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**HOUSE COMMITTEE AMENDMENTS**

2017 Regular Session

Substitute for Original House Bill No. 605 by Representative Hodges as proposed by the House Committee on Transportation, Highways and Public Works

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

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. 38:90.2(C) and 90.4(A)(3), relative to the Statewide Flood Control Program; to provide for the Floodplain Evaluation and Management Commission of the flood information database; to provide for penalties for failing to perform required actions; to require the submission of an application by a duly authorized municipal, parish, or other governing authority after a declaration of disaster; to provide for penalties for failure of a municipality or parish to apply for flood-control funding; to require submission of the final revision of the flood control database to the House and Senate Committees on Transportation, Highways and Public Works prior to the start of the 2022 legislative session; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

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

A. No later than March 1, 2022, and at least once every five years thereafter, the Floodplain Evaluation and Management Commission, consisting of the Department of Transportation and Development, the Coastal Protection and Restoration Authority, the office of community development, the Governor's Office of Homeland Security and Emergency Preparedness, a member from the House

Committee on Transportation, Highways and Public Works, and a member from the Senate Committee on Transportation, Highways, and Public Works shall review and revise the statewide flood information database. The database will be developed for the purpose of the systematic evaluation of drainage and flooding problems in the state. The commission shall review the development proposals in each area to ensure that no development in one parish or municipality will have a negative or detrimental effect in any other parish or municipality. In addition, the commission shall ensure that maintenance in any basin area across parish or municipal boundaries, including the clearing and de-snagging of the Amite and Comite Rivers, are performed according to any contractual obligations and state law.

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

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#### §90.4. Methodology for flood-control project evaluation

A.(1) Applications for funding of any flood-control projects under the Statewide Flood Control Program may be submitted by any duly authorized municipal, parish, or other governing authority. Applications shall be made to the office of engineering by October first of each year, for consideration of funding in the following fiscal year. In the event that a disaster declaration has been issued by the governor for a municipality or parish, no later than September first of the year immediately following the gubernatorial disaster declaration, the Department of Transportation and Development shall send notice by registered or certified mail to the governing authority of that municipality or parish with the information regarding eligible flood control projects in that particular municipality or parish. The governing authority of the municipality or parish shall submit an application for funding to the

office of engineering by October first of the year following the declaration.  
Applications submitted in accordance with the provisions of this Chapter shall not be subject to the provisions of R.S. 39:101. Sponsoring authorities with a population of fifty thousand persons or more shall be responsible for the preparation of applications for their respective projects. For sponsoring authorities with a population of less than fifty thousand persons, the office shall prepare the applications for the projects, or the sponsoring authority may prepare its application in the event the office cannot accomplish required engineering services in a timely manner. Information to be provided in the application shall include but not be limited to the following:

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

B.(1) Applications shall be reviewed by the office of engineering, the Coastal Protection and Restoration Authority Board, ~~the Louisiana Geological Survey~~, the division of administration, the United States Soil Conservation Service, and any other appropriate state agencies.

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§90.5. Report to Joint Legislative Committee on Transportation, Highways and Public Works; recommendation of the Flood Control Project Evaluation Committee; flood protection needs study; incremental funding of rural and urban projects

A. The final revision provided for in R.S. 38:90.2 by the Floodplain Evaluation and Management Commission ~~Louisiana Geological Survey~~ shall be furnished to the committee and the Flood Control Project Evaluation Committee

prior to the beginning of the ~~1983~~ 2022 regular session of the legislature and every ~~fourth~~ fifth year thereafter. However, that portion of the final revision encompassing the Amite River Basin shall be furnished to the committee and the Flood Control Project Evaluation Committee prior to the beginning of the 2020 legislative session.

Prior to each legislative session beginning with the ~~1984~~ 2023 regular session, the evaluation committee shall submit a recommended list of projects, including supporting data, to the Joint Committee on Transportation, Highways and Public Works. The committee shall conduct hearings to receive the revision of the flood information ~~data base~~ database called for in R.S. 38:90.2 and the recommendations from the evaluation committee.

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#### 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)]

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HB Draft

2017 Regular Session

**Abstract:** Establishes penalties for parishes and municipalities not applying for flood control project funding.

Present law provides for revision of the flood control database by the La. Geological Survey every four years.

Proposed law modifies present law by requiring the Floodplain Evaluation and Management Commission review and revise the flood control database at least once every five years.

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.

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 legislative 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 Sep. 1<sup>st</sup> 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. 1<sup>st</sup> 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))