

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 528

2025 Regular Session

Bourriague

TRANSPORTATION DEPT: Reforms the organizational structure for the Department of Transportation and Development including its duties, powers, and responsibilities of officers and employees

Synopsis of Senate Amendments	
1.	Makes technical changes.
2.	Adds authorization for the secretary to use any lawful means to monitor, enforce, and collect penalties for violations in state construction zones, notwithstanding any provision of <u>present law</u> to the contrary.
3.	Removes the provision in <u>proposed law</u> prohibiting the use of the Transportation Trust Fund, the Construction Subfund, and any one-time funding allocations to finance costs associated with past and present department employees.
4.	Removes a provision in <u>proposed law</u> requiring the assistant secretary to be a competent project manager of recognized ability and standing who is experienced in the engineering duties of the department.
5.	Modifies <u>present law</u> by authorizing the secretary in consultation with the chief engineer, with the secretary’s approval, to designate a licensed engineer in the office of project delivery to perform any duties required of the chief engineer when the chief engineer is absent.
6.	Removes provisions in <u>present law</u> establishing the appointment, qualifications, and duties of the assistant secretary of the office of operations, including the requirement that the assistant secretary be a licensed engineer of recognized ability who serves full time under the supervision of the secretary.
7.	Removes provisions of <u>proposed law</u> assigning the office of transformation the responsibility to execute and administer all statutory mandates enacted during the 2025 Regular Session as they pertain to the department.
8.	Removes the deadline of January 1, 2026, for the development, implementation, and annual evaluation of Key Performance Indicators (KPIs) related to asset management, workforce efficiency, innovation, safety, and customer service.
9.	Removes a termination date of January 1, 2026 for the office of transformation, unless reauthorized by the legislature.
10.	Removes a provision in <u>proposed law</u> that would have allowed the office of transformation to implement comprehensive reforms enacted during the 2025 Regular Session and to notify the legislature of any conflicting laws or issues impeding compliance.
11.	Removes the timeline requiring the office of transformation to implement certain practices by fiscal year 2026-2027.
12.	Requires the office of transformation, instead of the department, to examine best practices to develop and implement a state-of-the-art internal information system that conveniently and accurately monitors the status of the Department’s functions statewide.

Digest of Bill as Finally Passed by Senate

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

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

Present law (R.S. 36:501(C)(1)) requires that the 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.

Proposed law removes the office of planning and engineering 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 present law.

Present law (R.S. 36:502(A)(1)) requires 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 must be selected and obligated to perform functions as provided in present law. Proposed law modifies present law by removing the chief engineer and the assistant secretary of planning and instead adds the assistant secretary for project delivery, but otherwise retains present law.

Present law (R.S. 36:502(A)(2)) requires 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 may be authorized by the State Civil Service Commission or the state constitution be the only unclassified positions in the DOTD. Additionally, requires other positions in the DOTD be in the classified state service. Further, 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 present law.

Proposed law removes the assistant secretary of planning, adds the assistant secretary of project delivery. Proposed law removes provision that all other positions in the department shall be unclassified.

Present law (R.S. 36:502(B)) specifies 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 must 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, 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.

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

Proposed law (R.S. 504(B)(6)-(8)) authorizes the secretary to do the following:

- (1) Eliminate positions within the department deemed to be unnecessary in fulfilling the goals of the office of transformation in accordance with present 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 present law.

Present law (R.S. 36:505(A)) authorizes a deputy secretary of the DOTD, who must be appointed by the secretary. Further, specifies that the deputy secretary serves at the pleasure of the secretary at a salary fixed by the governor, which must not exceed the amount approved for such position by the legislature while in session. Additionally, requires the duties and functions of the deputy secretary be determined and assigned by the secretary who must serve as acting secretary in the absence of the secretary.

Proposed law requires a deputy secretary be appointed by the governor who 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.

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

Proposed 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.

Proposed 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 department's capital budget.

Proposed 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.

Proposed 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.

Present law (R.S. 36:508(A)) created within the DOTD, the office of engineering, to administer engineering matters related to the state's highway program with respect to project development, design, construction, maintenance, extension, improvement, and regulation of roads, highways, expressways, bridges, and related matters, and any other special highway engineering program as may be directed by the secretary. Additionally, 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.

Proposed law removes the office of engineering and adds the office of project delivery and adds planning design, but otherwise retains present law.

Present law (R.S. 36:508(B)) requires the office of engineering to be under the immediate supervision of the chief engineer, who must be appointed by the secretary. Additionally, requires the chief engineer serve at the pleasure of the secretary in accordance with present law. Further, requires the chief engineer to be a competent engineer of recognized ability and standing who is experienced in the engineering duties of the department and licensed to

practice civil engineering in La. and must give his whole time to the duties of his office.

Proposed law modifies present law by requiring 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. Further, removes the requirement that the assistant secretary be a competent project manager who may be licensed to practice civil engineering in La. Requires the assistant secretary give his whole time to the duties of the office.

Present law (R.S. 36:508(C)) requires 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.

Proposed law modifies present law by requiring the assistant secretary to have authority subject to approval of the secretary in accordance to present law as necessary as for the efficient administration of the office of project delivery.

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

Proposed law modifies present law by requiring that the assistant secretary receive an annual salary fixed by the governor and shall not exceed the amount approved by the legislature while in session.

Present 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 present 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.

Proposed law modifies present law by authorizing the assistant secretary to assign duties to the chief engineer, in addition to the secretary.

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

Proposed law modifies present law by specifying that the secretary or 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.

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

Proposed 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.

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

Proposed law repeals present law.

Proposed law (R.S. 36:508.2(A)) specifies that created within the DOTD, the office of operations, which must administer all matters related to the operations of the department's

district offices, the Crescent City Connection Bridge, the Sunshine Bridge, and other matters as may be directed by the secretary.

Proposed law modifies present law by removing the Crescent City Connection Bridge and the Sunshine bridge from being administered, otherwise retains present law.

Present 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, requires 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, requires the assistant secretary give his whole time to the duties of his office.

Proposed law requires the office of operations be under the immediate supervision of the assistant secretary, who must be appointed by the governor and serve at the pleasure of the secretary.

Present 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 department. Further, specifies 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.

Proposed law modifies present law by specifying 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.

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

Proposed law changes the office of planning to the office of project delivery, but otherwise retains present law.

Present law (R.S. 36:508.3(A)(3)) specifies any powers, duties, responsibilities and corresponding department 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.

Proposed 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.

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

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

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