

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(A) and (B)(introductory paragraph), 84(B), 90.1(8), 90.4(A)(1)(introductory  
5 paragraph), (B)(1) and (2)(introductory paragraph), 90.7, 90.8, 90.12(B), 91, 226,  
6 301(C)(2)(c), 306(C) and (D), 307(A)(1) and (2), 315, 319, 338(B), 402(A), 491,  
7 492, 511, 2044(5), 3074(A)(4), (D)(4) and (9)(c), 3086.24(H)(1), and 3306(B), and  
8 R.S. 40:1236.2(C)(4)(a)(v), relative to the Department of Transportation and  
9 Development; to reassign duties of offices within the Department of Transportation  
10 and Development; to rename the office of public works, hurricane flood protection  
11 and intermodal transportation, within the Department of Transportation and  
12 Development; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

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

16 §2571. Livestock allowed on levees; conditions

17 A. Horses, mules, cattle, hogs, sheep, or livestock of any description may go  
18 on the levees, or the space between the base of the levees and the draining ditch at  
19 any time, except where, in the judgment of the levee commissioners of a district and

1 the office of ~~public works~~ engineering, damage would occur to the levees from  
2 exposure to wear, tear, and abuse.

3 \* \* \*

4 §2572. Impounding livestock; sale if not redeemed

5 The levee commissioners of a district and the office of ~~public works~~  
6 engineering may impound or cause to be impounded any horses, mules, cattle, hogs,  
7 sheep, or other livestock of any description found violating this Part, and hold them  
8 impounded until the owner of the livestock shall redeem them by paying the  
9 expenses of impounding and keeping the stock. In case the stock is not redeemed  
10 from impoundment within eight days of notification to the owner of the  
11 impoundment and pending sale, then it shall be the duty of the constable to proceed  
12 to the place of impounding, and there, without previous advertisement, sell the  
13 animals thus impounded for cash to the highest bidder, except that in the cases of  
14 horses and mules, they shall be disposed of as is now provided by law in the several  
15 parishes for strays.

16 Section 2. R.S. 30:2199(A) is hereby amended and reenacted to read as follows:

17 §2199. Applications; comments; local government

18 A. The secretary shall furnish a copy of each permit or license application  
19 to the Department of Wildlife and Fisheries, the office of ~~public works~~ engineering  
20 within the Department of Transportation and Development, the Department of  
21 Health and Hospitals, the Department of Justice, and the local governing authorities  
22 of any municipality and parish within whose territorial jurisdiction the facility or  
23 activity is or will be located. The permittee shall file with the secretary two extra  
24 copies of each application, with one copy to be provided to the first intervener and  
25 the other copy to be used by the office to allow for public access and inspection of  
26 the application.

27 \* \* \*

28 Section 3. R.S. 33:7556 is hereby amended and reenacted to read as follows:



1 §17. Divisions to exercise functions of department; contracts; grants of money;  
2 reports

3 A. The assistant secretary shall exercise the functions of the office of ~~public~~  
4 ~~works~~ engineering, subject to the direction and control of the secretary.

5 B. The assistant secretary may enter into written contracts with the federal  
6 government or any federal agency, or any political subdivision of the state or private  
7 individual for the construction, operation, or maintenance of any public works which  
8 under this Chapter the department may administer and may receive and disburse  
9 grants of money from the agencies or persons for these purposes. All grants of  
10 money shall be credited by the treasurer in a special account subject to withdrawal  
11 only by the assistant secretary of the office of ~~public works~~ engineering. Any  
12 portion of any grant unexpended at the end of any fiscal year shall remain to the  
13 credit of the department for expenditure during the succeeding fiscal years.

14 C. A complete and itemized report of the public improvements fund of the  
15 office of ~~public works~~ engineering of the previous fiscal year's expenditures shall  
16 be made by October first of each year. The report submitted shall include the source  
17 of all funds expended on public works projects from the public improvements fund,  
18 a project description, the location of the project, the amount of funds granted for each  
19 project, and the date and payee of each disbursement of funds expended on each  
20 project. The office shall request each recipient of funds from the public  
21 improvements fund to provide, in detail, a description of the project for which the  
22 funds were used, a listing of the date and amount of all disbursements of funds, to  
23 whom each payment was made and for what purpose. If the recipient submits the  
24 requested information, the office shall include same in the report. If the information  
25 is not submitted, the office shall make note of such fact in the report. The report  
26 shall be submitted to the legislative auditor and to the House and Senate ~~Committees~~  
27 ~~on Transportation, Highways, and Public Works~~ committees on transportation,  
28 highways, and public works.

29 \* \* \*

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

1 §20. Red River Compact Commission membership

2 A. There shall be two members appointed to represent the state of Louisiana  
3 on the Red River Compact Commission as required by Act No. 71 of the 1978  
4 Regular Session of the Legislature. One member shall be the ~~assistant secretary~~  
5 chief engineer of the office of ~~public works~~ engineering of the Department of  
6 Transportation and Development or his designee and one member shall be appointed  
7 by the governor, subject to Senate confirmation.

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

20 \* \* \*

21 §23. Permit or consent required

22 All dams, as herein above described, both federal and ~~non-federal~~ nonfederal  
23 but excluding the Toledo Bend Dam, shall be under the jurisdiction of the state  
24 acting through the chief engineer of the Department of Transportation and  
25 Development, office of ~~public works~~ engineering. The chief engineer, or his  
26 authorized representative, shall have supervision and overview of the construction,  
27 modification, operation, and maintenance of the dams to the extent required to  
28 protect life and property and to provide for the safety and welfare of the public. No  
29 person, partnership, association, corporation, agency, or political subdivision shall





1 §34. Project evaluation and ranking

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

7 B. The report by the office of ~~public works~~ engineering shall be submitted  
8 to the governor, the House Committee on Transportation, Highways and Public  
9 Works and the Senate Committee on Transportation, Highways and Public Works,  
10 and the Joint Legislative Committee on the Budget by January ~~15th~~ fifteenth of each  
11 calendar year. The report shall include narrative providing the following information  
12 for each proposal contained in the report:

13 \* \* \*

14 §84. Parishes and municipalities authorized to comply with federal flood insurance  
15 act

16 \* \* \*

17 B. The office of ~~public works, hurricane flood protection, and intermodal~~  
18 ~~transportation~~ engineering shall cooperate with the Federal Insurance Administrator  
19 of the Federal Emergency Management Agency in the planning and carrying out of  
20 state participation in the National Flood Insurance Program and shall aid, advise, and  
21 cooperate with parishes and municipalities endeavoring to qualify for participation  
22 in said program.

23 \* \* \*

24 §90.1. Definitions

25 \* \* \*

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

29 \* \* \*

1 §90.4. Methodology for flood-control project evaluation

2 A.(1) Applications for funding of any flood-control projects under the  
3 Statewide Flood-Control Program may be submitted by any duly authorized  
4 municipal, parish, or other governing authority. Applications shall be made to the  
5 office of ~~public works, hurricane flood protection, and intermodal transportation~~  
6 engineering by October first of each year, beginning in 1993, for consideration of  
7 funding in the following fiscal year. Applications submitted in accordance with the  
8 provisions of this Chapter shall not be subject to the provisions of R.S. 39:101.  
9 Sponsoring authorities with a population of fifty thousand persons or more shall be  
10 responsible for the preparation of applications for their respective projects. For  
11 sponsoring authorities with a population of less than fifty thousand persons, the  
12 office shall prepare the applications for the projects, or the sponsoring authority may  
13 prepare its application in the event the office cannot accomplish required engineering  
14 services in a timely manner. Information to be provided in the application shall  
15 include but not be limited to the following:

16 \* \* \*

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

21 (2) Projects shall then be systematically evaluated by a flood control project  
22 evaluation committee consisting of the assistant secretary of the office of ~~public~~  
23 ~~works, hurricane flood protection, and intermodal transportation~~ engineering, the  
24 director of the Louisiana Geological Survey, and the commissioner of the division  
25 of administration, or their designated representatives. The assistant secretary of the  
26 office of ~~public works, hurricane flood protection, and intermodal transportation~~  
27 engineering shall chair the evaluation committee and the office of public works,  
28 hurricane flood protection, and intermodal transportation shall provide staff support  
29 for the program. The following criteria may be considered in the evaluation:

30 \* \* \*





1 Office of Coastal Protection and Restoration. The board or commission may impose  
2 customary fees, bonds, and other general stipulations. The executive or  
3 administrative officer shall enforce such permits for levee crossings only to the  
4 extent of the conditions and stipulations contained in the permit or letter of no  
5 objection.

6 \* \* \*

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

9 \* \* \*

10 C.

11 \* \* \*

12 (2)

13 \* \* \*

14 (c) ~~The amount of compensation due to the owner shall be paid from funds~~  
15 ~~appropriated by the legislature by the office of public works of the~~ The amount of  
16 compensation due to the owner shall be paid, from funds appropriated by the  
17 legislature, by the Department of Transportation and Development. The levee board  
18 shall immediately notify the office of public works of the estimate of the amount of  
19 compensation due to the owner, the amount of revenues available to the board, and  
20 the amount of insufficient revenues. Upon such notification, the office of public  
21 works shall make its own estimate of the monies available to the levee board, and the  
22 amount of compensation to the owner. If the estimates of the levee board and the  
23 office of public works differ, the estimates of the office of public works shall be  
24 controlling.

25 \* \* \*

26 §306. General powers and duties of board

27 \* \* \*

28 C. The board shall examine all of the accounts and operations of the board  
29 and determine in what manner work shall be undertaken. The board shall also be  
30 invested with the control of all public levees in the district, with authority to require

1 ~~the office of public works~~ of the Department of Transportation and Development to  
2 lay off, furnish estimates, and perform all engineering work necessary to the  
3 location, construction, and repairs of levees, reserving, however, the right to the  
4 parishes in which the levees are located, also to provide funds and to construct and  
5 repair levees and exercise the powers now conferred to it by law. All works shall be  
6 advertised in accordance with the provisions of R.S. 38:2211 et seq., to be let out by  
7 means of sealed proposals to the lowest responsible bidder, reserving to the board  
8 authority to reject all bids. In case of emergency as defined in Paragraph (6) of R.S.  
9 38:2211, the board may make contracts for the building and repair of and guarding  
10 the levees without advertisement or sealed proposals. It shall use all means at its  
11 command to strengthen, repair, or construct any portion of the levees that may  
12 demand attention.

13 D. The board of commissioners shall cause to be kept an exact and accurate  
14 statement of the work performed by the authority of the board, giving in detail the  
15 work done, the levees built or repaired, and all other work done or authorized to be  
16 done by the board. The board shall keep an accurate account of the finances of the  
17 levee district and annually cause to be made a statement showing the exact, accurate,  
18 and true condition of the finances of the district, showing specially the receipts and  
19 resources thereof in detail, the amount and character of each amount of money or  
20 assets received, whether in money, bills of exchange, bills receivable, property, or  
21 other things of value. The account shall show in detail the expenditures made by  
22 authority of the board, the costs of levees built or repaired, salaries paid, property  
23 purchased, costs of work done, other incidental expenditures not herein mentioned,  
24 and any and all expenditures made by authority of the board. It shall show the  
25 balances on hand, all details of the various money, money fines, or things of value  
26 at the time of the statement. The statement shall be made in triplicate, one copy of  
27 which shall be forwarded to the governor, one copy shall be forwarded to the  
28 legislative auditor, and one copy shall be kept on record in the files and records of  
29 the board. A representative ~~of the office of public works, or its successor,~~ of the  
30 Department of Transportation and Development shall attend each regular meeting

1 of the levee board and such other meetings if requested by the board, and to report  
2 to and advise it as to the location, construction, and repairs of all levees in the  
3 district. ~~The office of public works, or its successor,~~ The Department of  
4 Transportation and Development shall be responsible for locating all levees,  
5 furnishing estimates and specifications, and performing all engineering work  
6 required of them by the levee board or levee and drainage board.

7 \* \* \*

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

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

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

4   \*       \*       \*

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

6           Wherever there presently exists or may hereafter be created within the  
7 territorial limits of any levee district or levee and drainage district in the state of  
8 Louisiana, except in the parish of Orleans, any canal or other artificial waterway  
9 created by any levee district or levee and drainage district for the purpose of  
10 constructing a levee or other public work and where said canal or other artificial  
11 waterway is navigable in fact and connects with or enters into any lake, river, stream,  
12 bayou, or other navigable waters, the governing authority of said levee district or  
13 levee and drainage district shall have the authority, with the approval of the office  
14 of ~~public works~~ engineering of the Department of Transportation and Development  
15 and with the concurrence of the ~~U.S.~~ United States district engineer, to dedicate and  
16 declare said canal or other artificial waterway, in whole or in part, as a waterway  
17 subject to the free and unrestricted navigation by the public; however, nothing herein  
18 shall be construed as authorizing the taking of private property, except as now  
19 provided by the constitution and laws of this state.

20   \*       \*       \*

21           §319. Emergency procedures manual

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

30   \*       \*       \*



1 §491. Authority to borrow money and issue bonds

2 The levee districts and levee and drainage districts of Louisiana under the  
3 terms of any law which may be enacted by the Congress of the United States may  
4 borrow money from the United States ~~Government~~ government to be used for the  
5 purpose of constructing, repairing, or maintaining a levee, levees, drainage, or other  
6 works designed to protect the territory of the levee districts from the flood waters of  
7 the Mississippi River, upon terms which the ~~Congress~~ congress may determine, and  
8 in evidence of the loans, may issue and deliver to the proper federal authorities at par  
9 value, negotiable bonds of the levee districts and levee and drainage districts, secured  
10 by the pledge of revenues and taxes. The bonds shall bear interest as provided in  
11 R.S. 39:1421 et seq., and in terms provide for their repayment, principal, and interest  
12 on an amortization plan by means of equal annual installments which will liquidate  
13 the bonds in periods ranging from twenty to forty years. The bonds shall not exceed  
14 fifteen percent of the total assessed valuation of property subject to levee taxation in  
15 any district issuing them, including the bond issues of the district heretofore  
16 authorized, issued, and outstanding. In all cases the loan shall be formally approved  
17 by the office of ~~public works~~ engineering whose approval shall be expressly written  
18 or printed in or across each bond.

19 §492. Form of bonds

20 The form of the bonds and interest coupons attached shall be as prescribed  
21 by the attorney general of the state, and each bond shall expressly show that the form  
22 thereof has been so prescribed and prepared by the officer whose official signature  
23 together with the signature of the ~~director of the office of public works and~~ chief  
24 engineer of the office of engineering and the president and secretary of the levee  
25 board or levee and drainage board availing itself of the provisions of this Subpart  
26 shall appear on each bond. The bonds issued under this Subpart shall be without  
27 prejudice to the bonds heretofore issued by the several levee districts and levee and  
28 drainage districts under the provisions of existing laws.

29 \* \* \*

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



1 shall be submitted to the Senate for confirmation. The following members shall be  
2 appointed and commissioned within ninety days after the effective date of this Part:

3 \* \* \*

4 (4) One member, being the ~~assistant secretary~~ chief engineer or a member  
5 of his staff designated by him, shall be appointed and shall represent the office of  
6 ~~public works~~ engineering of the Department of Transportation and Development as  
7 well as other state institutions which are users of groundwater.

8 \* \* \*

9 D. The board shall procure replacements for those members whose terms  
10 expire by the following procedure:

11 \* \* \*

12 (4) Sixty days prior to the expiration of the term of the member representing  
13 the office of ~~public works~~ engineering of the Department of Transportation and  
14 Development as well as other state institutions that are users of groundwater, the  
15 board shall notify the assistant secretary of the office of public works that he shall  
16 name a nominee for membership.

17 \* \* \*

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

22 \* \* \*

23 (c) ~~The assistant secretary of the office of public works if the~~ The chief  
24 engineer of the Department of Transportation and Development, if the vacancy is the  
25 member representing the office of ~~public works~~ engineering and other state  
26 institutions that are users of groundwater.

27 \* \* \*

28 §3086.24. Powers

29 \* \* \*



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

3 §1236.2. Air ambulance services; licensure

4 \* \* \*

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

6 \* \* \*

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

9 (a) An inspection of all aircraft utilized as air ambulances to ensure that all  
10 required medical and safety equipment is present and operational. The medical and  
11 safety equipment shall conform to local protocol as established by the medical  
12 director of the air ambulance service. The list of required medical and safety  
13 equipment shall be established under rules promulgated by the department and shall  
14 be based upon the recommendations of an advisory committee to be composed of the  
15 following persons:

16 \* \* \*

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

20 \* \* \*

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**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)]

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St. Germain

HB No. 615

**Abstract:** Revises the names of certain offices within DOTD.

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(A) and (B)(intro. para.), 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))