

SENATE BILL NO. 372

BY SENATOR CORTEZ AND REPRESENTATIVES BRASS, TERRY BROWN, CARPENTER, STEVE CARTER, GISCLAIR, GUINN, HALL, HOWARD, LEBAS, MARCELLE AND WHITE

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 38:90.4(A)(1) and 90.9, and to
3 enact R.S. 38:90.1(12) and (13) and 90.4.1, relative to the Statewide Flood Control
4 Program; to provide for the Rural Grant Opportunity Program within the Statewide
5 Flood Control Program; to provide for requirements, limitations, and eligibility for
6 participation in the rural program; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 38:90.4(A)(1) and 90.9 are hereby
9 amended and reenacted and R.S. 38:90.1(12) and (13) and 90.4.1 are hereby enacted to read
10 as follows:

11 §90.1. Definitions

12 As used in this Chapter, unless the context clearly indicates otherwise, the
13 following terms shall have the meanings ascribed to them as follows:

14 * * *

15 **(12) "Rural grant opportunity authority" means a municipality with a**
16 **population of fewer than five thousand people or a parish with a population of**
17 **fewer than fifty thousand people located in a rural area.**

18 **(13) "Rural Grant Opportunity Program" means a mechanism for a**
19 **rural grant opportunity authority located in a rural area that lacks the financial**
20 **ability to satisfy the local match requirements to participate in the Statewide**
21 **Flood Control Program.**

22 * * *

23 §90.4. Methodology for flood-control project evaluation

24 A.(1) Applications for funding of any flood-control projects under the
25 Statewide Flood Control Program may be submitted by any duly authorized

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

24 * * *

25 **§90.4.1. Rural Grant Opportunity Program**

26 **A. Applications for funds in the Rural Grant Opportunity Program may**
 27 **be submitted by a rural grant opportunity authority. Applications shall be**
 28 **reviewed in accordance with R.S. 38:90.4(B).**

29 **B. Funds for the program shall not exceed twenty-five percent of the**
 30 **annual capital outlay appropriation of the legislature for the Statewide Flood**

1 Control Program. Unencumbered Rural Grant Opportunity Program funds
 2 shall be available for use in the Statewide Flood Control Program for rural
 3 authorities who do not qualify for grant program funding.

4 C. Information included in the application shall satisfy the requirements
 5 of R.S. 38:90.4(A)(1) and shall also include but is not limited to the following:

6 (1) A resolution from the authority declaring its financial inability to
 7 satisfy the local match required pursuant to R.S. 38:90.9(A)(4).

8 (2) Financial documentation to support its declaration of financial
 9 inability in the resolution shall include a sworn affidavit executed by the
 10 authority's private certified public accountant certifying that, after an
 11 examination of the authority's financial records, monies are not available out
 12 of the accumulated unreserved earnings generated by the authority to meet the
 13 Statewide Flood Control Program's ten percent local match requirement.

14 D. If the grant application is approved, the authority shall not be
 15 required to satisfy the ten percent local match for construction.

16 E. Federal matching projects shall not be eligible for funds in
 17 accordance with this Section.

18 F. No special district shall be eligible to participate in the Rural Grant
 19 Opportunity Program.

20 * * *

21 §90.9. Statement of sponsorship

22 A. Prior to the commencement of any work, the office shall require the
 23 presiding officer of each authority involved in a project to execute a statement of
 24 sponsorship. The statement of sponsorship shall include but not be limited to the
 25 following:

26 (1) Agreement to furnish all lands, easements, rights-of-way, permits, and
 27 spoil disposal areas necessary to construct and maintain the project without cost to
 28 the state.

29 (2) Agreement to assume all maintenance and operation costs for the project
 30 and all future alterations as may be required without cost to the state.

1 (3) Agreement to accomplish all necessary utility and any other facility
2 relocations, alterations, and maintenance without cost to the state.

3 (4) Agreement to provide at least a ten percent local match for cost of the
4 project; however, the Statewide Flood Control Program may provide funds for the
5 total cost for any modifications to drainage structures located within state highway
6 rights-of-way. Where practical, the local levee board may authorize payment of part
7 or all of the local authority's costs.

8 **B. A sponsoring authority that is an eligible rural grant opportunity**
9 **authority and lacks the financial ability to satisfy the local match required to**
10 **participate in the Statewide Flood Control Program may apply for funds**
11 **pursuant to R.S. 38:90.4.1.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____