ENROLLED

Regular Session, 2011

HOUSE BILL NO. 250

BY REPRESENTATIVE MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 36:501(C)(1), 502(A) and (B), 508(A), 508.1(A), (B), (E), and (F) and to repeal R.S. 36:508.3, relative to the Department of Transportation and Development; to rename the office of planning and programming within the Department of Transportation and Development; to eliminate the office of public works and intermodal transportation within the Department of Transportation and Development; to reassign duties of offices 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. 36:501(C)(1), 502(A) and (B), 508(A), 508.1(A), (B), (E), and (F) are hereby amended and reenacted to read as follows:

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

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C.(1) The Department of Transportation and Development shall be composed of the executive office of the secretary, the office of management and finance, the office of engineering, the office of ~~planning and programming~~ multimodal planning, the office of operations, ~~the office of public works and intermodal transportation,~~ and such other offices as shall be created by law.

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

A.(1) The officers of the department shall be the secretary, undersecretary, deputy secretary, chief engineer, assistant secretary of ~~planning and programming,~~ multimodal planning, and assistant secretary of operations~~, assistant secretary of~~

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~~public works and intermodal transportation~~, each of whom shall be selected and shall perform functions as provided in this Title.

(2) The secretary, undersecretary, deputy secretary, assistant secretary of ~~planning and programming,~~ multimodal planning, assistant secretary of operations, ~~assistant secretary of public works and intermodal transportation,~~ executive director of the Offshore Terminal Authority, and such other positions which may be authorized by the State Civil Service Commission or the state constitution shall be the only unclassified positions in the Department of Transportation and Development. All other positions in the department shall be in the classified state service. The secretary shall fill such positions as in his opinion and judgment are necessary to the operation of the department in accordance with applicable rules and regulations of the State Civil Service Commission and applicable law.

B. No person serving as a secretary, undersecretary, deputy secretary, chief engineer, assistant secretary of ~~planning and programming,~~ multimodal planning, assistant secretary of operations~~, or assistant secretary of public works and intermodal transportation~~, or in any other office in the department shall receive any additional salary from the state other than that salary which he receives by virtue of serving in any one of such offices. Any statewide elected official appointed to serve as a secretary or deputy secretary shall not receive any additional salary from the state other than that salary which he receives as a statewide elected official.

* * *

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

A. There is hereby created within the Department of Transportation and Development, the office of engineering, which shall administer engineering matters related to the state's highway program with respect to project development, construction, maintenance, and regulation of roads, highways, expressways, bridges, and related matters, and any other special highway engineering program as may be directed by the secretary. The office shall also 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

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in the National Flood Insurance Program, 42 U.S.C. 4001 et seq., and other special programs as may be directed by the secretary.

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§508.1. Office of ~~planning and programming~~ multimodal planning; functions; assistant secretary; powers and duties

A. There is hereby created within the Department of Transportation and Development, the office of ~~planning and programming~~ multimodal planning, which shall administer the planning and programming matters of the department related to strategic and intermodal issues, highways, bridge and pavement management, data collection and analysis, congestion, safety, aviation, public transportation, public mass transit, railroad and water transportation systems, and related matters, and any other special programs as may be directed by the secretary.

B. The office of ~~planning and programming~~ multimodal planning shall be under the immediate supervision of the assistant secretary, who shall be appointed by the governor and shall serve at the pleasure of the secretary. The assistant secretary shall be a competent engineer or an urban or regional transportation planner of recognized ability and standing who is familiar with the operations of public transportation departments and who, at a minimum, has earned a bachelor's degree. The assistant secretary shall give his whole time to the duties of his office.

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E. The assistant secretary shall administer all department functions and duties for which the office of ~~planning and programming~~ multimodal planning is responsible. He shall also have such other duties as may be assigned to him by the secretary, by the provisions of this Chapter, or by the laws of this state. He shall report the proceedings of his office annually to the secretary of the department and at such other times as the secretary may designate, and he shall make any additional reports as are required by the secretary.

F. The 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

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of the department. The assistant secretary with approval of the secretary may designate a member of the senior staff in the office of ~~planning and programming~~ multimodal planning to perform any duties required of the assistant secretary.

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Section 2. R.S. 36:508.3 is hereby repealed in its entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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