

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 * * *

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

2 §7556. Advice and services of office of ~~public works~~ engineering, Department of
3 Wildlife and Fisheries, and office of environmental affairs

4 The district and the board of commissioners therefor shall have, with respect
5 to all of the powers and functions prescribed by this Chapter, the advice and the
6 services of the office of ~~public works~~ engineering of the Department of
7 Transportation and Development, the Department of Wildlife and Fisheries, and the
8 office of environmental affairs. It shall be the duty of ~~said~~ the department and
9 offices to make such reports, inspections, and investigations, render such reports,
10 estimates, and recommendations and furnish such plans and specifications as the
11 board of commissioners for the district may request.

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

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

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

24 * * *

25 Section 5. R.S. 38:17, 20, 23, 26(C), 31(2), 32(A) and (B)(introductory paragraph),
26 33, 34(A) and (B)(introductory paragraph), 84(B), 90.1(8), 90.4(A)(1)(introductory
27 paragraph), (B)(1) and (2)(introductory paragraph), 90.7, 90.8, 90.12(B), 91, 226,
28 301(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) are hereby amended and reenacted as follows:

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

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

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

C. A complete and itemized report of the public improvements fund of the office of ~~public works~~ engineering of the previous fiscal year's expenditures shall be made by October first of each year. The report submitted shall include the source of all funds expended on public works projects from the public improvements fund, a project description, the location of the project, the amount of funds granted for each project, and the date and payee of each disbursement of funds expended on each project. The office shall request each recipient of funds from the public improvements fund to provide, in detail, a description of the project for which the funds were used, a listing of the date and amount of all disbursements of funds, to whom each payment was made and for what purpose. If the recipient submits the requested information, the office shall include same in the report. If the information is not submitted, the office shall make note of such fact in the report. The report shall be submitted to the legislative auditor and to the House and Senate ~~Committees~~

1 on Transportation, Highways, and Public Works committees on transportation,
2 highways, and public works.

3 * * *

4 §20. Red River Compact Commission membership

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

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

23 * * *

24 §23. Permit or consent required

25 All dams, as herein above described, both federal and ~~non-federal~~ nonfederal
26 but excluding the Toledo Bend Dam, shall be under the jurisdiction of the state
27 acting through the chief engineer of the Department of Transportation and
28 Development, office of ~~public works~~ engineering. The chief engineer, or his
29 authorized representative, shall have supervision and overview of the construction,

1 modification, operation, and maintenance of the dams to the extent required to
2 protect life and property and to provide for the safety and welfare of the public. No
3 person, partnership, association, corporation, agency, or political subdivision shall
4 construct any such dam or make, construct, or permit to be made or constructed any
5 change in the dam without first obtaining the written consent or permit of the chief
6 engineer. No permit is required for routine maintenance.

7 * * *

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

10 * * *

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

20 * * *

21 §31. Definitions

22 * * *

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

25 * * *

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

27 A. There is hereby established in the office of ~~public works~~ engineering the
28 Louisiana Water Resources Program, the purpose of which shall be planning for the
29 wise management of Louisiana's water resources on a statewide basis. This purpose

1 shall be fulfilled through the implementation of the powers, duties, and functions of
2 the office of ~~public works~~ engineering as described in ~~R.S. 38:32(B)~~ Subsection B
3 of this Section.

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

6 * * *

7 §33. Regional planning commissions

8 A. Each of the eight regional planning commissions created throughout the
9 state pursuant to the authorization provided in Subparts C and F of Part IV of
10 Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950 shall be authorized
11 to and shall assist the office of ~~public works~~ engineering in preparation of that
12 office's annual report to the governor, the House Committee on Transportation,
13 Highways and Public Works, the Senate Committee on Transportation, Highways
14 and Public Works, and the Joint Legislative Committee on the Budget regarding
15 priorities for project funding in accordance with the requirements of R.S. 38:32.

16 B. Each planning commission shall solicit proposals for project funding from
17 local governments and from special districts, boards, and commissions having water
18 resources and sewerage responsibilities, which entities are located within the area of
19 jurisdiction of the planning commission. Each planning commission shall set a
20 deadline for receipt of project proposals, following which it shall rank in order of
21 priority those projects needing and deserving of project funding. Each planning
22 commission shall establish guidelines acceptable to and approved by the office of
23 ~~public works~~ engineering by which to evaluate and rank project proposals.

24 C. Each planning commission shall prepare and submit to the office of ~~public~~
25 ~~works~~ engineering a report setting forth a list of projects recommended for funding.
26 Said report shall be submitted to the office at least one hundred twenty days prior to
27 the date upon which the office plans to submit its comprehensive list of prioritized
28 projects to the governor, the House Committee on Transportation, Highways and

Public Works and the Senate Committee on Transportation, Highways and Public Works, and the Joint Legislative Committee on the Budget.

§34. Project evaluation and ranking

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

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

* * *

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

* * *

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

* * *

§90.1. Definitions

* * *

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

* * *

§90.4. Methodology for flood-control project evaluation

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

* * *

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

(2) Projects shall then be systematically evaluated by a flood control project evaluation committee consisting of the assistant secretary of the office of ~~public works, hurricane flood protection, and intermodal transportation engineering~~, the director of the Louisiana Geological Survey, and the commissioner of the division of administration, or their designated representatives. The assistant secretary of the office of ~~public works, hurricane flood protection, and intermodal transportation~~

~~engineering shall chair the evaluation committee and the office of public works, hurricane flood protection, and intermodal transportation engineering shall provide staff support for the program. The following criteria may be considered in the evaluation:~~

* * *

§90.7. Deletion, addition, or substitution of projects by office of public works,
hurricane flood protection, and intermodal transportation engineering;
progress reports required

After adoption of the committee's recommendations by the legislature, the approved list of projects shall be forwarded to the office of ~~public works, hurricane flood protection, and intermodal transportation~~ engineering for implementation subject to limitation of allocated funds. The office shall not delete, add, or substitute any projects for those approved by the legislature; however, the secretary of the department may, at his discretion, authorize projects to be undertaken and financed due to an emergency out of the secretary's emergency fund. At least semiannually or more often, as required by the committee, the office shall summarize the progress to date on all projects previously approved and shall submit a recapitulation of all emergency projects for the preceding six-month period, outlining the nature of the emergency and the cost of each project.

~~§90.8. Notification to proper authority of project status by office of public works, hurricane flood protection, and intermodal transportation engineering~~

After receipt of the list of projects adopted by the legislature, the office shall determine if each project lies solely within the jurisdiction of one authority or is partially located within other authorities. The office shall notify each authority affected by the projects in the plan of the status of each project.

* * *

§90.12. Certification of recipient authority; federal matching projects; exceptions;
reimbursement for project construction

* * *

1 B. The recipient authority shall submit its share of project construction funds
2 prior to the awarding of a contract in all instances in which the office of ~~public~~
3 ~~works, hurricane flood protection, and intermodal transportation~~ engineering is
4 performing the contract operation and administration.

5 * * *

6 §91. Creation of the Louisiana Water Resources Information Center

7 A. The Department of Transportation and Development, office of ~~public~~
8 ~~works, hurricane flood protection, and intermodal transportation~~ engineering, is
9 hereby directed to establish and create a Louisiana Water Resources Information
10 Center to be administered by and housed in the office of ~~public works, hurricane~~
11 ~~flood protection, and intermodal transportation~~ engineering and to implement an
12 indexing and data accessing system that will contain, in part, all information past,
13 present, and future for water and water-related resource data so collected by federal,
14 state, and local agencies in the state of Louisiana.

15 B. The Louisiana Water Resources Information Center, within the
16 Department of Transportation and Development, office of ~~public works, hurricane~~
17 ~~flood protection, and intermodal transportation~~ engineering, shall promulgate rules
18 necessary to develop a program that will index or access all water-related resources
19 data from the various host federal, state, and local agencies so as to serve as a central
20 access point for all Louisiana water data, making said data more available, thereby
21 reducing duplication of collection of said water data and increasing its use.

22 * * *

23 §226. Permits for levee crossings

24 If an appointed board or commission having jurisdiction over levees receives
25 letters of no objection from the United States Army Corps of Engineers and the
26 Louisiana Department of Transportation and Development, office of ~~public works~~
27 engineering, or, for levees in the coastal area as defined in R.S. 49:214.2(3), the
28 Office of Coastal Protection and Restoration, in response to a request to the board
29 or commission for a permit or letter of no objection to a levee crossing or a request
30 to renew or transfer an existing permit, it shall be incumbent upon and a ministerial

1 duty of the executive or administrative officer to issue the requested permit or letter
2 of no objection to the crossing, subject to any conditions or stipulations contained
3 in the letters received from the United States Army Corps of Engineers and the
4 Louisiana Department of Transportation and Development, office of ~~public works~~
5 engineering, or for levees in the coastal area as defined in R.S. 49:214.2(3), the
6 Office of Coastal Protection and Restoration. The board or commission may impose
7 customary fees, bonds, and other general stipulations. The executive or
8 administrative officer shall enforce such permits for levee crossings only to the
9 extent of the conditions and stipulations contained in the permit or letter of no
10 objection.

11 * * *

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

14 * * *

15 C.

16 * * *

17 (2)

18 * * *

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

1 engineering differ, the estimates of the office of ~~public works~~ engineering shall be
2 controlling.

3 * * *

4 §306. General powers and duties of board

5 * * *

6 C. The board shall examine all of the accounts and operations of the board
7 and determine in what manner work shall be undertaken. The board shall also be
8 invested with the control of all public levees in the district, with authority to require
9 ~~the office of public works of the Department of Transportation and Development to~~
10 lay off, furnish estimates, and perform all engineering work necessary to the
11 location, construction, and repairs of levees, reserving, however, the right to the
12 parishes in which the levees are located, also to provide funds and to construct and
13 repair levees and exercise the powers now conferred to it by law. All works shall be
14 advertised in accordance with the provisions of R.S. 38:2211 et seq., to be let out by
15 means of sealed proposals to the lowest responsible bidder, reserving to the board
16 authority to reject all bids. In case of emergency as defined in Paragraph (6) of R.S.
17 38:2211, the board may make contracts for the building and repair of and guarding
18 the levees without advertisement or sealed proposals. It shall use all means at its
19 command to strengthen, repair, or construct any portion of the levees that may
20 demand attention.

21 D. The board of commissioners shall cause to be kept an exact and accurate
22 statement of the work performed by the authority of the board, giving in detail the
23 work done, the levees built or repaired, and all other work done or authorized to be
24 done by the board. The board shall keep an accurate account of the finances of the
25 levee district and annually cause to be made a statement showing the exact, accurate,
26 and true condition of the finances of the district, showing specially the receipts and
27 resources thereof in detail, the amount and character of each amount of money or
28 assets received, whether in money, bills of exchange, bills receivable, property, or
29 other things of value. The account shall show in detail the expenditures made by
30 authority of the board, the costs of levees built or repaired, salaries paid, property

1 purchased, costs of work done, other incidental expenditures not herein mentioned,
2 and any and all expenditures made by authority of the board. It shall show the
3 balances on hand, all details of the various money, money fines, or things of value
4 at the time of the statement. The statement shall be made in triplicate, one copy of
5 which shall be forwarded to the governor, one copy shall be forwarded to the
6 legislative auditor, and one copy shall be kept on record in the files and records of
7 the board. A representative ~~of the office of public works, or its successor, of the~~
8 Department of Transportation and Development shall attend each regular meeting
9 of the levee board and such other meetings if requested by the board, and to report
10 to and advise it as to the location, construction, and repairs of all levees in the
11 district. ~~The office of public works, or its successor, The Department of~~
12 Transportation and Development shall be responsible for locating all levees,
13 furnishing estimates and specifications, and performing all engineering work
14 required of them by the levee board or levee and drainage board.

15 * * *

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

17 A.(1) The board of commissioners of the Orleans Levee District shall have
18 and exercise all and singular the powers now conferred upon that board by law, as
19 well as such powers as are herein granted. The board shall have full and exclusive
20 right, jurisdiction, power, and authority to locate, relocate, construct, maintain,
21 extend, and improve levees, embankments, seawalls, jetties, breakwaters, ~~water-~~
22 ~~basins~~ water basins, and other works in relation to such projects and to conduct all
23 dredging operations necessary in connection therewith or incidental thereto along,
24 over, and on the shores, bottom, and bed of Lake Pontchartrain in the parish of
25 Orleans from its western boundary to the boundary line separating township 11
26 south, range 12 east, from township 11 south, range 13 east, at a distance not to
27 exceed three miles from the present shore line, as the board may determine, and
28 along and on the shores adjacent to the lake and along the canals connected
29 therewith. The levees, embankments, seawalls, jetties, breakwaters, water basins,
30 and other works shall be of such character and extent and of such height, width,

1 slope, design, and material as the board determines, with power and authority to
2 improve and to protect the same with such other structures as are deemed necessary
3 and proper by the board. All final plans and specifications covering and relating to
4 works of a permanent nature shall be submitted to the office of ~~public works~~
5 engineering or its successor for approval as to soundness of engineering practice and
6 feasibility, but not as to form, extent of area, or detail and such plans and
7 specifications shall be approved by the office of ~~public works~~ engineering prior to
8 their adoption by the levee board.

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

12 * * *

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

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

28 * * *

1 §319. Emergency procedures manual

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

10 * * *

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

13 * * *

14 B. Where money has been contributed under the provisions of this Chapter
15 to the construction, maintenance, or repair of any levee, the money shall be expended
16 solely when not less than a like amount is contributed by the Pontchartrain Levee
17 District for the similar purpose, and the work shall be done under the supervision and
18 control of the office of ~~public works~~ engineering.

19 * * *

20 §402. Appropriation of funds raised for levee purposes

21 A. Any levee board or levee and drainage board with the approval of the
22 office of ~~public works~~ engineering may appropriate any funds raised under the
23 provisions of R.S. 38:401 or any funds now on deposit in the state treasury
24 heretofore raised for the purpose of levee work to be done jointly with the
25 Mississippi River Commission under the terms of the Act of Congress approved on
26 the first day of March, 1917*. Upon the filing with the state auditor and treasurer of
27 the resolution of the levee board or levee and drainage board setting forth the
28 appropriation, the amount indicated shall remain in the state treasury in a fund for
29 this purpose to be untouched for any purpose, subject to being paid out upon the
30 warrant of the Mississippi River Commission according to any method it may adopt.

1 The appropriation may be withdrawn from the state treasury upon the warrant of the
2 president of any levee board or levee and drainage board countersigned by the
3 secretary and approved by the office of ~~public works~~ engineering, with the levee
4 board or levee and drainage board's resolution attached thereto, and disposed of as
5 the Mississippi River Commission shall deem proper. If the funds are to be
6 deposited in any state or federal depository, evidence of that fact shall be delivered
7 to the state treasurer within ten days from the time of the withdrawal of the fund
8 from the state treasury.

9 * * *

10 §491. Authority to borrow money and issue bonds

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

28 §492. Form of bonds

29 The form of the bonds and interest coupons attached shall be as prescribed
30 by the attorney general of the state, and each bond shall expressly show that the form

thereof has been so prescribed and prepared by the officer whose official signature together with the signature of the ~~director of the office of public works and~~ chief engineer of the office of engineering and the president and secretary of the levee board or levee and drainage board availing itself of the provisions of this Subpart shall appear on each bond. The bonds issued under this Subpart shall be without prejudice to the bonds heretofore issued by the several levee districts and levee and drainage districts under the provisions of existing laws.

* * *

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

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

* * *

§2044. General powers and duties of the board

The board of commissioners shall have all powers necessary or convenient for carrying out its purposes, including but not limited to the following rights and powers:

* * *

(5) The board shall be responsible for all major drainage in the district, excluding the Red River and its levees, and local drainage along streets, highways, and roads and may request the office of ~~public works~~ engineering of the Department of Transportation and Development to lay out, furnish estimates, and perform all

1 engineering work necessary to the location, construction, and repairs of the drain and
2 drainage facilities or may employ an engineer or engineers to perform such services.

3 * * *

4 §3074. Board of commissioners; appointments; tenure; replacement; compensation

5 A. The board of commissioners shall consist of fifteen members who shall
6 be appointed and commissioned by the governor. Each appointment by the governor
7 shall be submitted to the Senate for confirmation. The following members shall be
8 appointed and commissioned within ninety days after the effective date of this Part:

9 * * *

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

14 * * *

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

17 * * *

18 (4) Sixty days prior to the expiration of the term of the member representing
19 the office of ~~public works engineering~~ of the Department of Transportation and
20 Development as well as other state institutions that are users of groundwater, the
21 board shall notify the ~~assistant secretary of the office of public works~~ chief engineer
22 of the Department of Transportation and Development that he shall name a nominee
23 for membership.

24 * * *

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

29 * * *

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

* * *

§3086.24. Powers

* * *

H.(1) The board shall have full power and authority to cooperate and
contract with the United States government, or any of its agencies, the state of
Louisiana, or any of its departments, agencies, commissions, districts, or other
political subdivisions, or with any person, firm, partnership, or corporation, with the
view of accomplishing the construction, maintenance, and operation of pumping
facilities and appurtenant pipeline facilities, the purpose of which would be to
provide fresh water for said Bayou Lafourche. In the event that such pumping
facilities and appurtenant pipeline facilities are constructed, erected, or installed by
the state of Louisiana, the office of ~~public works~~ engineering of the Department of
Transportation and Development, state of Louisiana, the board of commissioners for
the Lafourche Basin Levee District, the board of commissioners for the Atchafalaya
Basin Levee District, the board of commissioners for the Lafourche Parish Water
District No. 1 or other local interests, and the board of commissioners for the Bayou
Lafourche Freshwater District, or any of them, it shall be the obligation of the board
of commissioners for the Bayou Lafourche Fresh Water District, and the board is
hereby authorized and directed to operate and maintain such pumping and pipeline
facilities so as to provide an adequate supply of fresh water in Bayou Lafourche.

* * *

§3306. General powers and duties of the board

* * *

B. The board shall be vested with the control of all public drainage, flood
control and water resources development, reservoirs, and diversion canals in the
district. The board shall have the authority in connection with the proposed

1 construction of any reservoir to have conducted a comprehensive study to determine
2 the economic impact on the parishes of East Feliciana and St. Helena of
3 accompanying commercial and residential development and growth. The board shall
4 have the authority to require the office of ~~public works~~ engineering to lay out,
5 furnish estimates, and perform all engineering work necessary to the establishment
6 of adequate drainage, flood control, and water resources development.

7 * * *

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

10 §1236.2. Air ambulance services; licensure

11 * * *

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

13 * * *

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

16 (a) An inspection of all aircraft utilized as air ambulances to ensure that all
17 required medical and safety equipment is present and operational. The medical and
18 safety equipment shall conform to local protocol as established by the medical
19 director of the air ambulance service. The list of required medical and safety
20 equipment shall be established under rules promulgated by the department and shall
21 be based upon the recommendations of an advisory committee to be composed of the
22 following persons:

23 * * *

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

27 * * *

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. 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))