AN ACT

To amend and reenact R.S. 39:100.56(C), (D), (E), the introductory paragraph of (H), and (I) through (L) and to repeal R.S. 39:100.56(H)(5), (O), and (P), relative to the Water Sector Program; to remove provisions relative to storm water; to provide for funding for small water and sewer systems; to provide relative to application period dates; to require the division of administration to post certain documents; to require the division of administration to conduct outreach efforts; to repeal provisions relative to capital outlay; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.56(C), (D), (E), the introductory paragraph of (H), and (I) through (L) are hereby amended and reenacted to read as follows:

§100.56. Water Sector Program

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C. The Water Sector Program is hereby established to provide grant funding for repairs, improvements, and consolidation of community water and sewer systems, and repairs and improvements necessitated by storm water. The division of administration, office of facility planning and control, and the office of community development shall administer the program in consultation with the Louisiana Department of Health and the Department of Environmental Quality. The division shall establish a working panel comprised of employees of the office of facility planning and control and the office of community development, within the division of administration, the office of public health within the Louisiana Department of Health, and the Department of Environmental Quality. The working panel shall review and rate applications submitted by community water systems, community sewer systems, and local governing authorities and submit recommendations for
funding to the commission.

D. (1) The commission shall hold its first meeting no later than June 30, 2021. At its first meeting, the commission shall issue directives to the division to utilize in the development of the guidance required in Paragraph (2) of this Subsection.

(2) The division shall promulgate guidance for the administration of the program. The guidance shall include application requirements, application period dates and deadlines for application submissions and approval, criteria for ratings, and a process for ensuring funding for small water and sewer systems and prioritizing critical infrastructure needs. The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to guidance promulgated pursuant to this Section. No later than July 15, 2021, the division shall submit the proposed guidance to the commission for review and approval. Any changes to the guidance shall require approval by the commission.

(2) Prior to the application period, the division shall conduct outreach and educational efforts for all water and sewer systems to raise awareness regarding the program.

(3) The division shall post on its website a copy of the guidance promulgated pursuant to this Section as well as any additional information regarding the program, including the application process, procurement, or scoring criteria upon request of the commission.

E. In addition to the guidance provided for in Subsection D of this Section, the division shall submit a proposal outlining administrative costs for the program to the commission for review and approval prior to implementing the program no later than July 15, 2021. The commission shall review the proposed administrative costs and make a recommendation to the Joint Legislative Committee on the Budget for funding for administrative costs. The committee shall review the recommendations submitted by the commission and approve administrative costs for the program.

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H. The division shall begin accepting applications no later than August 1.
2. The applications shall include the following, at a minimum:

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   I. Within forty-five days of the end of the application period, the division shall submit the working panel's ratings of proposed projects and recommendations for funding for the projects to the commission. The working panel's recommendations to the commission shall include recommendations for utilization of existing funding sources including the Drinking Water Revolving Loan Fund, Clean Water State Revolving Fund, and Community Water Enrichment and Other Improvements Fund.

   J. The commission shall review the ratings and recommendations submitted by the working panel. The commission shall submit its recommendations for projects to receive monies from the fund and funding amounts to the Joint Legislative Committee on the Budget. The recommendations shall include:

   (1) Proposed matching funds, unless the commission recommends a waiver of matching funds or decreased match for any project based on the determination that the local governing authority or water system is unable to provide the match.

   (2) Funding for small water and sewer systems as provided for in the guidance.

   K.(1) The committee shall review the recommendations submitted by the commission and have final approval of funding for projects that receive grant awards through the program. No monies shall be expended from the fund without approval of the Joint Legislative Committee on the Budget.

   (2)(a) The commission may approve adjustments to any grant award for a project for any of the following reasons:

      (i) Duplication of benefits.

      (ii) Increase in project costs, not to exceed five percent of the total grant award for a project.

      (iii) The inability of a grant recipient to complete one or more projects within the scope of the grant award.
(iv) Technical corrections.

(b) Notwithstanding the provisions of Paragraph (1) of this Subsection, any adjustments made pursuant to the provisions of this Paragraph shall be reported to the Joint Legislative Committee on the Budget but shall not require approval of the committee.

(3) The commission may rescind any grant award for a project if the grant recipient fails to comply with the guidance approved by the commission.

L. Beginning January 1, 2022, the division shall submit a quarterly status update, including a construction progress report, for projects that received funding approval to the Water Sector Commission and the Joint Legislative Committee on the Budget.

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Section 2. R.S. 39:100.56(H)(5), (O), and (P) are hereby repealed in their entirety. Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ________________