

SENATE BILL NO. 97

BY SENATORS PRESSLY, BASS, CATHEY, HENRY, HODGES, JACKSON-ANDREWS, JENKINS AND MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 38:2(A)(2) and (3), 5.1, 6, 32(B)(3), 84(A) and (B), 111, 112,
3 214(C) and the introductory paragraph of R.S. 49:214.6.6(A) and (C), 220.41(D),
4 220.42(B)(5) and (7) and to enact R.S. 38:90.2(D), 214(D), and Chapter 11-A of
5 Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:2351
6 through 2361, and R.S. 49:214.6.3(A)(5), 214.6.6(A)(5), 220.42(B)(9) and (10),
7 relative to flood control, risk reduction, navigation, and water resource management;
8 to provide for the Department of Transportation and Development; to provide for the
9 office of public works; to create the Coordinated Use of Resources for Recreation,
10 Economy, Navigation, and Transportation Authority; to provide for purpose and
11 intent; to provide for the development and implementation of an integrated plan for
12 the upland area; to provide for definitions; to create the Coordinated Use of
13 Resources for Recreation, Economy, Navigation, and Transportation Authority
14 Board; to provide for members, powers, duties, and functions of the board; to
15 provide for master and annual plans; to provide for public meetings and notices; to
16 provide for legislative approval; to provide for the executive director; to provide for
17 infrastructure programs; to provide for exclusions, exemptions, terms, and
18 conditions; to provide for appeals; to provide for emergencies; to provide for the
19 Coastal Protection and Restoration Authority; to provide for the chief resilience
20 officer; and to provide for related matters.

21 Be it enacted by the Legislature of Louisiana:

22 Section 1. R.S. 38:2(A)(2) and (3), 5.1, 6, 32(B)(3), 84(A) and (B), 111, 112, 214(C)
23 are hereby amended and reenacted and R.S. 38:90.2(D), 214(D), and Chapter 11-A of Title

1 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:2351 through 2361, are
2 hereby enacted to read as follows:

3 §2. Functions of department

4 A. * * *

5 (2)(a) The Coastal Protection and Restoration Authority Board shall have
6 superseding jurisdiction over all integrated coastal protection, as defined in R.S.
7 49:214.2(10), in the coastal area, as defined in R.S. 49:214.2(3).

8 **(b) The Coordinated Use of Resources for Recreation, Economy,**
9 **Navigation, and Transportation Authority Board shall have superseding**
10 **jurisdiction over all integrated projects in the upland area, as provided in R.S.**
11 **38:2351 et seq.**

12 (3)(a) Subject to the right to be reimbursed for reasonable costs associated
13 with such service, the Coastal Protection and Restoration Authority Board shall
14 render to local governmental subdivisions, levee districts, levee and conservation
15 districts, flood authorities, and any other special district all engineering, economic,
16 and other advisory services within the scope of its functions and jurisdiction as
17 defined in R.S. 49:214.2(3) and (10) which its facilities allow.

18 **(b) Subject to the right to be reimbursed for reasonable costs associated**
19 **with such service, the Coordinated Use of Resources for Recreation, Economy,**
20 **Navigation, and Transportation Authority Board shall render to local**
21 **governmental subdivisions, levee districts, ports, navigation districts and**
22 **commissions, levee and conservation districts, and any other special district all**
23 **engineering, economic, and other advisory services within the scope of its**
24 **functions and jurisdiction as provided in R.S. 38:2351 et seq., which its facilities**
25 **allow.**

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27 §5.1. Planning assistance to municipal and other planning agencies; federal grants

28 **A.** For the purpose of providing planning assistance to municipal, parish,
29 regional and other planning agencies of the state of Louisiana in the solution of their
30 planning problems, the Department of Public Works, State of Louisiana, be and is

1 authorized to apply for and accept grants of money from the government of the
2 United States or any federal agencies in connection with such assistance and, to this
3 end, the said department may contract with the United States or such federal agencies
4 for the acceptance of such grants including any requirement for matching said grants
5 in whole or in part.

6 **B. For the purpose of providing planning assistance to municipal, parish,**
7 **regional, and other agencies of the state of Louisiana, within the statutory**
8 **mission as provided in R.S. 38:2351 et seq., the Coordinated Use of Resources**
9 **for Recreation, Economy, Navigation, and Transportation Authority is hereby**
10 **authorized to apply for and accept grants of money from the government of the**
11 **United States or any federal agencies in connection with such assistance and, to**
12 **this end, the authority may contract with the United States or such federal**
13 **agencies for the acceptance of such grants including any requirement for**
14 **matching said grants in whole or in part.**

15 §6. Cooperation with drainage districts, levee boards, and political subdivisions

16 The Department of Transportation and Development may also cooperate with
17 any drainage or subdrainage district, any gravity drainage or gravity subdrainage
18 district, any levee board, or any political subdivision, now or hereafter organized in
19 accordance with law, upon any terms and conditions prescribed by the department.

20 **For all upland areas as defined in R.S. 38:2352, the Coordinated Use of**
21 **Resources for Recreation, Economy, Navigation, and Transportation Authority**
22 **shall serve as the coordinating entity consistent with this Title.** The department
23 shall assess and collect fees for the engineering services it provides to drainage
24 districts, levee boards, and political subdivisions, other than state or federally funded
25 projects.

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

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29 B. The office of engineering shall be authorized to engage in the following
30 activities:

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(3) To develop statewide water resources plans to assure the availability, safe use, and wise management of the state's water resources in both the short and long terms. All plans shall be developed in coordination with the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority for the noncoastal area of the state.

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

A. In order to secure for the citizens of the state of Louisiana the flood insurance coverage provided for by the National Flood Insurance Act of 1968, 42 USC 4001 et seq., all of the parishes and municipalities of the state may adopt, in coordination with the chief resilience officer such ordinances, rules, and regulations, including zoning and land use regulations, as are necessary to comply with the requirements of said Act and the regulations adopted pursuant thereto by the Federal Emergency Management Agency. For upland areas of the state as defined in R.S. 38:2352, said ordinances, rules and regulations shall also comply with any statewide floodplain management standards which may be established by the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority.

B. The ~~office of engineering~~ chief resilience officer 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.

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§90.2. Revision of flood information database by the Floodplain Evaluation and Management Commission

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D. The commission shall collaborate with the Coordinated Use of

Resources for Recreation, Economy, Navigation, and Transportation Authority to manage statewide flood risk data for all areas within the authority's jurisdiction.

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§111. Contracts by drainage districts, levee boards, and political subdivisions with Department of Transportation and Development or the Coastal Protection and Restoration Authority

Any drainage or subdrainage district, gravity drainage, or gravity subdrainage district, levee board, or political subdivision may contract with the Department of Transportation and Development or, for projects in the coastal area as defined in R.S. 49:214.2, the Coastal Protection and Restoration Authority, **or for projects in the upland area as defined in R.S. 38:2352, the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority,** upon any terms for the payment of the cost of the drainage and reclamation projects within the confines of the district or districts involved proportionately by the Department of Transportation and Development, **the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority,** or the Coastal Protection and Restoration Authority, and the districts as may be agreed upon between the Department of Transportation and Development, **the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority,** or the Coastal Protection and Restoration Authority, and the governing authorities of the districts entering into any contract.

§112. Cooperation with federal government and state of Mississippi in building levees

By and with the concurrence and approval of the local levee authorities in interest in Louisiana, and of the Department of Transportation and Development, **or for levees in the upland area as defined in R.S. 38:2352, the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority,** or, for levees in the coastal area as defined in R.S. 49:214.2, the Coastal Protection and Restoration Authority, the state of Mississippi and the United States

1 Government, or ~~either~~ **any** of them, jointly or severally, may construct and have
 2 entire charge and control of, both in construction and maintenance, and for protection
 3 and preservation, all levees which may be deemed necessary by the grantees, or by
 4 either of them, for protection against overflow from the Mississippi River, through
 5 and over all parts of the state of Louisiana which by the changes of the channel of
 6 the Mississippi River have been separated from other parts of the state of Louisiana,
 7 and which are now on the east side of the present channel of the river, and attached
 8 to the mainland of the state of Mississippi. The levees shall be of the dimensions and
 9 shall be located, and built from adjacent soil, along the lines, and for the distances,
 10 determined by the engineers in charge of levee construction either for the United
 11 States or for the state of Mississippi, or for both.

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§214. Interference with drainage prohibited

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15 **C. Upon the request of the Department of Transportation and**
 16 **Development, the Coordinated Use of Resources for Recreation, Economy,**
 17 **Navigation, and Transportation Authority, or the Coordinated Use of Resources**
 18 **for Recreation, Economy, Navigation, and Transportation Authority Board, if**
 19 **the area is located within the upland area, as defined in R.S. 38:2352, and**
 20 **involves integrated upland projects, the local governing authority shall issue a**
 21 **citation to any person who is in violation of this Section. Every person convicted**
 22 **of a violation of this Section shall be subject to a criminal fine of not less than**
 23 **twenty-five dollars nor more than three hundred dollars.**

24 **D.** Each fine imposed pursuant to the provisions of this Section shall be
 25 collected by the court and forwarded to the state treasurer for deposit in the state
 26 treasury.

* * *

28 **CHAPTER 11-A COORDINATED USE OF RESOURCES FOR**
 29 **RECREATION, ECONOMY, NAVIGATION,**
 30 **TRANSPORTATION AUTHORITY**

1 authority of any political subdivision, port, navigation district, or levee district
 2 designated as a local sponsor pursuant to an act of Congress, a federal
 3 authorization, or a cooperative agreement with the United States Army Corps
 4 of Engineers.

5 **§2352. Definitions**

6 As used in this Chapter, the following terms shall have the meanings
 7 ascribed to them:

8 (1) "Upland area" means all land in the state of Louisiana that is not
 9 included within the coastal area as defined in R.S. 49:214.2(4).

10 (2) "Upland parishes" means all parishes of the state, in whole or in part,
 11 that are not included within the coastal area as defined in R.S. 49:214.2(4).
 12 These areas are primarily affected by riverine flooding, watershed management,
 13 inland navigation, and flood control infrastructure rather than coastal erosion
 14 or sea level rise.

15 (3) "Integrated" means the coordinated planning, funding, construction,
 16 and operation of flood control, navigation, recreation, water management, and
 17 economic development projects to ensure efficient use of resources, minimize
 18 conflicts, and promote sustainable development.

19 **§2353. Coordinated Use of Resources for Recreation, Economy, Navigation,**
 20 **and Transportation Authority Board**

21 A. The Coordinated Use of Resources for Recreation, Economy,
 22 Navigation, and Transportation Authority Board is hereby created within the
 23 Department of Transportation and Development. The board is hereby
 24 established, and shall exercise the powers and duties set forth in this Chapter
 25 or otherwise provided by law. The department shall provide any necessary
 26 staffing for the board. The provisions of R.S. 44:5(A) shall not be applicable to
 27 any activities or records of or pertaining to the authority.

28 B.(1) The Coordinated Use of Resources for Recreation, Economy,
 29 Navigation, and Transportation Authority Board shall consist of no more than
 30 sixteen members, selected by the governor, representing the following:

1 **(a) The Red River Waterway District, nominated by the commission.**

2 **(b) The office of multimodal commerce. The commissioner shall serve**
3 **until, or without, express gubernatorial designation of an alternative.**

4 **(c) Statewide flood protection. The chief resiliency officer shall serve**
5 **until, or without, express gubernatorial designation of an alternative.**

6 **(d) Louisiana Economic Development. The secretary of the department**
7 **shall serve until, or without, express gubernatorial designation of an alternative.**

8 **(e) The North Louisiana Economic Partnership. The executive director**
9 **shall serve until, or without, express gubernatorial designation of an alternative.**

10 **(f) The Department of Culture, Recreation and Tourism. The lieutenant**
11 **governor shall serve until, or without, express gubernatorial designation of an**
12 **alternative.**

13 **(g) Ports, located within the upland parishes, whole or in part.**

14 **(h) A levee board located within the upland parishes, whole or in part.**

15 **(i) Duly elected members of the executive branch of local government**
16 **located within the upland parishes, whole or in part.**

17 **(j) The Department of Agriculture and Forestry. The commissioner shall**
18 **serve until, or without, express gubernatorial designation of an alternative.**

19 **(k) Industry operating and located within the upland parishes, whole or**
20 **in part. The executive directors of the Red River Valley Association and**
21 **Ouachita River Valley Association, shall serve until, or without, express**
22 **gubernatorial designation of an alternative.**

23 **(l) The Tensas Basin Levee District, nominated by the Tensas Basin**
24 **Levee District.**

25 **(2) The board shall not consist of more than two port directors and no**
26 **more than two levee boards.**

27 **C. Any member of the board who represents a political subdivision shall**
28 **recuse himself from deliberations and from voting on any matter concerning the**
29 **taking of action against that political subdivision for lack of compliance with the**
30 **master or annual plan.**

1 D. The chair of the board shall be appointed by the governor.

2 §2354. Master and annual plans; development; priorities

3 A.(1) The board shall, in accordance with the procedures set forth in this
4 Section, develop a master plan and an annual plan for protecting, conserving,
5 enhancing, and developing the area outside the coastal zone through the
6 construction and management of integrated projects and programs, including
7 privately funded projects or plans, and addressing those activities that
8 significantly affect such projects, all consistent with the legislative intent as
9 expressed in this Chapter, and which plan shall be subject to the approval of the
10 legislature as provided in Subsections B and E of this Section. In addition, the
11 board, in accordance with the procedures set forth in this Section including
12 legislative approval, shall review, revise, and amend the master plan when
13 necessary or, at a minimum, every six years.

14 (2) The master plan and the annual plan shall include requests for
15 funding of projects and programs related to the authority's mission. The annual
16 plan shall include at least a three-year projection of funding of projects and
17 programs related to the authority's mission, including but not limited to
18 relevant public or private funding sources.

19 B. The board shall develop the master and annual plans in accordance
20 with the following procedure:

21 (1) The board shall conduct not less than three public hearings in
22 separate locations in the upland parishes for the purpose of receiving comments
23 and recommendations from the public and elected officials. All public hearings
24 must be held at least sixty days prior to the submission of the plans to the
25 legislature.

26 (2) At least two weeks prior to each public hearing the board shall
27 contact the parish governing authorities, regional flood protection authorities,
28 levee districts, and the state legislators of the parishes in the area for the
29 purpose of soliciting their comments and recommendations and notifying them
30 of the public hearing to be held in their area.

1 (3) Ten days prior to the first such public hearing the board shall publish
2 in the Louisiana Register and the official state journal the schedule of public
3 hearings setting out the location, place, and time of all the hearings.

4 (4) At least seven days prior to each hearing the board shall publish a
5 notice of the hearing in the official journal of each parish within the area of the
6 hearing. The notice of a hearing shall have been published in the official journal
7 of each parish in the upland area prior to the final scheduled public hearing.
8 The board may provide for additional public hearings when necessary upon at
9 least three days notice published in the official journal of the parishes in the
10 area of the hearing and written notice to the parish governing authorities.

11 (5) The board shall receive written comments and recommendations
12 until thirty days prior to the submission of the master and annual plans to the
13 legislative committees.

14 C. The master plan shall address the authority's efforts from both
15 short-term and long-range perspectives and shall incorporate structural,
16 management, and institutional components of both efforts. The plan shall
17 include but not be limited to the following:

18 (1) A list of projects and programs required for the protection,
19 conservation, enhancement, and development of the noncoastal area and the
20 action required of each state agency to implement said project or program.

21 (2) A schedule and estimated cost for the implementation of each project
22 or program included in the master plan.

23 D.(1) Where feasible, the master plan shall include scientific data and
24 other reasons, including but not limited to the social, geographic, economic,
25 engineering, and biological considerations as to why each project or program
26 was selected for inclusion. Specifically, an explanation shall be included as to
27 how each project or program advances the plan objectives with respect to the
28 protection, conservation, enhancement, and development of the upland area.

29 (2) Prior to recommending any project for inclusion in the master plan,
30 the board shall identify and declare in writing:

1 **(a) The public use benefits intended to be derived from the project that**
2 **justify the project.**

3 **(b) The use benefits that private landowners are expected to derive from**
4 **the project.**

5 **(c) The manner in which the benefits will be realized over the life of the**
6 **project.**

7 **(d) The entities or persons who will be responsible for the long-term**
8 **operation and maintenance of the project both in terms of manpower and cost.**

9 **(e) The entities or persons who will be responsible for monitoring the**
10 **project to ensure that it is functioning properly and realizing the intended**
11 **public and private benefits.**

12 **E.(1) After adoption by the board, the master plan shall be submitted to**
13 **the House Committee on Natural Resources and Environment and the Senate**
14 **Committee on Natural Resources and the House Committee on Transportation,**
15 **Highways and Public Works and the Senate Committee on Transportation,**
16 **Highways and Public Works for approval. In addition, the annual plan shall be**
17 **submitted to the House Committee on Natural Resources and Environment and**
18 **the Senate Committee on Natural Resources and the House Committee on**
19 **Transportation, Highways and Public Works and the Senate Committee on**
20 **Transportation, Highways and Public Works on or before the fifteenth day of**
21 **the regular legislative session of each year. The committees shall take action on**
22 **the annual plan on or before June first of each calendar year.**

23 **(2) If any committee disapproves a plan, it shall send the plan back to the**
24 **authority together with a brief summary of the reasons for disapproval and may**
25 **make recommendations concerning changes it deems necessary or appropriate**
26 **to remedy any deficiencies in the plan.**

27 **(3) The legislature may approve or disapprove a plan by resolution**
28 **adopted by a majority vote of the members of each house of the legislature. If**
29 **the legislature disapproves a plan, it shall include in the resolution a brief**
30 **summary of the reasons for disapproval and may make recommendations**

1 concerning any changes it deems necessary or appropriate to remedy any
2 deficiencies in the plan.

3 (4) If the legislature approves the master plan, or if the legislature fails
4 to take action on the master plan within sixty days after the plan is submitted,
5 the board shall provide for implementation of the plan as submitted. If the
6 legislature approves the annual plan, or if the legislature fails to disapprove the
7 annual plan by July first, the board shall provide for implementation of the plan
8 as submitted. The projects and programs provided for in the annual plan shall
9 be undertaken in conformity with the order of priority as contained in the
10 annual plan.

11 (5) At any time subsequent to the adoption or implementation of a plan
12 in accordance with the procedure set forth in this Section, the board may amend
13 or supplement the plan to add or delete projects and programs. No project shall
14 be added or deleted unless and until the amendment to the plan is approved as
15 provided in this Section. Any such amendment to the plan submitted to the
16 legislature shall conform to the requirements specified in Subsections B and D
17 of this Section.

18 §2355. Functions and responsibilities; Coordinated Use of Resources for
19 Recreation, Economy, Navigation, and Transportation Authority
20 Board

21 A. The board shall:

22 (1) Represent the state's position on policy relative to the protection,
23 conservation, enhancement, and management of the upland area of the state
24 through oversight of integrated projects and programs and by addressing
25 activities which could significantly affect integrated projects and programs, all
26 consistent with the legislative intent as expressed in this Title.

27 (2) Develop, coordinate, make reports on, and provide oversight for a
28 comprehensive upland area master plan and annual plans, working in
29 conjunction with state agencies, political subdivisions, including flood protection
30 authorities, levee districts, and federal agencies. The master plan shall include

1 a comprehensive strategy addressing the protection, conservation,
2 enhancement, and management of the upland area through the construction
3 and management of integrated projects and programs, all consistent with the
4 legislative intent as expressed in this Chapter. The annual plan shall be
5 developed as the annual implementation of the comprehensive master plan and
6 shall be submitted to the legislature for approval as set forth in R.S. 38:2354.
7 The annual plan shall include a description and status of all projects and
8 programs pertaining to the authority's mission, including privately funded
9 projects or plans, and addressing those activities which significantly affect
10 projects set forth in the plan, all consistent with the legislative intent as
11 expressed in this Title.

12 (3) Submit to the House Committee on Natural Resources and
13 Environment and the Senate Committee on Natural Resources and the House
14 Committee on Transportation, Highways and Public Works and the Senate
15 Committee on Transportation, Highways and Public Works the integrated
16 plans developed pursuant to R.S. 38:2354. Upon approval of the plans by the
17 legislative committees and prior to implementation of the plans, in whole or in
18 part, the plans shall be approved by the legislature as provided in R.S.
19 38:2354(E).

20 (4) Develop procedures in accordance with the Administrative Procedure
21 Act and take actions against any entity, including political subdivisions, to
22 enforce compliance with the comprehensive master upland area plan. Such
23 procedures and actions may include but are not limited to determinations of
24 noncompliance; appeal from such determinations; the taking of administrative
25 action, including the withholding of funds; and civil action, including the
26 seeking of injunctive relief, or any other remedy necessary to ensure compliance
27 with the plan.

28 (5) Develop guidelines for cost-sharing agreements with public and
29 private entities participating in approved projects within the authority's
30 jurisdiction.

1 **B. The board may:**

2 **(1) Accept and use, in accordance with law, gifts, grants, bequests,**
3 **endowments, or funds from any public or private source for purposes consistent**
4 **with responsibilities and functions of the board and take such actions as are**
5 **necessary to comply with any conditions required for such acceptance.**

6 **(2) Utilize the services of other executive departments of state**
7 **government upon mutually agreeable terms and conditions.**

8 **(3) Take such other actions not inconsistent with law as are necessary to**
9 **perform properly the functions of the board.**

10 **(4) Adopt rules and regulations to implement the provisions of this**
11 **Section. Such rules and regulations shall be adopted in accordance with the**
12 **Administrative Procedure Act.**

13 **(5) Delegate signing authority for contracts to the chairman of the board,**
14 **the executive director of the Coordinated Use of Resources for Recreation,**
15 **Economy, Navigation, and Transportation Authority, or an authorized designee**
16 **of either. Such designation by the chairman or the director shall be by authentic**
17 **act.**

18 **(6) Approve all requests for programs and projects in the upland area,**
19 **insofar as such requests are for funds to be appropriated from the funds**
20 **available to the authority.**

21 **(7) Delegate any of its powers, duties, and functions to the chairman of**
22 **the board, to the executive director of the Coordinated Use of Resources for**
23 **Recreation, Economy, Navigation, and Transportation Authority, or to state**
24 **agencies, political subdivisions, including flood protection authorities, or levee**
25 **districts.**

26 **(8) Enter into any contract with the federal government or any federal**
27 **agency or any political subdivision of the state or private individual for the**
28 **study, planning, engineering, design, construction, operation, maintenance,**
29 **repair, rehabilitation, or replacement of any integrated project within the**
30 **authority's jurisdiction and to this end, may contract for the acceptance of any**

1 grant of money upon the terms and conditions, including any requirement of
2 matching the grants in whole or part, which may be necessary.

3 (9) Maximize the use of nonfederal funds and in-kind donations to
4 provide for the costs associated with nonfederal cost-share requirements
5 associated with integrated projects within the authority's jurisdiction.

6 (10) Enter into any agreement with a parish governing authority located
7 wholly or partially within the coastal area but which is not part of a levee
8 district for the construction, operation, maintenance, repair, rehabilitation, or
9 replacement of any upland protection, conservation and restoration, hurricane
10 protection, infrastructure, storm damage reduction, integrated coastal
11 protection, or flood control project. The board shall have the power to provide
12 in the agreement for the use and exercise by the parish governing authority of
13 all powers of levee districts or levee and drainage districts.

14 C. Approval by the board shall be required for any request by a state
15 agency or department for any funds to finance research, programs, mitigation,
16 or projects involving integrated protection, including hurricane protection or
17 the conservation and restoration, of upland areas. However, this Subsection
18 shall not affect self-generated or dedicated funds.

19 D. No state agency or entity shall enter into a contract with the United
20 States Army Corps of Engineers which would require the state to assume
21 liability for or provide the cost of operations and maintenance for a protection
22 project unless the contract provides for independent third-party review and
23 evaluation in accordance with the best available science and technical
24 capabilities to confirm the project's anticipated level of protection against
25 flooding prior to the state or political subdivision assuming liability and
26 operations and maintenance obligations. The independent third-party reviewer
27 and evaluator provided for in the contract shall be approved by both the United
28 States Army Corps of Engineers and the nonfederal sponsor. However, the
29 provisions of this Subsection shall not apply to contracts for routine
30 maintenance or other minor construction or repairs, or in cases where there is

1 imminent threat to life or property, or when the chairman of the Coordinated
2 Use of Resources for Recreation, Economy, Navigation, and Transportation
3 Authority Board, with the approval of the board, determines that an emergency
4 exists whereby compliance with the provisions of this Subsection would create
5 an unreasonable hardship.

6 E. Notwithstanding any other provision of law to the contrary, the
7 Department of Wildlife and Fisheries may enter into a cooperative endeavor
8 agreement with the authority, board, or a levee district to allow the use of the
9 department's personnel, equipment, or lands owned or leased by the state to
10 satisfy mitigation requirements imposed upon the authority or levee district by
11 federal, state, or local law.

12 F. Upon the approval by the board, and notwithstanding any law to the
13 contrary, the authority, the state, or any political subdivision thereof, may use
14 its own resources for satisfying any mitigation requirements resulting from or
15 related to an integrated noncoastal project within the authority's jurisdiction.

16 G. Notwithstanding any law to the contrary, the Coordinated Use of
17 Resources for Recreation, Economy, Navigation, and Transportation Authority,
18 upon approval by the board, may enter into a contract for the study,
19 investigation, and cleanup of, or response to, hazardous substances directly with
20 any person or entity who has entered into a contract with the United States
21 Army Corps of Engineers for an integrated protection program or project
22 within the authority's jurisdiction where the hazardous substance is located and
23 if federal law, rules, regulations, guidance, or the terms of a cooperative,
24 partnership, or other agreement for the program or project require the state of
25 Louisiana to directly take action with regard to the study, investigation, and
26 cleanup of, or response to, the hazardous substance. Nothing in this Section
27 shall prevent the authority from contracting with any person or entity in any
28 other manner permitted by law. In approving the contract with the United
29 States Army Corps of Engineers contracting entity or person, the board shall
30 do all of the following:

1 (1) Make a determination that the United States Army Corps of
2 Engineers entered into the contract with its contractor through a public bid
3 process.

4 (2) Obtain from contractors other than the one under contract with the
5 United States Army Corps of Engineers, at least two estimates for the needed
6 work to be conducted under the contract for study, investigation, and cleanup
7 of, or response to, hazardous substances from persons or entities qualified to
8 conduct such work, as determined by the board.

9 (3) Obtain an estimate for the needed work from the United States Army
10 Corps of Engineers contractor.

11 (4) Make a determination that contracting directly with the United States
12 Army Corps of Engineers contractor is economical, feasible, and in the best
13 interest of the health, safety, and welfare of the citizens of the state of Louisiana.

14 H.(1) The board shall broadcast over the internet live audio and video
15 streams of all its board meetings in which votes are scheduled to occur.

16 (2) All meetings broadcast in accordance with Paragraph (1) of this
17 Subsection shall be recorded, archived, and made accessible to the public for at
18 least six years after the date of the meeting.

19 (3) The provisions of this Subsection shall not apply to executive sessions
20 held in accordance with the Open Meetings Law as provided in R.S. 42:11 et
21 seq.

22 (4) The audio and video records created pursuant to this Subsection shall
23 not be construed in a manner to be the official record, or any part of the official
24 record, of the proceedings of a meeting of the board.

25 (5) If the board is precluded from fulfilling the requirements of this
26 Subsection due to a technical problem beyond its control, or when the only
27 meeting room available lacks the equipment necessary to facilitate internet
28 broadcast, the failure to broadcast or record the proceedings of a meeting of the
29 board shall not be construed to be a violation of the provisions of this
30 Subsection. However, the board shall take no votes at this meeting.

1 I. Nothing in this Chapter shall apply to projects wholly funded and
 2 constructed by private entities on private property that do not utilize public
 3 funds, require inclusion in the annual plan, or require use of public
 4 infrastructure subject to authority's jurisdiction.

5 J. Nothing in this Chapter shall supersede, nullify, or otherwise diminish
 6 the ability of any political subdivision, levee district, drainage district,
 7 navigation district, or port authority to pursue or implement projects
 8 independently of the annual plan, provided such projects are consistent with the
 9 master plan. Entities not seeking funding assistance from the authority may
 10 proceed with projects pursuant to other applicable laws and regulations.

11 §2356. Coordinated Use of Resources for Recreation, Economy, Navigation,
 12 and Transportation Authority

13 A. The Coordinated Use of Resources for Recreation, Economy,
 14 Navigation, and Transportation Authority is hereby created within the office of
 15 public works. The authority shall:

16 (1) Have the right to acquire, own, administer, alienate, and otherwise
 17 dispose of all kinds of property, movable and immovable, corporeal and
 18 incorporeal; contract, adopt, alter, or destroy an official seal. Except as
 19 otherwise expressly provided by this Chapter, the authority may perform every
 20 act necessary, convenient, or incidental to the exercise of its power and
 21 authority, the discharge of its duties, or the performance of its functions.

22 (2) Serve as the implementation arm of the Statewide Flood Control
 23 Program in R.S. 38:90.1 et seq., and for other functions of the department
 24 outside of the coastal area. The authority shall be directed by the policy set by
 25 the Coordinated Use of Resources for Recreation, Economy, Navigation, and
 26 Transportation Authority Board.

27 (3) Through its offices and officers, be responsible for the
 28 implementation and enforcement of the authority's master plan and annual
 29 plan. The authority shall implement the integration of storm damage reduction,
 30 restoration, flood control, infrastructure, and navigation in non-coastal areas

1 in accordance with the master plans and annual plans, as well as perform other
2 functions as directed by the board.

3 B. Executive Director.

4 (1) There shall be an executive director of the Coordinated Use of
5 Resources for Recreation, Economy, Navigation, and Transportation Authority.
6 He shall report to the Coordinated Use of Resources for Recreation, Economy,
7 Navigation, and Transportation Authority Board for all matters within the
8 jurisdiction and purview of the board, and shall work in coordination and
9 collaboration with the chief resilience officer.

10 (2) The governor may appoint an executive director of the Coordinated
11 Use of Resources for Recreation, Economy, Navigation, and Transportation
12 Authority. In the event an executive director is not appointed, the director of
13 public works may serve as the executive director of the Coordinated Use of
14 Resources for Recreation, Economy, Navigation, and Transportation Authority.

15 (3) The executive director or his designee shall have authority, in
16 accordance with applicable rules and regulations of the civil service commission
17 to employ, appoint, transfer, assign, terminate, and promote such personnel as
18 is necessary for the efficient administration of the Coordinated Use of Resources
19 for Recreation, Economy, Navigation, and Transportation Authority.

20 (4) The executive director, or his designee, shall approve all plans,
21 specifications, and estimates for the construction of all projects for which the
22 authority is responsible. He also shall have such other duties as may be assigned
23 to him by the Coordinated Use of Resources for Recreation, Economy,
24 Navigation, and Transportation Authority Board, by the provisions of this
25 Chapter, or by the laws of this state. He shall report the proceedings of his office
26 annually to the Coordinated Use of Resources for Recreation, Economy,
27 Navigation, and Transportation Authority Board and at such other times as the
28 board may designate, and he shall make any additional reports as are required
29 by the board.

30 (5) The executive director, or in his discretion a subordinate or

1 subordinates, shall administer the programs, projects, and activities approved
2 for funding by the Coordinated Use of Resources for Recreation, Economy,
3 Navigation, and Transportation Authority Board relating to and affecting an
4 integrated upland system, including conservation, restoration, creation, and
5 enhancement of upland areas, storm damage reduction, flood control,
6 infrastructure, economic development, and navigation in Louisiana's uplands
7 area as provided by law and as provided in the master and annual plans, and
8 other special programs as may be directed by the board.

9 (6) The executive director shall report annually to the legislature as to
10 the progress of the projects and programs enumerated in the master plan or
11 annual plans or any component thereof. For each project or program, estimated
12 construction and maintenance costs, progress reports, and estimated completion
13 timetables shall be provided.

14 (7) The executive director is granted full power and authority to
15 delegate, assign, or appoint in his discretion any subordinate to perform any
16 function or duties required by law to be performed by the authority, except as
17 specifically provided in this Title. This grant of power and authority shall be
18 liberally construed to effectuate the purposes of this Chapter.

19 (8) The executive director shall provide the necessary reports, staff,
20 assistance, and support to the Coordinated Use of Resources for Recreation,
21 Economy, Navigation, and Transportation Authority Board in order to assist
22 in the development of the master plan and annual plan.

23 (9) The executive director may appoint ex officio notaries in accordance
24 with the provisions of R.S. 35:411.

25 C. Nothing in this Chapter shall be construed to diminish or impair the
26 constitutional, statutory, or contractual authority of any levee district, drainage
27 district, navigation district, or port commission operating within the upland
28 area. The authority shall coordinate with such entities to the greatest extent
29 practicable.

30 §2357. Appeals

1 A. Any project sponsor whose project is denied inclusion in the annual
 2 plan may request reconsideration by submitting a written appeal to the
 3 authority within thirty days of the notice of the initial determination.

4 B. The authority shall render a final decision on the appeal within sixty
 5 days of submission. Exhaustion of this administrative remedy shall be required
 6 before seeking judicial review.

7 §2358. Interaction with Coastal Protection and Restoration Authority

8 The Coastal Protection and Restoration Authority and the Coordinated
 9 Use of Resources for Recreation, Economy, Navigation, and Transportation
 10 Authority shall jointly develop integrated flood protection strategies. The
 11 Coastal Protection and Restoration Authority shall remain responsible for its
 12 functions and responsibilities as defined in R.S. 49:214.5.1 et seq. The
 13 Coordinated Use of Resources for Recreation, Economy, Navigation, and
 14 Transportation Authority shall oversee riverine flood management, inland
 15 navigation, and water resource infrastructure within the upland area as defined
 16 in R.S. 38:2352 and as consistent with this Chapter.

17 §2359. Functions and responsibilities; Coordinated Use of Resources for
 18 Recreation, Economy, Navigation, and Transportation Authority

19 A. The authority shall administer the programs of the Coordinated Use
 20 of Resources for Recreation, Economy, Navigation, and Transportation
 21 Authority Board. The executive director may use his contracting authority, or
 22 the contracting authority of any state department or agency, to implement the
 23 provisions of this Chapter. His contracting authority shall include construction
 24 management at risk, operation and maintenance, design-build,
 25 design-build-operate and maintain, design-build-finance-operate and maintain,
 26 outcome-based performance contracts, or any combination of design,
 27 construction, finance, and services for operation and maintenance of any
 28 project authorized by the board, where appropriate. The Coordinated Use of
 29 Resources for Recreation, Economy, Navigation, and Transportation Authority
 30 shall promulgate, through the Administrative Procedure Act, rules, regulations,

1 or guidelines for the implementation of the contracting authority granted by the
2 provisions of this Section. The Coordinated Use of Resources for Recreation,
3 Economy, Navigation, and Transportation Authority shall have the authority
4 to execute and implement contracts entered into by the board.

5 B. The authority shall implement projects in the upland area as
6 approved by the board and consistent with the legislative intent of this Chapter.
7 However, no project shall be undertaken except those included in an annual
8 plan finally approved by the legislature in accordance with the provisions of
9 R.S. 38:2354, regardless of the source of funds for the project, except in cases
10 of projects undertaken and financed out of the emergency fund, established in
11 the annual plan. An emergency for which such fund shall be used shall be
12 defined by the Coordinated Use of Resources for Recreation, Economy,
13 Navigation, and Transportation Authority Board and all funds shall be spent
14 only in accord with procedures established by the authority board for such
15 fund. All projects undertaken pursuant to the provisions of this Chapter shall
16 be either funded through the Statewide Flood Program, the state general fund,
17 or other sources of funding available to the authority, including but not limited
18 to direct federal aid, grants, gifts, and other donations received by the state for
19 the purposes of this Chapter.

20 C. The authority shall:

21 (1) Have oversight over the administration of all matters related to the
22 study, planning, engineering, design, construction, extension, improvement,
23 repair, and regulation of projects within its jurisdiction.

24 (2) Take such other actions not inconsistent with law as are necessary to
25 perform the functions of the authority.

26 D. The authority may:

27 (1) Negotiate and execute contracts, upon such terms as the authority
28 may agree, for legal, financial, consulting, or other professional services or
29 personal services necessary to the conduct of the authority. In addition, the
30 authority may enter into contracts for engineering and construction services or

1 agreements with the federal government, local governing authorities, political
2 subdivisions, or with other public or private entities for the administration,
3 implementation, or enforcement of integrated noncoastal projects, programs,
4 or activities as directed by the Coordinated Use of Resources for Recreation,
5 Economy, Navigation, and Transportation Authority Board.

6 (2) Acquire by purchase, donation, or otherwise any land rights needed
7 for integrated upland area projects and other property required for the
8 operation of the projects that are to be owned and operated by the office or
9 political subdivision of the state; provided, that any property acquired for any
10 project may reserve the minerals to the landowners, whether private or public,
11 in accordance with the provisions of R.S. 31:149.

12 (3) Develop procedures to evaluate new and improved flood protection
13 technologies.

14 (4) Perform pre-construction and post-construction monitoring of
15 projects that will be implemented or have been implemented by the office.

16 (5) Coordinate its efforts with local governments, political subdivisions,
17 interest groups, and the public.

18 (6) Develop, implement, operate, maintain, and monitor plans and
19 projects within its jurisdiction and consistent with the legislative intent of this
20 Title.

21 (7) Take any other action necessary to administer any plans, projects,
22 policies, or programs consistent with the master plan or any annual plan,
23 including but not limited to issuing bonds or incurring other debt obligations,
24 provided that such bonds or other debt obligations shall be subject to the
25 approval of and sold by the State Bond Commission in accordance with the
26 provisions of R.S. 39:1403.

27 (8) Utilize the services of the Natural Resources Trust Authority for
28 funding support.

29 E.(1) The board or the authority shall be authorized to solely utilize the
30 science and technology capacity of Louisiana universities, the water institute,

1 and other institutes within the state to enhance programs, projects, and
 2 activities for the following purposes:

3 (a) To identify any uncertainty related to the physical, chemical,
 4 geological, biological, or cultural baseline conditions in the upland area.

5 (b) To improve the knowledge of the physical, chemical, geological,
 6 biological, or cultural baseline conditions in the noncoastal area.

7 (c) To identify and develop technologies, models, methods, and
 8 demonstrations to carry out the purposes of this Subsection.

9 (2) In carrying out the provisions of this Subsection, the Coordinated Use
 10 of Resources for Recreation, Economy, Navigation, and Transportation
 11 Authority Board or the Coordinated Use of Resources for Recreation, Economy,
 12 Navigation, and Transportation Authority may enter into contracts and
 13 cooperative agreements with Louisiana universities, the water institute, or other
 14 institutes within the state as authorized in this Subsection to enhance relevant
 15 programs, projects, and activities.

16 (3) For the purposes of this Subsection, the water institute shall mean
 17 The Water Institute of the Gulf, a 501(c)(3) nonprofit entity, incorporated on
 18 March 25, 2011, or its successors.

19 F. Any rule, regulation, or guideline developed pursuant to this Subpart
 20 shall be proposed or adopted pursuant to the rulemaking procedures set forth
 21 in the Administrative Procedure Act.

22 §2360. Infrastructure priority program; applications; evaluations

23 A. Applications for funding of any infrastructure project may be
 24 submitted by any political subdivision of the state. For any infrastructure
 25 projects, applications shall be made to the Coordinated Use of Resources for
 26 Recreation, Economy, Navigation, and Transportation Authority Board by
 27 November first of each year for consideration of funding in the following fiscal
 28 year. Applications submitted in accordance with the provisions of this Section
 29 shall not be subject to the provisions of R.S. 39:101. Agencies submitting
 30 applications for projects in this program shall be responsible for preparation

1 of applications for their respective projects. Information to be provided in the
 2 application shall include but not be limited to the following:

3 (1) Demonstration of need for the project and benefits of the project.

4 (2) Preliminary project design and cost estimate.

5 (3) Description of project area including the geographical area affected,
 6 and land ownership information.

7 (4) Description of how the project is consistent with the priorities of the
 8 master plan and how the project will address mitigation issues.

9 B. Project applications shall not be subjected to formal review and
 10 evaluation until the information required in the application has been submitted
 11 or is determined to be unavailable.

12 C. The applications submitted by agencies shall be evaluated by the
 13 board which shall hold no less than three public hearings in separate locations
 14 within the upland area for the purpose of receiving public testimony and
 15 comment from requesting authorities and citizens regarding the proposed
 16 infrastructure projects. Such hearings may be held at the same time and
 17 location as hearings set for public comment on the annual plan. The authority
 18 shall prioritize and rank such applications. The authority shall provide its
 19 application evaluations to the board.

20 D. Based upon the evaluations of the authority, the board may compile
 21 a list of infrastructure projects to be formally included in the annual plan.

22 §2361. Emergency projects

23 A. Notwithstanding any provision of this Chapter, in the event of a
 24 declared emergency under R.S. 29:721 et seq., a project within the jurisdiction
 25 of the authority may proceed immediately upon written certification by the
 26 governor that the project is necessary to preserve public health, safety, critical
 27 military infrastructure, or essential federal navigation or flood control interests.

28 B. Projects authorized under this Section shall be submitted for
 29 ratification in the next annual plan but may proceed prior to such approval.

30 Section 2. The introductory paragraph of R.S. 49:214.6.6(A) and (C), 220.41(D),

1 220.42(B)(5) and (7) are hereby amended and reenacted and R.S. 49:214.6.3(A)(5),
2 214.6.6(A)(5), 220.42(B)(9) and (10) are hereby enacted to read as follows:

3 §214.6.3. Functions and responsibilities; hurricane protection and flood control

4 A. Legislative intent

5 * * *

6 **(5) This Section provides for the functions, powers, and responsibilities**
7 **of the Coordinated Use of Resources for Recreation, Economy, Navigation, and**
8 **Transportation Authority, which authority is charged with oversight of the**
9 **design, construction, extension, improvement, repair, and regulation of flood**
10 **control and infrastructure projects in the upland area, as defined in R.S.**
11 **38:2352. This Section also provides for the integration of the state's hurricane**
12 **protection and flood control efforts with coastal restoration efforts and upland**
13 **flood protection and infrastructure projects through coordination between the**
14 **Coastal Protection and Restoration Authority and Coordinated Use of**
15 **Resources for Recreation, Economy, Navigation, and Transportation Authority.**

16 * * *

17 §214.6.6. Infrastructure priority program; applications; evaluations

18 A. Applications for funding of any infrastructure project may be submitted
19 by any political subdivision of the state. **For statewide flood mitigation projects,**
20 **applications shall be made jointly to both the Coastal Protection and**
21 **Restoration Authority and Coordinated Use of Resources for Recreation,**
22 **Economy, Navigation, and Transportation Authority boards by November first**
23 **of each year for consideration of funding in the following fiscal year.** For any
24 infrastructure projects, applications shall be made to the Coastal Protection and
25 Restoration Authority Board by November first of each year for consideration of
26 funding in the following fiscal year. Applications submitted in accordance with the
27 provisions of this Section shall not be subject to the provisions of R.S. 39:101.
28 Agencies submitting applications for projects in this program shall be responsible for
29 preparation of applications for their respective projects. Information to be provided
30 in the application shall include but not be limited to the following:

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(5) For statewide flood mitigation projects, a description of how the project is consistent with the priorities of both the coastal and upland master plans and how the project will address mitigation issues.

* * *

C. The applications submitted by agencies shall be evaluated by the Coastal Protection and Restoration Authority Board which shall hold no less than three public hearings in separate locations within the coastal area for the purpose of receiving public testimony and comment from requesting authorities and citizens regarding the proposed infrastructure projects. Such hearings may be held at the same time and location as hearings set for public comment on the annual plan. The authority shall prioritize and rank such applications. The authority shall provide its application evaluations to the Coastal Protection and Restoration Authority Board.

For statewide flood mitigation projects, the Coordinated Use of Resources for Recreation, Economy, Navigation, and Transportation Authority Board shall perform the same functions in the upland area as defined by R.S. 38:2352.

* * *

§220.41. Chief resilience officer; purpose; definition

* * *

D. For purposes of this Section, "resilience" shall mean a capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimal damage to social well-being, the economy, infrastructure, and the environment, **including flood risk management.**

§220.42. Functions and duties

* * *

B. The chief resilience officer, subject to the approval of the governor, shall:

* * *

(5) Coordinate and focus federal involvement in Louisiana with respect to resilience and risk mitigation, **including flood risk mitigation.**

* * *

1 (7) Assist with the state's planning efforts including the Coastal Master Plan,
 2 **the Upland Master Plan**, the State Hazard Mitigation Plan, and the Statewide
 3 Watershed Management Plan to ensure the incorporation and alignment of the state's
 4 resilience goals and objectives into a unified, proactive, pre-disaster approach to
 5 adaptation and long-term resilience.

* * *

7 **(9) Coordinate with state and local officials, the Coastal Protection and**
 8 **Restoration Authority, and the Coordinated Use of Resources for Recreation,**
 9 **Economy, Navigation, and Transportation Authority to pursue statewide**
 10 **strategy for the National Flood Insurance Program.**

11 **(10) Coordinate statewide policy and planning with respect to flood**
 12 **control.**

13 Section 3. The provisions of this Act shall be subject to appropriation of funds by the
 14 legislature.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____