

RÉSUMÉ DIGEST

ACT 490 (HB 686)

2022 Regular Session

Mincey

Existing law establishes the geographical bounds of the district. New law retains existing law and provides that the district will also be comprised of all portions of the geographical area within the watershed limits of the Amite River and Tributaries Basin located in those parts of Iberville, Ascension, and St. James parishes south of La. Hwy. 61 and not particularly described in existing law.

New law further provides that by Jan. 1, 2023, the Coastal Protection and Restoration Authority (CPRA) in consultation with the office of state lands must submit to the legislature a detailed legal description of the Amite River and Tributaries Basin.

Existing law provides that the management and control of the Amite River Basin Drainage and Water Conservation District is vested in a board of commissioners for the district. Further authorizes the board to establish adequate drainage, flood control, and water resources development to include but not be limited to construction of reservoirs, diversion canals, gravity and pumped drainage systems, and other flood control works. New law retains existing law and adds a requirement that the board comprehensively manage the district as a single system.

Prior law provided for a 13 person commission. New law increases the number of commissioners from 13 to 16. Prior law provided that one member from the district would be appointed by the governor and serve at large while 12 members would serve at large and be appointed by the governor based on the portion of the parish within the district. New law provides that seven members will be parish presidents representing the parishes making up the district, or their designee, and will serve ex officio without appointment. New law provides that one member be the executive director of the CPRA, or his designee, one member be the secretary of the Dept. of Transportation and Development (DOTD), or his designee, and one member be the executive director of the Pontchartrain Levee District Board of Commissioners, or his designee, all to serve in nonvoting advisory roles. New law provides that six members be appointed by the governor to serve at large. Further provides that commissioners at large will serve four year terms staggered with three positions expiring every two years; initial terms are two years for three commissioners and four years for three commissioners; be subject to senate confirmation from nominations submitted by the representatives and senators whose districts include any portion of the district. Specifies that nominees are encouraged to but need not reside in the district or any particular parish within it. Specifies that each legislator within the district may nominate up to two persons meeting the qualification requirements per vacant position. Specifies that if no nominees meeting the qualification requirements are submitted for a seat, the governor may choose his own. Further provides that all six commissioners at large must have at least seven years of professional experience in their discipline, of which at least four must be engineers, project managers, certified floodplain managers, or professionals in a drainage-related field such as geotechnical, hydrological, or environmental science. Specifies that parish commissioner designees are encouraged to be, but need not be, professionals; however, priority will be given to nominees that reside in the district or any parish within it.

New law requires the board to post agendas for all meetings on its website at least 24 hours prior to meetings and to stream all district meetings live on the internet.

Prior law required the DOTD to provide advice and technical assistance to the board. New law authorizes the DOTD, CPRA, and the Pontchartrain Levee District to provide advice and technical assistance to the board of commissioners and this assistance can include issues other than those required under existing law.

Existing law provides for the general powers and duties of the board. New law retains existing law and adds a requirement that prior to Jan. 1, 2026, the board must promulgate regulations for watershed management within the district, insofar as they affect watershed management, that address the following:

- (1) Planning.
- (2) Permitting.

- (3) Selection of and performing projects and programs.
- (4) Resolution of conflicts among agencies.
- (5) Use of best available science.
- (6) Outreach to the public and agencies.
- (7) Coordination with state agencies and political subdivisions regarding watershed management.
- (8) Identifying, seeking, receiving, and expending federal and other funding for planning and projects.
- (9) Providing assistance to political subdivisions in planning, designing, and constructing projects, and identifying and obtaining funding.
- (10) Agreements with public and private entities to identify, seek, receive, and expend funds.
- (11) Maintaining projects and programs once complete.
- (12) Providing an appeal process.
- (13) Defining qualifications for staff and contractors.
- (14) Creating and managing a wetland mitigation bank.

Existing law authorizes the board to construct and maintain drainage works of all types either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its territorial jurisdiction or upon its own undertaking. New law retains existing law and adds a requirement that projects receive approval of two thirds of the total voting membership. Further adds that all decisions, including technical aspects of projects, including planning and permitting decisions, require approval by a simple majority of the total voting membership.

New law requires the board to develop and implement a plan to manage all waterways in the district in relation to matters impacting watershed management in the district. Further requires the board to place a heavy focus and constant emphasis on plans that include project inventories, implementation plans, and strategies to maximize the use of innovative funding strategies such as public private partnerships, pursuit of grant funding, capital outlay requests, and millage initiatives to the extent necessary to timely fund and implement the board's planned projects and programs.

New law requires the board to develop a master plan for comprehensive drainage, flood control, and water resource management with the district, which shall address both long- and short-term watershed management, including lists of projects, costs, and selection criteria, and is subject to annual approval of both the House and Senate Committees on Transportation, Highways and Public Works.

New law requires the board to develop annual plans and report annually to the parish presidents and parish governing authorities representing the parishes making up the district, the legislature, and a committee of representatives and senators whose districts include any portion of the Amite River Basin. Further specifies that annual plans are subject to approval of both the House and Senate Committees on Transportation, Highways and Public Works.

New law requires each parish within the district to submit an initial hazard mitigation plan by Jan. 1, 2023, and thereafter to submit a hazard mitigation plan to the board every five years. Further requires each parish within the district to cooperate with the board to ensure that the impacts of drainage, flood control, and water resource management are considered in the development of each hazard mitigation plan. Further requires that parish mitigation plans prioritize reduction of flood risk and flood insurance premiums and explain how to participate in or maximize participation in the Federal Emergency Management Agency

Community Rating System or similar programs. Further requires the board to participate and assist in the development of each parish hazard mitigation plan within the district.

New law requires the board to consider to what extent matters regarding an agreement with the state of Mississippi regarding watershed management and how it may be beneficial to management of the basin in La., and authorizes them to contract with the state of Mississippi for such purposes including for doing projects, subject to approval by the governor.

Prior law provided for voting on taxes levied by the board to be by individual parish. Also, specified that the tax not exceed three mills on the dollar of its assessed valuation. New law provides for voting on such taxes by everyone in the district as a whole and removes the up to three mills taxing limitation.

New law allows parishes, municipalities, drainage districts, levee districts, and other political subdivisions in the district to transfer or donate funds to the board, and further allows the board to accept such funds.

New law prohibits the board from expending or obligating unrestricted funds, except funds designated for operational costs or to meet existing contractual obligations, until Jan. 1st following enactment of this Act.

New law provides that the Pontchartrain Levee District has primary jurisdiction within the areas of the district that are concurrent with the limits of the Amite River Basin Drainage and Water Conservation District. Further provides that the Amite River Basin Drainage and Water Conservation District cannot initiate any project or program within the limits of the Pontchartrain Levee District without consulting with and receiving approval from the board of commissioners of the Pontchartrain Levee District.

Effective upon signature of governor (June 16, 2022).

(Amends R.S. 38:3302, 3303, 3305, 3306(A) and (C), 3307(C), and 3309; Adds R.S. 38:3301(C), 3304(C)(3), 3306(G), (H), (I), (J), (K), (L), and (M), and 3307(E))