

Regular Session, 2012

HOUSE BILL NO. 615

BY REPRESENTATIVE ST. GERMAIN

TRANSPORTATION DEPT: Revises names of offices within DOTD

1 AN ACT

2 To amend and reenact R.S. 3:2571(A) and 2572, R.S. 30:2199(A), R.S. 33:7556, R.S. 36:
3 508(A), R.S. 38:17, 20, 23, 26(C), 31(2), 32(A) and (B)(introductory paragraph), 33,
4 34, 84(B), 90.1(8), 90.4(A)(1)(introductory paragraph), (B)(1) and (2) (introductory
5 paragraph), 90.7, 90.8, 90.12(B), 91, 226, 301(C)(2)(c), 306(C) and (D), 307(A)(1)
6 and (2), 315, 319, 338(B), 402(A), 491, 492, 511, 2044(5), 3074 (A)(4), (D)(4) and
7 (9)(c), 3086.24(H)(1), and 3306(B), and R.S. 40:1236.2(C)(4)(a)(v), relative to the
8 Department of Transportation and Development; to reassign duties of offices within
9 the Department of Transportation and Development; to rename the office of public
10 works, hurricane flood protection and intermodal transportation within the
11 Department of Transportation and Development; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

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

15 §2571. Livestock allowed on levees; conditions

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

21 * * *

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

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

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

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

19 * * *

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

1 the office of ~~public works~~ engineering of the Department of Transportation and
2 Development and one member shall be appointed by the governor, subject to Senate
3 confirmation.

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

16 * * *

17 §23. Permit or consent required

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

29 * * *

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

3 * * *

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

13 * * *

14 §31. Definitions

15 * * *

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

18 * * *

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

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

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

27 * * *

28 §33. Regional planning commissions

29 A. Each of the eight regional planning commissions created throughout the
30 state pursuant to the authorization provided in Subparts C and F of Part IV of

1 Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950 shall be authorized
2 to and shall assist the office of ~~public works~~ engineering in preparation of that
3 office's annual report to the governor, the House Committee on Transportation,
4 Highways and Public Works, the Senate Committee on Transportation, Highways
5 and Public Works, and the Joint Legislative Committee on the Budget regarding
6 priorities for project funding in accordance with the requirements of R.S. 38:32.

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

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

22 §34. Project evaluation and ranking

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

28 B. The report by the office of ~~public works~~ engineering shall be submitted
29 to the governor, the House Committee on Transportation, Highways and Public
30 Works and the Senate Committee on Transportation, Highways and Public Works,

1 and Joint Legislative Committee on the Budget by January ~~15th~~ fifteenth of each
2 calendar year. The report shall include narrative providing the following information
3 for each proposal contained in the report:

4 * * *

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

7 * * *

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

14 * * *

15 §90.1. Definitions

16 * * *

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

20 * * *

21 §90.4. Methodology for flood-control project evaluation

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

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

6 * * *

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

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

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

3 * * *

4 C.

5 * * *

6 (2)

7 * * *

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

17 * * *

18 §306. General powers and duties of board

19 * * *

20 C. The board shall examine all of the accounts and operations of the board
21 and determine in what manner work shall be undertaken. The board shall also be
22 invested with the control of all public levees in the district, with authority to require
23 the office of ~~public works~~ engineering of the Department of Transportation and
24 Development to lay off, furnish estimates, and perform all engineering work
25 necessary to the location, construction, and repairs of levees, reserving, however, the
26 right to the parishes in which the levees are located, also to provide funds and to
27 construct and repair levees and exercise the powers now conferred to it by law. All
28 works shall be advertised in accordance with the provisions of R.S. 38:2211 et seq.,
29 to be let out by means of sealed proposals to the lowest responsible bidder, reserving
30 to the board authority to reject all bids. In case of emergency as defined in

1 Paragraph (6) of R.S. 38:2211, the board may make contracts for the building and
2 repair of and guarding the levees without advertisement or sealed proposals. It shall
3 use all means at its command to strengthen, repair, or construct any portion of the
4 levees that may demand attention.

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

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

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

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

26 * * *

27 §315. Dedication of artificial waterways as public navigable waterways; approval

28 Wherever there presently exists or may hereafter be created within the
29 territorial limits of any levee district or levee and drainage district in the state of
30 Louisiana, except in the parish of Orleans, any canal or other artificial waterway

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

12 * * *

13 §319. Emergency procedures manual

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

22 * * *

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

25 * * *

26 B. Where money has been contributed under the provisions of this Chapter to
 27 the construction, maintenance, or repair of any levee, the money shall be expended
 28 solely when not less than a like amount is contributed by the Pontchartrain Levee

1 District for the similar purpose, and the work shall be done under the supervision and
2 control of the office of ~~public works~~ engineering.

3 * * *

4 §402. Appropriation of funds raised for levee purposes

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

22 * * *

23 §491. Authority to borrow money and issue bonds

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

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

11 §492. Form of bonds

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

21 * * *

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

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

1 indebtedness for the refunding of any outstanding certificates of indebtedness and to
2 secure the certificates by pledge of the revenues of the district for the year or years so
3 anticipated.

4 * * *

5 §2044. General powers and duties of the board

6 The board of commissioners shall have all powers necessary or convenient for
7 carrying out its purposes, including but not limited to the following rights and 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, and
11 roads and may request the office of ~~public works~~ engineering of the Department of
12 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 be
18 appointed and commissioned by the governor. Each appointment by the governor shall
19 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 or a member of his staff
23 designated by him, shall be appointed and shall represent the office of ~~public works~~
24 engineering of the Department of Transportation and Development as well as other
25 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 (4) Sixty days prior to the expiration of the term of the member representing
2 the office of ~~public works~~ engineering of the Department of Transportation and
3 Development as well as other state institutions that are users of groundwater, the board
4 shall notify the assistant secretary of the office of public works that he shall name a
5 nominee for membership.

6 * * *

7 (9) In case a vacancy occurs more than ninety days prior to the normal
8 expiration date, the governor shall appoint and commission a replacement within thirty
9 days of its occurrence to fill the unexpired term, such replacement to be the nominee
10 of:

11 * * *

12 (c) The assistant secretary of the office of ~~public works~~ engineering, if the
13 vacancy is the member representing the office of public works and other state
14 institutions that are users of groundwater.

15 * * *

16 §3086.24. Powers

17 * * *

18 H.(1) The board shall have full power and authority to cooperate and contract
19 with the United States government, or any of its agencies, the state of Louisiana, or any
20 of its departments, agencies, commissions, districts, or other political subdivisions, or
21 with any person, firm, partnership, or corporation, with the view of accomplishing the
22 construction, maintenance, and operation of pumping facilities and appurtenant
23 pipeline facilities, the purpose of which would be to provide fresh water for said Bayou
24 Lafourche. In the event that such pumping facilities and appurtenant pipeline facilities
25 are constructed, erected, or installed by the state of Louisiana, the office of ~~public~~
26 ~~works~~ engineering of the Department of Transportation and Development, state of
27 Louisiana, the board of commissioners for the Lafourche Basin Levee District, the
28 board of commissioners for the Atchafalaya Basin Levee District, the board of
29 commissioners for the Lafourche Parish Water District No. 1 or other local interests,
30 and the board of commissioners for the Bayou Lafourche Freshwater District, or any

1 of them, it shall be the obligation of the board of commissioners for the Bayou
2 Lafourche Fresh Water District, and the board is hereby authorized and directed to
3 operate and maintain such pumping and pipeline facilities so as to provide an adequate
4 supply of fresh water in Bayou Lafourche.

5 * * *

6 §3306. General powers and duties of the board

7 * * *

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

17 * * *

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

20 §1236.2. Air ambulance services; licensure

21 * * *

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

23 * * *

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

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

1 be established under rules promulgated by the department and shall be based upon the
2 recommendations of an advisory committee to be composed of the following persons:

3 * * *

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

7 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

St. Germain

HB No.

Abstract: Revises the names of certain offices within DOTD.

615

Proposed law renames the office of public works, hurricane flood protection and intermodal transportation to the office of engineering.

(Amends 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)(intro. para.), 33, 34, 84(B), 90.1(8), 90.4(A)(1) (intro. para.), (B)(1) and (2)(intro. para.), 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))