition, or substitution of projects by office of ~~public works,~~
22 ~~hurricane flood protection, and intermodal transportation~~ engineering;
23 progress reports required

24 After adoption of the committee's recommendations by the legislature, the
25 approved list of projects shall be forwarded to the office of ~~public works, hurricane~~
26 ~~flood protection, and intermodal transportation~~ engineering for implementation
27 subject to limitation of allocated funds. The office shall not delete, add, or substitute
28 any projects for those approved by the legislature; however, the secretary of the
29 department may, at his discretion, authorize projects to be undertaken and financed
30 due to an emergency out of the secretary's emergency fund. At least semiannually

1 or more often, as required by the committee, the office shall summarize the progress
2 to date on all projects previously approved and shall submit a recapitulation of all
3 emergency projects for the preceding six-month period, outlining the nature of the
4 emergency and the cost of each project.

5 §90.8. Notification to proper authority of project status by office of ~~public works,~~
6 ~~hurricane flood protection, and intermodal transportation~~ engineering

7 After receipt of the list of projects adopted by the legislature, the office shall
8 determine if each project lies solely within the jurisdiction of one authority or is
9 partially located within other authorities. The office shall notify each authority
10 affected by the projects in the plan of the status of each project.

11 * * *

12 §90.12. Certification of recipient authority; federal matching projects; exceptions;
13 reimbursement for project construction

14 * * *

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

19 * * *

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

21 A. The Department of Transportation and Development, office of ~~public~~
22 ~~works, hurricane flood protection, and intermodal transportation~~ engineering, is
23 hereby directed to establish and create a Louisiana Water Resources Information
24 Center to be administered by and housed in the office of ~~public works, hurricane~~
25 ~~flood protection, and intermodal transportation~~ engineering and to implement an
26 indexing and data accessing system that will contain, in part, all information past,
27 present, and future for water and water-related resource data so collected by federal,
28 state, and local agencies in the state of Louisiana.

29 B. The Louisiana Water Resources Information Center, within the
30 Department of Transportation and Development, office of ~~public works, hurricane~~

1 flood protection, and intermodal transportation engineering, shall promulgate rules
 2 necessary to develop a program that will index or access all water-related resources
 3 data from the various host federal, state, and local agencies so as to serve as a central
 4 access point for all Louisiana water data, making said data more available, thereby
 5 reducing duplication of collection of said water data and increasing its use.

6 * * *

7 §226. Permits for levee crossings

8 If an appointed board or commission having jurisdiction over levees receives
 9 letters of no objection from the United States Army Corps of Engineers and the
 10 Louisiana Department of Transportation and Development, office of ~~public works~~
 11 engineering, or, for levees in the coastal area as defined in R.S. 49:214.2(3), the
 12 Office of Coastal Protection and Restoration, in response to a request to the board
 13 or commission for a permit or letter of no objection to a levee crossing or a request
 14 to renew or transfer an existing permit, it shall be incumbent upon and a ministerial
 15 duty of the executive or administrative officer to issue the requested permit or letter
 16 of no objection to the crossing, subject to any conditions or stipulations contained
 17 in the letters received from the United States Army Corps of Engineers and the
 18 Louisiana Department of Transportation and Development, office of ~~public works~~
 19 engineering, or for levees in the coastal area as defined in R.S. 49:214.2(3), the
 20 Office of Coastal Protection and Restoration. The board or commission may impose
 21 customary fees, bonds, and other general stipulations. The executive or
 22 administrative officer shall enforce such permits for levee crossings only to the
 23 extent of the conditions and stipulations contained in the permit or letter of no
 24 objection.

25 * * *

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

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29 C.

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(c) ~~The amount of compensation due to the owner shall be paid from funds appropriated by the legislature by the office of public works of the~~ The amount of compensation due to the owner shall be paid, from funds appropriated by the legislature, by the office of engineering of the Department of Transportation and Development. The levee board shall immediately notify the office of ~~public works engineering~~ of the estimate of the amount of compensation due to the owner, the amount of revenues available to the board, and the amount of insufficient revenues. Upon such notification, the office of ~~public works engineering~~ shall make its own estimate of the monies available to the levee board, and the amount of compensation to the owner. If the estimates of the levee board and the office of ~~public works engineering~~ differ, the estimates of the office of ~~public works engineering~~ shall be controlling.

* * *

§306. General powers and duties of board

* * *

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

1 at its command to strengthen, repair, or construct any portion of the levees that may
2 demand attention.

3 D. The board of commissioners shall cause to be kept an exact and accurate
4 statement of the work performed by the authority of the board, giving in detail the
5 work done, the levees built or repaired, and all other work done or authorized to be
6 done by the board. The board shall keep an accurate account of the finances of the
7 levee district and annually cause to be made a statement showing the exact, accurate,
8 and true condition of the finances of the district, showing specially the receipts and
9 resources thereof in detail, the amount and character of each amount of money or
10 assets received, whether in money, bills of exchange, bills receivable, property, or
11 other things of value. The account shall show in detail the expenditures made by
12 authority of the board, the costs of levees built or repaired, salaries paid, property
13 purchased, costs of work done, other incidental expenditures not herein mentioned,
14 and any and all expenditures made by authority of the board. It shall show the
15 balances on hand, all details of the various money, money fines, or things of value
16 at the time of the statement. The statement shall be made in triplicate, one copy of
17 which shall be forwarded to the governor, one copy shall be forwarded to the
18 legislative auditor, and one copy shall be kept on record in the files and records of
19 the board. A representative ~~of the office of public works, or its successor,~~ of the
20 Department of Transportation and Development shall attend each regular meeting
21 of the levee board and such other meetings if requested by the board, and to report
22 to and advise it as to the location, construction, and repairs of all levees in the
23 district. ~~The office of public works, or its successor,~~ The Department of
24 Transportation and Development shall be responsible for locating all levees,
25 furnishing estimates and specifications, and performing all engineering work
26 required of them by the levee board or levee and drainage board.

27 * * *

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

29 A.(1) The board of commissioners of the Orleans Levee District shall have
30 and exercise all and singular the powers now conferred upon that board by law, as

1 well as such powers as are herein granted. The board shall have full and exclusive
 2 right, jurisdiction, power, and authority to locate, relocate, construct, maintain,
 3 extend, and improve levees, embankments, seawalls, jetties, breakwaters, ~~water-~~
 4 ~~basins~~ water basins, and other works in relation to such projects and to conduct all
 5 dredging operations necessary in connection therewith or incidental thereto along,
 6 over, and on the shores, bottom, and bed of Lake Pontchartrain in the parish of
 7 Orleans from its western boundary to the boundary line separating township 11
 8 south, range 12 east, from township 11 south, range 13 east, at a distance not to
 9 exceed three miles from the present shore line, as the board may determine, and
 10 along and on the shores adjacent to the lake and along the canals connected
 11 therewith. The levees, embankments, seawalls, jetties, breakwaters, water basins,
 12 and other works shall be of such character and extent and of such height, width,
 13 slope, design, and material as the board determines, with power and authority to
 14 improve and to protect the same with such other structures as are deemed necessary
 15 and proper by the board. All final plans and specifications covering and relating to
 16 works of a permanent nature shall be submitted to the office of ~~public works~~
 17 engineering or its successor for approval as to soundness of engineering practice and
 18 feasibility, but not as to form, extent of area, or detail and such plans and
 19 specifications shall be approved by the office of ~~public works~~ engineering prior to
 20 their adoption by the levee board.

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

24 * * *

25 §315. Dedication of artificial waterways as public navigable waterways; approval
 26 Wherever there presently exists or may hereafter be created within the
 27 territorial limits of any levee district or levee and drainage district in the state of
 28 Louisiana, except in the parish of Orleans, any canal or other artificial waterway
 29 created by any levee district or levee and drainage district for the purpose of
 30 constructing a levee or other public work and where said canal or other artificial

1 waterway is navigable in fact and connects with or enters into any lake, river, stream,
 2 bayou, or other navigable waters, the governing authority of said levee district or
 3 levee and drainage district shall have the authority, with the approval of the office
 4 of ~~public works~~ engineering of the Department of Transportation and Development
 5 and with the concurrence of the ~~U.S.~~ United States district engineer, to dedicate and
 6 declare said canal or other artificial waterway, in whole or in part, as a waterway
 7 subject to the free and unrestricted navigation by the public; however, nothing herein
 8 shall be construed as authorizing the taking of private property, except as now
 9 provided by the constitution and laws of this state.

* * *

§319. Emergency procedures manual

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

* * *

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

* * *

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

* * *

1 §402. Appropriation of funds raised for levee purposes

2 A. Any levee board or levee and drainage board with the approval of the
 3 office of ~~public works~~ engineering may appropriate any funds raised under the
 4 provisions of R.S. 38:401 or any funds now on deposit in the state treasury
 5 heretofore raised for the purpose of levee work to be done jointly with the
 6 Mississippi River Commission under the terms of the Act of Congress approved on
 7 the first day of March, 1917*. Upon the filing with the state auditor and treasurer of
 8 the resolution of the levee board or levee and drainage board setting forth the
 9 appropriation, the amount indicated shall remain in the state treasury in a fund for
 10 this purpose to be untouched for any purpose, subject to being paid out upon the
 11 warrant of the Mississippi River Commission according to any method it may adopt.
 12 The appropriation may be withdrawn from the state treasury upon the warrant of the
 13 president of any levee board or levee and drainage board countersigned by the
 14 secretary and approved by the office of ~~public works~~ engineering, with the levee
 15 board or levee and drainage board's resolution attached thereto, and disposed of as
 16 the Mississippi River Commission shall deem proper. If the funds are to be
 17 deposited in any state or federal depository, evidence of that fact shall be delivered
 18 to the state treasurer within ten days from the time of the withdrawal of the fund
 19 from the state treasury.

20 * * *

21 §491. Authority to borrow money and issue bonds

22 The levee districts and levee and drainage districts of Louisiana under the
 23 terms of any law which may be enacted by the Congress of the United States may
 24 borrow money from the United States ~~Government~~ government to be used for the
 25 purpose of constructing, repairing, or maintaining a levee, levees, drainage, or other
 26 works designed to protect the territory of the levee districts from the flood waters of
 27 the Mississippi River, upon terms which the ~~Congress~~ congress may determine, and
 28 in evidence of the loans, may issue and deliver to the proper federal authorities at par
 29 value, negotiable bonds of the levee districts and levee and drainage districts, secured
 30 by the pledge of revenues and taxes. The bonds shall bear interest as provided in

1 R.S. 39:1421 et seq., and in terms provide for their repayment, principal, and interest
 2 on an amortization plan by means of equal annual installments which will liquidate
 3 the bonds in periods ranging from twenty to forty years. The bonds shall not exceed
 4 fifteen percent of the total assessed valuation of property subject to levee taxation in
 5 any district issuing them, including the bond issues of the district heretofore
 6 authorized, issued, and outstanding. In all cases the loan shall be formally approved
 7 by the office of ~~public works~~ engineering whose approval shall be expressly written
 8 or printed in or across each bond.

9 §492. Form of bonds

10 The form of the bonds and interest coupons attached shall be as prescribed
 11 by the attorney general of the state, and each bond shall expressly show that the form
 12 thereof has been so prescribed and prepared by the officer whose official signature
 13 together with the signature of the ~~director of the office of public works and chief~~
 14 engineer of the office of engineering and the president and secretary of the levee
 15 board or levee and drainage board availing itself of the provisions of this Subpart
 16 shall appear on each bond. The bonds issued under this Subpart shall be without
 17 prejudice to the bonds heretofore issued by the several levee districts and levee and
 18 drainage districts under the provisions of existing laws.

19 * * *

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

22 The boards of commissioners of the duly organized levee districts and levee
 23 and drainage districts, in their discretion, may anticipate, for five years in advance
 24 of their availability, through the existing processes of law, their annual revenues, by
 25 borrowing any sums which in their judgment may be required for the needs of the
 26 district, duly recommended and approved by the office of ~~public works~~ engineering,
 27 and issuing certificates of indebtedness, upon the terms they may see fit, at rates of
 28 interest as provided in R.S. 39:1421 et seq., or by issuing refunding certificates of
 29 indebtedness for the refunding of any outstanding certificates of indebtedness and

1 to secure the certificates by pledge of the revenues of the district for the year or years
2 so anticipated.

3 * * *

4 §2044. General powers and duties of the board

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

8 * * *

9 (5) The board shall be responsible for all major drainage in the district,
10 excluding the Red River and its levees, and local drainage along streets, highways,
11 and roads and may request the office of ~~public works~~ engineering of the Department
12 of Transportation and Development to lay out, furnish estimates, and perform all
13 engineering work necessary to the location, construction, and repairs of the drain and
14 drainage facilities or may employ an engineer or engineers to perform such services.

15 * * *

16 §3074. Board of commissioners; appointments; tenure; replacement; compensation

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

21 * * *

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

26 * * *

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

29 * * *

1 Basin Levee District, the board of commissioners for the Lafourche Parish Water
 2 District No. 1 or other local interests, and the board of commissioners for the Bayou
 3 Lafourche Freshwater District, or any of them, it shall be the obligation of the board
 4 of commissioners for the Bayou Lafourche Fresh Water District, and the board is
 5 hereby authorized and directed to operate and maintain such pumping and pipeline
 6 facilities so as to provide an adequate supply of fresh water in Bayou Lafourche.

7 * * *

8 §3306. General powers and duties of the board

9 * * *

10 B. The board shall be vested with the control of all public drainage, flood
 11 control and water resources development, reservoirs, and diversion canals in the
 12 district. The board shall have the authority in connection with the proposed
 13 construction of any reservoir to have conducted a comprehensive study to determine
 14 the economic impact on the parishes of East Feliciana and St. Helena of
 15 accompanying commercial and residential development and growth. The board shall
 16 have the authority to require the office of ~~public works~~ engineering to lay out,
 17 furnish estimates, and perform all engineering work necessary to the establishment
 18 of adequate drainage, flood control, and water resources development.

19 * * *

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

22 §1236.2. Air ambulance services; licensure

23 * * *

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

25 * * *

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

28 (a) An inspection of all aircraft utilized as air ambulances to ensure that all
 29 required medical and safety equipment is present and operational. The medical and
 30 safety equipment shall conform to local protocol as established by the medical

1 director of the air ambulance service. The list of required medical and safety
2 equipment shall be established under rules promulgated by the department and shall
3 be based upon the recommendations of an advisory committee to be composed of the
4 following persons:

5 * * *

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

9 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____