

## RÉSUMÉ DIGEST

ACT 382 (SB 148)

2017 Regular Session

Chabert

New law creates the Waterway Dredging and Deepening Priority Program for the purpose of deepening, dredging, or maintaining waterways in the state.

Requires applications for funding of any port construction or development project to be submitted to the office of multimodal commerce within the Dept. of Transportation and Development (office) by any governmental entity by the first of March, June, September, and December of each year for consideration of funding or funding obligation authority in the following fiscal years. Further requires applications to be reviewed by the office and any other state agencies within 60 days of receipt of such applications.

Requires the office, with approval of the house and senate transportation committees, to develop procedures in accordance with the APA for review and evaluation of applications. The procedures and guidelines for completing project applications shall be made available to eligible governmental entities.

Provides that the office may contract for any of the duties associated with the development of the program and the priority list. However, development of and authority over the final determination of the priority list shall remain with the department and the joint committee.

Requires the office to maintain an inventory of waterways, public and private, with respect to their location, capacities, and capabilities and serve as a clearinghouse for inquiries for waterways information, data, and technical and research assistance.

Requires the office to prepare each year a summary report containing projections of state, federal, local, and private financial requirements for dredging and deepening waterways.

Provides that prior to the convening of each regular session of the legislature, the office shall prepare and furnish the priority list of projects to the committees. The committees shall jointly hold a public hearing for the purpose of reviewing the priority list of projects for the coming fiscal year. Prior to each hearing, the office shall publish official notice of the hearing in the necessary journals.

Provides that after the committee hearing, but before the convening of the regular session, the office shall prepare the final construction program for the ensuing fiscal year and submit it to the committees.

Requires the office to prepare and furnish a prioritized list of projects based on the applications received by the office during each quarter to the committees. The joint committee shall hold a public hearing within 30 calendar days of receiving the prioritized list for the purpose of reviewing the priorities. At such hearing, the joint committee shall vote to either accept, reject, or modify the list.

Requires the office to re-prioritize the list of projects to reflect the cumulative list of projects recommended by the department and approved by the committees.

Provides that after applications for the last quarter are approved by the office and presented to the committees, the department shall submit the final priority program for the ensuing fiscal year to the legislature for approval. Prior to the convening of the regular session of the legislature, the joint committee shall hold a public hearing for the purpose of reviewing the final program for the ensuing fiscal year. Further requires the office to publish the appropriate official notice on the department's website prior to such hearing.

Requires the final program be based on the anticipated revenues to be appropriated by the legislature or other funding obligation authority and the projects shall be listed in order of priority.

Requires a project recommended by the office and approved by the joint committee but for which funds are unavailable in the fiscal year for which it was approved to remain on the prioritized list of projects and to be carried forward to the next fiscal year.

Requires the office to annually provide a supplemental list of projects to be commenced or authorized within the ensuing four years which are in various stages of planning and preparation. The supplemental list may be changed by the office until it finally approves each project for construction.

Provides that after adoption of the approved list of projects by the joint committee, the list is forwarded to the office for implementation. Further requires the approved list to be implemented by office using appropriated funds, funding obligation authority, or pursuant to the cash management program.

Provides that no waterway project shall be undertaken by the office except those included in the approved program listing which are funded or which have funding obligation authority for that fiscal year. Defines a waterway project as a program, either new or continuing, that is planned and implemented with the primary goal of dredging and deepening waterways in the state to include cost share projects with the federal government and construction and maintenance costs associated with dredging and disposing of dredged material.

Provides that projects planned for the year for which appropriations have been made or which have funding obligation authority shall be commenced in that year and provides procedures for commencing substitute projects.

Creates the Dredging and Deepening Fund within the state treasury as the source of state funds in addition to capital outlay funds, the general fund, and other sources, provided for any waterway project on the priority list.

Provides for certain requirements for the preparation of plans and specifications and letting of bids for and supervision of construction.

Allows a sponsoring authority to receive a portion of the funds required to participate in a federal matching program.

Requires that distributions to recipient governmental entities be audited biennially.

Provides for requirements and procedures pertaining to the misuse of funds.

Effective July 1, 2017.

(Adds R.S. 34:3471-3483)