

2024 Regular Session

HOUSE BILL NO. 936

BY REPRESENTATIVE ZERINGUE

FLOODING/CONTROL: Provides with respect to flood control

1 AN ACT

2 To amend and reenact R.S. 38:84.1, relative to required flood control local ordinances; to
3 provide for prospective and retroactive application; to provide relative to the
4 enforcement of local ordinance provisions; to provide for an effective date; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 38:84.1 is hereby amended and reenacted to read as follows:

8 §84.1. Required compliance with certain local ordinances relative to flood control

9 A. Each state agency, and each public and quasi-public agency of the state,
10 shall, except with respect to the construction and maintenance of bridges and
11 highways, comply with all substantive ordinances, rules, and regulations, including
12 zoning and land use regulations, adopted by any parish or municipality of the state
13 pursuant to the authority of the National Flood Insurance Act of 1968, Title 42,
14 United States Code, Sections 4001 through 4127.

15 B.(1) Notwithstanding any provision contained in this Section to the
16 contrary, any violation of a local ordinance shall be timely raised, and any
17 enforcement proceedings shall be commenced prior to the issuance of any applicable
18 federal and state permits.

19 (2) The failure to comply with Paragraph (B)(1) of this Section shall relieve
20 the state and any state agency of further responsibility under this Section.

1 Section 2. Notwithstanding any provisions of law to the contrary, it is the express
2 intent of the legislature of Louisiana that the provision of Civil Code Article 6 be applied to
3 this Act as interpretive and remedial in nature and that the provisions of this Act shall be
4 given both prospective and retroactive application.

5 Section 3. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

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)]

HB 936 Engrossed

2024 Regular Session

Zeringue

Abstract: Provides relative to required local substantive ordinances on flood control.

Present law requires each state agency, and each public and quasi-public agency of the state, except those with respect to the construction and maintenance of bridges and highways comply with all ordinances, rules, and regulations, including zoning and land use regulations, adopted by any parish or municipality of the state pursuant to the authority of the National Flood Insurance Act of 1968.

Proposed law retains present law and changes ordinances to substantive ordinances.

Proposed law requires the local ordinance be timely raised, and any enforcement proceeding is to be commenced prior to the issuance of any applicable federal and state permits. Additionally, specifies that the failure to comply with proposed law relieves the state and any state agency of further responsibility.

Provides that C.C. Art. 6 of this Act is interpretive and remedial and shall be given prospective and retroactive application.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 38:84.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Make technical changes.
2. Remove a provision in proposed law that would have provided an exception for integrated coastal protection projects included in the state's local master plan to

the required compliance with ordinances, rules, and regulations, including zoning and land regulations with respect to construction and maintenance of bridges and highways.

3. Clarify that state agency, and public and quasi-public agency of the state, must comply with substantive ordinances and rules with respect to construction and maintenance of bridges and highways.
4. Add a requirement that any violation of a local ordinance be timely raised and any enforcement proceeding be commenced prior to the issuance of permits.
5. Specify that the failure to comply with timely raising violations relieves the state of responsibility.