

GREEN SHEET REDIGEST

HB 686

2022 Regular Session

Mincey

WATERWAYS: Provides relative to management of the Amite River Basin

DIGEST

Present law establishes the geographical bounds of the district. Proposed law retains present 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 present law.

Proposed 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.

Present 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 provides for the board's authority 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. Proposed law retains present law and adds a requirement that the board comprehensively manage the district as a single system.

Present law provides for a 13 person commission. Proposed law increases the number of commissioners from 13 to 16. Present law provides that one member from the district is appointed by the governor and serves at large. Proposed law provides that one member be the executive director of the CPRA, or his designee, one member be the secretary of DOTD, or his designee, and one member be the president of the Pontchartrain Levee District Board of Commissioners, or his designee, all to serve in nonvoting advisory roles. Proposed 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.

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

Present law requires DOTD to provide advice and technical assistance to the board. Proposed law retains present law and adds that the board also may request advice and technical assistance from the CPRA and the Pontchartrain Levee District and may request technical assistance from DOTD on issues other than those required under present law.

Present law provides for the general powers and duties of the board. Proposed law retains present 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.

Present law grants the board authority 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. Proposed law retains present 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.

Proposed 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.

Proposed 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, shall include lists of projects, costs, and selection criteria, and shall be subject to annual approval of both the Senate and House Committees on Transportation, Highways and Public Works.

Proposed 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 provides that annual plans shall be subject to approval of both the Senate and House Committees on Transportation, Highways and Public Works.

Proposed law requires each parish within the district to submit a 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 FEMA 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.

Proposed 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.

Present law provides for voting on taxes levied by the board to be by individual parish. Proposed law provides for voting on such taxes by everyone in the district as a whole.

Proposed 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.

Proposed 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.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Change the board composition from 13 to 15 in order to add two additional nonvoting technical advisors.
2. Add the executive director of the Coastal Protection and Restoration Authority board and the president of the Pontchartrain Levee District Board of Commissioners to the board of commissioners for the Amite River Drainage and Conservation District to serve in nonvoting advisory roles.
3. Add that priority will be given to nominees that reside in the district or any parish within it when considering nominees to the board.
4. Change the number of years of professional experience required to be an at large commissioner from 10 years to 7 years.
5. Add project managers and certified floodplain managers to the list of professions from which at large commissioners can be chosen.
6. Add the Pontchartrain Levee District as one of the entities that can advise the board and provide technical assistance regarding drainage, flooding, and flood management.
7. Require the board to promulgate rules relative to the creation and management of a wetland mitigation bank.

8. Add a requirement that the board place emphasis on plans for projects that include project inventories, implementation plans, and strategies to maximize the use of innovative funding strategies.
9. Require the board to report annually to the parish presidents, parish governing authorities representing the parishes making up the district, and to the legislature.
10. Require each parish within the district to submit an initial hazard mitigation plan by Jan. 1, 2023, and to submit the same to the board every five years thereafter. Further require the board to participate and assist in the development of each parish hazard mitigation plan.
11. Allow for the transfer or donation of funds from the parishes or political subdivisions within the district to the board and allow the board to accept such transfers and donations.
12. Prohibit the board from making expenditures or otherwise obligating unrestricted funds until Jan. 1st following enactment of this Act.
13. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Clarify that one member of the board of commissioners be the executive director of the Coastal Protection and Restoration Authority or his designee.
2. Clarify that one member of the board of commissioners be the president of the Pontchartrain Levee District Board of Commissioners or his designee.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the reengrossed bill

1. Adds secretary of DOTD or designee to board of commissioners.
2. Provides that the board may request technical assistance from DOTD.
3. Provides that the master and annual watershed management plans are subject to annual approval of both Senate and House Committees on Transportation, Highways and Public Works.
4. Requires that parish hazard mitigation plans prioritize reduction of flood risk and flood insurance premiums and explain how to participate in or maximize participation in the FEMA Community Rating System or similar programs.
5. Adds effective date upon governor's signature.
6. Makes technical changes.