

Regular Session, 2014

SENATE BILL NO. 375

BY SENATOR CHABERT

TRANSPORTATION/DEV DEPT. Provides relative to Statewide Flood-Control Program.  
(8/1/14)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To amend and reenact the introductory paragraph of R.S. 38:90.4(A)(1), R.S. 38:90.4(B)(1) and (C) and 90.5(A) and (D) and to repeal R.S. 38:90.5(C), relative to the statewide flood-control program; to provide relative to the administration of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 38:90.4(A)(1), R.S. 38:90.4(B)(1) and (C) and 90.5(A) and (D) are hereby amended and reenacted to read as follows:

§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. 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

1 authorities with a population of less than fifty thousand persons, the office shall  
 2 prepare the applications for the projects, or the sponsoring authority may prepare its  
 3 application in the event the office cannot accomplish required engineering services  
 4 in a timely manner. Information to be provided in the application shall include but  
 5 not be limited to the following:

6 \* \* \*

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

11 \* \* \*

12 C. Procedures for review and evaluation shall be developed by the Flood  
 13 Control Project Evaluation Committee. Prior to implementing the review and  
 14 evaluation procedures the evaluation committee shall secure the approval of these  
 15 procedures by the Joint Committee on Transportation, Highways and Public Works  
 16 consistent with the requirements of R.S. 49:968. ~~These procedures and a set of~~  
 17 ~~guidelines for completing project applications shall be made available to all eligible~~  
 18 ~~authorities as defined in this Chapter prior to March 1, 1983.~~

19 §90.5. Report to Joint Legislative Committee on Transportation, Highways and  
 20 Public Works; recommendation of the Flood Control Project  
 21 Evaluation Committee; flood protection needs study; incremental  
 22 funding of rural and urban projects

23 A. The final revision provided for in R.S. 38:90.2 by the Louisiana  
 24 Geological Survey shall be furnished to the committee and the Flood Control Project  
 25 Evaluation Committee prior to the beginning of the 1983 regular session of the  
 26 legislature and every fourth year thereafter. Prior to each legislative session  
 27 ~~beginning with the 1984 regular session~~, the evaluation committee shall submit a  
 28 recommended list of projects, including supporting data, to the Joint Committee on  
 29 Transportation, Highways and Public Works. The committee shall conduct hearings

1 to receive the revision of the flood information data base called for in R.S. 38:90.2  
2 and the recommendations from the evaluation committee.

3 \* \* \*

4 D. The Department of Transportation and Development is ~~authorized to~~ **may**  
5 provide for incremental funding of rural and urban projects by permanently  
6 suspending or eliminating the rule adopted in accordance with the Administrative  
7 Procedure Act relative to the Statewide Flood-Control Program, which requires that  
8 redistributed funds shall be sufficient to complete a project. Nothing in this Section  
9 shall be construed to affect the urban/rural distribution formula.

10 Section 2. R.S. 38:90.5(C) is hereby repealed in its entirety.

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jerry J. Guillot.

---

#### DIGEST

Chabert (SB 375)

Present law, relative to the statewide flood-control program (program), provides in part that:

- (1) Applications for funding of any projects under the program may be submitted by any duly authorized municipal, parish, or other governing authority. Requires that applications be made to the office of engineering of DOTD by October first of each year, for consideration of funding in the following fiscal year. Provides that applications submitted in accordance with present law shall not be subject to certain capital outlay budget provisions. Provides that sponsoring authorities with a population of 50,000 persons or more shall be responsible for the preparation of applications for their respective projects. Requires that for other sponsoring authorities, the office 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. Provides for certain information in the application.
- (2) Applications shall be reviewed by the office of engineering, the Coastal Protection and Restoration Authority Board, the La. Geological Survey, the division of administration, U.S. Soil Conservation Service, and any other appropriate state agencies.
- (3) Procedures for review and evaluation shall be developed by the Flood Control Project Evaluation Committee. Requires that prior to implementing the review and evaluation procedures the evaluation committee secure the approval of these procedures by the Joint Committee on Transportation, Highways and Public Works consistent with the APA. Provides that these procedures and a set of guidelines for completing project applications shall be made available to all eligible authorities as defined in this present law prior to March 1, 1983.

Proposed law makes technical revisions and removes outdated provisions. Otherwise retains present law.

Present law requires that the final revision of the flood information data base by the La. Geological Survey be furnished to the committee and the evaluation committee prior to 1983 regular session and every fourth year thereafter. Further provides that prior to each legislative session beginning with the 1984 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. Provides that the committee shall conduct hearings to receive the revision of the flood information data base and the recommendations from the evaluation committee.

Proposed law removes outdated provision. Otherwise retains present law.

Present law provides that pursuant to the development of a statewide master plan for flood control, the first priority in fiscal year 1990-91 for monies made available to the program shall be used to conduct a statewide study to determine flood protection needs. Provides that the total cost of the study shall not exceed \$100,000. Requires that the study address problem areas with proposed projects of one million dollars or greater and identify problems, study alternatives, and propose solutions.

Proposed law repeals present law.

Present law authorizes DOTD to provide for incremental funding of rural and urban projects by permanently suspending or eliminating the rule adopted in accordance with the APA relative to the Statewide Flood-Control Program, which requires that redistributed funds shall be sufficient to complete a project. Provides that nothing in present law shall be construed to affect the urban/rural distribution formula.

Proposed law makes technical revisions to present law. Otherwise retains present law.

Effective August 1, 2014.

(Amends R.S. 38:90.4(A)(1)(intro. para.), (B)(1), and (C) and 90.5(A) and (D); repeals R.S. 38:90.5(C))