

2017 Regular Session

ACT No. 360

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

BY REPRESENTATIVE HODGES AND SENATOR BARROW

1 AN ACT

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 38:90.2(A), 90.4(A)(1)(introductory paragraph) and (B)(1), and
14 90.5(A) are hereby amended and reenacted and R.S. 38:90.2(C) is hereby enacted to read as
15 follows:

16 §90.2. Revision of flood information ~~data base~~ database by the Floodplain
17 Evaluation and Management Commission

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

1 A. Provided that sufficient funds are specifically appropriated to the office,
2 no later than March 1, 2022, and at least once every five years thereafter, the
3 Floodplain Evaluation and Management Commission, consisting of the Department
4 of Transportation and Development, the Coastal Protection and Restoration
5 Authority, the office of community development, the Governor's Office of Homeland
6 Security and Emergency Preparedness, a member from the House Committee on
7 Transportation, Highways and Public Works, a member from the Senate Committee
8 on Transportation, Highways, and Public Works, and the secretary of the Department
9 of Wildlife and Fisheries or his designee shall review and revise the statewide flood
10 information database. The secretary of the Department of Transportation and
11 Development or his designee shall serve as chairman of the commission. The
12 database will be developed for the purpose of the systematic evaluation of drainage
13 and flooding problems in the state. The commission shall review the development
14 proposals in each area to ensure that no development in one parish or municipality
15 will have a negative or detrimental effect in any other parish or municipality. In
16 addition, the commission shall ensure that maintenance in any basin area across
17 parish or municipal boundaries, including the clearing and de-snagging of the Amite
18 and Comite Rivers, are performed according to any contractual obligations and state
19 law.

* * *

21 C. If the Floodplain Evaluation and Management Commission fails to
22 perform the review and revision of the statewide flood information database as
23 required in Subsection A of this Section, the commission shall submit a written
24 report to the committee prior to the beginning of the next regular legislative session
25 to inform the committee of the specific reason for such failure.

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§90.4. Methodology for flood-control project evaluation

28 A.(1) Applications for funding of any flood-control projects under the
29 Statewide Flood Control Program may be submitted by any duly authorized
30 municipal, parish, or other governing authority. Applications shall be made to the

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

* * *

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

* * *

1 §90.5. Report to Joint Legislative Committee on Transportation, Highways and
2 Public Works; recommendation of the Flood Control Project Evaluation
3 Committee; flood protection needs study; incremental funding of rural and
4 urban projects

5 A. The final revision provided for in R.S. 38:90.2 by the Floodplain
6 Evaluation and Management Commission ~~Louisiana Geological Survey~~ shall be
7 furnished to the committee and the Flood Control Project Evaluation Committee
8 prior to the beginning of the ~~1983~~ 2022 ~~regular session of the legislature~~ Regular
9 Session of the Legislature and every ~~fourth~~ fifth year thereafter. However, that
10 portion of the final revision encompassing the Amite River Basin shall be furnished
11 to the committee and the Flood Control Project Evaluation Committee prior to the
12 beginning of the 2020 legislative session Regular Session of the Legislature. Prior
13 to each legislative session beginning with the ~~1984~~ 2023 ~~regular session,~~ Regular
14 Session of the Legislature, the evaluation committee shall submit a recommended
15 list of projects, including supporting data, to the ~~Joint Committee on Transportation,~~
16 ~~Highways and Public Works.~~ committee. The committee shall conduct hearings to
17 receive the revision of the flood information ~~data base~~ database called for in R.S.
18 38:90.2 and the recommendations from the evaluation committee.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____