

2017 Regular Session

HOUSE BILL NO. 691 (Substitute for House Bill No. 605 by Representative Hodges)

BY REPRESENTATIVE HODGES

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

DISTRICTS/DRAINAGE: Provides relative to the Statewide Flood-Control Program

1 AN ACT

2 To amend and reenact R.S. 38:90.2(A), 90.4(A)(1) and (B)(1), and 90.5(A) and to enact R.S.
3 38:90.2(C) and 90.4(A)(3), relative to the Statewide Flood Control Program; to
4 provide for the Floodplain Evaluation and Management Commission of the flood
5 information database; to provide for procedures for failing to perform required
6 actions; to require the submission of an application by a duly authorized municipal,
7 parish, or other governing authority after a declaration of disaster; to require
8 submission of the final revision of the flood control database to the House and Senate
9 Committees on Transportation, Highways and Public Works prior to the start of the
10 2022 legislative session; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 38:90.2(A), 90.4(A)(1) and (B)(1), and 90.5(A) are hereby amended
13 and reenacted and R.S. 38:90.2(C) and 90.4(A)(3) are hereby enacted to read as follows:

14 §90.2. Revision of flood information ~~data base~~ database by the Floodplain
15 Evaluation and Management Commission

16 ~~A. At least once in every four years, beginning with fiscal year 1982-83, the~~
17 ~~Louisiana Geological Survey shall review and revise the statewide flood information~~
18 ~~data base. The data base will be developed for the purpose of the systematic~~
19 ~~evaluation of drainage and flooding problems in the state.~~

20 A. No later than March 1, 2022, and at least once every five years thereafter,
21 the Floodplain Evaluation and Management Commission, consisting of the

1 Department of Transportation and Development, the Coastal Protection and
2 Restoration Authority, the office of community development, the Governor's Office
3 of Homeland Security and Emergency Preparedness, a member from the House
4 Committee on Transportation, Highways and Public Works, a member from the
5 Senate Committee on Transportation, Highways, and Public Works, a member of the
6 House of Representatives representing St. Helena Parish, a member of the House of
7 Representatives representing Livingston Parish, and a member of the House of
8 Representatives representing East Feliciana Parish shall review and revise the
9 statewide flood information database. The database will be developed for the
10 purpose of the systematic evaluation of drainage and flooding problems in the state.
11 The commission shall review the development proposals in each area to ensure that
12 no development in one parish or municipality will have a negative or detrimental
13 effect in any other parish or municipality. In addition, the commission shall ensure
14 that maintenance in any basin area across parish or municipal boundaries, including
15 the clearing and de-snagging of the Amite and Comite Rivers, are performed
16 according to any contractual obligations and state law.

* * *

18 C. If the Floodplain Evaluation and Management Commission fails to
19 perform their review and revision of the statewide flood information database as
20 required in Subsection A of this Section, they shall be required to report to the Joint
21 Committee on Transportation, Highways and Public Works prior to the beginning
22 of the next regular legislative session to inform the committee of the specific reason
23 for such failure.

* * *

§90.4. Methodology for flood-control project evaluation

26 A.(1) Applications for funding of any flood-control projects under the
27 Statewide Flood Control Program may be submitted by any duly authorized
28 municipal, parish, or other governing authority. Applications shall be made to the
29 office of engineering by October first of each year, for consideration of funding in

1 the following fiscal year. In the event that a disaster declaration has been issued by
 2 the governor for a municipality or parish, no later than September first of the year
 3 immediately following the gubernatorial disaster declaration, the Department of
 4 Transportation and Development shall send notice by registered or certified mail to
 5 the governing authority of that municipality or parish with the information regarding
 6 eligible flood control projects in that particular municipality or parish. The
 7 governing authority of the municipality or parish shall submit an application for
 8 funding to the office of engineering by October first of the year following the
 9 declaration. Applications submitted in accordance with the provisions of this
 10 Chapter shall not be subject to the provisions of R.S. 39:101. Sponsoring authorities
 11 with a population of fifty thousand persons or more shall be responsible for the
 12 preparation of applications for their respective projects. For sponsoring authorities
 13 with a population of less than fifty thousand persons, the office shall prepare the
 14 applications for the projects, or the sponsoring authority may prepare its application
 15 in the event the office cannot accomplish required engineering services in a timely
 16 manner. Information to be provided in the application shall include but not be
 17 limited to the following:

18 * * *

19 (3) If the governing authority of a municipality or parish fails to submit an
 20 application to the office of engineering by October first of the year immediately
 21 following a gubernatorial disaster declaration, the Department of Transportation and
 22 Development shall send notice by registered or certified mail to the governing
 23 authority of the municipality or parish specifying that the governing authority shall
 24 comply with the provisions of Paragraph (1) of this Subsection within one hundred
 25 eighty days to be eligible for funding for flood-control projects for the next fiscal
 26 year.

27 B.(1) Applications shall be reviewed by the office of engineering, the
 28 Coastal Protection and Restoration Authority Board, ~~the Louisiana Geological~~

Proposed law specifies that the Floodplain Evaluation and Management Commission consists of the following:

- (1) The Dept. of Transportation and Development.
- (2) The Coastal Protection and Restoration Authority.
- (3) The office of community development.
- (4) The Governor's Office of Homeland Security and Emergency Preparedness.
- (5) A member from the House Committee on Transportation, Highways and Public Works.
- (6) A member from the Senate Committee on Transportation, Highways, and Public Works.
- (7) A member of the House of Representatives representing St. Helena Parish.
- (8) A member of the House of Representatives representing Livingston Parish.
- (9) A member of the House of Representatives representing East Feliciana Parish.

Proposed law requires the Floodplain Evaluation and Management Commission to ensure that no development in a parish or municipality will have negative or detrimental effects on another parish or municipality.

Proposed law requires the Floodplain Evaluation and Management Commission to ensure that work in any basin area across parish or municipal boundaries is performed according to contractual obligations or state law.

Proposed law requires the Floodplain Evaluation and Management Commission to report to the Joint Committee on Transportation, Highways, and Public Works at the beginning of the next regular session if they fail to perform the review and revision of the database.

Present law allows parishes and municipalities to apply for state funding for flood-control projects.

Proposed law requires that Sept. 1st of the year immediately following a gubernatorial disaster declaration, the Dept. of Transportation and Development send notice to any eligible municipality or parish specifying eligible flood-control projects.

Proposed law requires that by Oct. 1st of the year following the disaster declaration a parish or municipality must submit an application for flood-control project funding.

Proposed law requires the Dept. of Transportation and Development to send notice to those municipalities or parishes that do not apply for funding by the application deadline indicating they must apply within 180 days in order to be eligible for funding.

Present law authorizes the Coastal Protection and Restoration Authority Board, La. Geological Survey, division of administration, U.S. Soil Conservation Service, and other agencies to review applications.

Proposed law removes the La. Geological Survey from the list of agencies reviewing applications.

Present law requires that the final revision of the flood information database by the La. Geological Survey be furnished to the Joint Committee on Transportation, Highways and Public Works and the Flood Control Project Evaluation Committee prior to the 1983 regular session.

Proposed law modifies present law such that the final revision of the flood information database by the Floodplain Evaluation and Management Commission to be furnished to the Joint Committee on Transportation, Highways and Public Works and the Flood Control Project Evaluation Committee prior to the 2022 regular session.

Proposed law requires that the final revision of the flood information database pertaining to the Amite River Basin be furnished to the Joint Committee on Transportation, Highways and Public Works and the Flood Control Project Evaluation Committee prior to the 2020 regular session.

Present law requires the Flood Control Project Evaluation Committee to submit a list of recommended projects, and supporting data, to the Joint Committee on Transportation, Highways and Public Works beginning with the 1984 regular session.

Proposed law modifies present law such that the Flood Control Project Evaluation Committee must submit a list of recommended projects, and supporting data, to the Joint Committee on Transportation, Highways and Public Works beginning with the 2023 regular session.

(Amends R.S. 38:90.2(A), 90.4(A)(1) and (B)(1), and 90.5(A); Adds R.S. 38:90.2(C) and 90.4(A)(3))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add to the Floodplain Evaluation and Management Commission:
 - (a) A member of the House of Representatives representing St. Helena Parish.
 - (b) A member of the House of Representatives representing Livingston Parish.
 - (c) A member of the House of Representatives representing East Feliciana Parish.