

SENATE BILL NO. 171

BY SENATOR PRESSLY

1 AN ACT

2 To amend and reenact R.S. 38:5.1(A), 20(A) and (B), 84(A) and (B), 2351(A) and (B), 2352,
3 2353(B), 2354(A)(1), (B)(1) and (4), (D)(1), and (E)(1), 2355(A)(1) through (4),
4 (B)(6) and (10), and (C), the introductory paragraph of 2356(A), 2356(A)(2), and
5 (B)(2) and (5), and (C), 2358, 2359(B), (D)(2), and (E)(1)(a), and 2360(C) and to
6 repeal R.S. 38:2353(D), relative to public works; to provide for realigning of
7 agencies and responsibilities; to provide for the technical changes relative to the
8 Department of Transportation and Development's members of the authority; to
9 provide for Coastal Protection and Restoration Authority; and to provide for related
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 38:5.1(A), 20(A) and (B), 84(A) and (B), 2351(A) and (B), 2352,
13 2353(B), 2354(A)(1), (B)(1) and (4), (D)(1), and (E)(1), 2355(A)(1) through (4), (B)(6) and
14 (10), and (C), the introductory paragraph of 2356(A), 2356(A)(2), and (B)(2) and (5), and
15 (C), 2358, 2359(B), (D)(2), and (E)(1)(a), and 2360(C) are hereby amended and reenacted
16 to read as follows:

17 §5.1. Planning assistance to municipal and other planning agencies; federal grants

18 A. For the purpose of providing planning assistance to municipal, parish,
19 regional and other planning agencies of the state of Louisiana in the solution of their
20 planning problems, the Department of ~~Public Works, State of Louisiana, be and~~
21 **Transportation and Development**, is authorized to apply for and accept grants of
22 money from the government of the United States or any federal agencies in
23 connection with such assistance and, to this end, the ~~said~~ department may contract
24 with the United States or ~~such~~ federal agencies for the acceptance of ~~such~~ grants
25 including any requirement for matching ~~said~~ grants in whole or in part.

26 * * *

27 §20. Red River Compact Commission membership

1 ordinances, rules, and regulations shall also comply with any statewide floodplain
 2 management standards which may be established by the Coordinated Use of
 3 Resources for Recreation, Economy, Navigation, and Transportation Authority.

4 B. The ~~chief resilience officer~~ **Department of Transportation and**
 5 **Development** shall cooperate with the Federal Insurance Administrator of the
 6 Federal Emergency Management Agency in the planning and carrying out of state
 7 participation in the National Flood Insurance Program and shall aid, advise, and
 8 cooperate with parishes and municipalities endeavoring to qualify for participation
 9 in said program.

10 * * *

11 §2351. Coordinated Use of Resources for Recreation, Economy, Navigation, and
 12 Transportation Authority; purpose and intent

13 A. The Coordinated Use of Resources for Recreation, Economy, Navigation,
 14 and Transportation Authority, referred to in this Chapter as the "authority", is hereby
 15 established as the single coordinating entity responsible for the prioritization,
 16 planning, and funding of projects related to flood control, **flood** risk reduction,
 17 navigation, and ~~water resource~~ **floodplain and watershed** management in all areas
 18 of the state not included within the coastal area as defined in R.S. 49:214.2.

19 B. The legislature declares that it is the public policy of the state to develop
 20 and implement, on a comprehensive and coordinated basis, an integrated plan that
 21 shall support and integrate the development and implementation of policies and
 22 initiatives for flood protection, infrastructure planning, and economic development
 23 in the ~~upland~~ **noncoastal** area. Consistent with this goal, it is the policy of this state
 24 to achieve a proper balance between development and conservation and encourage
 25 the use of state resources in responsible economic development of the area. The
 26 authority shall implement the policy within these areas ensuring the efficient and
 27 coordinated management of water resources within its jurisdiction, addressing issues
 28 related to ~~water quantity~~ **watershed management**, flood risk mitigation, **floodplain**
 29 **management**, navigation, economic development, and recreation. It shall be the
 30 policy of the state within these areas that through the comprehensive and coordinated

1 efforts and acting in accordance with the provisions of this Chapter, the authority
2 shall exercise all powers necessary to plan, develop, and implement projects and
3 programs consistent with the legislative intent expressed in this Chapter.

4 * * *

5 §2352. Definitions

6 As used in this Chapter, the following terms shall have the meanings ascribed
7 to them:

8 (1) "Integrated" means the coordinated planning, funding, construction, and
9 operation of flood control, **floodplain management**, navigation, recreation, ~~water~~
10 **watershed** management, and economic development projects to ensure efficient use
11 of resources, minimize conflicts, and promote sustainable development.

12 (2) "~~Upland~~ **Noncoastal** area" means all land in the state of Louisiana that
13 is not included within the coastal area as defined in R.S. 49:214.2.

14 (3) "~~Upland~~ **Noncoastal** parishes" means all parishes of the state, in whole
15 or in part, that are not included within the coastal area as defined in R.S. 49:214.2.
16 These areas are primarily affected by riverine flooding, watershed management,
17 inland navigation, and flood control infrastructure rather than coastal erosion or sea
18 level rise.

19 §2353. Coordinated Use of Resources for Recreation, Economy, Navigation, and

20 Transportation Authority Board

21 * * *

22 ~~B.(1) The Coordinated Use of Resources for Recreation, Economy,~~
23 ~~Navigation, and Transportation Authority Board shall consist of no more than sixteen~~
24 ~~members, selected by the governor, representing the following:~~

25 ~~(a) The Red River Waterway District, nominated by the commission.~~

26 ~~(b) The office of multimodal commerce. The commissioner shall serve until,~~
27 ~~or without, express gubernatorial designation of an alternative.~~

28 ~~(c) Statewide flood protection. The chief resiliency officer shall serve until,~~
29 ~~or without, express gubernatorial designation of an alternative.~~

30 ~~(d) Louisiana Economic Development. The secretary of the department shall~~

1 ~~serve until, or without, express gubernatorial designation of an alternative.~~

2 ~~(e) The North Louisiana Economic Partnership. The executive director shall~~
3 ~~serve until, or without, express gubernatorial designation of an alternative.~~

4 ~~(f) The Department of Culture, Recreation and Tourism. The lieutenant~~
5 ~~governor shall serve until, or without, express gubernatorial designation of an~~
6 ~~alternative.~~

7 ~~(g) Ports, located within the upland parishes, whole or in part.~~

8 ~~(h) A levee board located within the upland parishes, whole or in part.~~

9 ~~(i) Duly elected members of the executive branch of local government~~
10 ~~located within the upland parishes, whole or in part.~~

11 ~~(j) The Department of Agriculture and Forestry. The commissioner shall~~
12 ~~serve until, or without, express gubernatorial designation of an alternative.~~

13 ~~(k) Industry operating and located within the upland parishes, whole or in~~
14 ~~part. The executive directors of the Red River Valley Association and Ouachita~~
15 ~~River Valley Association, shall serve until, or without, express gubernatorial~~
16 ~~designation of an alternative.~~

17 ~~(l) The Tensas Basin Levee District, nominated by the Tensas Basin Levee~~
18 ~~District.~~

19 ~~(2) The board shall not consist of more than two port directors and no more~~
20 ~~than two levee boards.~~

21 **B.(1) The Coordinated Use of Resources for Recreation, Economy,**
22 **Navigation, and Transportation Authority Board also known as**
23 **"C.U.R.R.E.N.T." shall consist of sixteen members as follows:**

24 **(a) The lieutenant governor, or his designee, shall serve as representative**
25 **of the Department of Culture, Recreation and Tourism.**

26 **(b) The commissioner of the Department of Agriculture and Forestry, or**
27 **his designee.**

28 **(c) A member appointed by the governor who shall serve as chairman of**
29 **the board.**

30 **(d) The executive director of the Coastal Protection and Restoration**

1 Authority Board pursuant to R.S. 49:214.5.1, or the gubernatorial designee for
2 this appointee shall be a nonvoting member.

3 (e) The commissioner of the office of multimodal commerce, Department
4 of Transportation and Development.

5 (f) Statewide flood protection chief resiliency officer.

6 (g) A duly elected member of the executive branch of local government
7 located within the noncoastal parishes, whole or in part.

8 (h) Two members from levee districts located within the noncoastal
9 parishes, whole or in part.

10 (i) A member nominated from Tensas Basin Levee District.

11 (j) A member of the Red River Waterway District, nominated by the
12 commission.

13 (k) The executive director of the Red River Valley Association.

14 (l) The executive director of Ouachita River Valley Association.

15 (m) The executive director of the North Louisiana Economic Partnership.

16 (n) Two members from ports located within the noncoastal parishes,
17 whole or in part.

18 (2) The members appointed pursuant to Paragraph (1)(c) through (n) of
19 this Subsection shall be appointed by the governor and serve as members of the
20 board unless express gubernatorial designation of an alternative and shall be
21 subject to Senate confirmation.

22 (3) The board shall consist of no more than two representatives from
23 ports and no more than three representatives from levee districts.

24 * * *

25 §2354. Master and annual plans; development; priorities

26 A.(1) The board shall, in accordance with the procedures set forth in this
27 Section, develop a master plan and an annual plan for protecting, conserving,
28 enhancing, and developing the area outside the coastal ~~zone~~ area through the
29 construction and management of integrated projects and programs, including
30 privately funded projects or plans, and addressing those activities that significantly

1 affect such projects, all consistent with the legislative intent as expressed in this
 2 Chapter, and which plan shall be subject to the approval of the legislature as
 3 provided in Subsections B and E of this Section. In addition, the board, in
 4 accordance with the procedures set forth in this Section including legislative
 5 approval, shall review, revise, and amend the master plan when necessary or, at a
 6 minimum, every six years.

* * *

8 B. The board shall develop the master and annual plans in accordance with
 9 the following procedure:

10 (1) The board shall conduct not less than three public hearings in separate
 11 locations in the ~~upland~~ **noncoastal** parishes for the purpose of receiving comments
 12 and recommendations from the public and elected officials. All public hearings must
 13 be held at least sixty days prior to the submission of the plans to the legislature.

* * *

15 (4) At least seven days prior to each hearing the board shall publish a notice
 16 of the hearing in the official journal of each parish within the area of the hearing. The
 17 notice of a hearing shall have been published in the official journal of each parish in
 18 the ~~upland~~ **noncoastal** area prior to the final scheduled public hearing. The board
 19 may provide for additional public hearings when necessary upon at least three days
 20 notice published in the official journal of the parishes in the area of the hearing and
 21 written notice to the parish governing authorities.

* * *

23 D.(1) Where feasible, the master plan shall include scientific data and other
 24 reasons, including but not limited to the social, geographic, economic, engineering,
 25 and biological considerations as to why each project or program was selected for
 26 inclusion. Specifically, an explanation shall be included as to how each project or
 27 program advances the plan objectives with respect to the protection, conservation,
 28 enhancement, and development of the ~~upland~~ **noncoastal** area.

* * *

30 E.(1) After adoption by the board, the master plan shall be submitted to the

1 ~~House Committee on Natural Resources and Environment and the Senate Committee~~
 2 ~~on Natural Resources and the~~ House Committee on Transportation, Highways and
 3 Public Works and the Senate Committee on Transportation, Highways and Public
 4 Works for approval. In addition, the annual plan shall be submitted to the ~~House~~
 5 ~~Committee on Natural Resources and Environment and the Senate Committee on~~
 6 ~~Natural Resources and the~~ House Committee on Transportation, Highways and
 7 Public Works and the Senate Committee on Transportation, Highways and Public
 8 Works on or before the fifteenth day of the regular legislative session of each year.
 9 The committees shall take action on the annual plan on or before June first of each
 10 calendar year.

11 * * *

12 §2355. Functions and responsibilities; Coordinated Use of Resources for Recreation,
 13 Economy, Navigation, and Transportation Authority Board

14 A. The board shall:

15 (1) Represent the state's position on policy relative to the protection,
 16 conservation, enhancement, and management of the ~~upland~~ **noncoastal** area of the
 17 state through oversight of integrated projects and programs and by addressing
 18 activities which could significantly affect integrated projects and programs, all
 19 consistent with the legislative intent as expressed in this Title.

20 (2) Develop, coordinate, make reports on, and provide oversight for a
 21 comprehensive ~~upland~~ **noncoastal** area master plan and annual plans, working in
 22 conjunction with state agencies, political subdivisions, including flood protection
 23 authorities, levee districts, and federal agencies. The master plan shall include a
 24 comprehensive strategy addressing the protection, conservation, enhancement, and
 25 management of the upland area through the construction and management of
 26 integrated projects and programs, all consistent with the legislative intent as
 27 expressed in this Chapter. The annual plan shall be developed as the annual
 28 implementation of the comprehensive master plan and shall be submitted to the
 29 legislature for approval as set forth in R.S. 38:2354. The annual plan shall include
 30 a description and status of all projects and programs pertaining to the authority's

1 mission, including privately funded projects or plans, and addressing those activities
2 which significantly affect projects set forth in the plan, all consistent with the
3 legislative intent as expressed in this Title.

4 (3) Submit to the ~~House Committee on Natural Resources and Environment~~
5 ~~and the Senate Committee on Natural Resources and the~~ House Committee on
6 Transportation, Highways and Public Works and the Senate Committee on
7 Transportation, Highways and Public Works the integrated plans developed pursuant
8 to R.S. 38:2354. Upon approval of the plans by the legislative committees and prior
9 to implementation of the plans, in whole or in part, the plans shall be approved by
10 the legislature as provided in R.S. 38:2354(E).

11 (4) Develop procedures in accordance with the Administrative Procedure Act
12 and take actions against any entity, including political subdivisions, to enforce
13 compliance with the comprehensive master ~~upland~~ **noncoastal** area plan. Such
14 procedures and actions may include but are not limited to determinations of
15 noncompliance; appeal from such determinations; the taking of administrative
16 action, including the withholding of funds; and civil action, including the seeking of
17 injunctive relief, or any other remedy necessary to ensure compliance with the plan.

18 * * *

19 B. The board may:

20 * * *

21 (6) Approve all requests for programs and projects in the ~~upland~~ **noncoastal**
22 area, insofar as such requests are for funds to be appropriated from the funds
23 available to the authority.

24 * * *

25 (10) Enter into any agreement with a parish governing authority located
26 wholly or partially within the coastal area but which is not part of a levee district for
27 the construction, operation, maintenance, repair, rehabilitation, or replacement of any
28 ~~upland~~ **noncoastal** protection, conservation and restoration, hurricane protection,
29 infrastructure, storm damage reduction, integrated coastal protection, or flood control
30 project. The board shall have the power to provide in the agreement for the use and

1 exercise by the parish governing authority of all powers of levee districts or levee
2 and drainage districts.

3 C. Approval by the board shall be required for any request by a state agency
4 or department for any funds to finance research, programs, mitigation, or projects
5 involving integrated protection, including hurricane protection or the conservation
6 and restoration, of ~~upland~~ **noncoastal** areas. However, this Subsection shall not
7 affect self-generated or dedicated funds.

8 * * *

9 §2356. Coordinated Use of Resources for Recreation, Economy, Navigation, and
10 Transportation Authority

11 A. The Coordinated Use of Resources for Recreation, Economy, Navigation,
12 and Transportation Authority is hereby created within the ~~office of public works~~
13 **Department of Transportation and Development**. The authority shall:

14 * * *

15 ~~(2) Serve as the implementation arm of the Statewide Flood Control Program~~
16 ~~in R.S. 38:90.1 et seq., and for other functions of the department outside of the~~
17 ~~coastal area. The authority shall be~~ **Be** directed by the policy set by the Coordinated
18 Use of Resources for Recreation, Economy, Navigation, and Transportation
19 Authority Board.

20 * * *

21 B. * * *
22 * * *

23 (2) The governor may appoint an executive director of the Coordinated Use
24 of Resources for Recreation, Economy, Navigation, and Transportation Authority.
25 In the event an executive director is not appointed, the ~~director of public works~~
26 **secretary of the Department of Transportation and Development, or his**
27 **designee**, may serve as the executive director of the Coordinated Use of Resources
28 for Recreation, Economy, Navigation, and Transportation Authority.

29 * * *

30 (5) The executive director, or in his discretion a subordinate or subordinates,

1 shall administer the programs, projects, and activities approved for funding by the
 2 Coordinated Use of Resources for Recreation, Economy, Navigation, and
 3 Transportation Authority Board relating to and affecting an integrated ~~upland~~
 4 **noncoastal** system, including conservation, restoration, creation, and enhancement
 5 of ~~upland~~ **noncoastal** areas, storm damage reduction, flood control, infrastructure,
 6 economic development, and navigation in Louisiana's ~~uplands area~~ **noncoastal areas**
 7 as provided by law and as provided in the master and annual plans, and other special
 8 programs as may be directed by the board.

9 * * *

10 C. Nothing in this Chapter shall be construed to diminish or impair the
 11 constitutional, statutory, or contractual authority of any levee district, drainage
 12 district, navigation district, or port commission operating within the ~~upland~~
 13 **noncoastal** area. The authority shall coordinate with such entities to the greatest
 14 extent practicable.

15 * * *

16 §2358. Interaction with Coastal Protection and Restoration Authority

17 The Coastal Protection and Restoration Authority and the Coordinated Use
 18 of Resources for Recreation, Economy, Navigation, and Transportation Authority
 19 shall jointly develop integrated flood protection strategies. The Coastal Protection
 20 and Restoration Authority shall remain responsible for its functions and
 21 responsibilities as defined in R.S. 49:214.5.1 et seq. The Coordinated Use of
 22 Resources for Recreation, Economy, Navigation, and Transportation Authority shall
 23 oversee riverine flood management, inland navigation, and ~~water resource~~ **flood**
 24 **control** infrastructure within the ~~upland~~ **noncoastal** area as defined in R.S. 38:2352
 25 and as consistent with this Chapter.

26 §2359. Functions and responsibilities; Coordinated Use of Resources for Recreation,
 27 Economy, Navigation, and Transportation Authority

28 * * *

29 B. The authority shall implement projects in the ~~upland~~ **noncoastal** area as
 30 approved by the board and consistent with the legislative intent of this Chapter.

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C. The applications submitted by agencies shall be evaluated by the board which shall hold no less than three public hearings in separate locations within the ~~upland~~ **noncoastal** area for the purpose of receiving public testimony and comment from requesting authorities and citizens regarding the proposed infrastructure projects. Such hearings may be held at the same time and location as hearings set for public comment on the annual plan. The authority shall prioritize and rank such applications. The authority shall provide its application evaluations to the board.

* * *

Section 2. R.S. 38:2353(D) is hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____