

RÉSUMÉ DIGEST

ACT 375 (HB 528)

2025 Regular Session

Bourriague

Existing law (R.S. 36:4(B)) provides for the structure of the executive branch of state government.

New law (R.S. 36:4(B)(38)) adds the office of La. Hwy. Construction, under the division of administration, to the list of agencies in which the governor may allocate certain powers, duties, functions, and responsibilities.

Prior law (R.S. 36:501(C)(1)) required that the Dept. of Transportation and Development (DOTD) be composed of the executive office of the secretary, the office of management and finance, the office of engineering, the office of planning, the office of operations, the office of multimodal commerce, and such other offices to be created by law.

New law removes the office of engineering and the office of planning from the composition of the DOTD and instead requires that the DOTD be composed of the office of transformation and the office of project delivery, but otherwise retains existing law.

Prior law (R.S. 36:502(A)(1)) required the officers of the DOTD be composed of the secretary, undersecretary, deputy secretary, chief engineer, assistant secretary of planning, commissioner of multimodal commerce, and assistant secretary of operations, each of which was to be selected and obligated to perform functions as provided in existing law.

New law removes the chief engineer and the assistant secretary of planning and instead adds the assistant secretary for project delivery, but otherwise retains existing law.

Prior law (R.S. 36:502(A)(2)) required that the secretary, undersecretary, deputy secretary, assistant secretary of planning, assistant secretary of operations, executive director of the Offshore Terminal Authority, commissioner of multimodal commerce, and such other positions which could be authorized by the State Civil Service Commission or the state constitution be the only unclassified positions in the DOTD. Additionally, required other positions in the DOTD be in the classified state service. Further, existing law requires the secretary fill such positions as in his opinion and judgment are necessary to the operation of the DOTD in accordance with applicable rules and regulations of existing law.

New law removes the assistant secretary of planning and instead adds the assistant secretary of project delivery. New law removes the requirement that all other positions in the dept. be unclassified.

Prior law (R.S. 36:502(B)) specified that no persons serving as a secretary, undersecretary, deputy secretary, chief engineer, assistant secretary of planning, assistant secretary of operations, commissioner of multimodal commerce, or in any other office in the DOTD would receive any additional salary from the state other than the salary which he receives by virtue of serving in any one of such offices. Additionally, existing law specifies that any statewide elected official appointed to serve as a secretary or deputy secretary cannot receive any additional salary from the state other than that salary which he receives as a statewide elected official.

New law removes the chief engineer and the assistant secretary of planning and adds the assistant secretary of project delivery, but otherwise retains existing law.

New law (R.S. 36:504(B)(6)-(8)) authorizes the secretary of the DOTD to do the following:

- (1) Eliminate positions within the dept. deemed to be unnecessary in fulfilling the goals of the office of transformation in accordance with existing law.
- (2) Enter into agreements with other state agencies for the purpose of developing and implementing programs that ensure adequate, safe, and efficient transportation and public works infrastructure and services throughout the state.
- (3) Use any lawful means to monitor, enforce, and collect penalties for violations in state construction zones, notwithstanding any provision of existing law.

Prior law (R.S. 36:505(A)) authorized a deputy secretary of the DOTD, appointed by the secretary. Further, specified that the deputy secretary served at the pleasure of the secretary at a salary fixed by the governor, not to exceed the amount approved for such position by the legislature while in session. Additionally, required the duties and functions of the deputy secretary be determined and assigned by the secretary who served as acting secretary in the absence of the secretary.

New law requires there be deputy secretary of the DOTD, who is appointed by the governor and serves as the appointing authority for the office of transformation. Further, requires the duties and functions of the deputy secretary to oversee the office of transformation and its duties, responsibilities, and authorities necessary to optimize the DOTD and those otherwise assigned by the secretary or the governor. Further requires the deputy secretary serve as acting secretary in the absence of the secretary.

Prior law (R.S. 36:505(B)) specified that if the position of the deputy secretary was not filled during the absence of the secretary, the secretary could designate the undersecretary or the chief engineer to serve as acting secretary. Existing law requires the secretary notify the governor in writing of his temporary appointment of an acting secretary in his absence. Also, specifies that the governor has the full authority to revoke the appointment. Specifies that in no event can the temporary appointment exceed 30 days, except with written approval of the governor. Existing law allows governor can appoint a temporary secretary to act in the absence or incapacity of the secretary if an acting secretary has not been appointed.

New law removes the chief engineer and instead adds the assistant secretary for project delivery as an option for the secretary to designate to the position of deputy secretary.

New law (R.S. 36:505(C)) requires the deputy secretary to assess all of the DOTD reports and annually submit one single report to the legislature.

New law (R.S. 36:506(E)(1)) requires the undersecretary ensure that no direct or indirect costs associated with any full or part-time employee of the DOTD is funded in the capital budget. Further, requires the capital budget include costs that are directly associated with construction, such as land acquisition and right-of-way costs, construction engineering, construction and reconstruction, resurfacing, rehabilitation, and restoration, system preservation, and installation or modification of traffic service facilities. Additionally, requires the undersecretary itemize costs in the capital budget to maximize the legislature's and public's understanding and awareness of the dept.'s capital budget.

New law (R.S. 36:506(E)(2)) requires the operating budget clearly and concisely itemize costs associated with past and present employees of the DOTD and all other costs in the operating budget be separated and itemized apart from those associated with past or present employees of the DOTD.

New law (R.S. 36:506(F)) specifies that in the event of budgetary layoffs, the undersecretary must consult with each assistant secretary of the DOTD and, in consultation with the secretary, and the office of transformation, initiate and execute layoffs in a manner that minimizes impacts to services to the public.

Prior law (R.S. 36:508(A)) created within the DOTD, the office of engineering, to administer engineering matters related to the state's hwy. program with respect to project development, design, construction, maintenance, extension, improvement, and regulation of roads, hwy's., expressways, bridges, and related matters, and any other special hwy. engineering program as may be directed by the secretary. Additionally, existing law requires the office administer the public works functions of the state related to flood and drainage control, reclamation, water resources, soil conservation, mapping, disaster relief, and related matters, the state's participation in the National Flood Insurance Program, and other special programs as directed by the secretary.

New law removes the office of engineering and adds the office of project delivery and adds planning as an engineering matter to be administered by the office of project delivery, but otherwise retains existing law.

Prior law (R.S. 36:508(B)) required the office of engineering to be under the immediate supervision of the chief engineer, appointed by the secretary. Additionally, required the chief

engineer serve at the pleasure of the secretary. Further, required the chief engineer to be a competent engineer of recognized ability and standing who is experienced in the engineering duties of the dept., licensed to practice civil engineering in La., and give his whole time to the duties of his office.

New law requires the office of project delivery to be under the immediate supervision of the assistant secretary. Additionally, requires the assistant secretary to serve at the pleasure of the secretary, instead of the chief engineer. Further, removes the requirement that the chief engineer be a competent engineer. Further, removes the requirement that the assistant secretary be licensed to practice civil engineering in La. Requires the assistant secretary give his whole time to the duties of the office.

Prior law (R.S. 36:508(C)) required the chief engineer have authority subject to approval of the secretary and in accordance with applicable rules and regulations of the civil service commission to employ, appoint, transfer, assign, and promote such personnel as is necessary for the efficient administration of the office of engineering.

New law requires the assistant secretary to have authority subject to approval of the secretary in accordance to existing law as necessary as for the efficient administration of the office of project delivery.

Prior law (R.S. 36:508(D)) required the chief engineer receive an annual salary fixed in accordance with civil service rules, payable monthly out of appropriated funds and was allowed his actual and necessary traveling expenses incurred in the discharge of his official duties.

New law requires that the assistant secretary receive an annual salary fixed by the governor that cannot exceed the amount approved by the legislature while in session.

Existing law (R.S. 36:508(F)) requires the chief engineer approve all plans, specifications, and estimates for the construction of all facilities and projects for which his office is responsible. Specifies that he has other duties as may be assigned to him by the secretary, by the provisions existing law, or by the laws of this state. Additionally, requires he report the proceedings of his office annually to the secretary of the DOTD and at such other times as the secretary may designate, and make any additional reports as are required by the secretary.

New law authorizes the assistant secretary to assign duties to the chief engineer, in addition to the secretary.

Prior law (R.S. 36:508(G)) specified that the secretary or the chief engineer with approval of the secretary could designate a licensed engineer in the office of engineering to perform any duties required of the chief engineer when the chief engineer was absent or incapacitated.

New law specifies that the assistant secretary with approval of the secretary may designate a licensed engineer in the office of project delivery to perform any duties required of the chief engineer when the assistant secretary is absent.

New law (R.S. 36:508(H)) requires the assistant secretary to, whenever possible employ individuals skilled in project delivery and contract management who are not licensed professional engineers.

New law (R.S. 36:508(I)) requires that the assistant secretary and the direct reports under his direction maximize services and functions of the office.

Prior law (R.S. 36:508.1) created the office of planning; functions; assistant secretary powers and duties.

New law repeals prior law.

Prior law (R.S. 36:508.2(A)) specified that created within the DOTD, the office of operations, which must administer all matters related to the operations of the dept.'s district offices, the Crescent City Connection Bridge, the Sunshine Bridge, and other matters as may be directed by the secretary.

New law removes the Crescent City Connection Bridge and the Sunshine Bridge from being administered, otherwise retaining prior law.

Existing law (R.S. 36:508.2(B)) requires that the office of operations be under the immediate supervision of the assistant secretary, appointed by the governor and must serve at the pleasure of the secretary. Additionally, prior law required the assistant secretary be a competent engineer of recognized ability and standing who is experienced in the operations of the dept. and licensed to practice engineering in La. Further, required the assistant secretary give his whole time to the duties of his office.

New law removes the requirement that the assistant secretary be a competent engineer of recognized ability and standing who is experienced in the operations of the dept., licensed to practice engineering in La., and give his whole time to the duties of his office.

Existing law (R.S. 36:508.2(F)) specifies that secretary is specifically authorized and empowered to perform any of the duties of the assistant secretary when the assistant secretary is absent or incapacitated or when in the opinion of the secretary it would be in the best interest of the dept. Prior law specified that the assistant secretary with approval of the secretary may designate a licensed engineer in the office of operations to perform any duties required of the assistant secretary.

New law specifies that the assistant secretary with the approval of the secretary may designate a senior staff member, instead of a licensed engineer, in the office of operations to perform any duties required of the assistant secretary.

Prior law (R.S. 36:508.3(A)(2)) required the office of multimodal commerce advise the office of planning on intermodal issues and implement the master plan as it relates to intermodal transportation.

New law changes the office of planning to the office of project delivery.

Existing law (R.S. 36:508.3(A)(3)) specified that any powers, duties, responsibilities and corresponding dept. employees, equipment, facilities, and funding of the DOTD with respect to federal programs on rail safety and the administration of federal rail safety and hazard mitigation funds and the like must remain with the office of engineering of the DOTD.

New law requires that the administration of federal rail safety and hazard mitigation funds and the like remain with office of project delivery of the DOTD instead of the office of engineering.

New law (R.S. 36:508.5) establishes the office of transformation and provides for its powers and duties.

New law (R.S. 36:508.6) directs the dept. to optimize functions and efficiencies through the office of transformation by enacting comprehensive reforms.

Effective August 1, 2025.

(Amends R.S. 36:501(C)(1), 502(A) and (B), 505, 508(A)-(D) and (F) and (G), 508.1, 508.2(A), (B), and (F), 508.3(A)(2) and (3); Adds R.S. 36:4(B)(38), 504(B)(6)-(8), 506(E) ad (F), 508(H) and (I), 508.5, and 508.6)