

ACT No. 389

HOUSE BILL NO. 640 (Substitute for House Bill No. 621 by Representative Bourriague)

BY REPRESENTATIVES BOURRIAQUE, ADAMS, AMEDEE, BACALA, BAMBURG, BEAULLIEU, BERAULT, BOYER, BRAUD, BROWN, BUTLER, CARLSON, CARRIER, CARVER, CHENEVERT, COATES, CREWS, DAVIS, DEVILLIER, DICKERSON, DOMANGUE, EDMONSTON, EGAN, EMERSON, FARNUM, FISHER, FONTENOT, FREIBERG, GLORIOSO, HEBERT, HILFERTY, HORTON, JACKSON, MIKE JOHNSON, MACK, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, ROMERO, SCHAMERHORN, SCHLEGEL, THOMPSON, TURNER, VILLIO, WALTERS, WILDER, WILEY, WRIGHT, AND WYBLE AND SENATORS BASS, BOUDREAUX, CARTER, CATHEY, CLOUD, DUPLESSIS, HARRIS, HENRY, MIGUEZ, MILLER, MYERS, PRICE, REESE, SELDERS, STINE, AND TALBOT

1 AN ACT

2 To enact Part IX of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 49:220.51 through 220.53, relative to the office of Louisiana
4 Highway Construction; to create the office of Louisiana Highway Construction
5 within the office of the governor, division of administration; to define the term
6 "office"; to designate certain powers, duties, and responsibilities of the office; to
7 provide for an executive director of the office of Louisiana Highway Construction;
8 to establish the duties and responsibilities of the executive director; to provide for the
9 exercise of procurement procedures, including emergency procurement; to provide
10 for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part IX of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950,
13 to be comprised of R.S. 49:220.51 through 220.53, are hereby enacted to read as follows:

14 PART IX. OFFICE OF LOUISIANA HIGHWAY CONSTRUCTION

15 §220.51. Office of Louisiana Highway Construction; creation

16 A. Pursuant to R.S. 36:501(C)(2), it is the intent of the legislature to take
17 extraordinary measures to demonstrate to the citizens of Louisiana that roads,
18 bridges, and other transportation infrastructure projects can be delivered in an
19 expeditious, transparent, safe, and effective manner.

1 B. The office of Louisiana Highway Construction is hereby created within
2 the office of the governor, division of administration.

3 C. The office shall be responsible for the study, planning, engineering,
4 design, construction, operation, maintenance, repair, rehabilitation, and replacement
5 of any nonfederal aid highway that is part of the state highway system.

6 D. For purposes of this Part, the term "office" shall mean the office of
7 Louisiana Highway Construction.

8 §220.52. Powers, duties, and responsibilities

9 A. The office of Louisiana Highway Construction shall consist of executive
10 offices and staff as deemed necessary for effective governance and operation.

11 B. The office shall have the following powers, duties, and responsibilities:

12 (1) To enter into contracts with the federal government, any federal or state
13 agency, political subdivision of the state, or private entities for the study, planning,
14 engineering, design, construction, operation, maintenance, repair, rehabilitation, or
15 replacement of any nonfederal aid highway within the state highway system.

16 (2) To contract for and accept grants of funds, subject to any terms or
17 conditions, including matching fund requirements.

18 (3) To use nonfederal funds and in-kind donations to provide for the costs
19 associated with nonfederal cost-share requirements associated with projects.

20 (4) To develop and adopt guidelines for cost-sharing agreements with public
21 and private entities participating in projects managed by the office.

22 (5) To enter into cooperative agreements with political subdivisions located
23 wholly or partially within the boundaries of a project for any project-related purpose,
24 including construction, operation, maintenance, repair, rehabilitation, or replacement
25 of any nonfederal aid highway within the state highway system.

26 (6) To exercise the same procurement procedures available to the
27 Department of Transportation and Development in Title 38, Title 39, and Title 48 of
28 the Louisiana Revised Statutes of 1950.

29 (7) To promulgate rules and regulations necessary to implement the
30 provisions of this Section, in accordance with the Administrative Procedure Act.

1 C. The office of Louisiana Highway Construction may:

2 (1) Utilize the services of other executive departments of state government
3 upon mutually agreeable terms and conditions.

4 (2) Receive interagency transfers, state general fund allocations, or any other
5 sources of funding allowed under the law necessary to support the delivery of its
6 functions.

7 (3) Take such other actions, not inconsistent with law, as are necessary to
8 perform properly the functions of the office.

9 (4) The office of Louisiana Highway Construction may engage in and utilize
10 emergency procurement procedures for any purpose until January 1, 2026.

11 D. On or before January fifteenth of each year, the office shall submit a
12 report to the Joint Committee on Transportation, Highways and Public Works. The
13 report shall include a detailed list of each project that is planned, initiated, or
14 advanced under the authority of this Section, along with the status, scope, funding
15 sources, and expected timelines for each project.

16 §220.53. Executive director; duties and responsibilities

17 A. The executive director of the office of Louisiana Highway Construction
18 shall be appointed by the governor, subject to confirmation by the Senate, and shall
19 serve at the pleasure of the governor.

20 B. The executive director shall be responsible for the overall operations,
21 management, and administration of the office of Louisiana Highway Construction.

22 C. The executive director shall have the following duties and responsibilities:

23 (1) To coordinate all budget requests for projects managed or initiated by the
24 office.

25 (2) To coordinate and focus the functions of all state agencies as it relates to
26 office projects to ensure alignment and efficiency.

27 (3) To take any actions, not inconsistent with law, as may be necessary to
28 carry out the duties and responsibilities of the office.

29 D. In furtherance of the goals and purposes of the office, the executive
30 director may:

1 (1) Review and recommend modifications of state departmental policies,
 2 procedures, programs, rules, and regulations that are established by law or pursuant
 3 to the Administrative Procedure Act that may affect the design, construction,
 4 operation, management, and monitoring of projects within the authority of the office.

5 (2) Appoint advisory panels or working groups as needed to support the
 6 development, review, or implementation of office initiatives.

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____