

2022 Regular Session

SENATE BILL NO. 454

BY SENATOR MCMATH

TRANSPORTATION/DEV DEPT. Provides relative to the Department of Transportation and Development. (8/1/22)

1 AN ACT  
2 To amend and reenact R.S. 2:803(A), R.S. 34:3453, R.S. 36:501(B) and (C), 502(A), 503,  
3 504(A)(4), (5), (8), and (9)(a), the introductory paragraph of (B), and (B)(2), 505(B),  
4 507(B), and 508.3(C)(1), R.S. 38:90.5(A), and R.S. 48:231(A)(1), relative to the  
5 Department of Transportation and Development; to provide for the purposes and  
6 functions of the department; to provide for officers of the department; to provide for  
7 the appointment of a secretary; to provide for a deputy secretary; to provide for  
8 powers and duties of the secretary; to provide for the office of multimodal  
9 commerce; to provide for the secretary's responsibilities for priority projects; to  
10 provide relative to highway, airport, port, and flood control priority projects; to  
11 provide for the secretary's obligations to the Joint Legislative Committee on  
12 Transportation, Highways and Public Works; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 2:803(A) is hereby amended and reenacted to read as follows:

15 §803. ~~Priority~~ **Airport priority** list of projects; public hearings; final program

16 A. Prior to the convening of each regular session of the legislature,  
17 ~~beginning with the 1990 Regular Session,~~ the department shall prepare and shall

1 furnish the **airport** priority list **of projects** to the joint committee, ~~which~~ **The joint**  
 2 **committee** shall hold a public hearing or hearings for the purpose of reviewing the  
 3 priority list of projects for the coming fiscal year.

4 (1) Prior to each hearing, the department shall publish the appropriate official  
 5 notice in the necessary journals.

6 (2) **At the hearing, the joint committee shall vote to either accept, reject,**  
 7 **or modify the list.**

8 (3) Subsequent to the joint committee hearing and prior to the convening of  
 9 the regular session, the department shall prepare the final construction program for  
 10 the coming fiscal year for submission to the joint committee. ~~When this final~~  
 11 ~~construction program, as approved by the joint committee, is presented to the~~  
 12 ~~legislature for funding for the coming fiscal year, the~~ **The** legislature shall not add  
 13 any projects to this final construction program except as provided in Subsection B  
 14 of this Section.

15 \* \* \*

16 Section 2. R.S. 34:3453 is hereby amended and reenacted to read as follows:

17 §3453. **Priority** ~~Port~~ **priority** list of projects; public hearings; final program

18 **A.** Each quarter, the department shall prepare and shall furnish a prioritized  
 19 list of projects, based on the applications received by the department during that  
 20 quarter, to the joint committee.

21 (1) The joint committee shall receive the prioritized list of projects from the  
 22 department for each of the first three quarters of the year, and shall call a public  
 23 hearing within thirty days of receiving the list in order to receive public testimony  
 24 regarding any project on the list. At ~~such~~ **the** hearing, the joint committee shall vote  
 25 to either accept, reject, or modify the list.

26 (2) Each quarter, the department shall reprioritize the list of projects to reflect  
 27 the cumulative list of projects recommended by the department.

28 **B.** After application recommendations for the last quarter are made by the  
 29 department, the department shall submit the final port construction and development

1 priority program for the ~~ensuing~~ coming fiscal year to the joint committee for  
2 approval.

3 C. Prior to the convening of the regular session of the legislature, the joint  
4 committee shall hold a public hearing for the purpose of reviewing the final program  
5 for the ~~ensuing~~ coming fiscal year. ~~Prior to such hearing, the~~ The department shall  
6 publish the appropriate official notice in the necessary journals prior to the hearing.  
7 The final program shall be based upon the anticipated revenues to be appropriated  
8 by the legislature or other funding obligation authority and the projects shall be listed  
9 in order of priority.

10 D. When ~~this~~ the final construction program is presented to the legislature  
11 for funding or funding obligation authority for the ~~ensuing~~ coming fiscal year, the  
12 legislature shall not add any projects to this final construction program. Any project  
13 recommended by the department and approved by the joint committee but ~~for which~~  
14 funds are unavailable in the fiscal year ~~for which~~ it was approved, shall remain on  
15 the prioritized list of projects and shall be carried forward to the next fiscal year.  
16 ~~Such~~ The project shall retain its place on the prioritized list of projects and shall  
17 receive a higher priority over newly recommended projects in the next fiscal year.

18 Section 3. R.S. 36:501(B) and (C), 502(A), 503, 504(A)(4), (5), (8), (9)(a), the  
19 introductory paragraph of (B), and (B)(2), 505(B), 507(B), and 508.3(C)(1), are hereby  
20 amended and reenacted to read as follows:

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

23 \* \* \*

24 B. The Department of Transportation and Development, through its offices  
25 and officers, shall be responsible for developing and implementing programs,  
26 including priority programs, to assure adequate, safe, and efficient transportation  
27 and other public works facilities and services in the state in accordance with the  
28 transfer of agencies and functions made by this Chapter. The department shall  
29 develop and implement programs in all areas of transportation, including highways,

1 airports, waterways, flood protection, and mass transit, as well as public works  
2 activities, in accordance with ~~such~~ transfers.

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

7 (2) Whenever the secretary determines that the administration of the  
8 functions of the department may be more efficiently performed by eliminating,  
9 merging, or consolidating existing offices or establishing new offices, he shall  
10 present a plan ~~therefor~~ to the legislature for its approval ~~by statute~~.

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

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

16 (2) The secretary, undersecretary, deputy secretary, assistant secretary of  
17 planning, assistant secretary of operations, executive director of the Offshore  
18 Terminal Authority, commissioner of multimodal commerce, and ~~such~~ other  
19 positions ~~which~~ **that** may be authorized by the State Civil Service Commission or  
20 the state constitution shall be the only unclassified positions in the Department of  
21 Transportation and Development. All other positions in the department shall be in  
22 the classified state service. The secretary shall fill ~~such~~ positions ~~as in his opinion~~  
23 ~~and judgment~~ **that** are necessary to the operation of the department in accordance  
24 with applicable rules and regulations of the State Civil Service Commission and  
25 applicable law.

26 \* \* \*

27 §503. Secretary of transportation and development

28 There shall be a secretary of transportation and development who shall be  
29 appointed by the governor ~~with consent of~~ **and confirmed by** the Senate. He shall

1           serve at the pleasure of the governor at a salary fixed by the governor, which salary  
 2           shall not exceed the amount approved for such position by the legislature while in  
 3           session. He shall be the appointing authority for the department in accordance with  
 4           civil service rules and regulations. The secretary shall serve as the executive head  
 5           and chief administrative officer of the Department of Transportation and  
 6           Development and shall have the responsibility for the policies of the department,  
 7           except as specifically provided for particular agencies transferred to or placed within  
 8           the department by other provisions of this Title. He shall also be responsible for the  
 9           administration, control, and operation of the functions, programs, and affairs of the  
 10          department; provided that the secretary shall perform his functions under the general  
 11          control and supervision of the governor.

12          §504. Powers and duties of secretary of transportation and development

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

15   \*         \*         \*

16                 (4) Organize, plan, supervise, direct, administer, execute, and be responsible  
 17          for the functions and programs, **including priority programs**, vested in the  
 18          department, in the manner and to the extent provided by this Title.

19                 (5) Advise the governor and **the legislature** on problems concerning the  
 20          administration of the department.

21   \*         \*         \*

22                 (8) Provide for the ongoing merger and consolidation of the agencies and  
 23          functions transferred to his department and submit a report thereon to the governor  
 24          and the legislature, which report shall accompany the budget statement which he  
 25          submits under provisions of R.S. 39:33. ~~Such~~ **The** report shall include a statement  
 26          of the goals of the department and to the programs thereof and shall summarize the  
 27          accomplishments of the department in meeting ~~such~~ **the** goals and implementing  
 28          ~~such~~ **the** programs. The report shall also contain a specific statement of the  
 29          reorganization and consolidation plan for the department for the next year and shall

1 include a report on the implementation of ~~such~~ reorganization and consolidation plan  
 2 for the previous year. The report concerning reorganization shall specifically detail  
 3 the extent to which the department has achieved goals stated the previous year with  
 4 respect to merger and consolidation of functions, abolition of agencies, consolidation  
 5 of offices, elimination of job positions, and efficiency and economy in delivery of  
 6 services. The report shall contain any recommendations with respect to  
 7 reorganization which may require legislative action under the provisions of this Title.  
 8 A copy of the report and recommended legislation shall also be submitted by the  
 9 secretary to the presiding officer of both houses of the legislature. The presiding  
 10 officer shall refer the report to the appropriate committee having jurisdiction of the  
 11 subject matter as provided in the rules of the respective house.

12 (9)(a) On an annual basis, provide all of the following information to the  
 13 legislature no later than ~~fifteen~~ **thirty** days prior to the convening of each regular  
 14 session:

15 (i) A full organizational chart for the department, **including any changes**  
 16 **during the year**, which is current as of the date of submission to the legislature and  
 17 which shows each staff position, whether filled or vacant, that comprises the  
 18 department.

19 (ii) The current salary **and any increases within the year** of the person  
 20 occupying each filled position shown on the organizational chart.

21 \* \* \*

22 B. The secretary ~~shall have authority to~~ **may**:

23 \* \* \*

24 (2) Appoint, subject to gubernatorial approval **and confirmation by the**  
 25 **Senate**, advisory councils, boards, and commissions necessary in the administration  
 26 of the department.

27 \* \* \*

28 §505. Deputy secretary

29 \* \* \*



1           §90.5. Report to Joint Legislative Committee on Transportation, Highways and  
2                           Public Works; recommendation of the Flood Control Project  
3                           Evaluation Committee; flood protection needs study; incremental  
4                           funding of rural and urban projects

5           A. The final revision provided for in R.S. 38:90.2 by the Floodplain  
6           Evaluation and Management Commission shall be furnished to the committee and  
7           the Flood Control Project Evaluation Committee prior to the beginning of the 2022  
8           Regular Session of the Legislature and every fifth year thereafter. However, that  
9           portion of the final revision encompassing the Amite River Basin shall be furnished  
10          to the committee, and the Flood Control Project Evaluation Committee prior to the  
11          beginning of the 2020 Regular Session of the Legislature. Prior to each legislative  
12          session beginning with the 2023 Regular Session of the Legislature, the evaluation  
13          committee shall submit a recommended list of **flood control** projects, including  
14          supporting data, to the committee. The committee shall conduct hearings to receive  
15          the revision of the flood information database called for in R.S. 38:90.2 and the  
16          recommendations from the evaluation committee.

17   \*       \*       \*

18          Section 5. R. S. 48:231(A)(1) is hereby amended and reenacted to read as follows:

19          §231. Final construction program for current fiscal year; public hearings; Joint  
20                           Highway Priority Construction Committee; reports; review by  
21                           legislature; restrictions on legislature

22          A.(1) ~~Beginning on October 1, 2010, and not~~ **No** later than October first of  
23          each year ~~thereafter~~, the department shall provide a proposed program of **highway**  
24          **priority** construction for the coming fiscal year to the Joint Highway Priority  
25          Construction Committee.

26   \*       \*       \*

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Archana Cadge.

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## DIGEST

SB 454 Original

2022 Regular Session

McMath

Present law provide for purposes and functions of the Department of Transportation and Development, officers of the department, appointment of a secretary, powers and duties of the secretary, and appointment of a deputy secretary. Proposed law retains present law and makes technical corrections.

Present law provides for the office of multimodal commerce. Proposed law retains present law and makes technical corrections.

Present law provides for the department's responsibilities relative to priority projects including highway, airport, port, and flood control priority projects. Proposed law retains present law and makes technical corrections.

Present law further provides for the department's obligations to the Joint Legislative Committee on Transportation, Highways and Public Works. Proposed law retains present law and makes technical corrections.

Effective August 1, 2022.

(Amends R.S. 2:803(A), R.S. 34:3453, R.S. 36:501(B) and (C), 502(A), 503, 504(A)(4), (5), (8), and (9)(a), (B)(intro para), and (B)(2), 505(B), 507(B), and 508.3(C)(1), R.S. 38:90.5(A), and R.S. 48:231(A)(1))